

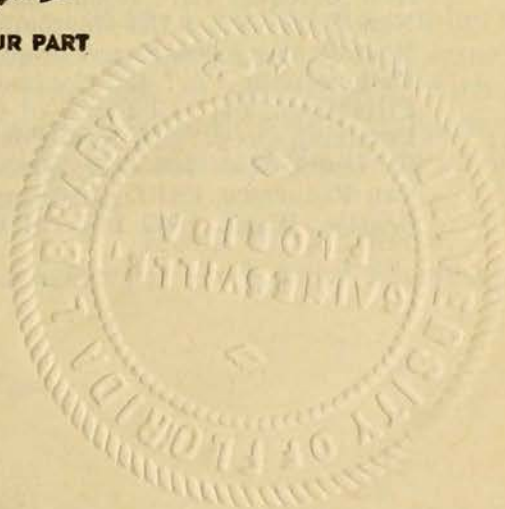
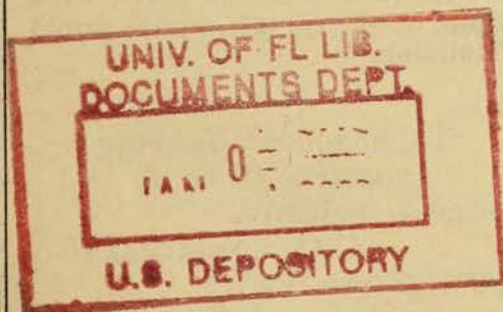
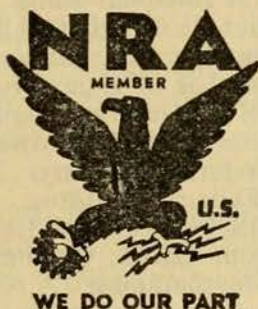
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

TABLE OIL CLOTH
INDUSTRY

AS APPROVED ON FEBRUARY 2, 1934



UNITED STATES
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Approved Code No. 255

CODE OF FAIR COMPETITION
FOR THE
TABLE OIL CLOTH INDUSTRY

As Approved on February 2, 1934

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE TABLE OIL CLOTH
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 Table Oil Cloth 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.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

A. D. WHITESIDE,
Division Administrator.

WASHINGTON, D.C.,
February 2, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR:

INTRODUCTION

This is a report of the Hearing on the Code of Fair Competition for the Table Oil Cloth Industry in the United States, conducted in Washington, D.C., on Tuesday, December 12, 1933.

In accordance with the customary procedure, every person who filed a request for appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

The Code which is attached was presented by the duly qualified and authorized representatives of the Industry, the Table Oil Cloth Manufacturers Association, complying with the statutory requirements as representing 100 percent of the total number of producers and 100 percent of the volume of the industry.

GENERAL CHARACTERISTICS OF THE INDUSTRY

The term Table Oil Cloth Industry is used to define the manufacture of light-weight table oil cloth utilized chiefly as table and shelf covering but does not include floor covering.

It was brought out at the Hearing that the six manufacturers in this industry represent invested capital of approximately \$8,500,000 while their annual sales average \$13,000,000 per year. The total production capacity for this industry in 1933 was 176,772,700 square yards of material while the aggregate annual production for that year has been estimated at 86,760,000 square yards.

The number of employees in this industry in 1932 was 1,190 while in 1933 employment was raised to 1,378.

It was further brought out that the manufacturers in this industry have been operating under the Labor Provisions of this Code since the date of its original submission to the National Recovery Administration on August 30, 1933. It is estimated that the adoption of such provisions have resulted in an average increase of 10 percent in employment throughout the industry.

RÉSUMÉ

The provisions regarding hours in this Code are fair in every respect and should impose no hardship on employees.

The wage rate of thirty-five (35¢) cents per hour is higher than that appearing in many codes approved to date.

In view of the fact that the Table Oil Cloth Manufacturers Association is composed of the total number of manufacturers in the industry, this Association acts as the Code Authority for the Industry.

There are no trade practices.

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 inducing 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 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 association is an industrial association truly representative of the aforesaid Industry; and that said association 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, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

FEBRUARY 2, 1934.

CODE OF FAIR COMPETITION FOR THE TABLE OIL CLOTH INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Table Oil Cloth Industry, and shall be the standards of Fair Competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "Table Oil Cloth Industry" as used herein is defined to mean the manufacture and original sale of light-weight table oil cloth utilized chiefly as table and shelf covering, but not floor covering.

The term "employers" shall mean all members of the industry by whom employees are compensated or employed.

The term "employee" as used herein shall include anyone engaged in the industry in any capacity receiving compensation for his services irrespective of the nature or method of payment of such compensation.

The term "member of the industry" includes anyone engaged in the industry, either as an employer or on his own behalf.

The terms "President", "Act", and "Administrator" as used herein shall mean respectively the President of the United States, the National Industrial Recovery Act, and the Administrator of Title I of the said Act.

ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours per week, except repair shop crews, engineers, electricians, firemen, office, sales staff, watchmen, shipping and outside crews, cleaners; and except any employee engaged in a managerial, supervisory, or executive capacity, provided such employee in such managerial, supervisory, or executive capacity receives thirty-five dollars (\$35.00) or more per week.

2. The maximum hours of labor for office employees shall be an average of forty (40) hours a week over each period of one month, and shall not exceed forty-eight (48) hours in any one week.

3. Shipping and outside crews, cleaners, watchmen, and firemen shall not be employed more than forty-eight (48) hours in any one week.

4. The maximum hours of labor of repair shop crews, engineers, and electricians shall be forty-four (44) hours a week, except in case of emergency work. Any such emergency time in any mill shall be reported monthly to the Code Authority provided for in Article VI of the Code.

ARTICLE IV—WAGES

The minimum wage that shall be paid by employers in the Table Oil Cloth Industry to any of their employees, including office employees, shall be at the rate of thirty-five cents (35¢) per hour, or fourteen dollars (\$14.00) per week for forty (40) hours of labor.

(a) *Wage Rates Above the Minimum.*—The existing amounts by which wage rates in the higher-paid classes exceed wage rates in the lower-paid classes shall be maintained.

(b) It is interpreted that the provisions for a minimum wage in this Code establish a guaranteed minimum rate of pay per hour of employment regardless of whether the employee's compensation is otherwise based on a time-rate performance or upon a piecework performance.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Table Oil Cloth Industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. 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 representative or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

3. 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.

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. Each employer shall post in conspicuous places full copies of this Code.

ARTICLE VI—ADMINISTRATION

1. The Table Oil Cloth Manufacturers' Association is hereby designated as a Code Authority to cooperate with the Administrator as a planning and fair practice agency for the Table Oil Cloth Industry. The Administrator may designate not more than three additional members of the Code Authority, who shall have no vote, and shall

serve without expense to the Table Oil Cloth Industry. The Code Authority may from time to time present to the Administrator recommendations based on conditions in the industry as they may develop which will tend to effectuate the operation of the provisions of this Code and the policy of the National Industrial Recovery Act.

2. With a view to keeping the Administrator informed as to the observance or nonobservance of this Code of Fair Competition and as to whether or not the Table Oil Cloth Industry is taking appropriate steps to effectuate the declared policy of the National Industrial Recovery Act, members of the industry shall furnish duly certified reports, and in such form as may hereafter be requested by the Code Authority subject to the review of the Administrator; and in addition thereto shall furnish to such government agencies as the Administrator may designate, such reports as he may deem necessary for the purposes recited in Section 3 (a) of the Act.

3. The Code Authority is constituted the agency to collect and receive reports, and to compile and organize this information in satisfactory form to be sent to the Administrator. Such reports shall be considered confidential and shall be distributed only in consolidated form.

4. The Code Authority is also set up to cooperate with the Administrator in making investigations as to the functioning and observance of any of the provisions of this Code, at its own instance or on complaint by any person affected, and to report the same to the Administrator.

5. The Code Authority is also set up for the purpose of investigating and informing the Administrator on behalf of the Table Oil Cloth Industry as to the importation of competitive articles into the United States in substantial quantities or increasing ratio to domestic production on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code, and as an Agency for making complaint to the President on behalf of the Table Oil Cloth Industry, under the provisions of the National Industrial Recovery Act, with respect thereto.

6. 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 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.

7. Any association participating in the activities of the Code Authority shall keep on file with the Administrator full copies of its Constitution and By-Laws and shall submit to the Administrator for approval any proposed modifications or amendments thereto.

ARTICLE VII—MODIFICATION

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 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.

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 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 and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions thereof.

ARTICLE VIII—PARTIAL INVALIDITY

If any provision of this Code is declared invalid or unenforceable, the remaining provisions thereof shall nevertheless continue in full force and effect in the same manner as if they had been separately presented for approval and approved by the President.

ARTICLE IX—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 X—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 255.
Registry No. 1635-03.



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