

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

EMBROIDERY THREAD

. AND

SCALLOP CUTTING INDUSTRY

AS SUBMITTED ON AUGUST 26, 1933

REGISTRY No. 231—3—03

The Code for the Embroidery Thread and Scallop-Cutting Industry in its present form merely reflects the proposal of the above-mentioned industry, and none of the provisions contained therein are to be regarded as having received the approval of the National Recovery Administration as applying to this industry



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CODE OF FAIR COMPETITION FOR THE EMBROIDERY THREAD & SCALLOP CUTTING INDUSTRY

ARTICLE 1—THE INDUSTRY

The Co-operative Embroidery Thread & Scallop Cutters' Association is hereby declared to be the industrial association truly representative of the Embroidery Thread & Scallop Cutters and others engaged in this industry, and as such, dedicated to the purpose of the National Industrial Recovery Act.

Any concern engaged in such industry shall be eligible to membership in said Association, subject to its acceptance of its proportionate share of the cost and responsibility as well as the benefit of such membership.

ARTICLE 2—DEFINITIONS

"Industry" shall include Embroidery Thread Splitting by machinery and/or by hand, Embroidery Thread Cutting by machinery and/or by hand, Scallop Cutting by machinery and/or by hand, lace cutting by machinery and/or by hand, lace making-up by machinery and/or by hand, making up of embroidered yard goods by machinery and/or by hand, cutting out of embroidery by exclusive hand process and Embroidery straight cutting by machinery and/or by hand.

"Concerns" shall include any individual, partnership, firm or corporation engaged in this industry (and shall include therein proprietors, partners, officers or directors, when lawfully representing a concern).

"Act" shall include the National Industry Recovery Act and all amendments and supplements thereto.

"Service" shall include Thread-Cutting, Thread-Splitting, Scallop-Cutting, Lace-Cutting, Lace Making-up, embroidered yard-goods making up, straight-cutting of embroidery and any other work, labor or services done by any concern.

"Association" shall mean the Co-operative Embroidery Thread & Scallop Cutters' Association, a corporation not for pecuniary profit, organized and existing under the laws of the State of New Jersey.

"Board of Trustees" shall mean the Board of Trustees of the Association.

"By-Laws" shall mean the By-Laws of the Association.

"Effective date" means five days after the code shall have been approved by the President of the United States.

"Employees" shall include all unskilled persons employed in this industry and shall specifically exclude supervisors, foremen, foreladies, office staff, chauffeurs, and watchmen.

"Productive Machinery" shall include only Thread-Cutting Machinery, Thread-Splitting Machinery and Scallop-Cutting Machinery.

ARTICLE 3

This code shall be in operation as to the whole industry in order to establish fair and adequate wages and working hours of labor, eliminate unfair trade practice, and promote cooperative action within the industry to the end of rehabilitating the same.

ARTICLE 4

(a) Any concern in the industry, which accepts its share of the cost and responsibility as well as the benefits of such participation may become a member of the Association. No initiation or entrance fee shall be charged, but there shall be dues, levied on such basis as may from time to time be fixed by the board of trustees thereof.

(b) Within the Association each member concern which shall have paid its dues in accordance with the By-Laws shall be entitled to one vote as provided under Article 2, Section 3, of the By-Laws as follows:

"Each and every member of the Association shall be entitled to but one vote on any question, such vote to be cast by the individual member, a member of the firm, an officer of the corporation, or the duly accredited representative of the above, as the case may be."

ARTICLE 5

(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 by 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.

(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 of the United States.

(1) On and after the effective date employers in this industry shall operate on a schedule of hours for labor for their employees not in excess of 40 hours per week except that during the spring and fall seasons employers may operate an additional two hours per day, for 5 days a week, for a period of 12 weeks in each season, but in no event shall any work be done on Saturday or Sunday or after 6:30 in the evening of any day.

(2) Employees shall not be required to work more than 8 hours a day for 5 days a week except during the spring and fall seasons as above set forth (Article 5 (c)), when employees may be required to work 10 hours per day for 5 days per week, but in no event shall any employee be required to work on Saturday or Sunday.

(3) The regular working hours during the months when 40 hours shall be the maximum hours of work per week shall be from 8 A.M. to 12 Noon and from 1 P.M. to 5 P.M. The regular working hours during the months when 50 hours shall be the maximum hours of work per week shall be from 7:30 A.M. to 12 Noon and from 1 P.M.

to 6:30 P.M. There shall be only one shift in any 24-hour period and all overtime work is expressly prohibited.

(4) The Board of Trustees is hereby authorized by resolutions by them to be adopted, to designate the opening and/or closing of the Spring or Fall seasons and by resolutions by them to be adopted subject to the approval of the Administrator of the Act shall designate and control any changes in the hours of work for employees in this industry.

(5) On and after the effective date employees listed below shall be paid an hourly wage not less than the following:

Thread Cutting and Thread Splitting Machine Operators.....	\$0. 60
Thread Cutters & Thread Splitters Machine Helpers.....	. 35
Scallop Cutting Machine Operators.....	. 45
Thread Splitters by hand.....	. 35
Hand Cutters.....	. 30
All unskilled female help including learners and apprentices.....	. 25

(6) On and after the effective date employers in this industry shall not employ any person, under the age of 16 years.

(7) On and after the effective date, employers of this industry shall be prohibited from placing work of any kind to be done at homes of employees, including cutting out embroidery, and/or home cutting, and/or lace cutting, and/or lace or embroidery making up or winding. Giving out home work of any kind to anyone is strictly prohibited.

(8) The number of learners or apprentices in any one factory shall not exceed 10 percent of the total number of employees on the weekly payroll of that factory. Their wages shall be progressively increased so that their earnings shall conform to the minimum wage scale at the end of one year of such employment.

ARTICLE 6

(a) No concern shall directly or indirectly, as proprietor, partner, stockholder, officer, director, employee or otherwise, so long as the act shall remain in effect, enlarge the floor space of its physical plant (except for non-productive purposes and then only with the consent of the board of trustees) nor install productive machinery unless the same is now installed in a plant belonging to a concern now or previously engaged in the industry and is bought with the approval of the board of trustees, provided that nothing herein contained shall prevent the repair or replacement of existing machinery or the improvement of processes within the plants of any concern if the machinery replaced shall be scrapped under the supervision of the association within three months from the date of its replacement. Permission to install additional productive machinery may be granted by a two-thirds vote of all members of the Association.

(b) Effective from the final approval of this code by the President of the United States, no concern not now engaged in this industry shall operate any productive machinery unless it shall first have secured permission so to do from the administrator, following an investigation of such concern by the Board of Trustees, and a report as to whether or not such operation will tend to effectuate the said policy of the act.

ARTICLE 7

(a) The board of trustees is hereby authorized, by resolution by them to be adopted, to secure, distribute, and exchange price information, and may require the filing with the Association of duplicate invoices by each concern, without limitation of power.

(b) The board of trustees is hereby empowered to establish a committee of its own members and to employ such other persons as may seem to them fit and proper to accomplish the purpose hereof.

(c) Upon the request or direction of the board of trustees, all concerns shall promptly forward and file with the Association such statistical data and information, including copies of duplicate invoices and any and all other data which in its judgment may be necessary adequately to inform all concerns regarding market conditions and also any such data and information as may be required for the supervision and operation of the code of ethics.

(d) The Association is hereby constituted the agency to secure, distribute and exchange such statistical data and information.

(e) Effective on the final approval of this code by the President of the United States, the board of trustees is authorized to require each concern to file with the secretary a list of the prices thereafter to be quoted for each of the several services rendered by it. Concerns shall not quote or make prices other than those filed until five days after filing with the secretary a new list of prices. Any quotation of prices in violation of the provisions hereof (when effective) shall be deemed an unfair competitive practice, unless the board of trustees or the price committee thereof shall have approved such quotations in advance.

ARTICLE 8

The plant and books of accounts of all concerns, in this industry shall be open to inspection by one or more neutral, disinterested persons selected by the board of trustees, at such time and under such conditions as may be determined by resolutions to be adopted by the board of trustees from time to time. The board of trustees is hereby authorized with the approval of the President of the United States, hereafter to amend this code by the incorporation herein of the whole or any part of said resolution or resolutions.

ARTICLE 9

(a) Effective upon the final approval of this code by the President of the United States, the board of trustees is hereby authorized by resolution by them duly to be adopted, to install or cause to be installed throughout the industry in the plant of each concern, books and records of a uniform system of cost accounting which will result in obtaining by each concern and by the association the costs of production, exclusive of any allowance for depreciation or obsolescence.

(b) Pending the completion of the installation of such a system of cost accounting throughout the industry, but only after such final approval by the President of the United States, the board of trustees is hereby authorized to fix basic costs exclusive of depreciation and obsolescence for each type of service rendered by any concern in the industry.

(c) No concern shall sell below cost, exclusive of depreciation and obsolescence as determined by the board of trustees, pursuant to resolution for the time being or by the cost accounting when installed or operating.

ARTICLE 10

Effective upon the final approval of this code by the President of the United States, the Board of Trustees, after receiving the advice and cooperation of the members of the association, is authorized and directed upon request of two thirds of the membership of the association, but not sooner than six months after the effective date, except with the earlier approval of the President of the United States, in the exercise of their best judgment, to determine what shall be fair and reasonable.

ARTICLE 11

(a) All concerns engaged in the industry shall abide by a code of ethics hereafter to be adopted by the board of trustees to eliminate unfair competitive practices. Such board of trustees is hereby authorized, with the approval of the President of the United States, hereafter to amend this code of fair competition by the incorporation therein of the whole or any part of such code of ethics, or any amendment thereof which may be later adopted by such board.

(b) Charges for each of the several services rendered by the industry: The said Board of Trustees thereafter shall have power from time to time to change the charges for any of the said several services. Such service charges once so determined and published shall constitute and truly represent the minimum charges effective in all transactions for each of the several services rendered by the industry.

ARTICLE 12

Effective upon the final approval of this code by the President of the United States, any person who shall knowingly violate or induce another to violate the code of fair competition or code of ethics of this or any other industry, or be an accessory to such violation, shall be guilty of an unfair competitive practice.

ARTICLE 13

Effective upon the final approval of this code by the President of the United States, all members of the association shall, by virtue of their membership, be deemed collectively to have been licensed to do business in this industry under the act from and after the effective date. All concerns not members of the association shall, promptly following the effective date, obtain and procure from the administrator a license, subject to the approval of the board of trustees, to engage or continue in business, which shall be conditioned upon the obligation of such concern to comply with each and all of the provisions of this code and the amendments thereof and supplements thereto.

ARTICLE 14

Further to effectuate the policies of this act, the Board of Trustees as now constituted or as it may thereafter be constituted, in addition to the other powers herein specifically conferred, is hereby designated, from time to time, to present to the administrator recommendations, based upon conditions in the industry as they may develop, which will tend to effectuate the operations of the provisions of this code and the policies of this act, along the following lines:

(a) Recommendations for the requirement by the administrator of licensing and registration of persons engaged in the industry not members of the association, to be made effective as speedily as can conveniently be done, to the end that the provisions of the code may become immediately operative.

(b) Recommendations for the making of rules by the administrator as to practices by persons engaged in the industry, as to methods and conditions of trading, to prevent and eliminate unfair and destructive competitive prices and practices.

(c) Recommendations for the requirement by the administrator of registration by concerns of their productive machinery.

(d) Recommendations for dealing with any inequalities that may otherwise arise that may endanger the stability of the industry and/or production and employment.

(e) Such recommendations, when approved by the administrator, shall have the same force and effect as any other provisions of this code. The Board of Trustees shall likewise cooperate with the administrator in making any and all investigations as to the changing and observance of any of the provisions of this code at its own instance or upon complaint of any concern in the industry.

(f) The Board of Trustees shall investigate the matter or matters complained of and report its finding and recommendations to the administrator for appropriate disposition.

ARTICLE 15

Effective upon the final approval of this code by the President of the United States, the board of trustees is hereby authorized, by resolution by them to be duly adopted, to define, construe or interpret the provisions hereof and to promulgate any administrative measure intended to effectuate any of the foregoing provisions of this code and, with the approval of the President of the United States, may hereafter amend this code by the incorporation herein of the whole or any part of such resolution.

ARTICLE 16

The board of trustees hereafter may with the approval of the President of the United States amend or supplement this code by a two-thirds vote, provided that the incorporation herein of any resolution of the board of trustees pursuant to the provisions of articles 8 and 11 may be authorized by majority vote of such board.

ARTICLE 17

(a) Pending the final approval of this code by the President of the United States, the board of trustees shall not exercise the power vested in it by articles 6, 7, 8, and 11 hereof, except with the approval of the administrator.

(b) Acting pursuant to authority, the undersigned representing in excess of 80 percent of the Embroidery Thread & Scallop Cutting Industry, hereby submit this code.

THE CO-OPERATIVE EMBROIDERY THREAD & SCALLOP
CUTTERS ASSOCIATION INCORPORATED,

The Committee:

By RUDOLPH GRAF,

Representing United Thread Cutting Co., West New York, N.J.

By MAYER KATZ,

Representing Embroidery Thread Cutting Co., West New York, N.J.

By EUGENE RUSTERHOLZ, Jr.,

Representing E. Rusterholz Thread Cutting Co., Union City, N.J.

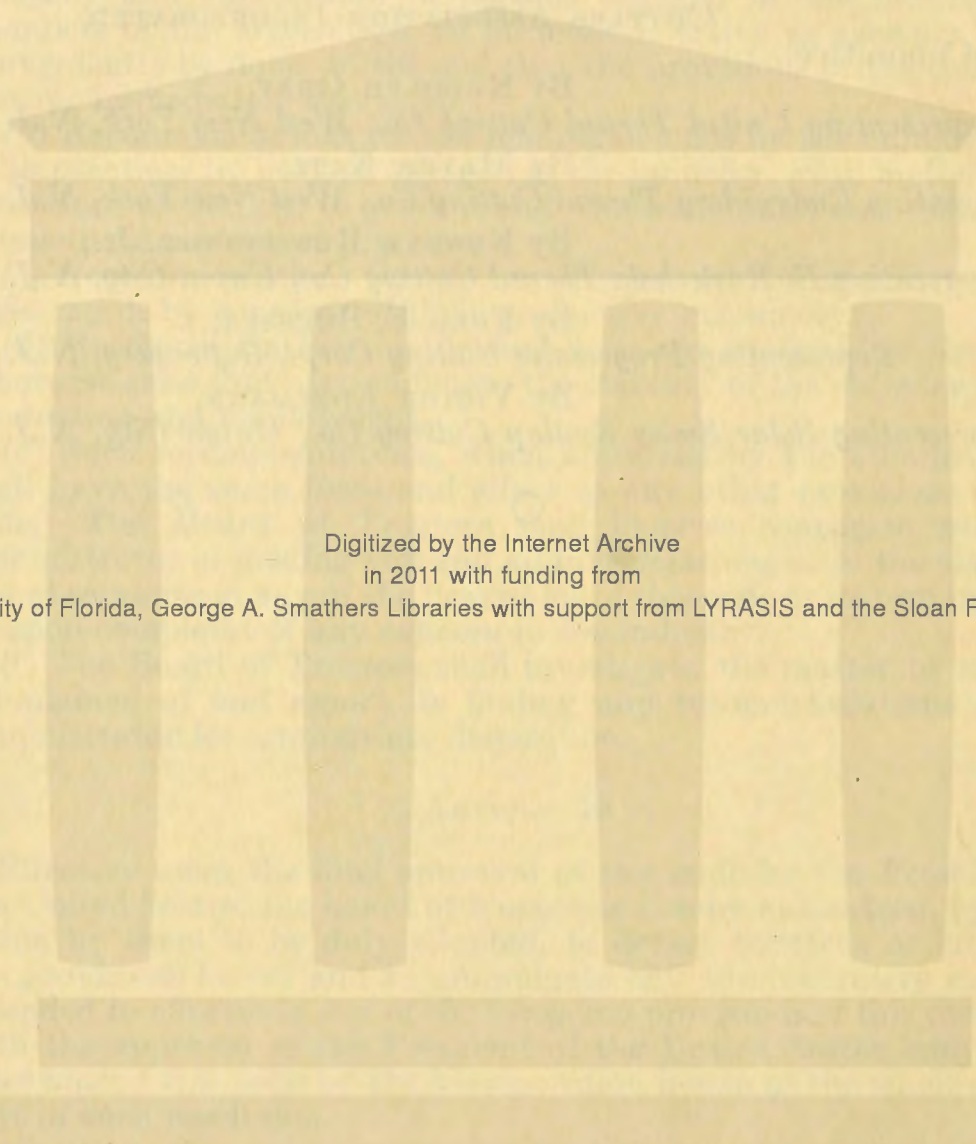
By FRED F. BUESSER,

Representing Progressive Cutting Corp., Guttenberg, N.J.

By VICTOR EDELMANN,

Representing Solar Swiss Scallop Cutting Co., Union City, N.J.





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