

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

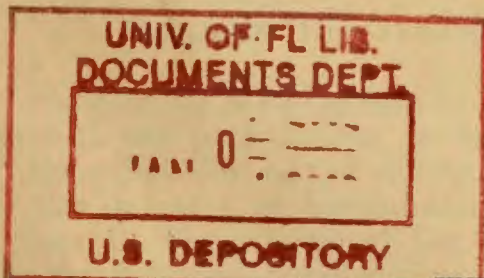
FOR THE

RAILROAD TIE INDUSTRY

AS SUBMITTED ON AUGUST 26, 1933

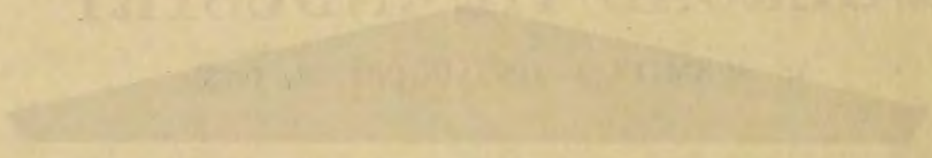
REGISTRY No. 320—08

The Code for the Railroad Tie 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

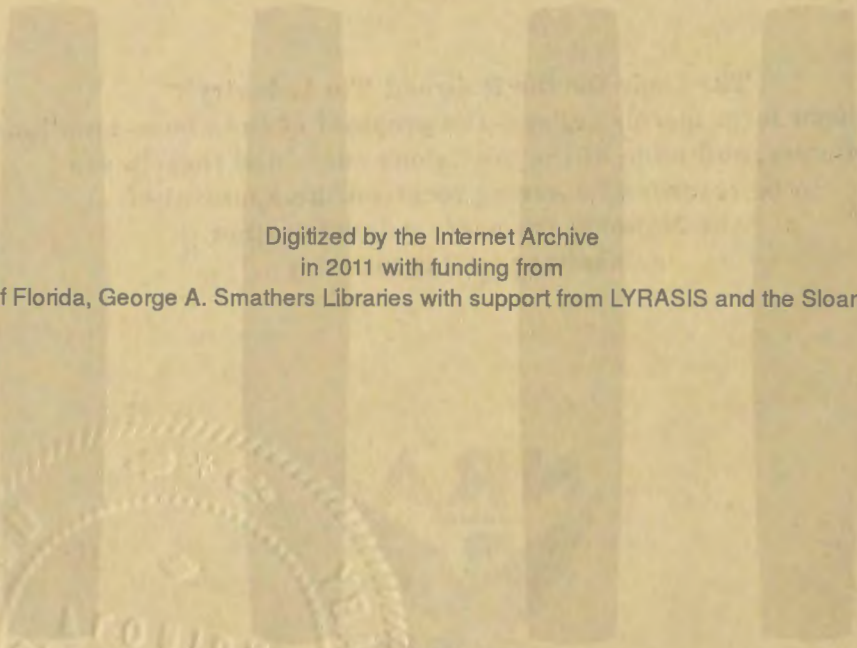


UNITED STATES
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RAILROAD THE INDUSTRY

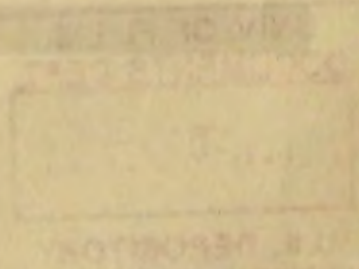


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CODE OF FAIR COMPETITION FOR THE RAILROAD TIE INDUSTRY

ARTICLE I—PURPOSE

To effectuate the policy of Title 1 of the National Industrial Recovery Act the following provisions are established as a Code of Fair Competition for the Railroad Tie Industry for the purposes of increasing employment, establishing fair and adequate wages, improving standards of labor, eliminating unfair trade practices, restoring individual enterprises within the Industry to a sound financial position and avoiding further depletion and destruction of capital assets so that the Railroad Tie Industry will be rehabilitated and enabled to do its part toward establishing that balance of industries which is necessary to the restoration and maintenance of the highest practical degree of public welfare.

ARTICLE II—DEFINITIONS

The term "railroad tie industry" as used herein is defined to mean and cover the production, seasoning, marketing, and distribution of cross ties, switch ties, and bridge ties used by steam, electric, or other railroads.

The term "producer" as used herein includes any individual, firm, partnership, or corporation engaged in the business of accumulating ties in concentrating yards for seasoning or otherwise, and/or the distribution of same, from tiemakers and/or the actual producing of railroad ties and timber direct from self-owned or controlled timber tracts.

The term "tie maker" as used herein is defined to mean any person (usually a farmer) who produces ties in relatively small quantities during a portion of each work year because of irregular work periods caused by climatic or other physical factors of production, most of whom live in remote parts of the country and have no direct facilities for marketing their product.

ARTICLE III—ORGANIZATION AND ADMINISTRATION

SECTION 1. Membership in the Railway Tie Association shall be open to any person, firm, or corporation engaged in the making, producing, distributing, or selling of railroad ties, and/or other products of the industry as hereinbefore defined.

SEC. 2. The officers of the Railway Tie Association shall function for the enlarged organization, consequent upon the adoption of this Code, in addition to the offices and officers created by this Code.

SEC. 3. A committee to administer the provisions of this Code, secure adherence thereto, hear and adjust complaints, consider

proposals for amendments and exceptions thereto, and otherwise carry out in the tie industry the purposes of the National Industrial Recovery Act, as set forth in this Code, shall be and is hereby created, known as the Administrative Committee. It shall consist of seven members one of whom shall be the President of the Railway Tie Association, who shall be chairman of the Administrative Committee. Each District Committee representing the districts hereinafter created, shall choose one representative. The president of the Railway Tie Association shall appoint, subject to the approval of the Executive Committee of the Association, two members at large. The Committee shall not transact business with less than five members present, the vote of the majority present to govern. Not more than one member of the Administrative Committee shall be from the same business organization, affiliates, or subsidiaries.

SEC. 4. Each Regional District shall create and select, by a majority vote of all members operating in that region, its own Regional Committee, consisting of not less than three members, which shall be independent and self-governing, in respect of all conditions and problems relating exclusively to said District. Not more than one member of each Regional District Committee shall be from the same business organization, affiliates, or subsidiaries.

Proposals in respect to all matters affecting one or more regional districts may be initiated by any such district committee or any producer operating therein and submitted to the Administrative Committee for consideration and decision.

SEC. 5. The Administrative Committee shall be the general planning and coordinating Agency empowered to act conclusively in respect of all matters before the Committee for consideration and the committee shall have powers and duties as provided herein and in addition thereto it shall:

1. Issue and enforce such rules, regulations, and interpretations and designate such agents and delegate such authority to them as may be necessary to effectuate the purpose and to enforce the provisions of this Code.

2. Require reports from persons subject to the jurisdiction of this Code on wages, hours of labor, conditions of employment, number of employees, production, shipments, stock on hand, and other data necessary for the proper administering of this Code, such information to be collected thru a distinterested agency and to be treated in a confidential manner.

3. Fix and collect a fee based on production, to be paid by persons subject to the jurisdiction of this Code to cover the cost of administering same.

4. Upon its own initiative, or upon complaint, to make such inquiry and investigation, recommendation and report to the lawfully constituted authorities, as may be necessary for the successful operation of this Code.

5. There may be substituted for any regional district member of the Administrative Committee, who is unable temporarily to attend personally, one or more meetings of the Committee, a member of a Regional District Committee designated by the Chairman of such Regional District Committee, reasonable notice in advance of such designation to be given to the Secretary of the Administrative Com-

mittee, such designated member shall also file with the Secretary proper credentials.

SEC. 6. Any interested party shall have the right of appeal to the Administrator of the National Industrial Recovery Act, under such rules and regulations as he shall prescribe, in respect of any decision, rule, regulation, order, or finding made by the Administrative Committee.

ARTICLE IV—REGIONAL DISTRICTS

The applicant organization, i. e., The Railway Tie Association, shall, for the purpose of administration of this Code, set up four regional districts of the industry as follows:

District No. 1 includes Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Delaware, Pennsylvania, Indiana, Ohio, Illinois.

District No. 2 includes Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Kentucky, Tennessee.

District No. 3 includes Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Idaho, Wyoming, Nevada, Utah, Nebraska, Kansas, Iowa.

District No. 4 includes Arkansas, Missouri, Oklahoma, Texas, New Mexico, Colorado, Arizona.

ARTICLE V—LABOR CODE

SECTION 1. Employees engaged in the production of railroad ties shall have the right to organize and bargain collectively through representatives of their own choosing.

SEC. 2. No employees and no one seeking employment shall be required as a condition of employment to join any organization or to refrain from joining a labor organization of his own choosing.

SEC. 3. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other working conditions approved or prescribed by the President.

SEC. 4. It is the declared purpose of the industry to observe and carry out the intent of the National Industrial Recovery Act.

SEC. 5. The maximum hours of labor and the minimum rates of pay for all employees shall be as presented below, subject to exceptions as follows:

(1) Individuals excluded by Section 5, Sub-Paragraph A of Title 1 of the National Industrial Recovery Act.

(2) Executives and those employed in supervisory capacities.

(3) Temporary employment in case of emergency.

(4) *Seasonal Operations*.—Seasonal operations are defined as those which, on account of elevation or other physical conditions or dependence upon climatic factors, are ordinarily limited to a period of ten months or less of the calendar year.

The Administrative Committee may authorize employment in a seasonal operation for a maximum number of hours not exceeding 48 hours in any week, with the exception of parts of an operation depending on climatic conditions, such as stream driving and sled hauling, in which a greater excess may be authorized; provided, that the average employment in any seasonal operation in any calendar year shall not exceed the standard schedule.

MAXIMUM HOURS OF LABOR

The maximum hours of labor of employees subject to the jurisdiction of this Code shall be 40 hours per week.

MINIMUM RATE OF PAY

Minimum rates of pay to any class of employees shall be not less than \$15.00 per week in any city of over 500,000 population, or in the immediate trade area of such city; not less than \$14.50 per week in any city of 250,000 to 500,000 population, or in the immediate trade area of such city; not less than \$14.00 per week in any city of between 2,500 and 250,000 population, or in the immediate trade area of such city; and in towns and rural districts of less than 2,500 population all wages shall be increased by not less than 20%: *Provided*, That this shall not require wages in the excess of \$10.00 per week; provided, however, that wages may be paid upon a piecework basis at such rates that the average worker on said piecework basis will, with reasonable diligence and ability, be able to earn the foregoing minimum rates of pay: *Provided further*, That employers covered by this Code shall not reduce the wages of their employees who are now receiving wages between the minimum herein set and \$35.00 per week.

CHILD LABOR

On and after the effective date of this Code employers in the Railway Tie Industry shall not employ any minor under the age of sixteen years.

ARTICLE VI—MARKETING CODE

The Administrative Committee shall establish a standard form and method of accounting for the purpose of determining costs. Each Regional District Committee shall use the methods and forms prescribed by the Administrative Committee, and shall determine and report to the Administrative Committee average current minimum costs at principal producing points in each region. These costs are to be revised from time to time as conditions warrant. The sale and the offering for sale by persons subject to the jurisdiction of this Code at prices less than the minimum cost thus established in each regional district is an unfair method of competition.

Persons subject to the provisions of this Code may sell or dispose of ties at less than the minimum costs as outlined above where such ties will not meet the Standard Specifications for ties as adopted by the Railway Tie Association and the American Railway Engineering Association.

Nothing herein is to be construed as an intent to fix the selling price of ties, but this Code is intended to prevent or punish any flagrant offenses of selling below cost, depressing wages or other compensation as may be generally observed throughout the industry.

ARTICLE VII—MONOPOLIES

(a) This Code is not designed to permit monopolies and shall not be available for such purpose.

(b) The provisions of this Code shall not be interpreted or administered so as to eliminate or oppress small enterprises or discriminate against them.

ARTICLE VIII—VIOLATIONS

Intentional violations by any person subject to the jurisdiction of this Code of any provisions of this Code or of any approved rule issued thereunder or of any agreement entered into by him with the Administrative Committee to observe and conform to this Code and set rules is an unfair method of competition and the violator shall be subject to the penalties imposed by the National Industrial Recovery Act.

ARTICLE IX

The President may, from time to time, cancel or modify any order, approval, license, rule, or regulation issued under Title 1 of the National Industrial Recovery Act.

Such of the provisions of this Code as are not required to be included herein by the National Industrial Recovery Act, may, with the approval of the President, be modified or eliminated if it appears that the public needs are not being served thereby and as changes in circumstances or experience may indicate. They shall remain in effect unless and until so modified or eliminated or until the expiration of the Act. It is contemplated that from time to time supplementary provisions to this Code or additional Codes will be submitted for approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title 1 of the National Industrial Recovery Act and which shall not conflict with the provisions hereof.

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

This Code shall be in full force and effect beginning fifteen (15) days after its approval by the President.



(b) The provisions of this Code shall not be interpreted to require...

Article VIII - Violations

Intentional violation by any person subject to the jurisdiction of...

Article IX

The President may, from time to time, amend or modify any order...

Such of the provisions of this Code as are not required to be included...

All provisions of this Code which shall be deemed to be amendable...

The Code shall be in full force and effect beginning on the...

...

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