

NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION**

FOR THE

**EARTHENWARE
MANUFACTURING INDUSTRY**

AS APPROVED ON JANUARY 23, 1935



**UNITED STATES
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Approved Code No. 322—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
EARTHENWARE MANUFACTURING INDUSTRY

As Approved on January 23, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
EARTHENWARE MANUFACTURING 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 an Amendment to the Code of Fair Competition for the Earthenware Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said Amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purpose of said Title of said Act, and does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
January 23, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: A Public Hearing was held in Washington, D. C., on August 14, 1934, on a group of Amendments to the Code of Fair Competition for the Earthenware Manufacturing Industry as submitted by the Code Authority for that industry and on certain Amendments proposed by the National Recovery Administration.

The Amendments correct certain typographical errors in the original Code as printed; eliminate the necessity of obtaining the National Recovery Administration's approval prior to permitting emergency maintenance and repair employees to exceed the maximum hours when engaged in emergency work involving breakdowns or protection of life or property; change the term "apprentice" as used in the Code to the word "learners", as these employees could hardly be considered bona fide apprentices; bring into conformity with present policy certain provisions of the Code such as those governing handicapped persons, standards of safety and health, posting of labor provisions and dismissal of employees for complaints of Code violation.

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

We find that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the 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 of labor and management under adequate governmental sanction 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) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended 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 Amendment.

For these reasons, therefore, we have approved this Amendment.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 23, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE EARTHENWARE MANUFACTURING INDUSTRY

Amend Article II, Section 7 by deleting the word "apprentice" and substituting in lieu thereof the word "learner."

Amend Article III by deleting Section 1 and substituting in lieu thereof:

SECTION 1. No employee, except as hereinafter specified, shall be permitted to work in excess of forty (40) hours per week when averaged over any one (1) period of thirteen (13) consecutive weeks as selected by the employer, and no such employee shall be permitted to work in excess of forty-four (44) hours in any one (1) week, or eight (8) hours in any one (1) day.

(a) Employees engaged in emergency maintenance or repair involving breakdowns or protection of life or property may be permitted to work in excess of the maximum hours provided herein but all such employees when engaged in emergency work shall be paid not less than at the rate of one and one-third ($1\frac{1}{3}$) times their normal rate of pay for all hours worked in excess of eight (8) hours in any one (1) day and forty-four (44) hours in any one week. Each employer shall report all emergencies to the Code Authority within seventy-two (72) hours from the beginning of such period, giving a complete statement of all the circumstances of the emergency.

Amend Article III, Section 7, line 3 by deleting the word "operators" and substituting in lieu thereof the word "operations."

Amend Article IV by deleting Section 4 and substituting in lieu thereof the following:

SECTION 4. Learners may be employed at not less than eighty (80%) percent of the minimum wage prescribed in Sections 1, 2, 3 and 6 of this Article, provided, however, that the total number of learners employed by any member of the industry shall not exceed five (5%) percent of the total number of employees of any such member and their period of learning shall not exceed twelve (12) weeks whether served under one or more employers.

Amend Article IV, Section 7 by deleting the words "and employed during the same work period."

Amend Article IV by deleting Section 8 and substituting in lieu thereof:

SECTION 8. 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 such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issu-

ing certificates to such persons. Each employer shall file monthly with the 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.

Amend Article V by deleting Section 4 and substituting in lieu thereof:

SECTION 4. Every employer shall provide for the safety and health of employees during the hours and at the places of employment. Standards for safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board within three (3) months after the effective date of this section.

Amend Article V by adding to Section 6 the following sentence:

Every member of the Industry 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 National Industrial Recovery Board.

Amend Article V by adding new Section:

SECTION 7. No employer subject to this Code shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any Code.

Amend Article VI, Section 3, subsection c (4) by adding thereto the State of South Dakota.

Amend Article VI, Section 3, subsection c (5) by adding thereto the State of Arizona.

Amend Article VI, by changing the second Section 9 to read Section 10.

Amend Article VIII, Section 1 (a), by adding thereto 6½'', between 6'' and 7'' in the third column.

Approved Code No. 322—Amendment No. 3.
Registry No. 1016-03.



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