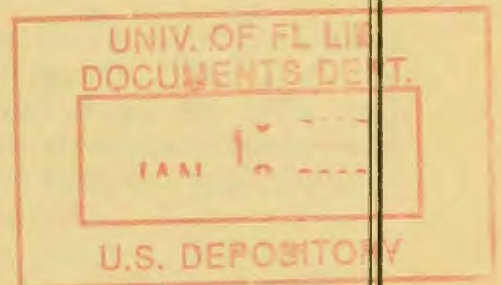
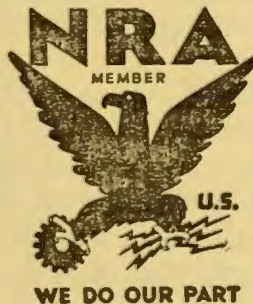


**NATIONAL RECOVERY ADMINISTRATION**

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**CODE OF FAIR COMPETITION**  
**FOR THE**  
**MOTION PICTURE**  
**LABORATORY INDUSTRY**

**AS SUBMITTED ON AUGUST 18, 1933**  
**AND**  
**AS APPROVED ON SEPTEMBER 7, 1933**  
**BY**  
**PRESIDENT ROOSEVELT**



1. Executive Order of President Roosevelt
2. Report of Administrator
3. Report of Deputy Administrator
4. Text of Code

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**UNITED STATES**  
**GOVERNMENT PRINTING OFFICE**  
**WASHINGTON : 1933**

SUBMITTED BY  
MOTION-PICTURE LABORATORIES ASSOCIATION OF AMERICA, INC.  
(II)





## EXECUTIVE ORDER—CODE OF FAIR COMPETITION MOTION PICTURE LABORATORY 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 my approval of a Code of Fair Competition for the Motion Picture Laboratory Industry, and a hearing having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator, and do order that the said Code of Fair Competition be, and it is hereby, approved.

Approval Recommended:

HUGH S. JOHNSON,  
*Administrator.*

FRANKLIN D. ROOSEVELT.

SEPTEMBER 7, 1933.

(III)

## REPORT OF THE ADMINISTRATOR

SEPTEMBER —, 1933.

TO THE PRESIDENT.

### INTRODUCTION

This is a report of the Hearing on the Code of Fair Competition for the Motion Picture Laboratory Industry in the United States, conducted in the Small Auditorium of the United States Chamber of Commerce Building in Washington, D.C., on August 31, 1933, in accordance with the provisions of the National Industrial Recovery Act.

The following papers are included and annexed:

1. Code submitted.
2. Notice of Hearing.
3. Statement of procedure.
4. Transcript of Record.
5. Report of the Deputy.

### GENERAL CHARACTERISTICS OF THE INDUSTRY

The Motion Picture Laboratory Industry embraces those establishments in which motion picture film is developed, printed, or otherwise processed. There are approximately 38 firms in the United States rendering full laboratory developing service, and an undetermined number of other firms in the country rendering occasional motion picture laboratory service. Out of the 1932 total volume of approximately one billion feet of film developed in the motion picture laboratories, members of the Motion Picture Laboratories Association of America, Inc., developed approximately 90 percent thereof.

Approximately 3,500 laboratory workers are employed throughout the United States in motion picture laboratories.

For the first time in the history of the industry, classification of workers, minimum rates of pay, and maximum number of hours of employment have been provided.

The motion picture laboratory workers have been paid at an hourly rate. Under the Code, any regular laboratory workers including apprentices are guaranteed a minimum wage of \$15.00 per week no matter how few hours they may actually work during any week. This provision, of course, represents a radical departure from the method in vogue for payment of regular workers heretofore.

The Code further provides that in the case of employes receiving less than \$35.00 per week for a forty-four hour week heretofore such employes under the Code will receive the same wage as heretofore for a forty-hour week.



The percentage of increase of wages under the Code will approximate from 10% to 12% above the current rate of wages, and the increase in employment under the Code is estimated at approximately 15% above the present number of laboratory workers employed.

The Code for this industry represents an approximate advance of \$6,000.00 per week upon the pay rolls of the industry.

#### THE CODE

The Code of Fair Competition as revised and presented by this Industry has regulated the maximum number of working hours and minimum wages for all employes employed in such Industry, and its fair practice provisions have been especially designed to guard fair competition.

I find that:

(a) The Code as revised complies in all respects with the pertinent provisions of Title I of the Act including, without limitations, subsection (a.) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The Motion Picture Laboratories Association of America, Inc., imposes no inequitable restrictions upon admission to membership therein and is truly representative of the motion-picture laboratory industry; and that

(c) The Code is not designed to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I adopt the report of the Deputy Administrator and I hereby recommend the approval of the Code of Fair Competition for the Motion-Picture Laboratory Industry.

Respectfully submitted.

HUGH S. JOHNSON,  
*Administrator.*



## REPORT OF THE DEPUTY ADMINISTRATOR

SEPTEMBER 5, 1933.

TO THE NATIONAL RECOVERY ADMINISTRATOR.

### REPORT OF DEPUTY ADMINISTRATOR ON THE CODE OF FAIR COMPETITION FOR THE MOTION PICTURE LABORATORY INDUSTRY

#### GENERAL STATEMENT

On August 18, 1933, there was submitted to the National Recovery Administrator a proposed Code for the Motion Picture Laboratory Industry.

Such proposed Code was signed and transmitted by the Motion Picture Laboratories Association of America, Inc., the membership of which comprises approximately 90 percent of the volume of the laboratory industry in feet of film developed and approximately 42 percent of the firms engaged in motion picture laboratory work. That is, out of a total volume of business for 1932 of approximately one billion feet of film developed by motion-picture laboratories in this country, the membership of such Association developed approximately 90 percent thereof.

#### THE PUBLIC HEARING

A Public Hearing was held and completed on August 31, 1933, in the Small Auditorium of the United States Chamber of Commerce Building, Washington, D.C. A list of witnesses is contained in the transcript of record of such Public Hearing.

Upon the Public Hearing the following sat with your Deputy as Advisers:

William P. Farnsworth, Legal Division; H. F. Fraser, Consumers' Advisory Board; Donald K. Wallace, Research and Planning Division; R. H. Cochrane, Industrial Advisory Board; L. M. Wicklein, Labor Advisory Board; E. J. Rosenberg, Special Adviser.

All elements of the Industry were heard and the statistical position of the Industry was satisfactorily presented. Communications received from interested parties who had not requested to be heard were read into the record. As a result of conferences held prior to the Public Hearing, the Association submitting the Code offered and recommended certain changes and amendments.

#### CONFERENCE AFTER THE HEARING

Following the Public Hearing a conference was held with the representatives of all groups present, together with the Advisers. As a result of the conference, each and every matter involving employers, labor, and the consumers, was considered and with the unanimous approval of all parties was agreed upon.



A proposal from the Cinema Laboratories Association that the laboratories located west of the Mississippi River be given representation upon the Board of Directors of the Motion Picture Laboratories Association of America, Inc., was agreed to by the last named Association, who have provided that three of their Directors shall be from the territory west of the Mississippi River. A further proposal from the Cinema Laboratories Association that financing by laboratories of motion picture productions be deemed an unfair trade practice was rejected as impractical and incapable of supervision.

#### THE CODE AS REVISED

For the first time in the history of this industry minimum wages and maximum number of hours of employment are provided for, together with a guaranteed minimum weekly wage.

There are approximately 3,500 laboratory workers employed in the United States, and by reason of the labor provisions in the Code as revised, there will be an increase of wages approximately from 10% to 12% above the current rate of wages, an increase in employment of approximately 15% above the present number of persons employed as laboratory workers, and an advance of approximately \$6,000.00 per week upon the pay rolls of the Industry.

#### BRIEF ANALYSIS OF THE PROVISIONS OF THE REVISED CODE

(a) With the approval of the President, there is constituted an Administrative Recovery Committee comprising the Board of Directors of the Association, and not more than three representatives appointed by the President or the National Recovery Administrator, and two representatives of the employees, chosen by a fair method of selection to be approved by the Administrator, with respect to questions affecting labor. Final determination of the proposals considered by such Committee rest with the Administrator.

(b) Minimum wages for all classes of employees according to classification, with a minimum guarantee of \$15.00 per week, are provided for. Heretofore these workers have been paid on an hourly basis, their weekly pay having been determined by the number of hours they actually worked. Under the Code such employees are guaranteed a minimum of \$15.00 per week.

(c) Forty hours is established as the working week, except in cases of emergency, which is strictly defined and limited so that even with emergency work over a twelve-week period the worker will not labor longer than 480 hours. The Code provides that the worker shall receive for a 40-hour week the same pay heretofore received for a 44-hour week.

(d) All other employees, including office employees, are given the benefits and advantages of the provisions of the President's Reemployment Agreement with respect to their minimum weekly wage and their hours, too, are limited to a 40-hour week.

(e) Child labor is entirely forbidden; and apprentices are limited to one year's employment as such.

(f) Selling below cost is not permitted in the Industry, and the unfair trade practices previously practiced in the Industry are forbidden.



The revised Code is approved and adopted by the authorized representatives of the Association and by the authorized representative of the employees, as appears from their consent in writing appended hereto.

There are also appended hereto the reports on the revised Code of the Industrial Advisory Board, Labor Advisory Board, Consumers' Advisory Board, Research and Planning Division, and Legal Division.

Your Deputy finds that:

(a) The Code as revised complies in all respects with the pertinent provisions of Title I of the Act including, without limitations, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The Motion Picture Laboratories Association of America, Inc., imposes no inequitable restrictions upon admission to membership therein and is truly representative of the motion-picture laboratory industry; and that

(c) The Code is not designed to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I hereby recommend the approval of the Code of Fair Competition for the Motion Picture Laboratory Industry.

Respectfully submitted.

SOL A. ROSENBLATT,  
*Deputy Administrator.*

Attachments.



APPROVAL OF THE ADOPTION OF THE REVISED CODE OF  
FAIR COMPETITION FOR THE MOTION PICTURE LABORATORY  
INDUSTRY

The undersigned do hereby approve and adopt the Code for the Motion Picture Laboratory Industry as finally revised.

MOTION PICTURE LABORATORIES OF AMERICA, INC.

By its committee duly authorized to approve and adopt such Code:

ALVAN FRIEDMAN,  
*President.*

STEPHEN H. ELLER,  
*Secretary.*

TOM EVANS,  
*Vice President.*

HERBERT J. YATES,  
*Chairman of the Board.*

The undersigned, representing labor, do hereby approve and adopt the Code for the Motion Picture Laboratory Industry as finally revised.

SAL. J. SCOPPA,  
*Authorized Representative for International Alliance Theatrical Stage Employees and Motion Picture Machine Operators of the United States and Canada.*

SAL. J. SCOPPA,  
*Authorized Representative for Local 669, Film Technicians of the Motion Picture Industry.*

SEPTEMBER 1, 1933.

REPORT OF LEGAL DIVISION

SEPTEMBER 5, 1933.

To: Deputy Administrator Sol A. Rosenblatt.  
From: William P. Farnsworth, Legal Division.  
Subject: The Code of Fair Competition for the Motion Picture  
Laboratory Industry

I have examined the report of the Deputy Administrator and the revised Code to be submitted to the Administrator, and find them correct as to form.

I have also examined the Constitution and Bylaws of the proponents of the Code, and find that they contain no inequitable restrictions on membership, that they do not promote or tend to promote monopolies or monopolistic practices, and that they do not oppress or discriminate against small enterprises.

This Code marks a further advance in sociological development by specifying a minimum weekly wage, although the employees are compensated on the basis of an hourly rate. This minimum wage will be received by them whether or not they work the full time required to earn such wage at the hourly rates specified.

Respectfully submitted.

WILLIAM P. FARNSWORTH,  
*Legal Division, N.R.A.*

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NATIONAL RECOVERY ADMINISTRATION,  
*Washington, D.C., September 1, 1933.*

MR. SOL A. ROSENBLATT,  
*Deputy Administrator,  
National Recovery Administration, Washington, D.C.*

DEAR MR. ROSENBLATT: In connection with the final draft of the Code for the Motion Picture Laboratory Industry, we transmit herewith signed copy of a report from Mr. Robert H. Cochrane, Industrial Advisor for that industry, which report has the endorsement of the Industrial Advisory Board.

Very truly yours,

E. R. STETTINIUS, Jr.,  
*Washington Representative Industrial Advisory Board.*  
Enclosure.



AUGUST 31, 1933.

To: Industrial Advisory Board.

From: Robert H. Cochrane.

Subject: Report of Adviser to the Industrial Advisory Board on the Motion Picture Laboratory Code.

Your Adviser, duly appointed by the Industrial Advisory Board to attend upon the Public Hearing on the Motion Picture Laboratory Industry Code, reports as follows:

Your Adviser met the Deputy Administrator, Sol A. Rosenblatt, on the morning of August 31st, 1933, accompanied him to the Hearing on the above Code at the Small Auditorium of the United States Chamber of Commerce Building, held commencing at approximately 10 A.M. on this date. Your Adviser sat through such Hearing until its completion, approximately two hours after its commencement.

Your Adviser reports that all elements of the Industry were heard very fully and impartially.

Your Adviser believes that the statistical position of the Industry was satisfactorily presented by the Industry.

Following the Public Hearing, your Adviser sat with the Advisers of other Boards at a conference called by the Deputy Administrator, commencing at 2 P.M. on August 31st, and remained through such conference until each and every matter was fully and finally disposed of by mutual agreement and with the approval of the Deputy Administrator.

The labor provisions, your Adviser believes, are entirely satisfactory. The percentage of increase of wages is believed to approximate from 10% to 12% above the present current rate of wages, and the increase in employment is estimated at approximately 15% above the present number of men employed as workers in the Industry.

The Code as revised for this Industry it is estimated represents an approximate advance of \$6,000 per week upon the pay rolls of the Industry.

The normal operating conditions of the Industry appear to be adequately provided for and the emergency requirements of the Industry, especially with respect to special rush work in developing prints, appear to be satisfactorily taken care of.

The standards and terms of the Code regarding materials, trade terms, and trade practices are, in your Adviser's opinion, fair and equitable to all concerned.

From the foregoing it is apparent that the operation of the Code on labor, industry, and the consumer will prove beneficial.

There are no recommendations on controversial points—all and any of such points having been amicably adjusted at the conference following the Hearing, at which your Adviser and the Deputy Administrator, as above stated, attended.

Your Adviser is particularly struck with the fine feeling that is left in all branches of the Industry as a result of today's Hearings, both public and private, and would feel remiss in his duty if he did not particularly commend the particularly fine work done by Mr. Rosenblatt.

Respectfully submitted.

ROBERT H. COCHRANE.



## REPORT OF LABOR ADVISORY BOARD

SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION,  
*Washington, D.C., September 1, 1933.*

Dr. LEO WOLMAN,  
*Chairman, Labor Advisory Board,*  
*National Recovery Administration, Washington, D.C.*

DEAR SIR: Having been appointed Labor Advisor on Code for the Motion Picture Laboratory Industry, I appeared for the hearing which was conducted under the able guidance of Deputy Administrator Mr. Sol A. Rosenblatt, beginning at 10:00 A.M. Thursday, August 31st.

All witnesses were given ample opportunity to present facts and figures pertinent to the inquiry, and the purpose, intent, and probable effect of the Labor provisions submitted by each side were fully developed. In the later executive sessions we were able to reach an accord based on the needs and requirements of the Industry, and at the same time comply with the terms of the Industrial Recovery Act. So far as the Labor Provisions are concerned, I am sure they are intended to effectuate the Policy of the Title of the Act and that in actual practice they will stand this test.

It may appear to you that the "hours of labor" section permitting more than the forty hours will operate to defeat the purpose of the Act and prevent employment of additional men. However, we found a peculiar condition which in the opinion of all elements in the Industry required such an emergency provision, and it will not result in excessive hours for a limited number to the detriment of the unemployed.

The fact that a complete agreement was reached within the day indicates a spirit of tolerance and fair play on the part of all concerned, and while the others can speak for themselves, my guess is that they would join me in saying that the bulk of the credit belongs to Mr. Rosenblatt.

Very truly yours,

L. M. WICKLEIN.

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SEPTEMBER 1, 1933.

Memorandum to: Sol A. Rosenblatt.

From: William N. Loucks, Consumers' Advisory Board.

Subject: Report on Code of Fair Competition in the Motion Picture Laboratory Industry.

The Consumers' Advisory Board approves of this code in its final form.

WILLIAM N. LOUCKS,  
*Consumers' Advisory Board.*



SEPTEMBER 1, 1933.

Memorandum to: Mr. Rosenblatt.

From: D. K. Wallace.

Subject: Motion Picture Laboratory Industry.

From the facts disclosed at the public hearing bearing on the Motion Picture Laboratory Industry and from facts disclosed through investigation by the Research and Planning Division—statistical information being limited, obscure and extremely unsatisfactory—it has been definitely ascertained that the code as proposed should increase the number of wage earners in this particular type of laboratory work approximately 10% or by 350 individuals. It is also quite probable that total pay rolls will be increased proportionately.

Insofar as the code is designed to improve conditions in the Motion Picture Laboratory Industry and to encourage production, our division is satisfied with it as it stands modified, amended, or changed by the Deputy Administrator.

DONALD K. WALLACE.

AUGUST 31, 1933.

From: Emanuel J. Rosenberg.

To: Sol A. Rosenblatt.

Subject: Report of Special Adviser to the Deputy Administrator on the Motion Picture Laboratory Industry Code.

As Special Adviser the undersigned attended the Public Hearing on the Motion Picture Laboratory Industry Code, held on August 31st, 1933, at the Small Auditorium of the United States Chamber of Commerce Building, completed approximately two hours after its commencement, and thereafter attended private hearing of all the Advisers, representatives of the Association, and labor group, held during the afternoon of this day.

The undersigned makes report that in his opinion the interests of all groups concerned in the Industry, including the smaller laboratory firms, have been amply protected and taken care of, and that the interests of labor have been wholly safeguarded.

The undersigned further reports that all matters have been satisfactorily and amicably adjusted between all groups, and as a result of the Code, in the opinion of the undersigned, more men will be employed, higher wages paid, and all persons in the Industry necessarily benefited.

The undersigned wishes to particularly commend the fine sense of fairness toward both employer and employee exhibited by your honorable self.

Respectfully submitted.

EMANUEL J. ROSENBERG,  
*Special Adviser.*





# CODE OF FAIR COMPETITION FOR THE MOTION-PICTURE LABORATORY INDUSTRY

## ARTICLE I—PURPOSES

1. *General Purpose.*—This Code of Fair Competition is adopted pursuant to the National Industrial Recovery Act and for the purpose of carrying out the aims set forth in Title I, Section 1, of the Act insofar as they are applicable to the Motion-Picture Laboratory Industry.

2. *Purposes Excluded.*—This Code is not designed to promote monopolies and shall not be availed of for that purpose. It is not designed to eliminate or oppress small enterprises and it shall not be operated to discriminate against them.

## ARTICLE II—DEFINITIONS

1. The term "laboratory" as used herein shall include all establishments in which manufactured motion-picture film is developed, printed, or otherwise processed.

2. The term "person" as used herein shall include individuals, partnerships, associations, trusts, joint-stock companies, and corporations, without limitation.

3. The term "employer" as used herein shall include any person, without limitation, employing individuals in the business of the operation of a motion-picture laboratory.

4. The term "employee" as used herein shall include any individual engaged in office or other work of an employer as defined herein, or in developing, printing, or otherwise processing motion-picture film.

5. The term "President" as used herein shall mean the President of the United States of America.

6. The initials "N.I.R.A." as used herein shall mean the National Industrial Recovery Act.

7. The term "Association" as used herein shall mean the Motion Picture Laboratories Association of America, Inc. The term "Board" shall mean the Board of Directors of the Association.

## ARTICLE III—ADMINISTRATION

1. *Administrative Recovery Committee.*—A committee to be known as the Administrative Recovery Committee and hereinafter referred to as the Recovery Committee, comprising the Board and not more than three representatives of the Government, to be appointed by the President, or the National Recovery Administrator, shall apply this Code. As and when any questions involving labor



directly or indirectly are to be considered by the Recovery Committee, two representatives of the employees, chosen by a fair method of selection to be approved by the National Recovery Administrator, shall sit with and become for such purposes members of the Recovery Committee.

2. The Recovery Committee shall cooperate with the Administrator in making investigations as to the functioning or observances of any provisions of the Code, in its own instance or on the report of any person, and shall report to the Administrator on any such matters. It may go directly to original sources for information strictly pertinent to the observances of the Code, all of which shall be subject to the approval of the Administrator.

3. The members of the Recovery Committee shall constitute a second committee, to be known as the Arbitration Board. In case any controversy arises between two or more employer laboratories on any issues, upon consent of the employer laboratories all facts shall be made available to the Arbitration Board, which shall act as Arbitrator, and upon being fully advised in the matter, in accordance with rules approved by the Administrator, shall render its decision. The Arbitration Board's decision shall be binding upon the laboratories involved, and each shall abide by same.

4. In order that the President may be informed of the extent of observance of the provisions of this Code and of the extent to which the declared policy of the National Industrial Recovery Act as stated herein is being effectuated in the motion-picture laboratories industry, persons subject to the jurisdiction of this Code shall upon request make periodically to the Recovery Committee such reports on wages, hours of labor, conditions of employment, number of employees, and other data pertinent to the purposes of this Code as may be required, and shall pay as a code fee, if the fees and dues of the Association be insufficient, upon his acceptance of the benefits of this Code, his proportionate share of the amounts necessary to pay the cost of assembling, analysis, and publication of such reports and data. The first report hereunder shall be made to the National Recovery Administrator within sixty days after the approval of this Code by the President.

5. *Investigations.*—If any employer laboratory declines to permit the personnel of the Recovery Committee, acting under this Article, to examine its books, records, or other sources of information, the Committee may suggest the names of not less than three firms of certified public accountants of reputable standing in the motion-picture field, and if the employer laboratory shall indicate a choice among the three firms, the Recovery Committee shall employ the firm designated by the employer laboratory in making the investigation of that laboratory.

#### ARTICLE IV—EMPLOYMENT

1. *Age of Employees.*—No employer shall employ any employee under the age of 16 years. Provided, however, that where a State law provides a higher minimum age, no person below the age specified by such State law shall be employed within that State.



2. *Hours of Labor.*—1. No employer shall work any employee in excess of eight hours in any one day or in excess of 40 hours in any one week, except in an emergency, and then not in excess of 60 hours, and under no circumstances in excess of 480 hours in a twelve-week period.

2. An emergency is defined to be a condition resulting from an abnormal or irregular delivery to the laboratory of newsreel or studio negative accompanied by an order for newsreel prints or dailies or rush prints; also, the necessity for repair and maintenance. When two or more shifts are regularly employed, emergency work shall be equally distributed between the shifts.

3. The hours of labor above provided for in subdivision 1 of this Section, and the additional remuneration for overtime as hereinafter provided for certain employees, shall not apply to executives, foremen, or assistant foremen who are not mechanical or operating employees.

3. *Rates of Pay.*—(A) In laboratories employing 20 or less in number of mechanical laboratory workers, employers shall pay:

(a) Mechanical workers, except apprentices, a minimum wage of 50 cents per hour with a guarantee of payment to each such regular worker of not less than \$15.00 per week.

(b) Apprentices a minimum wage of 40 cents per hour with a guarantee of payment to each such regular apprentice of not less than \$15.00 per week.

(c) All other regular employees not less than \$15.00 per week in any city of over 500,000 population or in the immediate trade area of such city; nor less than \$14.50 per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; nor 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 of less than 2,500 population, not less than \$12.00 per week.

(d) Time and one half wages to any employee for the time during which he may work in excess of eight hours in any one day, except to employees engaged in the processing of newsreels, who shall receive straight time for such overtime.

(e) All employees being paid at a rate of less than \$35.00 per week as of July 1, 1933, no lesser rate of wage based on 40 hours of work per week than was paid such respective employees for 44 hours of work per week as of July 1, 1933; and any readjustment of wages necessitated by compliance with this Code shall be on an equitable basis.

(B) In laboratories employing more than 20 in number of mechanical laboratory workers, employers shall pay:

(a) Mechanical workers classified as follows at a rate on the basis of the following minimum weekly wage scales for 40 hours of work per week:



	<i>Per week</i>
<b>Developing Departments:</b>	
Machine Operators-----	\$30.00
Chemical Mixers-----	35.00
<b>Negative Cutting Department:</b>	
Negative Cutters-----	33.00
Negative Joiners-----	25.00
<b>Timing Department:</b>	
Eye Timers-----	80.00
Assistant Timers-----	45.00
Test Machine Timers-----	50.00
<b>Printing Department:</b>	
Printers—all classes-----	25.00
Negative Cleaners-----	25.00
Raw Stock Clerk-----	25.00
Negative Vault Tender-----	30.00
<b>Assembly Department:</b>	
Positive Joiners-----	21.25
Examiners-----	21.75
Waxers-----	20.00
<b>Inspection Department: Inspectors</b> -----	25.00
<b>Title Room: Title Cameramen</b> -----	30.00
<b>Shipping Department: Shipping Clerk</b> -----	25.00
<b>Maintenance (Mechanical): Mechanics and Electricians</b> -----	30.00
<b>Apprentices: All Departments</b> -----	20.00
<b>Helpers: All Departments</b> -----	20.00

with a guarantee of payment to each regular worker or apprentice of not less than \$15.00 per week.

(b) All other employees not less than \$15.00 per week in any city of over 500,000 population or in the immediate trade area of such city; nor less than \$14.50 per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; nor 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 of less than 2,500 population, not less than \$12.00 per week.

Provided, however, that if any of the foregoing employees work more than eight hours in any one day, then such employees shall be paid time and one half for the time during which such employees work in excess of eight hours, except employees engaged in the processing of newsreels, who shall receive straight time for such overtime.

(b) Each foreman in departments employing ten employees or less shall be paid 10 percent over the average salaries paid in those respective departments; and each foreman in departments employing more than ten employees shall be paid 20 percent over the average salaries paid in those respective departments.

(c) All employees being paid at a rate of less than \$35.00 per week as of July 1, 1933, shall be paid no lesser rate of wage based on 40 hours of work per week than was paid such respective employees for 44 hours of work per week as of July 1, 1933; and any readjustment of wages necessitated by compliance with this Code shall be on an equitable basis.

4. *Apprentices*.—1. No employer shall employ any employee as an apprentice for more than 12 months, and no employer shall at any time employ apprentices of a number greater than 10 percent of the total number of employees.



5. *Conditions of Employment.*—(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 of 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.

#### ARTICLE V—INDUSTRY REGULATIONS

1. *Selling Below Cost Not Permitted.*—(a) No laboratory shall sell its products or services below the cost of such products or services. For this purpose cost is defined as the cost of direct labor plus the cost of materials plus an adequate amount of overhead, including an amount for the use of any plant facilities employed, as determined by cost accounting methods recognized in the industry and approved by the Recovery Committee. In computing cost of materials the cost of raw stock shall not be lower than the standard market price at which raw stock is currently being offered to laboratories. As and when any standard cost accounting method is recommended by the Recovery Committee, it shall be subject to the advance approval of the National Recovery Administrator.

(b) The provisions of the foregoing paragraph shall not apply with respect to products or services sold in the performance of a bona fide contract in writing executed and delivered prior to August 7, 1933.

2. *Arbitration of Existing Contracts.*—1. Where the costs to the laboratory of executing contracts entered into in the motion-picture industry are increased by the application of the provisions of the N.I.R.A. or the Code, it is equitable and promotive of the purposes of the N.I.R.A. that appropriate adjustments of such contracts to reflect such increased costs be arrived at by arbitral proceedings or otherwise and the members of the Board shall constitute themselves a Committee to assist in effectuating such adjustments.

3. *False Records.*—1. No laboratory shall willfully maintain an incorrect, improper, or false method of determining cost.

4. *Unfair Trade Practices.*—1. The following are declared to be unfair trade practices in the industry:

(a) Any willful attempt to induce a breach of existing bona fide contract, or to prevent the performance of any contractual duty or service under any bona fide contract.

(b) To effect or conceal price discrimination by the payment or allowance of secret rebates, refunds, credits, or unearned discounts, whether in the form of money or gifts, the acceptance of securities at more than the true market value, the extending of special privileges not usually extended in the industry.



(c) Commercial bribery, giving gratuities, favors, or services in any form directly or indirectly to customers or customers' employees or obtaining sales by giving commissions or rewards in any form to employees of customers or otherwise inducing the placing of orders through lavish entertainment or indirect gifts or other forms of commercial bribery.

(d) Any departure from original agreements with respect to terms of discounts for cash or time of payment which results in discrimination between purchasers of the same class of products or services and under the same condition.

(e) Substitution of material differing in any respect from the material ordered, without obtaining the approval of the customer, or the use of raw material including raw stock in any manufacturing processes inferior in quality to the raw material specified in an order, or if not specified, inferior to the quality customarily used for similar orders.

(f) Attacking a competitor as to his financial standing or personal integrity or his ability to serve the trade.

(g) Predating contracts or willfully misrepresenting the date of a contract.

(h) Misrepresentation as to work or service or quality of work or service or materials, or misleading advertising.

(i) The giving of any bribe, gift, favor, or service to any employee of a customer or competitor in order to obtain information about a competitor's condition of business.

(j) The accepting of any rebate, direct or indirect, from an employee.

(k) Influencing any employee to dispose of his wages in any manner whatsoever.

(l) To store producers' old film without making a reasonable charge therefor.

(m) To furnish the use of cutting rooms without making a reasonable charge therefor.

(n) To render commercial projection service without making a reasonable charge therefor.

(o) To take an unauthorized duplicating print from a customer's negative or to make any other unauthorized copies, either negative or positive of a customer's negative or print.

## ARTICLE VI—MODIFICATION

1. *By the President.*—This Code recognizes the right of the President from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of the N.I.R.A., 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.

2. *By the Association.*—The provisions of this Code, other than the mandatory provisions under the N.I.R.A., may be modified or amended by the concurring vote of at least two thirds of the members of the Association at a meeting called for such purpose, provided that



notice of submission of the proposed modification, or amendment, has been given in the notice of meeting and provided further, that any modification or amendment adopted by the Association shall not become binding or effective unless and until approved by the President.

#### ARTICLE VII—GENERAL

1. *Producer's Laboratories Excepted.*—Any laboratory owned, operated, or controlled by a motion-picture producing firm, whether an individual, a partnership, a corporation, or otherwise, without limitation, is excepted from the operation of this Code, so long as it does not compete with any laboratory subject to this Code in laboratory products, or services, other than on pictures produced by it.

2. *Membership.*—(a) All members of the Association affected thereby shall, as a condition of membership, subscribe to this Code.

(b) Association membership shall remain open at all times to any motion picture laboratory under no restrictions, except as to initiation fee and payment of dues.

3. *Application of the Code.*—If any employer in the Motion Picture Laboratory Industry is also an employer of labor in any other industry, the provisions of this Code shall apply to and affect only that part of the business of such employer which is included in the laboratory industry.

4. *Effective Date.*—This Code becomes effective on the tenth day following its approval by the President.

5. *Termination.*—This Code, unless otherwise terminated, shall expire on the same date as the N.I.R.A.

6. *Code Violation.*—Violation of any provision of this Code shall be deemed unfair competition.









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