

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

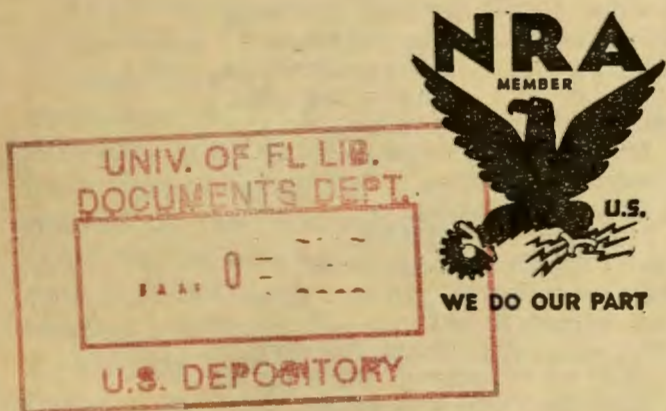
FOR THE

WALL PAPER
MANUFACTURING INDUSTRY

AS APPROVED ON DECEMBER 30, 1933

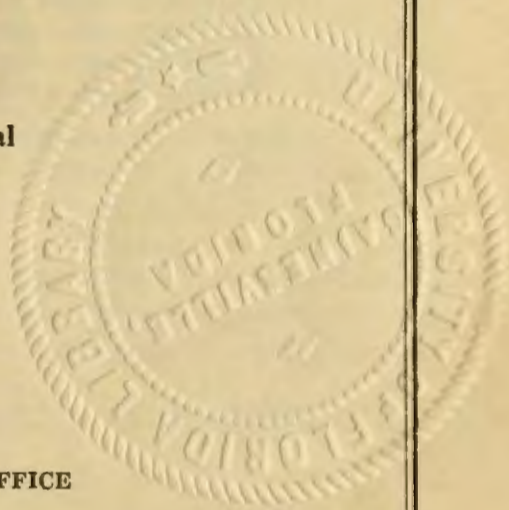
BY

PRESIDENT ROOSEVELT



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(II)



Approved Code No. 19—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WALL PAPER MANUFACTURING INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

Applications having been duly made by the Executive Committee of the Wall Paper Manufacturing Industry under date of September 27, and October 7, 1933, pursuant to and in full compliance with the provisions of Title 1 of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to Article XIV of the Code of Fair Competition for the Wall Paper Manufacturing Industry approved by me in my Executive Order of September 7, 1933, for my approval of amendments to said Code proposed in said applications, and full hearings having been held thereon and the Administrator having rendered his report containing an analysis of said amendments, together with his recommendations and findings with respect thereto, and the Administrator having found, as set forth in said report, that the said amendments comply in all respects with the pertinent provisions of Title 1 of said Act and that the requirements of Clause 2 of subsection (a) of Section 3 have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title 1 of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that said amendments to the Code of Fair Competition for the Wall Paper Manufacturing Industry be, and they hereby are, approved and made a part of said Code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 21, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report on two hearings of the modifications of the Code of Fair Competition for the Wall Paper Manufacturing Industry held in Washington, D.C., on October 18, 1933, and October 31, 1933, submitted by the Executive Committee of the Wall Paper Manufacturing Industry in accordance with Article XIV of said Code approved in your Executive Order of September 7, 1933. Application was made to this office under date of September 27 and October 7, 1933, by the Executive Committee of the Wall Paper Manufacturing Industry, the Planning and Fair Practice Agency for Wall Paper Manufacturing Industry, for modification of certain Articles of their Code.

In modifying Articles II, III, and IV, general labor provisions were added in accordance with policies adopted since approval of this Code. Amendments to other provisions of the Code were made to clarify existing provisions and to provide for more supervision of the selling methods and trade practices of the Industry.

These provisions do not in any way affect the Wage and Hour provisions of the Code or the number of workers employed.

The Administrator finds that—

(a) The Code as amended complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including, without limitation, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(b) The applicant group imposes no inequitable restrictions on admission to membership therein, and is truly representative of this industry.

(c) The provisions of the Code as amended are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

(d) It is recommended, therefore, that the modifications to this Code be adopted immediately.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WALL PAPER MANUFACTURING INDUSTRY

There shall be added to *Article I* the following, which shall be known hereafter as *Section 1*:

"Wherever in the said Code or the said amendment the words 'Executive Committee' appear they shall be construed to mean 'Code Authority.'"

There shall be added to *Article II* the following, which shall be known hereafter as *Section c*:

"Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees."

There shall be added to *Article II* the following, which shall be known hereafter as *Section d*:

"A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him."

There shall be added to *Article III* the following, which shall be known hereafter as *Section c*:

"No employer shall knowingly permit any employee to work for any time which, when totaled with that performed with another employer or employers in this Industry, exceeds the maximum permitted herein."

Article IV shall be eliminated and the following provisions substituted therefor:

(a) "No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous or dangerous to health. The Code Authority shall submit to the Administrator before January 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age."

(b) "No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code."

(c) "Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within six (6) months after the effective date of this Code."

(d) "No provision in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, hours of work, wages, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code."

(e) "All employers shall post complete copies of this Code in conspicuous places accessible to employees."

Article VI. Section (b) shall be eliminated and the following provision substituted therefor:

(b) "As an addition to the matter set forth in the said Commercial Standard CS 16-29, a further standard for this industry and further regulation of the kinds and weights of raw stock to be used hereby are established, to wit: No wall paper printed on less than number ten (#10) stock, or below the said Commercial Standard requirements in any other respect, shall bear any mark or statement that such papers conform to the said Commercial Standard CS 16-29."

Article VI shall be modified by eliminating *Section c*, and the following provision substituted therefor:

(c) "No wall paper shall be printed on raw stock in weight less than number nine (#9) stock, which shall be of the following basis of weight: four hundred eighty (480) sheets, $19\frac{1}{2}$ x 36" equals thirty (30) pounds."

Article VII be modified by eliminating *Section e* and the following provision be substituted therefor:

"The selling of jobs at lower prices than $33\frac{1}{3}\%$ below the individual seller's established current minimum price of the same grade to the same buyer. No goods manufactured between July 1, 1932, and July 1, 1933, shall be sold as jobs before December 31, 1933. No goods manufactured between July 1, 1933 and July 1, 1934, shall be sold as jobs before December 31, 1934. No goods manufactured between July 1, 1934 and July 1, 1935, shall be sold as jobs before December 1, 1935. On or before July 15th in each year each manufacturer shall file with the Executive Committee of the Wall Paper Manufacturing Industry an itemized inventory of its jobs on hand on the preceding July 1st, showing paper numbers and quantities. Each manufacturer between December 15th and December 30th in each year shall file with said Executive Committee a like itemized inventory of its jobs then on hand. No manufacturer shall sell as jobs a greater quantity of any paper shown on said inventory filed on or before July 15th as on hand July 1st than the quantity of such paper shown on said inventory unless the manufacturer shall, after a showing to the Executive Committee that such excess was manufactured in good faith to fill bona fide orders, receive permission from the Executive Committee to sell such excess subject to appeal to the Administrator. Damaged goods, misprints, papers printed off shade and so-called seconds shall be classed and sold as jobs and

under the same conditions as to time and price. This Article shall not apply to any goods manufactured before July 1st, 1932."

Article VII be modified by eliminating *Section m* and the following provision be substituted therefor:

"To make any sample allowance to any purchaser on any borders or any goods less than thirty (30) inches in width, except that sample allowances may be allowed on borders in connection with orders received and accepted by manufacturers on or before November 18, 1933. On thirty (30) inch goods the sample allowance shall not be greater than an allowance of eight (8) yards for the price of five (5)."

Article VIII be modified by elimination and the following provision be substituted therefor:

"No manufacturer shall sell any goods on more favorable terms to the buyer than the following: 91 days net (with no dating, date of invoice to be date of actual shipment). Discount for cash payment, 3%, 30 days; 2%, 60 days; 1%, 90 days. An additional deduction to be allowed for cash payment within discounting periods for shipments made in September, 4%; in October, 3%; in November, 2%; in December, 1%. Cash discounts and deductions to apply for cash payments only, and not to be allowed when any other charges are overdue."

Article X be modified by elimination and the following provision be substituted therefor:

"The Code Authority of this Industry shall develop a uniform cost system which, when approved by the Administrator, shall be adopted by manufacturers in the Industry or to which manufacturers shall make their accounting systems conform in substance within ninety (90) days after such approval."

Article XI shall be modified by elimination and the following provision substituted therefor:

(a) "A Wall Paper Manufacturing Industry Committee is hereby constituted as the Code Authority to administer this Code. The Code Authority shall consist of five (5) representatives of the Wall Paper Manufacturing Industry, elected by a fair method of selection and approved by the Administrator. In addition to membership as above provided there may be not more than three (3) members without vote, to be appointed by the President, to serve for terms of from six months to one year, arranged so that the terms do not expire at the same time. Said representatives appointed by the President shall serve without compensation from the industry."

(b) "In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may at all times prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority."

(c) "Each trade or industrial association, directly or indirectly, participating in the selection or activities of the Code Authority shall:

1. Impose no inequitable restrictions upon membership, and

2. Submit to the Administrator true copies of its Articles of Association, Bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act."

(d) "All action taken by the Code Authority or other agency relative to the administration of this Code, where not specifically made subject to the approval of the Administrator, shall be made subject to review and disapproval by the Administrator.

The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right to review and to disapprove any action taken by the Code Authority:

1. To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the Act.

2. To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other and to recommend to the Administrator amendments to this Code on the basis of experience or changes in circumstances.

3. To adopt Bylaws or rules and regulations for its procedure and for the administration and enforcement of the Code.

4. To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3(a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate. Each employer shall file with the Code Authority statistics covering the number of employees, wage rates, employees' earnings, hours of work, and such other data and information as may be from time to time required by the Administrator.

5. To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

6. To cooperate with the Administrator in regulating the use of any NRA insignia solely by those members of the industry who have assented to and are complying with this Code."

There shall be added to the end of Article XI the following paragraph:

"There shall be established by the Administrator a National Industrial Relations Board for the Industry consisting of an equal number of representatives of employers and employees to deal with all matters in the Code relating to labor. Where a majority agreement cannot be reached, the Board shall select an impartial chairman to render a decision. The creation and functioning of these Boards including the selection of representatives of employees shall be in accordance with Section 7 of the National Industrial Recovery Act. If no truly representative labor organization exists, the employee members of such Board shall be chosen by the Labor Advisory Board of the National Recovery Administration. The employer representatives shall be chosen by the Code Authority. The Industrial

Relations Board may establish such subsidiary agencies constituted in like manner as it finds necessary."

Article XIII be eliminated and the following provisions substituted therefor:

"Any manufacturer shall be entitled to participate in and share the benefits of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustain their reasonable share of the expenses of its administration. Any manufacturer who shall have participated in the selection of the members of the Code Authority heretofore shall sustain his reasonable share of the expenses of the administration of this Code. Such reasonable share of the expenses of the administration shall be determined by the Code Authority subject to approval by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable."

There shall be added to the said Code the following Article:

XVIII

"No provision of this Code shall be so applied as to permit monopolies or monopolistic practices or to eliminate, oppress, or discriminate against small enterprises."

The effective date of these modifications of the Wall Paper Manufacturing Industry Code shall be the first Monday after approval by the President.

Approved Code No. 19—Amendment No. 1.
Registry No. 410-02.

UNIVERSITY OF FLORIDA



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