



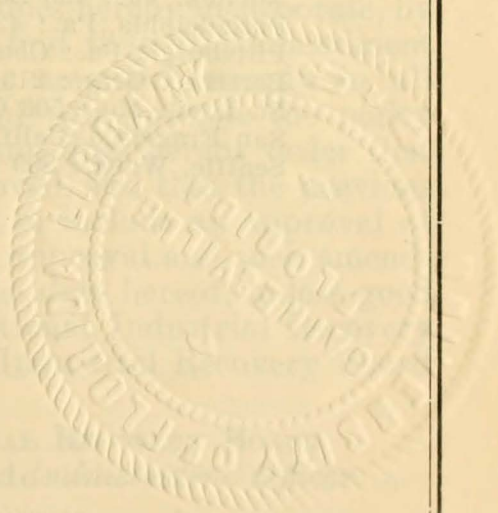
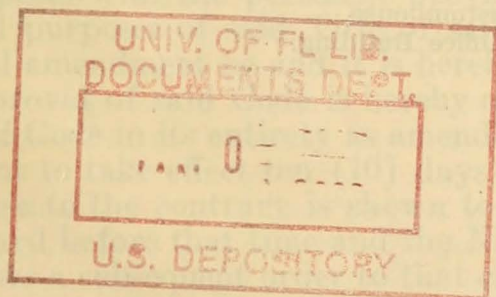
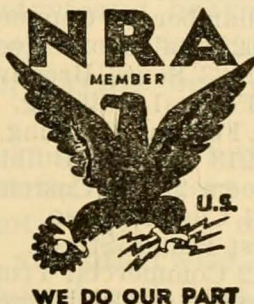
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

CHINAWARE AND PORCELAIN
MANUFACTURING INDUSTRY

AS APPROVED ON FEBRUARY 11, 1935



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Approved Code No. 126—Amendment No. 5

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CHINAWARE AND PORCELAIN MANUFACTURING
INDUSTRY

As Approved on February 11, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
CHINAWARE AND PORCELAIN 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 Chinaware and Porcelain 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 purposes 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, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

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

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
February 11, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: A Public Hearing was held in Washington, D. C. on November 1, 1934 on an amendment to the Code of Fair Competition for the Chinaware and Porcelain Manufacturing Industry as submitted by the Code Authority for that industry and on an amendment proposed by the National Recovery Administration.

The amendment proposed by the Code Authority did not have the backing of a sufficient majority of the members of the industry to merit approval at this time. In view of this fact it was deemed advisable to proceed with the approval of the amendment contained in Schedule "B" of the Notice of Hearing and to which the Code Authority has assented.

The amendment proposed by the National Recovery Administration is designed to bring certain provisions of the Code into conformity with approved policy and terminology. The amendment provides for handicapped workers, standards of safety and health, hazardous occupations, supersedance of state and Federal Laws, the posting of labor provisions, dismissal of employees for complaint of code violation, the collection of reports and statistics, the right of the National Industrial Recovery Board to suspend unfair actions of the Code Authority, conferring upon the Code Authority the right to propose amendments, false billing and commercial bribery.

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all 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 limita-

tion subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

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

(d) 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.

(e) 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.

FEBRUARY 11, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CHINAWARE AND PORCELAIN MANUFACTURING INDUSTRY

1. Amend Article II, Section (c) by adding at the end of the paragraph the words "except a member of the Industry."

2. Delete Article II, Section (e) and substitute therefor:

SECTION (e). The term "member of the industry" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

3. Delete Article II, Section (f) and substitute therefor:

SECTION (f). The terms "President", "Act" and "National Industrial Recovery Board" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board.

4. Delete the word "Administrator" wherever used in the Code and insert in lieu thereof "National Industrial Recovery Board" together with the appropriate pronoun.

5. Amend Article IV, Section (a) by inserting the word "substantially" between the words "do" and "the" in the fourth line.

6. Add a new Section (f) to Article IV as follows:

SECTION (f). A person whose earning capacity is limited because of age or 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 his employment at such wages and for such hours as shall be stated in the certificate. 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 employees.

7. Add a new Section (g) to Article IV as follows:

SECTION (g). This Article establishes minimum rates of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece-work, or other basis.

8. Amend Article V by deleting Section 1 and substitute therefor:

1. No person under sixteen (16) years of age shall be employed in the Industry in any capacity. No person under eighteen (18) years of age shall be employed in the Industry at operations or occupations hazardous in nature or dangerous to health.

The Code Authority shall submit to the National Industry Recovery Board within sixty (60) days a list of such operations or occupations. In any state any employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit, duly signed by the Authority in such state

empowered to issue employment or age certificates or permits showing that the employee is of the required age.

9. Amend Article V by deleting Section 5 and substituting therefor:

5. No provision of this Code shall supersede any state or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

10. Amend Article V by deleting Section 7 and substituting therefor:

7. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. 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.

11. Add a new Section 10 to Article V as follows:

10. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board within ninety (90) days after the effective date of this amendment.

12. Add a new Section 11 to Article V as follows:

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

13. Amend Article VI by deleting opening paragraph of Section 2 and Subsection 2 (a) and substituting therefor:

2. Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code:

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the Act.

(b) To obtain from members of the Industry such information and reports as are required for the administration of the Code. All information and reports of a confidential nature shall be filed with a confidential and disinterested agent to be named by the Code Authority, subject to the approval of the National Industrial Recovery Board. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the National Industrial Recovery Board.

14. Change designation of Section 2 (b) to Section 2 (d).

15. Add a new Sub-section (e) to Article VI, Section 2 as follows:

(e) The Code Authority shall have the power to consider proposals for modifications and amendments to this Code and make recommendations thereon from time to time to the National Industrial Recovery Board, which modifications or amendments shall become effective as part of this Code, upon approval by the National Industrial Recovery Board after such notice and hearing as it may specify.

16. Delete Section 4 of Article VI and substitute therefor:

4. If the National Industrial Recovery Board shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days notice to it of intention to proceed with such action in its original or modified form.

17. Amend Article VII by deleting Section 2 (b) and substituting therefor:

(b) No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

18. Amend Article VII by deleting Section 2 (k) and substituting therefor:

(k) No member of the industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

Approved Code No. 126—Amendment No. 5.

Registry No. 1033-1-01.

