

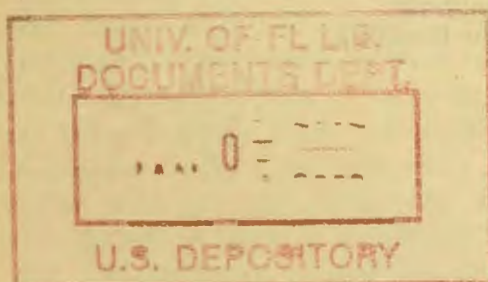
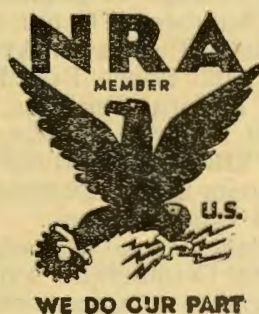


NATIONAL RECOVERY ADMINISTRATION

SUPPLEMENTARY
CODE OF FAIR COMPETITION
FOR THE
BUILDING GRANITE
INDUSTRY

(A Division of the Construction Industry)

AS APPROVED ON AUGUST 20, 1934



UNITED STATES
GOVERNMENT PRINTING OFFICE
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Approved Code No. 244—Supplement No. 18

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

BUILDING GRANITE INDUSTRY

As Approved on August 20, 1934

ORDER

CODE OF FAIR COMPETITION FOR THE BUILDING GRANITE INDUSTRY

A DIVISION OF THE CONSTRUCTION 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, and pursuant to and in full compliance with the provisions of Section 5 of Article VIII of Chapter I of the Code of Fair Competition for the Construction Industry, approved January 31, 1934, for approval of Chapter XXII of said Code, which Chapter XXII is applicable to the Building Granite Division of the Construction Industry, and hearings having been 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 Chapter 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 Chapter XXII be and it is hereby approved and that the previous approval of said Code of Fair Competition for the Construction Industry is hereby modified to include an approval of said Code in its entirety as supplemented by said Chapter XXII; provided, however:

(a) That the wages and hours established in this Code are approved only because of the competitive conditions with the Limestone Industry and such approval shall not constitute a precedent for any other Industry, and

(b) That in the event the provisions covering the averaging of hours of work in the Code of Fair Competition for the Limestone

Industry are stayed or modified, a similar stay or modification will be made in this Code; and

(c) That in the event of revision of other labor provisions than those pertaining to the averaging of hours of work of the Code of Fair Competition for the Limestone Industry, the Code Authority of the Building Granite Division of the Construction Industry shall submit recommendations in respect to making equitable revisions of the Building Granite Division of the Construction Industry Code; and

(d) That within 90 days after the effective date of this Code I may direct that there be a further hearing on such of the provisions of said Code as I may designate and that any Order that I may make after such hearing shall have the effect of a condition on the approval of said Code.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
August 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Building Granite Chapter of the Code of Fair Competition for the Construction Industry, which is described as Chapter I and which was approved by you on January 31, 1934.

This Chapter is a revision after a public hearing conducted in Washington on September 11, 1933, in accordance with provisions of the National Industrial Recovery Act. This Chapter amplifies Chapter I but applies specifically to the Building Granite Division of the Construction Industry.

PROVISIONS FOR HOURS AND WAGES

Building granite is in direct competition with limestone. The hours and wages for manual labor for this Chapter are generally the same as provided in the Code of Fair Competition for the Limestone Industry except that minimum wages in the northern zone are two cents per hour higher than in the Limestone Code. The hours and wages for other employees are generally the same as provided in Chapter I of the Construction Code.

ECONOMIC EFFECTS OF THE CODE

In 1929 there were 11,200 men employed in granite quarries, but in 1932 the number had dropped to 7,600. The men were employed an average of 190 days in 1932. Wages for laborers of as low as ten to fifteen cents an hour had been reported for parts of the country. Available data indicates that the workers engaged in quarrying and processing at the quarries averaged 49 hours per week in 1929, which figure was reduced to 46 hours in 1932. Available data further indicates that it is reasonable to assume that the 40-hour maximum average provided by the Code would absorb a large percentage of the unemployment in quarrying and processing at the quarry site. It is reasonable to predict that the establishment of uniform rates of pay, uniform hours of work, improved conditions of employment, and a prohibition of unfair trade practices will be beneficial to all of this Industry, as well as to the employees and the consumers.

FINDINGS

The Deputy Administrator, in his final report to me on said Building Granite Chapter of the Code of Fair Competition for the Construction Industry, having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) Said Building Granite Chapter and said Code of Fair Competition for the Construction Industry, as supplemented by said Building Granite Chapter, are 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) Said Building Granite Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by said Building Granite Chapter, as approved comply 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) Said Building Granite Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by said Building Granite Chapter, are not designed to and will not permit monopolies or monopolistic practices.

(e) Said Building Granite Chapter and the Code of Fair Competition for the Construction Industry, as supplemented by said Building Granite Chapter, are 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 Building Granite Chapter and of said Code, as supplemented by this Building Granite Chapter thereof.

For these reasons, therefore, I have approved said Building Granite Chapter of the Code of Fair Competition for the Construction Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AUGUST 20, 1934.

CHAPTER XXII

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE BUILDING GRANITE DIVISION OF THE CON- STRUCTION INDUSTRY

ARTICLE I—DEFINITIONS

SECTION 1. The term "Building Granite Division of the Construction Industry" or "this Division" as used herein means the selling and/or quarrying, fabricating, finishing, assembling, and/or fitting of granite for sale (or for a sale made previously) for architectural and/or construction purposes.

SECTION 2. The term "granite for architectural and/or construction purposes" or "granite" as used herein includes all granite which is used for ornamental public improvements, community mausoleums, buildings, dry docks, bridges, sea walls, foundations, publicly owned monuments, and all similar types of construction, but does not include crushed granite.

SECTION 3. The term "Subdivision" as used herein means and includes any related industry which hereafter subject to the approval of the President and the Divisional Code Authority of this Division may be included hereunder as a subdivision or otherwise.

SECTION 4. The term "association" as used herein shall mean the National Building Granite Quarries Association, Inc.

ARTICLE II¹—HOURS, WAGES AND CONDITIONS OF EMPLOYMENT

SECTION 1. *Hours*.—The following are exempt from the provisions of Section 2B, Article III of Chapter 1 of this Code, relating to maximum hours.

(a) Employees (except those engaged in fitting at the site where the granite is to be installed who shall be within provisions of said Section 2B) engaged in manual labor who shall not be permitted to work in excess of forty (40) hours per week averaged over three (3) month periods; or in excess of forty-eight (48) hours in any one (1) week; or in excess of six (6) days in any one (1) week; or in excess of eight (8) hours in any twenty-four (24) hour period.

(b) Salesmen and Estimators.

(c) Employees engaged in professional, executive, administrative and supervisory capacity who are not regularly engaged in manual labor receiving thirty-five dollars (\$35.00) or more per week.

(d) Watchmen who shall not be permitted to work in excess of twelve (12) hours in any twenty-four (24) hour period; or in excess of six (6) days in any seven (7) day period; or in excess of fifty-six (56) hours in any seven (7) day period.

¹ See paragraph 2 of order approving this Code.

(e) Firemen, plant engineers, powdermen, loading and shipping crews who shall not be permitted to work more than two (2) hours per day in excess of the maximum hours prescribed in (a) of this Section or in excess of forty-eight (48) hours in any seven (7) day period.

(f) Employees engaged in emergency work involving breakdowns or the protection of life and/or property.

SECTION 2. *Member Performing Work.*—Members of this Division who personally perform manual labor or are engaged in mechanical operations shall not exceed the maximum hours prescribed herein while so working or engaged.

SECTION 3. *Wages.*—(a) No employee, except as hereinafter set forth, shall be paid at less than the hourly rates specified in the following schedule; provided, however, that the provisions of this Section shall not be construed as establishing a minimum rate of pay for other than common or unskilled labor; and provided further that such provisions shall not be construed to authorize reductions in existing rates of pay.

(1) When employed in Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia,—thirty cents (30¢).

(2) When employed in California, Colorado, Connecticut, District of Columbia, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming,—forty cents (40¢).

(b) All employees engaged in fitting granite at the site where the granite is to be installed shall be paid in accordance with the provisions of Chapter I of this Code, or of any other pertinent Chapters of the Code of Fair Competition for the Construction Industry, or of any pertinent agreement arrived at and provided in said Chapter I or Section 7 (b) of the Act.

(c) Employees engaged solely as tool and water boys, and comprising not more than four per cent (4%) of the total number of employees (except that in any case there may be at least one (1) tool and one (1) water boy), may be paid at not less than eighty per cent (80%) of the hourly wages prescribed herein.

(d) *Overtime.*—Employees engaged as described in paragraphs (e) and (f) of Section 1 hereof and powdermen and loading and shipping crews shall be paid at the overtime rate of at least one and one-quarter ($1\frac{1}{4}$) times the normal job rate for all hours worked in excess of the daily or weekly maxima prescribed in paragraph (a) of Section 1 hereof.

(e) *Payment.*—All members of the Division shall make payment of all wages due in lawful currency or by negotiable check therefor payable on demand at par. If wages are paid by check, the employer shall provide reasonable facilities for cashing checks at face value without charge or discount to the employee. Employers shall also provide such identification as is necessary to utilize such facilities.

Wages of employees paid on an hourly basis shall be due and payable at least twice each month. Not more than one week's wages shall be held in arrears. Wages and salaries shall be exempt from any payment for pensions, insurance or sick benefits except such as is voluntarily paid or authorized to be deducted by employees.

The provisions of this Section regarding payment of hourly wages shall not apply to persons employed in professional, executive, administrative, and supervisory capacity who earn in excess of thirty-five dollars (\$35.00) per week, nor to persons employed in sales, estimating, clerical or office work. The wages for such persons shall be due at least monthly.

(f) *Rebates.*—Members of the Division or their agents shall not accept, either directly or indirectly, rebates on such wages or give anything of value or extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees, or cause such to be done.

SECTION 4. *Conditions of Employment.*—(a) *Posting.*—All members of this Division shall post and keep posted in conspicuous places readily accessible to all employees complete copies of Chapter I, General Provisions for the Construction Industry, and of this Chapter of this Code. All members of this Division shall comply with all rules and regulations relative to the posting of provisions of codes of fair competition which may from time to time be prescribed by the Administrator.

(b) *Safety and Health.*—Each member of this Division shall make reasonable provisions 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 Divisional Code Authority to the Administrator within six (6) months after the effective date of this Code.

(c) *Limited Capacity.*—Persons whose earning capacities are 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 member of this Division who is the employer thereof obtains from the State Authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Each member of the Division 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.

(d) *Contracting.*—(1) No member of this Division shall, directly or indirectly, let or sublet to any employee or laborer solely the labor services required by any contract secured by such member, except where said labor services are compensated at a rate of not less than the minima prescribed herein or in any applicable agreement approved as provided in Chapter I of this Code or Section 7 (b) of the Act. This shall not be interpreted to affect or modify the last paragraph of Chapter I, Article III, Section 2 A.

(2) In no case shall a member of this Division avoid or evade the labor provisions of this Chapter by contracting for granite with any person or persons subject to labor provisions less stringent than those provided in this Chapter.

ARTICLE III—ADMINISTRATION ²

SECTION 1. *Code Authority.*—A Divisional Code Authority is hereby constituted to administer this Code within this Division. The Divisional Code Authority shall consist of seven (7) individuals.

Five (5) members of the Divisional Code Authority shall be members or representatives of the Association, appointed by the Board of Directors of said Association, to serve for terms of one (1) year.

The two (2) remaining members of the Divisional Code Authority shall be selected on a fair basis from and to represent members of this Division who are not members of said Association or responsible thereto. They shall be initially appointed by the Administrator. Nominations for such appointments shall be made by the Board of Directors of said Association. Such members shall serve for a term of one (1) year or until his or their successors have been selected by the members of the Division who are not members of said Association, according to a method of selection satisfactory to and approved by the Administrator, or until such member or members become a member or members of the Association or responsible thereto, whichever of said periods shall be the less. In the event no selection by the non-members of the Association of such members is made within thirty (30) days of the expiration of any such members' terms, the Administrator shall appoint the successors.

SECTION 2. *Review of Acts of the Code Authority.*—If the Administrator shall determine that any action of the Divisional Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator to the extent of his powers under the Act may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by the Divisional 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 (30) days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 3. *Standard Forms.*—Divisional Code Authority shall devise standard forms of proposals and contracts, which forms shall protect the rights of buyers and sellers, and apply for the approval of the Administrator and Construction Code Authority to these forms.

SECTION 4. *Designation of Depository.*—The Divisional Code Authority shall appoint and maintain a suitable impartial agency as a depository for bids on granite. The duties of this depository are as set forth under Article IV hereof or as the Divisional Code Authority may from time to time delegate to it. Nothing herein contained shall relieve the Divisional Code Authority of its duties and responsibilities.

SECTION 5. *Code Expense.*—A. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Divisional Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out

² See paragraph 2 of order approving this Code.

of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) 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 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 members of the Division;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Division, and to that end, if necessary, to institute legal proceedings therefor in its own name.

B. Each member of the Division shall pay his or its equitable contribution to the expenses of the maintenance of the Divisional Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Division complying with the code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Divisional Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

C. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

ARTICLE IV—TRADE PRACTICE RULES

General Definition.—Violation of any rule set forth in this Article shall constitute an unfair trade practice. Any member of the Division who shall, directly or indirectly, use or employ such an unfair trade practice shall be in violation of the Code. Nothing in the Article shall supersede or relieve the Divisional Code Authority of its duties and responsibilities.

RULE 1. FILING OF BIDS, ETC., APPLICABLE ONLY TO BIDS AMOUNTING TO \$5,000 OR OVER

(a) *Filing Bids.*—Each member of this Division shall file with or mail to the depository two (2) signed exact duplicate copies, properly identified, of every bid or revised bid for granite, together with a list of all contractors and/or others to whom such bid or revised bid is in any manner communicated. All such bids shall be filed or mailed not later than thirty (30) hours before the time set for the opening of general contract bids when the granite is part of a general contractor's proposed contract, or not later than thirty (30) hours before the time set for opening of granite bids when granite bids are requested by others instead of through general contractors. Members of the Division shall immediately notify the depository if the time set for opening of bids has been changed.

(b) *Opening of Filed Bids.*—Not sooner than thirty (30) hours nor later than seventy-eight (78) hours after the time established in (a) hereof, for the filing of granite bids, the depository shall open the filed duplicate bids and mail one (1) signed copy of each bid to the recipient of the original of such bid as a confirmation; and mail to all members of the Division who filed bids, and who have complied with the provisions of Section 5 of Article III in the manner prescribed in applicable Executive or Administrative Orders, a copy of all bids and lists filed as described in (a) hereof. Written notice of any apparent violation of this Article shall be filed by the Depository with the Divisional Code Authority.

(c) *Revisions.*—If revisions requiring a change of less than 25% of the cubic quantity of granite are made in the plans and/or specifications after the original opening of filed bids and/or new bids are called for, only members of the Division who bid originally may submit new or revised bids and such members of the Division shall immediately send a breakdown of their original bid to the depository, and if required by the Divisional Code Authority, shall substantiate the fact that their revised bid is made on the same basis as their original bid. In case the lowest filed bid (filed originally) amounted to less than twenty-five thousand dollars (\$25,000.00), this paragraph shall be effective for one hundred and twenty (120) days and otherwise for one hundred and eighty (180) days from the time established in Rule 1 (a) hereof for the original filing of bids. If the revisions require a change of 25% or more of the cubic quantity of granite, new bids may be submitted by any member of the Division at a time as provided for in paragraph (a) hereof.

(d) *Cube.*—The total net cubic quantity of granite required by each bid or revised bid shall be filed with the bid. The cubic quantity shall be determined by rectangular measure. The rectangular measure of each piece of granite shall be the cubic volume of the smallest rectangular box in which said piece can be enclosed.

(e) *Filing Contracts.*—Each member of the Division shall file with the depository true copies of all contracts for granite work awarded to them within twenty-four (24) hours after the actual execution of the contract. In the event a member of the Division shall begin work prior to the execution of a contract, he shall proceed on the basis of his filed bid and shall so notify the depository. Upon execution of the contract he shall file a copy of the contract as required above. The depository shall immediately report this, together with contract price, to all known members of the Division who have complied with the provisions of Section 5 of Article III in the manner prescribed in applicable executive or administrative orders.

(f) *Confidential Information.*—All information received by the depository shall be kept confidential except as otherwise provided in this Code and except that it shall be available to the Administrator upon his request. The depository shall report in writing any known or suspected violation of this Code to the Divisional Code Authority. In no case shall the depository be permitted or required to open filed bids prior to the time established in Rule 1 (b) hereof, for the opening of filed bids.

(g) *Stock and Quarry.*—Each member of the Division shall name in his bid the stock and quarry on which it is based and if any other

member of the Division is to perform any of the functions defined in Article I, Section 1 hereof (with the exception of carving), such member or members of the Division shall be named in the bid.

(h) *Plans and Specifications*.—Members of the Division shall bid on granite only in strict accordance with plans and/or specifications which state the name and location of the work and of the Architect and/or Engineer. This shall not prevent any member of the Division from bidding to any other member of the Division on any portion of any project so long as the remaining provisions of this Code are observed. The naming or describing of any particular granite in the specifications shall not prohibit any member of the Division from bidding on the work in other granites, subject, however, to the provisions of Rule 3 of this Article. All granite, called for by the plans and specifications, including curbing, paving, flagging and similar granite work, with the exception of crushed granite, shall be included in the bid.

(i) *Contract and Bid*.—No member of the Division shall accept and/or execute any contract for the sale of granite except in accordance with such members bid for such granite.

(j) *Standard Forms*.—All members of the Division shall use standard forms of proposals and contracts for granite after they have been approved by the Construction Code Authority and the Administrator, except in cases where special forms are prescribed by competent governmental authority.

RULE 2. DIVISION OF BIDS

In submitting his bid the member of the Division shall clearly state the exact place and conditions of delivery and if the bid includes any functions other than those defined in Article I, Section 1 hereof, the amount included in the bid for such functions shall be set forth separately. Each bid may also state the price for granite f.o.b. point of shipment.

RULE 3. BIDDING ON STOCK PRODUCED BY OTHER MEMBERS OF THE DIVISION

No member of the Division shall submit a bid based upon rough stock quarried by another member of the Division without first securing the consent of that member of the Division or a quotation on the stock he desires to bid upon, but if special granites are specified, any one of which amounts to less than five per cent (5%) of the total granite cube, this shall not apply to such special granites.

RULE 4. CHANGING OF BIDS

For a period of one hundred and twenty (120) days (one hundred and eighty (180) days if lowest original bid filed was twenty-five thousand dollars (\$25,000) or more) after bids have been opened, no member of the Division shall change his bid except as herein provided. Nothing herein contained shall deprive a member of the Division of any right he has to withdraw his bid. In case of a filed bid, a report of such withdrawal shall be sent immediately to the

Depository and by the Depository to all bidding members of the Division.

RULE 5. BIDDING ON REVISIONS

None but members of the Division who bid originally may bid on revisions requiring a change of less than 25% of the cubical quantity of granite and then only to those to whom they originally submitted bids, except to contractors or others who did not themselves bid originally but are making bids on the revised plans and specifications. Bids to such contractors who did not bid originally shall not be lower than the lowest revised bid given to original bidders. In case the lowest filed bid (filed originally) amounted to less than twenty-five thousand dollars (\$25,000), this paragraph shall be effective for one hundred and twenty (120) days and otherwise for one hundred and eighty (180) days from the time established in Rule 1 (a) hereof for the original filing of bids.

RULE 6. OPENING OF COMPETITIVE BIDDING

The Divisional Code Authority or the Administrator shall declare the new or revised bidding open to all members of the Division upon receipt of satisfactory evidence of collusion between any or all bidding members of the Division or between bidding member or bidding members of the Division and others.

RULE 7. AGENTS

(a) Each member of the Division shall immediately file with the Depository established under Article III, section 4, a list of all his sales agents together with a true and complete statement of all oral and/or written contractual relations with each such agent. Information regarding such contractual relations is to be available to the Administrator, and to be otherwise held confidential by the Depository.

(b) No member of the Division shall, directly or indirectly, make any allowance or payment whether in the form of money or otherwise to his sales agents except in strict accordance with the true and complete statement of all oral and/or written contractual relations with such agent as hereinbefore required.

RULE 8. SECRET REBATES, ETC.

No member of the Division shall (except as herein provided) offer or make any payment or allowance to any purchaser of a rebate, refund, commission credit, unearned discount or excess allowance, whether in the form of money or otherwise, or offer or extend special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

RULE 9. CONTRACT ADJUSTMENTS REQUIRED

No member of the Division in the execution of a contract for granite shall furnish and/or provide, directly or indirectly, any

material, labor, or service of any nature in addition to the requirements of his existing contract as filed with the depository unless an equitable adjustment shall have been made to compensate this member of the Division therefor.

RULE 10. SELLING TO OTHERS, ETC.

No member of the Division shall sell to or through any person who is a member of this Division who resells except on condition that such person shall agree not, (1) to split commissions directly or indirectly with any person; (2) to sell or offer to sell granite except in compliance with all the provisions of this Code.

RULE 11. SALES AND CONTRACTS IN ACCORDANCE WITH CODE

No member of the Division shall directly or indirectly sell, offer to sell, negotiate for the sale of, contract or perform any contract for granite in violation of this Code.

RULE 12. APPLICATION

The provisions of this Article shall apply to this Division as herein defined excluding operations therein undertaken in accordance with bona fide bids made not more than ninety (90) days prior to the effective date, or contracts entered into prior to the effective date.

ARTICLE V—REGISTRATION OF MEMBERS OF THE DIVISION

Each member of this Division within thirty (30) days after the effective date of this Chapter, shall register with the Divisional Code Authority. All members of this Division who shall be within the Building Granite Division thereafter shall likewise register with the Divisional Code Authority. Registration of the members of this Division shall include the full name and mailing address of such member. Application may be made by the Divisional Code Authority to the Administrator for an extension of the time limit for registration by any member of this Division if it appears that the time limit as provided herein may cause injustice or undue hardship to any member of this Division.

ARTICLE VI—MODIFICATION

Subject to the provisions of Section 2 (c) of Article IVB of Chapter I of this Code, the provisions of this Chapter, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on his approval.

ARTICLE VII—MANDATORY PROVISIONS OF THE ACT AND REFERENCE TO PROVISIONS OF CHAPTER I

SECTION 1. *Labor Provisions of the Act.*—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 members of the Division, 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; 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; members of the Division shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 2. *Presidential Powers.*—This Code, and all the provisions thereof, and of any Chapter 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 the Act and specifically, but without limitation to the right of the President to cancel or modify his approval of this Code, or of any addition thereto, or any conditions imposed by him upon such approval.

SECTION 3. *Reference to Provisions of Chapter I.*—Provisions of Chapter I of this Code, including any amendments thereto, or modifications thereof, except as herein specifically provided are specifically incorporated herein with the same force and effect as if set forth herein in full.

ARTICLE VIII—EFFECTIVE DATE

This Chapter shall become effective on the thirtieth (30th) day after the approval pursuant to the Act, and shall apply only within the forty-eight (48) States and the District of Columbia.

Approved Code No. 244—Supplement No. 18.
Registry No. 1023-01.

