

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

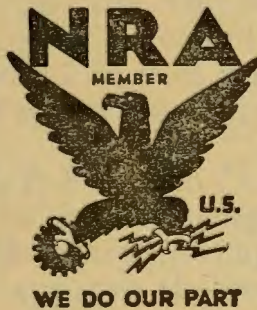
FOR THE

**LINOLEUM AND FELT BASE
MANUFACTURING INDUSTRY**

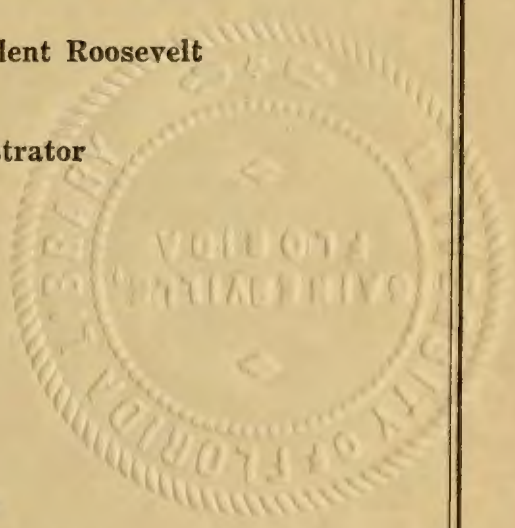
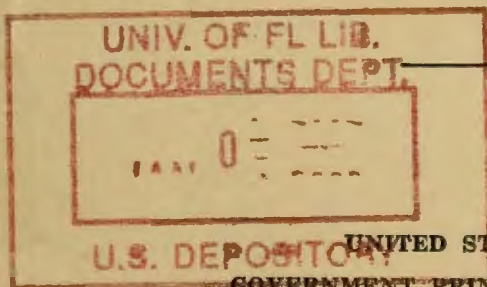
AS APPROVED ON SEPTEMBER 18, 1933

BY

PRESIDENT ROOSEVELT



1. Executive Order of President Roosevelt
2. Report of Administrator
3. Report of Deputy Administrator
4. Text of Code



**UNITED STATES
GOVERNMENT PRINTING OFFICE**

WASHINGTON : 1933

NATIONAL BUREAU OF STANDARDS

CODE OF PAPER IDENTIFICATION

LINOLKUM AND FELT BASE MAUFACTURING INDUSTRIES

ANALYSIS OF PAPER

TESTING METHODS



EXECUTIVE ORDER

CODE OF FAIR COMPETITION, FOR LINOLEUM AND FELT BASE MANUFACTURING INDUSTRY

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Linoleum and Felt Base Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I 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 the said code of fair competition be, and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

The WHITE HOUSE,
September 18, 1933.

(III)

To the PRESIDENT:

This is a report of the hearing of the Code of Fair Competition for the Linoleum and Felt Base Manufacturing Industry, conducted in Washington on September 1, 1933, in accordance with the provisions of the National Industrial Recovery Act.

The following exhibits are included and attached:

1. Code as finally proposed
2. Notice of hearing
3. Statement of procedure
4. Statistical analysis by Research and Planning Division
5. Transcript of record
6. Report of Deputy

CONDUCT OF THE HEARING

In the conduct of the hearing opportunity to be heard freely in public was afforded to every person who had filed a request for appearance, and all statutory and regulatory provisions were observed.

The Code which is attached was presented by the duly authorized and qualified representatives of the Linoleum and Felt Base Manufacturing Industry, representing, it is claimed, 100 percent of the industry.

No one spoke at the public hearing in protest of any provision of the Code proposed for this industry.

RÉSUMÉ OF CODE PROVISIONS

Any member of the industry is eligible for membership in the Linoleum and Felt Base Manufacturers' Association, proponents of the Code.

Members of the industry will render to the Administrator reports relative to hours of labor, wages, volume of production, and finished stocks on hand, and such additional reports as may be required.

The Code provides that no member of this industry shall cause or permit any employee, except executives and their personal secretaries, salesmen, research technicians, foremen, and assistant foremen, to work an average of more than 40 hours per week in any 26 weeks' period (i.e., not over 1,040 hours in any 26 weeks' period) and in no event, except shipping crews including truck drivers, more than 48 hours in any one week. In cases of emergency, laboratory technicians and mechanics engaged in repair work shall be exempt from the maximum hour limitations.

No member of this industry shall employ any minor under the age of sixteen years.

The minimum wage to be paid to any employees in this industry shall be at the rate of 40 cents per hour for male employees and

35 cents per hour for female employees. Female labor will receive the same pay as male labor for performing the same work under similar conditions.

EFFECT OF CODE ON WAGES AND EMPLOYMENT

The provisions of the proposed Code relating to wages and hours were put into effect by every concern in the industry on August 1, 1933, with the following results:

The number of wage earners increased 55 percent above the average number employed during the first six months of 1933. More than 2,000 employees were added to the payroll, bringing the number engaged in the industry to 5,888, a total that is slightly above the average number employed in 1929 in all plants now operating.

The total pay roll per hour for the entire industry increased 82 percent above the average paid during the first six months of 1933.

The average wage rate for male factory employees rose 18 percent to 51 $\frac{1}{4}$ cents an hour. This is 4 percent less than the average wage rate in effect in 1929.

SUMMARY OF OPINIONS ON CODE

The Code has the approval of the Legal Division of this Administration, the Industrial Advisory Board, the Consumers' Advisory Board, and the Division of Economic Research and Planning.

In giving approval of this Code the Labor Advisory Board makes a recommendation that statistics on overtime work in this industry be required.

Findings

I find that:

(a) The Code complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The Linoleum and Felt Base Manufacturers' Association imposes no inequitable restrictions on admission to membership therein, and is truly representative of the Linoleum and Felt Base Manufacturing Industry; and that

(c) The Code is 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.

Recommendation

I hereby recommend the approval of the Code of Fair Competition for the Linoleum and Felt Base Manufacturing Industry.

Respectfully submitted.

HUGH S. JOHNSON, *Administrator.*

To the ADMINISTRATOR:

This is a report of the hearing of the Code of Fair Competition for the Linoleum and Felt Base Manufacturing Industry, conducted in Washington on September 1, 1933, in accordance with the provisions of the National Industrial Recovery Act.

The following exhibits are included and attached:

1. Report of the Industrial Advisory Board.
2. Report of the Consumers' Advisory Board.
3. Report of the Labor Advisory Board.
4. Report of the Legal Division.
5. Report of the Research and Planning Division.

CONDUCT OF THE HEARING

In the conduct of the hearing opportunity to be heard freely in public was afforded to every person who had filed a request for appearance, and all statutory and regulatory provisions were observed.

The Code which is attached was presented by the duly authorized and qualified representatives of the Linoleum and Felt Base Manufacturing Industry, representing, it is claimed, 100 percent of the industry.

No one spoke at the public hearing in protest of any provision of the Code proposed for this industry.

CONDITIONS IN THE INDUSTRY

Production in the Linoleum and Felt Base Manufacturing Industry reached a total of 158,542,000 square yards in 1929, of which 46,513,000 square yards was linoleum, and 112,029,000 square yards was felt base. In 1932 this production dropped to a total of 94,527,000 square yards, a total decrease of 41 percent. Of this decrease, 16,125,000 square yards, or 71 percent, was lost in the linoleum branch of the industry. Felt-base production fell to 74,404,000 square yards in 1932—a decrease of 29 percent in that branch of the industry.

In 1929 the average employment in the industry was 5,768 wage earners. During the following three years the number gradually decreased so that in 1932 the average employment was but 3,975, a total decrease of 31.2 percent.

The average number of employees on hourly rates in the industry during the first half of 1933 was 3,783. For the last half of 1933, with the proposed provisions of the Code in effect, it is estimated that the average number of employees on hourly rates will be 5,380, representing an increase of more than 42 percent.

NATURE OF MANUFACTURING OPERATIONS

A majority of the many operations entering into the manufacture of linoleum and felt base involve chemical processes. Typical examples include the oxidization of linseed oil, the manufacture of linoleum cement, the seasoning of linoleum composition, the drying of coating compositions, the hardening of print paints, etc. It has been found by experience that most of these processes are affected by atmospheric conditions of temperature and humidity, as well as by unknown factors, and that the periods required for completion may vary widely.

The proposed Code, therefore, avoids a rigid limitation upon the maximum hours of workers in any one day, since it would interfere with the normal completion of a process and would endanger the loss of goods in production, where for unknown or unavoidable causes, the chemical process was not completed within the normal time.

Also such operations as the inlaying of linoleum involve the use of elaborate machinery. A considerable part of each day's run is required to adjust such equipment for operation and to clean up after completion of the run. Unavoidable interruption during the run would mean lost production and goods partially processed would become wasted and the cost of operation would become excessive.

RÉSUMÉ OF CODE PROVISIONS

Any member of the industry is eligible for membership in the Linoleum and Felt Base Manufacturers' Association, proponents of the Code.

Members of the industry will render to the Administrator reports relative to hours of labor, wages, volume of production, and finished stocks on hand, and such additional reports as may be required.

The Code provides that no member of this industry shall cause or permit any employee, except executives and their personal secretaries, salesmen, research technicians, foremen, and assistant foremen, to work an average of more than 40 hours per week in any 26-weeks period (i.e., not over 1,040 hours in any 26-weeks period) and in not event, except shipping crews, including truck drivers, more than 48 hours in any one week. In cases of emergency, laboratory technicians, and mechanics engaged in repair work shall be exempt from the maximum-hour limitations.

No member of this industry shall employ any minor under the age of 16 years.

The minimum wage to be paid to any employees in this industry shall be at the rate of 40 cents per hour for male employees and 35 cents per hour for female employees. Female labor will receive the same pay as male labor for performing the same work under similar conditions.

EFFECT OF CODE ON WAGES AND EMPLOYMENT

The provisions of the proposed Code relating to wages and hours were put into effect by every concern in the industry on August 1, 1933, with the following results:

The number of wage earners increased 55 percent above the average number employed during the first 6 months of 1933. More than 2,000 employees were added to the pay roll, bringing the number engaged in the industry to 5,888, a total that is slightly above the average number employed in 1929 in all plants now operating.

The total pay roll per hour for the entire industry increased 82 percent above the average paid during the first 6 months of 1933.

The average wage rate for male factory employees rose 18 percent to 51 $\frac{1}{4}$ cents an hour. This is 4 percent less than the average wage rate in effect in 1929.

SUMMARY OF OPINIONS ON CODE

The Code has the approval of the Legal Division of this Administration, the Industrial Advisory Board, the Consumers' Advisory Board, and the Division of Economic Research and Planning.

In giving approval of this Code the Labor Advisory Board makes a recommendation that statistics on overtime work in this industry be required.

Findings

I find that—

(a) The Code complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation subsection (a) of Section 7, and subsection (b) of Section 10 thereof; and that,

(b) The Linoleum and Felt Base Manufacturers' Association imposes no inequitable restrictions on admission to membership therein, and is truly representative of the Linoleum and Felt Base Manufacturing Industry; and that,

(c) The Code is 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.

Recommendation

I hereby recommend the approval of the Code of Fair Competition for the Linoleum and Felt Base Manufacturing Industry.

Respectfully submitted.

BARTON W. MURRAY,
Assistant Deputy Administrator.

Approved:

W. L. ALLEN, *Deputy Administrator.*

CODE OF FAIR COMPETITION FOR THE LINOLEUM AND FELT BASE INDUSTRY

For the purpose of complying with the provisions of Title I of the National Industrial Recovery Act, and effectuating the policy of Congress as declared in said Act, in so far as applies to the within Industry, the following conditions and principles are adopted as a Code of Fair Competition (hereinafter referred to as the "Code") for the manufacturers of Linoleum and Felt Base Products.

ARTICLE I—DEFINITIONS

(a) "National Industrial Recovery Act", means the National Industrial Recovery Act approved by the President on June 16th, 1933.

(b) "Act", means National Industrial Recovery Act.

(c) "President", means the President of the United States of America.

(d) "Administrator", means the duly appointed representative of the President to administer the Industrial Recovery Act.

(e) "Association", means the Linoleum and Felt Base Manufacturers Association, of New York City.

(f) "The Industry", means and includes the business of manufacturing and selling Linoleum and Felt Base Floor Covering products.

(g) "Effective Date", means the second Monday after this Code is duly approved by the President.

ARTICLE II—MEMBERSHIP

Any member of the Industry is eligible for membership in the Association, and there shall be no inequitable restrictions on membership. The provisions of the Code shall be applicable to all members of the Industry.

ARTICLE III—CANCELLATION OR MODIFICATION OF GOVERNMENT APPROVAL

This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Clause 10 (b) of the National Industrial Recovery Act, from time to time, to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act, and specifically to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

ARTICLE IV—HOURS OF LABOR, MINORS, RATES OF PAY, AND OTHER CONDITIONS OF EMPLOYMENT

SECTION 1. *Hours of labor.*—On and after the effective date no member of this Industry shall cause or permit any employee, except executives and their personal secretaries, salesmen, research technicians, foremen, and assistant foremen, to work an average of more than 40 hours per week in any 26 weeks' period (i.e., not over 1,040 hours in any 26 weeks' period) and in no event, except shipping crews, including truck drivers, more than 48 hours in any one week. Provided that in cases of emergency, laboratory technicians and mechanics engaged in repair work shall be exempt from the maximum hour limitations above provided. For the purposes of this Section, the first 26 weeks' period for each employee in the employ of any member of this Industry at the effective date of this Code shall begin with that date, and the first 26 weeks' period for any employee thereafter employed by any member of this Industry shall begin with the date of employment of such employee by such member.

SEC. 2. *Minor Labor.*—On and after the effective date, no member of this Industry shall employ any minor under the age of sixteen years: Provided, however, that where a State law specifies a higher minimum age, no member of this Industry shall employ within such State any person below the age specified by such State law. It has not been the custom in this Industry to employ child labor.

SEC. 3. *Minimum Wage Rates.*—On and after the effective date, the minimum wage which shall be paid by members of this Industry to any employee except office employees, shall be at the rate of 40¢ per hour for male labor and 35¢ per hour for female labor. The above minimum rates of pay shall not in any way be considered as a discrimination by reason of sex and where in any case women do the same work, or perform substantially the same duties as men during the hours that they are legally permitted by State laws to be employed they shall receive the same rate of wage as men receive for doing such work or performing such duties. The minimum wage paid to any office employee shall be at the rate of \$14.00 per week. Rates paid for hourly labor in excess of the minimum rates shall be increased in fair relation to the above minimum hourly wage rates. Said minimum hourly wage rates shall be maintained regardless of whether the employee is compensated on the basis of a time rate or on a piece-work performance: Provided, however, that when a State law specifies a higher minimum wage no member of this Industry shall employ within such State any person at a rate below the wage specified by such State law.

SEC. 4. *Employee organization and bargaining.*—(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers or their agents, in the designation of such representatives or in self-organization, or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee, and no one seeking employment in the Industry, shall be required as a condition of employment, to join any company union, or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

ARTICLE V—REPORTS, STATISTICS

With a view to keeping the President informed as to the functioning of this Code of Fair Competition, and whether the Industry is adopting and maintaining appropriate action to effectuate the declared policy of the Act, and to provide for making available to the Administrator and members of the Industry information to assist in effectuating the policy of the Act, each member of the Industry shall furnish to the Administrative Agency hereinafter provided for or to the Administrator, reports relative to hours of labor, wages, volume of production and sales in units and/or dollars, and finished stocks on hand. Members of the Industry shall furnish such additional reports and data as may be required by the Administrator or by the Association subject to the approval of the Administrator and otherwise in the form and manner as hereafter may be directed by the Administrator or the Association, subject to the approval of the Administrator. All of such reports and data shall be duly certified if requested by the Administrator or the Association.

ARTICLE VI—VERIFICATION OF REPORTS

All reports required by the Code to be filed with the Association shall be subject to verification by a competent and disinterested person, at such time or times, and by such person or persons as may be determined by the Association, subject to the approval of the Administrator. Provided, that if it should appear that any reports were not filed when and as required by the Code, or were inaccurate, the expense of such verifying work, subject to the approval of the Administrator, shall be paid by the member of the Association so in default.

ARTICLE VII—ADMINISTRATIVE AGENCY

The Linoleum and Felt Base Manufacturers Association is hereby designated the Agency to cooperate with the Administrator in administering, supervising, and promoting the performance of the provisions of this Code by the members of the Linoleum and Felt Base Industry.

ARTICLE VIII—AMENDMENTS

Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in the circumstances or experience may indicate. It is contemplated



that from time to time, supplementary provisions to this Code or additional Codes will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions thereof.

Approved by all of the members of the Industry as follows:

ARMSTRONG CORK COMPANY,	J. C. DUNN & Co.,
BIRD & SON SALES CORPORATION,	MANNINGTON MILLS, INC.,
BON-A-FIDE MILLS, INC.,	THE PARAFINE COMPANIES, INC.,
CARTHAGE MILLS INCORPORATED,	THE COTT-A-LAP COMPANY, INC.,
CONGOLEUM-NAIRN, INC.,	SANDURA COMPANY, INC.,
DELAWARE FLOOR PRODUCTS, INC.,	SLOANE-BLABON CORPORATION.

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