

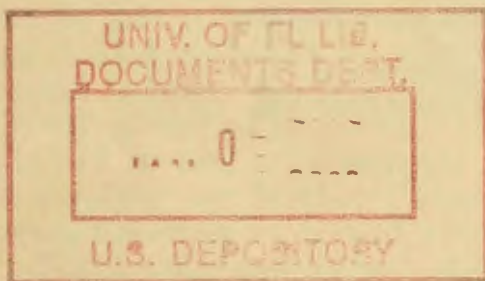
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

BOAT BUILDING AND BOAT
REPAIRING INDUSTRY

AS APPROVED ON APRIL 24, 1934

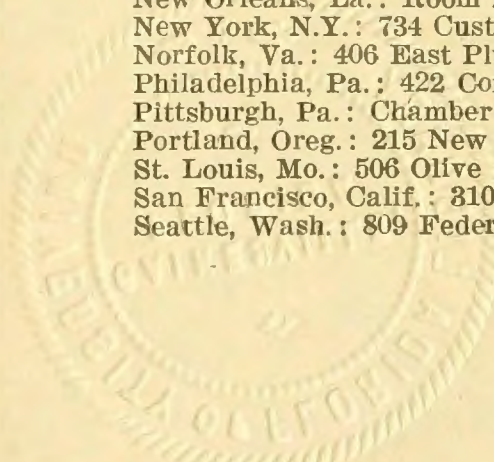


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Approved Code No. 406

CODE OF FAIR COMPETITION
FOR THE
BOATBUILDING AND BOATREPAIRING INDUSTRY

As Approved on April 24, 1934

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE BOATBUILDING AND
BOATREPAIRING 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 approval of a Code of Fair Competition for the Boatbuilding and Boatrepairing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VII, Section 1, insofar as they prescribe a waiting period between the filing with the Divisional Code Authority (i.e. actual receipt of the Divisional Code Authority) and the effective date of revised minimum billing rates be and they are hereby stayed pending my further Order either within a period of sixty days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

K. M. SIMPSON,
Division Administrator.

WASHINGTON, D.C.,
April 24, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Boatbuilding and Boatrepairing Industry, which has been duly assented to by the proponents of the Code. A public hearing was conducted in Washington on December 11, 1933, and was reconvened on March 30, 1934, at which time every person who so requested was given an opportunity to be heard in accordance with the usual procedure.

LABOR PROVISIONS

The Code provides a maximum work week of thirty six (36) hours for twenty six (26) weeks of the year and forty four (44) hours for the remaining twenty six (26) weeks of the year, with overtime to be paid for any time in excess of these hours or in excess of eight (8) hours in any one (1) day. Exception is made for emergency repair work. Office and clerical employees may work not more than forty (40) hours in one (1) week. Watchmen may be employed for not more than fifty six (56) hours in one (1) week or more than six (6) days in seven (7).

Wages above the minimum on July 1, 1933 are increased ten percent (10%).

No person under sixteen (16) years of age will be employed in the Industry nor anyone under eighteen (18) years of age at occupations hazardous in nature or detrimental to health. Code Authorities will submit lists of such occupations to the Administrator.

The standard clause regarding handicapped persons and standards of safety and health are incorporated in this Code.

An Industrial Relations Board with equal representation of employers and employees is created to hear and conciliate labor disputes.

TRADE PRACTICE PROVISIONS

This Code provides for the filing of minimum billing rates, and the selling of products or services below cost is prohibited.

ADMINISTRATIVE PROVISIONS

For the purpose of administration the Industry is divided into five (5) divisions with a Divisional Code Authority to administer the Code in each Division. A National Code Authority is created to administer the Code for the Industry as a whole and to coordinate the activities of the Divisional Code Authorities.

OTHER PROVISIONS

Provision is made for furnishing the Administrator with such statistical data as he may require.

Methods for amending and modifying this Code are provided.
Monopolies are prohibited.

Members of the Industry shall comply with State Laws imposing more stringent requirements as to labor than are imposed by this Code.

The various Divisional Code Authorities are, with the consent of both parties, constituted agencies to assist in the adjustment of contracts entered into prior to the effective date of this Code where the cost of executing such contracts is increased by this Code.

Copies of this Code shall be posted in conspicuous places by each employer.

ECONOMIC EFFECT OF CODE

There are about three thousand (3,000) concerns engaged in this Industry varying from small proprietors, building a few small boats, to organized corporations, building and repairing all kinds of wooden and metal floating equipment within the definition contained in the Code. The values of production in 1929 for five hundred and seventy (570) concerns, estimated at seventy five percent (75%) of total production, was Seventy Seven Million Two Hundred Ninety Eight Thousand Dollars (\$77,298,000), and Forty Seven Million Sixty Nine Thousand Dollars (\$47,069,000) in 1931, a decrease of thirty nine and one tenths percent (39.1%). In 1931 sixteen thousand three hundred (16,300) persons are estimated to have been employed, a decrease of six thousand eight hundred and eighteen (6,818) persons or twenty nine and five tenths percent (29.5%) from 1929. Employment in 1933 is estimated at ten thousand (10,000) wage earners. Estimated payrolls in 1929 were Thirty Seven Million Six Hundred and Twelve Thousand Dollars (\$37,612,000) and in 1931 decreased to Twenty Four Million Twenty Thousand Dollars (\$24,020,000), a decrease of Thirteen Million Five Hundred Ninety Two Thousand Dollars (\$13,592,000) or thirty six percent (36%).

The Code will effect a minimum reduction of nine percent (9%) in hours from forty eight (48) to forty four (44), and a maximum reduction of forty percent (40%) from sixty (60) to thirty six (36) hours per week. Establishing the forty four (44) and thirty six (36) hour week will increase employment about five (5%) percent. In some cases minimum wages will be increased from eighteen (18) to fifty five cents (55¢) per hour. All hourly wages above the minimum on July 1, 1933 will be increased ten percent (10%).

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of Interstate and Foreign Commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade

groups, by including and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than fifty thousand (50,000) employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof, and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON, *Administrator.*

APRIL 24, 1934.

CODE OF FAIR COMPETITION FOR THE BOATBUILDING AND BOATREPAIRING INDUSTRY

ARTICLE I—PURPOSE

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Boatbuilding and Boatrepairing Industry, and its provisions shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Boatbuilding and Boatrepairing Industry" means the fabricating, constructing, repairing, reconstructing, remodelling, hauling or storing of the following types of vessels:

(a) All wooden boats and vessels, and wooden floating marine equipment.

(b) Pleasure boats and yachts, both wooden and/or metal, up to and including one hundred and fifty (150) feet in length overall.

SEC. 2. The terms "Act", "Administrator", and "President" as used herein means respectively Title I of the National Industrial Recovery Act, the Administrator for Industrial Recovery, and the President of the United States.

SEC. 3. The term "employee" means any and all persons engaged in any phase of the Industry in any capacity in the nature of employee irrespective of the method of payment of his compensation.

SEC. 4. The term "employer" means anyone by whom such an employee is compensated or employed.

SEC. 5. The term "Member of the Industry" means all those engaged in the Industry either as an employer, or on his or its own behalf, including contractors and sub-contractors.

SEC. 6. The term "emergency" means that situation whereby a danger, or menace to the safety of a vessel, life, or property exists; or, where a delay would work an undue hardship on an owner through the loss of the use of his boat.

ARTICLE III—PARTICIPATION

SECTION 1. If a Member of the Industry is engaged also in any other industry, provisions of this Code shall apply to and affect only that part of his business which is included in the Boatbuilding and Boatrepairing Industry as defined herein, provided, however, that when any person, partnership, corporation, association, trust, trustee or receiver, normally operating under the Code for the Shipbuilding and Shiprepairing Industry engages in this Industry as defined herein, he or it shall not be required to bear a part of the

expense of administering this Code and when required to submit statistics or information to a Code Authority of the Boatbuilding and Boatrepairing Industry shall do so through the Code Authority for the Shipbuilding and Shiprepairing Industry.

SEC. 2. Each Member of the Industry shall be entitled to participate in and share the benefits of the activities of the National Code Authority and appropriate Divisional Code Authority and to participate in the selection of the members thereof, by assenting to and complying with the requirements of this Code, and by notifying the Administrator that he desires to participate in this Code as provided for in Appendix I hereto attached.

ARTICLE IV—LABOR PROVISIONS

SECTION 1. In compliance with Section 7 (a) of the Act it is provided that:

(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 of labor, 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 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; and

(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.

SEC. 2. No person under 16 years of age shall be employed in the Industry nor anyone under 18 years of age at operations or occupations hazardous in nature or detrimental to health. The Divisional Code Authorities shall submit to the Administrator within 60 days after the effective date, a list of such occupations.

SEC. 3. 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.

SEC. 4. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by each Divisional Code Authority to the Administrator within six months after the effective date of this Code.

ARTICLE V—HOURS OF WORK

SECTION 1. (a) No employee, except as otherwise provided herein, shall be permitted to work more than thirty-six (36) hours per week during twenty-six (26) weeks of the year, or more than forty-four (44) hours per week during the remaining twenty-six (26) weeks of the year. Any time worked in excess of eight (8) hours in any twenty-four (24) hour period shall be paid at the rate of at least time and one-half.

(b) *Exceptions.*—The maximum hours fixed in the foregoing section shall not apply:

(1) To employees on emergency repair jobs or on emergency maintenance work, but in any such special case at least time and one-half shall be paid for hours worked in excess of the maximum hours herein provided. All cases where this exception is applied shall be reported to the Divisional Code Authority in such form as it prescribes.

(2) To persons engaged in managerial or executive capacities earning in excess of \$35.00 per week, but shall apply to all such persons, including members of the Industry, actively engaged in similar work to that performed by employees on an hourly rate.

(3) To watchmen who shall not be permitted to work more than fifty-six (56) hours in any one week, nor more than six (6) days in seven (7).

SEC. 2. No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any one week. The normal work day shall be eight (8) hours.

SEC. 3. No employee shall be permitted to work for a total number of hours in excess of the number of hours prescribed for each week and day, whether employed by one or more employers.

ARTICLE VI—WAGES

SECTION 1. (a) Minimum Wage. No employee, except as otherwise provided herein, shall be paid less than forty-five (45) cents per hour except in the South, where no employee shall be paid less than thirty-five (35) cents per hour. For this purpose the South shall include that territory South of and bounded by the following lines: The Western boundary of Delaware, the Northern boundaries of Maryland, Arkansas, and Oklahoma, a line five (5) miles South of the Northern boundaries of West Virginia, and Kentucky, and the Western boundary of Texas.

(b) This definition of the South shall apply until such time as a hearing may be called by the Administrator to review this question for the Boatbuilding and Boatrepairing Industry and the Shipbuilding and Shiprepairing Industry, and a new definition enunciated.

(c) *Exception.*—If undue hardship is imposed on any employer (particularly small repair yards doing local business only) he may apply to the Administrator for exemption from the forty-five (45) cent minimum wage provision and upon presentation of adequate proof the Administrator, if he finds that undue hardship exists, may allow a minimum wage of thirty-five (35) cents per hour.

(d) Within ninety (90) days after the effective date of this Code a study shall be made by the Divisional Code Authorities of the Central and Great Lakes Division and the North Atlantic Division of the minimum wages paid in such divisions prior to the effective date of this Code and recommendations shall be made by the Divisional Code Authorities for such modifications of the Code as are shown by the results of this study to be necessary or desirable.

SEC. 2. Wages Above the Minimum. The hourly wage of every employee or class of employees earning more than the minimum herein established on July 1, 1933, shall not be less than 10% more than was being paid on that date.

SEC. 3. Minimum Wages for Clerical and Office Employees and Watchmen.

(a) No clerical or office employee or watchman shall be paid at a rate of less than \$14.00 per week.

(b) Office boys and office girls may be paid not less than eighty (80) per cent of the minimum wage for clerical and office employees, but the number of such office boys and office girls shall not exceed 5% of the total number of clerical and office employees, provided, that each employer may employ at least two persons in this class.

SEC. 4. A person whose earning capacity is limited because of age, physical or mental handicap or other infirmity, 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 monthly with the Divisional Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

SEC. 5. This Article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 6. Properly indentured apprentices may be employed at wages below the minimum subject to the following provisions:

(a) The number of apprentices shall not exceed 8% of the average number of hourly employees, provided that at least one person may be employed in this class.

(b) The term of apprenticeship shall not be more than three years.

(c) The rate of pay shall not be less than 75% of the minimum wage established by this code.

(d) Information as to the rates of pay and the number of apprentices shall be filed with the Divisional Code Authority.

ARTICLE VII—TRADE PRACTICES AND UNFAIR METHODS OF COMPETITION

SECTION 1. (a) Each member of the Industry engaged in repairing, hauling, or storing of boats shall promptly file after the effective date of this Code, with the Secretary of the Divisional Code Authority, or such Sub-Committee or agency as the Divisional Code Authority may designate, a schedule(s) covering time and material work showing:

(1) Minimum labor billing rates.

(2) Minimum billing rates for the use of machine and power tools when not included in (1), above.

(3) Minimum rates or charges for the use of marine railways, elevators, hoists, and drydocks.

(4) Minimum rates or charges for furnishing and supplying materials.

(b) Each Member shall certify that such rates, charges, and prices are not below the reasonable cost of such products or services, including the cost of direct labor, plus the cost of materials, plus an adequate amount for overhead.

(c) Each such schedule shall state the date upon which it shall become effective, which date shall be not less than fifteen (15) days

after the date of filing such schedule with the Secretary; provided, however, that the first schedule filed by any Member of the Industry, as above provided, shall take effect on the date of filing thereof and no rate, price, or charge shown in any such schedule filed by any Member of the Industry shall be changed except by filing a new schedule as herein provided.

(d) These rates, charges, and prices shall be held subject to public inspection by the Divisional Code Authority and any District or local Committee established in accordance with Article VIII hereof.¹

SEC. 2. The following practices are hereby declared to be unfair competitive practices and constitute a violation of this Code.

(a) To sell any product(s) or service(s) below the reasonable cost of such product(s) or service(s).

(1) For this purpose cost is defined as the cost of direct labor, plus the cost of materials, plus an adequate amount for overhead, including an amount for depreciation, and for the use of any plant facilities employed but not including an amount for return on capital invested. Said cost to be determined by any fair method of accounting and/or estimating submitted by each Member of the Industry to the appropriate Divisional Code Authority for its approval subject to the review and disapproval of the Administrator.

(b) To give or accept secret rebates, refunds, allowances, unearned discounts, or special services directly or indirectly in connection with any work performed or to receipt bills for insurance work until payment is made.

(c) To permit any work (except work done above deck or within the boat by the owner or regular boat's crew) to be done by any person other than the owner personally, or those employed by or under sub-contract with the boatyard, on any boat of any kind while at said boatyard.

(d) To allow terms more favorable than two (2) percent discount for cash payment within ten (10) days after work is done.

ARTICLE VIII—ADMINISTRATION

SECTION 1. Subject to the power of the National Code Authority to change the geographical limits of the Divisions of the Industry and to create new Divisions or combine existing Divisions as the circumstances surrounding the administration of this Code may warrant, the Industry shall be divided into five (5) divisions; namely, the North Atlantic Division, the South Atlantic Division, the Gulf Coast Division, the Central and Great Lakes Division, and the Pacific Division, constituted as follows:

(a) North Atlantic Division—Maine, New Hampshire, Connecticut, Massachusetts, Vermont, Rhode Island, New York except the shores of Lake Erie and Lake Ontario and the lakes and rivers adjacent thereto, New Jersey, Delaware and Pennsylvania east of Harrisburg.

(b) South Atlantic Division—Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida on the east coast to Key West.

¹ See paragraph 2 of order approving this Code.

(c) Gulf Coast Division—Florida, except that part included in the South Atlantic Division, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, and Tennessee.

(d) Central and Great Lakes Division—North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Kentucky, Indiana, Michigan, Ohio, West Virginia, and those parts of Pennsylvania and New York not included in the North Atlantic Division.

(e) Pacific Division—New Mexico, Arizona, Colorado, Utah, Wyoming, Montana, Idaho, Nevada, California, Oregon, Washington and Alaska.

SEC. 2. Subject to the rights vested in the Administrator under Section 10 of this Article, this Code shall be administered by Divisional Code Authorities and a National Code Authority as hereinafter set forth.

SEC. 3. There shall be organized in each Division a Divisional Code Authority consisting of five (5) members, two (2) to be elected by majority vote on the basis of one vote for each Member of the Industry within the Division, and three (3) to be elected by voting on the basis of number of employees; provided, however, that no Member of the Industry within the Division shall have more than one representative on said Code Authority. In addition the Administrator may appoint one member to sit without vote on said Authority. Each Divisional Code Authority shall administer this Code in its division and shall have the duties and exercise the powers which are conferred upon it by this Code or any revisions hereof, or which are delegated to it by the National Code Authority; shall elect a chairman to preside at all meetings and a secretary to keep a minute record of all meetings; and shall have the authority to adopt appropriate by-laws, rules and regulations for the exercise of its functions, and to employ or designate such agents and delegate to them such duties and powers as may in the judgment of the Divisional Authority be necessary or desirable to effectuate the purposes of the Act, provided that nothing herein shall relieve any Divisional Code Authority of its duties or responsibilities under this Code. It being found necessary to support the Administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, each Divisional Code Authority is authorized to incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which shall be held in trust for the purposes of the Code and raised as hereinafter provided; and to submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary: (1) An itemized budget of expenses incurred in the formulation of the Code and its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by all members of the Industry entitled to the benefits accruing from the maintenance of such standards, and the administration thereof. After such budget and basis of contribution have been approved by the Administrator each Divisional Code Authority shall determine and collect equitable contributions as above set forth,

and to that end, if necessary, institute legal proceedings therefor in its own name.

SEC. 4. There shall be organized a National Code Authority consisting of one (1) member designated by each Divisional Code Authority of the South Atlantic Division, Gulf Coast Division, Pacific Division, and North Atlantic Division, two (2) members designated by the Divisional Code Authority of the Central and Great Lakes Division, and two (2) members elected at large from the North Atlantic Division by members of the Industry within that division, the method of whose election is to be determined by the temporary National Code Authority subject to the disapproval of the Administrator.

SEC. 5. In addition to the above, the Administrator, in his discretion, may appoint not more than three (3) members to the National Code Authority without vote to serve without expense to the Industry, and to serve also on the temporary National Code Authority.

SEC. 6. The National Code Authority shall have the following powers and duties in addition to any other power elsewhere in this Code provided:

(a) To hear all appeals from decisions of Divisional Code Authorities.

(b) To hear and settle all controversies that may arise between the various Divisional Code Authorities or members thereof, upon appeal to it by such Divisional Code Authority or member.

(c) To adopt appropriate by-laws and rules and regulations for the exercise of its functions and to employ and designate such agents as it may require and to delegate to them or to the Divisional Code Authorities such duties and powers as may in its judgment be necessary or desirable to effectuate the purposes of the Act, provided that nothing herein shall relieve the National Code Authority of its duties or responsibilities under this Code except such duties as are herein delegated to the Divisional Code Authorities.

(d) To submit to the Administrator from time to time such proposed amendments to the code as, in its judgment, will further effectuate the purposes of the Act.

(e) To obtain from members of the Industry within each division such information and reports as will be required for the administration of the Code. No confidential information thus acquired shall be disclosed to any other Member of the Industry or any other party except to such Governmental Agencies as may be designated by the Administrator.

SEC. 7. In addition to the information required to be submitted to the National Code Authority, the members of the Industry shall furnish to Federal and State agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, provided, that nothing in this Code shall relieve any Member of the Industry of any existing obligations to furnish reports to any Government Agency.

SEC. 8. The expenses of the National Code Authority and the temporary National Code Authority shall be borne by the Divisional Code Authorities on an equitable basis in accordance with regulations prescribed by the National Code Authority.

SEC. 9. Each Trade Association directly or indirectly participating in the selection or activities of the Divisional Code Authorities or the National Code Authority shall impose no inequitable restrictions on membership therein; and shall submit to the Administrator true copies of its articles of association, by-laws, 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.

SEC. 10. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

SEC. 11. In order that the Code Authorities shall at all times be truly representative of the members of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter, if he shall find that any Code Authority is not truly representative of the Members of the Industry or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of such Code Authority.

SEC. 12. Nothing contained in this Code shall constitute the members of the Code Authorities partners for any purpose. Nor shall any member of a Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of a Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

SEC. 13. A temporary National Code Authority of eight (8) members, in addition to the members appointed under Section 5 hereof, shall be appointed by the Administrator to serve from the effective date until the election of the permanent National Code Authority, which temporary National Code Authority shall have the powers and duties of the National Code Authority and shall supervise the election of the Divisional Code Authorities and the National Code Authority.

ARTICLE IX—MODIFICATION AND CANCELLATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President in accordance with the provisions of subsection (b) of Section 10 of the 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, but without limitation, 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.

SEC. 2. Such of the provisions of this Code as are not required to be included herein by the Act, may, with the approval of the Administrator, after such notice and hearing as he shall specify, be modified or eliminated as changes in the circumstances or experience may indicate.

SEC. 3. An amendment may be proposed by any interested party either to the National Code Authority or directly to the Administrator. All proposed amendments shall with the approval of the Administrator be referred to the National Code Authority who shall give Members of the Industry an opportunity to be heard thereon, through the Divisional Code Authorities and thereafter, within such time as the Administrator may specify, the National Code Authority shall make such recommendations thereon as it may deem proper; provided, however, that when approved by the Administrator as necessary or advisable to effectuate the policies of the Act, after such notice and hearing as he may prescribe, any proposed amendment shall thereupon become effective as part of this Code.

ARTICLE X—MONOPOLIES

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.

ARTICLE XI—INDUSTRIAL RELATIONS BOARD

An Industrial Relations Board shall be set up consisting of two (2) members elected by the National Code Authority and two (2) members appointed by the Administrator from nominations of the Labor Advisory Board, of the National Recovery Administration. This Industrial Relations Board shall meet at such times and places as it may determine, to hear and conciliate labor disputes which may arise within the Industry. If agreed to by the parties of a controversy the Board may act as a board of arbitration with power to select an umpire to sit before the arbitration and in such case its decision shall be final and binding on the parties to the arbitration.

ARTICLE XII—STATE LAWS

Within each State, this Code shall not supercede any laws of such State imposing more stringent requirements regulating the age of employees, wages, hours of work, or health, fire, or general working conditions, than are imposed by this Code.

ARTICLE XIII

Employers shall place in conspicuous places, easily accessible to all employees, full copies of this Code and/or comply with any other posting regulations from time to time issued by the Administrator.

ARTICLE XIV

This Code shall become effective on the tenth day after its approval by the President and shall continue in effect until June 16, 1935.

Approved Code No. 406.
Registry No. 1408-05.



APPENDIX I

(City) _____

(Date) _____

We (I) hereby assent to the Boatbuilding and Boatrepairing Industry Code as approved by the President on the _____ day of _____ 1934, and agree to perform all of its terms and conditions on our (my) part to be performed, and to pay such assessments as shall be made against us (me) as part of the cost of administration in accordance with the provisions of the Code.

(480)

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