



NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

THROWING INDUSTRY

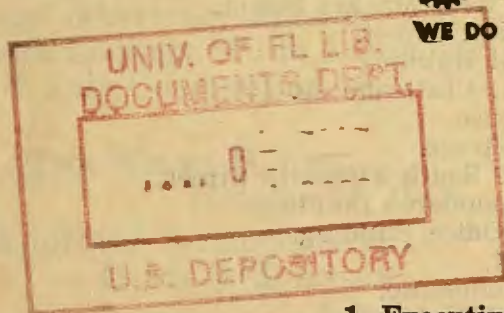
AS APPROVED ON OCTOBER 11, 1933

BY

PRESIDENT ROOSEVELT



WE DO OUR PART



1. Executive Order
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3. Code

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(II)

EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE THROWING 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 16th, 1933, for my approval of a Code of Fair Competition for the Throwing Industry, and hearings 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 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 16th, 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.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
October 11, 1933.

Approval recommended:

HUGH S. JOHNSON,
• *Administrator.*

(III)

OCTOBER 11, 1933.

To the PRESIDENT:

INTRODUCTION

Submitted herewith is the report of the Hearing on the Code of Fair Competition for the Throwing Industry in the United States, as submitted by the Throwsters Research Institute, Incorporated, of New York City, conducted in the Chinese Room of the Mayflower Hotel, in Washington, D.C., on August 29, 1933, in accordance with the provisions of the National Industrial Recovery Act.

The following papers are included and annexed:

1. Code as finally proposed.
2. Notice of Hearing.
3. By-Laws of the Throwsters Research Institute.
4. State of procedure.
5. List of witnesses.
6. Transcript of the records.
7. Statistical analysis.
8. Report of Deputy.

In accordance with the customary procedure every person who had filed a request for an appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

The Code which is attached was presented by duly qualified and authorized representatives of the Industry, complying with the statutory requirements, as representing 90% of total spindles in the Industry.

POSITION OF THE INDUSTRY

The industry consists of winding silk from the skein into thread suitable for weaving, the hard twisting of silk and rayon into crepe yarn and the doubling of these yarns associated with twisting.

The industry employs approximately fifty thousand (50,000) persons and the annual charges for services rendered approximate forty-seven million dollars (\$47,000,000). Over sixty percent do commission throwing. Of the weavers who do no commission throwing eight hundred and forty-six thousand (846,000) have accepted the code, and one hundred and seventy-eight thousand (178,000) have not. For this 17.3% of the weavers who do no commission throwing the code has been completely rewritten. This has been done in an extreme effort to avoid regulating throwing as part of the larger process of cloth manufacture and to avoid having rayon mills operate under conflicting provisions.

In accepting this code the industry is actually placing itself at a competitive disadvantage with the rayon weavers, whom it has agreed to exempt. Until some coordination shall have been established with respect to Textile Codes, this code will at least provide

an even wage rate for the Throwing Industry and will avoid interfering with rayon mills' operation. It must be regarded as a compromise.

RÉSUMÉ OF PROVISIONS OF THE CODE

The Code provides for a minimum wage of 30¢ per hour in the southern section and 32½¢ per hour in the northern section and provides a maximum working week of forty hours for productive employees. Provision is made for limiting night work to a skeleton shift of not over 35% of the largest day shift, to be males over eighteen years of age and to receive a minimum of 40¢ per hour in the southern section and 43.3¢ per hour in the northern section. Mills throwing rayon for their own use exclusively are exempted from this provision, as well as from any recommendations which might be made in the future as to further limitations on machine hours.

Under minimum wages—learners are excepted.

The running of machinery between 7:00 A.M. Saturday and 6:00 A.M. Monday is prohibited except for mills throwing rayon exclusively for their own use.

Hours are limited to forty hours except with respect to certain maintenance categories for which forty-four hour employment is permitted.

Child labor is prohibited.

A representative committee is set up to cooperate with the Administrator.

FINDINGS

The Administrator finds that:

(a) This code complies in all respects with the pertinent provisions of Title I of the Act, including without limitation subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(b) The Throwsters Research Institute to be truly representative of the Throwing Industry. The By-Laws of this Institute provide no inequitable restrictions to membership.

(c) The code is not designed to promote monopolies or 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.

(d) Objections to the code have largely been met by altering important provisions of the code so as to exempt from the application of important provisions those mills for whom the throwing of their own rayon yarn is part of a larger process of manufacture.

(e) Other provisions of the code are calculated to bring greater orderliness into what has been a chaotic market.

I recommend that the code be approved.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

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REPORT OF THE COMMITTEE ON THE 1938

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textile industry and 12¢ per hour in the garment industry and
provides a minimum working week of forty hours for textile
employees. Provision is made for finding night work to a certain
extent of not over 80% of the largest day shift to be made after
eleven years of age and to require a minimum of 100 per cent in
the garment industry and 120 per cent in the textile industry.
The Committee also has for a minimum wage of 10¢ per hour in the
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CODE OF FAIR COMPETITION FOR THE THROWING INDUSTRY

PREAMBLE

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Throwing Industry during the period of emergency as defined by the Federal Government.

SECTION 1—DEFINITIONS

SECTION I. The term "throwing industry" as used herein shall be understood to embrace all plants of throwing machinery within the United States whether owned and/or operated by commission throwsters or by those throwing material for sale or for their own use and made of silk, rayon, or acetate yarns.

The term "throwing machinery" shall be understood to embrace any machinery when used for the twisting of silk yarns and for the twisting of single or multiple rayon or acetate yarns except only original producers rayon or acetate yarns with seven turns or less per inch and except sewing threads and except ply novelty twisted yarns of the type of boucle, ratine and frille usually made on double feed roll twisters. The term "throwing machinery" shall be further understood to include winding, doubling, reeling, coning, copping, and tubing machinery and other machinery commonly used but only when used in preparing said yarns for the twisting processes or in packaging said threads after the completion of said twisting processes.

The term "employee" shall mean all persons employed in the conduct of any branch of the throwing industry.

The term "productive employee" as used herein shall include all employees in the throwing industry except repairshop and cleaning crews, engineers, electricians, firemen, supervising staff, office employees, shipping, watching, soaking, laboratory, and outside crews.

The term "employer" shall be understood to embrace any person, partnership, association, corporation or trust, including trustees in bankruptcy and receivers, engaged in the throwing industry.

The term "effective date" as used herein is defined to be the first Monday after this Code is approved by the President.

SECTION 2—CONDITIONS OF EMPLOYMENT

SEC. II. (a) All employers shall comply with the requirements of Section 7 (a) of Title I of the National Recovery Act, as follows:

1. 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 other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

2. 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.

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

(b) On and after the effective date hereof no person under the age of sixteen shall be employed in the Throwing Industry, 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.

(c) On and after the effective date, all employees of the Throwing Industry, excepting bobbin and skein carriers, bobbin cleaners, and "learners" as hereinafter defined shall receive a minimum wage at the rate of 30¢ per hour when employed in the southern section of the industry and at the rate of 32½¢ per hour when employed in the northern section and under no conditions, by means of fines, rebates or other methods, and regardless of whether the employees' compensation is based on a time rate or piece work performance, shall the actual pay received by employees be brought below the minimum here named. The southern section of the industry shall be understood to include only the following states: Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, Tennessee, North Carolina, Kentucky, Virginia, West Virginia, Maryland. At no time shall the total number of bobbin and skein carriers and bobbin cleaners be in excess of 10% of the total number of employees of the shift and the rate of pay of such casual and incidental labor shall not be less than 80% of the minimum rate. No employee shall receive for forty hours of labor less compensation than he received or would have received as of April 1, 1933 for a period not exceeding fifty hours per week.

On and after the effective date, a learner is hereby defined as one who has worked less than twelve weeks in the throwing industry and such learners shall be started at a minimum wage at the rate of twenty (20¢) cents per hour. At the conclusion of the first six weeks the said minimum shall be increased to twenty six (26¢) cents per hour and at the expiration of the second six weeks period such employees shall no longer be classified as learners and shall receive not less than the minimum wage rate then in force. Also, in order that the status of every learner may at all times be clearly defined, and so that such learner may be properly accredited with his or her time of service upon seeking employment in another mill, the following procedure shall be adhered to: Upon expiration of the first six weeks of the learning period, and not before, the learner shall be given by the employer a card bearing his or her name, signed by the employer, stating the time served as a learner, and the class of work upon which such learner has been so engaged; and, upon expiration of the full twelve weeks learning period, and not before, the said card shall be exchanged for a second and similar card acknowledging that the

employee has served twelve weeks and is no longer a learner on the class of work upon which he or she has been engaged. All cards so defining the status of the employees referred to shall be in identical form, said form to be prescribed by the code administration committee.

The foregoing provisions as to hourly wage rates shall be subject to the proviso that where a state law provides a higher minimum wage, no person employed within that state shall be paid a wage below that required by such state law.

(d) On and after the effective date hereof no productive employee shall work or be employed in the throwing industry for more than forty hours in any one week.

1. On and after the effective date hereof, operation of throwing machinery in any week shall be permitted only between the hours of 6 A.M. on Monday and 7 A.M. of the following Saturday; and such operation of machinery shall further be subject to the following limitations: Full working shifts shall be limited to two of not more than forty hours each with the exception that a reduced force of male operatives over 18 years of age and not to exceed 35 percent of the total number working in all throwing processes on the larger of the two full shifts may be employed as and when necessary during the time when neither of the full shifts is working. THE MINIMUM hourly wage to be received by the productive employees on this reduced force as referred to shall be at the rate of 40 cents per hour when employed in the southern section of the industry and at the rate of 43.3 cents per hour when employed in the northern section. The provisions of this subdivision (d) No. 1 with regard to the operation of throwing machinery shall not apply to throwing machinery in weaving plants operating under the Code of Fair Competition for the Cotton Textile Industry, providing that the yarn thrown is rayon or other synthetic threads for their own use only in their own plants; but such excepted machinery shall not operate more than 121 hours each week unless the Code of Fair Competition for the Throwing industry shall be amended to allow machine operation more than 121 hours each week.

2. Nonproductive employees, as excepted in defining "productive employee" in Section I hereof, other than supervising staff, shall in no case receive less than the minimum hourly wage herein prescribed for productive employers; and may work not more than forty hours in any one week excepting only that this working time for such nonproductive employees may be extended to 44 hours when necessary and may be further extended in emergency provided such emergency work is duly reported monthly to the Code Administration Committee. Any employee working more than 44 hours in any one week shall be paid one and one third times the hourly rate for the hours worked over 44.

SECTION 3—REGULATIONS

SEC. III. (a) On and after the effective date, each employer in the throwing industry shall be obliged to post conspicuously in each room in his mill or mills a printed notice, to be furnished by the Throwsters Research Institute, which shall cite the several regula-

tions of this Code relating to hours, minimum wages, and learners. Said notice shall further inform employees as to how and where to report violations of the regulations of this Code. Every employer in the throwing industry shall be obliged to admit at any time an authorized representative of the Throwsters Research Institute to check the fact that said notices are so posted and other regulations of the Code strictly observed. The Labor Department in each State will be requested by the Throwsters Research Institute to cooperate by also checking the fact that the said notices are so posted and are kept posted.

(b) Every employer shall use an accounting system which conforms to the principles of and is at least as detailed and complete as the standard and uniform method of costing to be formulated or approved by the Code Administration Committee, with such variations therefrom as may be required by the individual conditions affecting any employer or group of employers.

(c) With a view to keeping the President informed as to the observance or nonobservance of this Code of Fair Competition and any supplements thereto and as to whether the throwing industry is taking appropriate steps to effectuate the declared policy of the National Recovery Act, such employer shall be required to furnish duly certified reports, in substance as follows, to the Throwsters Research Institute in such form as may hereafter be required by said Institute.

Wages and Hours of Labor.—Returns every four weeks for *Each Department*, showing:

- (1) Average number of employees in each shift.
- (2) Minimum hourly wage paid to any employee.
- (3) Maximum hours worked by any employee.
- (4) Total pay roll and total pay-roll hours.

Machinery Data.—Returns every four weeks for *Each Department*, showing:

- (1) Number spindles in place.
- (2) Average spindles operated during period.
- (3) Total hours machinery operated each week in each department.

Production Data.—Returns every week showing:

- (1) Kind and amount of raw material put in work during the week.
- (2) Description of throwing to be done.
- (3) Price at which throwing was taken.

SECTION 4—ADMINISTRATION

SEC. IV. To further effectuate the policies of the Act, a Code Administration Committee is set up to cooperate with the Administrator as a Planning and Fair Practice Committee for the industry. This Committee shall consist of twelve members in addition to the President of the Throwsters Research Institute, Inc., who shall be Chairman. The executive Secretary of the Throwsters Research Institute, Inc., shall serve as Secretary of the Code Administration Committee. There shall be at least one committee member chosen from each of the following groups of employers—commission throw-

ster of weaving yarns, commission throwster of knitting yarns, rayon and/or cotton weaver, knitter, yarn dealer and silk weaver.

The Code Administration Committee shall be chosen by vote by the members of the Throwster Research Institute, Inc., and other signers of this Code who shall have contributed, or agreed to contribute to the cost of administration, an amount equal to the dues they would pay were they members of the Throwsters Research Institute, Inc. Each voter shall have one vote for each 5,000 spindles or fraction thereof operated by him and registered with the Throwsters Research Institute, Inc.

The Administrator shall appoint an impartial representative or representatives not to exceed three in number who shall have no vote but shall in all other respects be members of the said Code Administration Committee.

The Committee responsible for the formation of the Code, with the representative or representatives of the NRA as provided for herein, shall function as a Code Administration Committee hereunder until the election of the Code Administration Committee is effected and said election shall take place within six weeks after the final approval of this Code.

Based on conditions in the industry as they may develop, the Code Administration Committee shall present to the Administrator recommendations which will tend to effectuate the operation of the provisions of this Code and the policies of the National Recovery Act, and in particular along the following lines:

No. 1. Recommendations that it shall be within the power of the Code Administration Committee to further limit the machine hours after a trial period of 90 days if in its judgment, and upon the operating records received, it shall have become apparent that the resulting production is in excess of the needs of those who supply material for processing by the throwing industry, and further thereafter to restore or amend such machine hours as may from time to time become necessary. This provision for flexibility is essential for the Throwing Industry because it has no command over volume, being wholly dependent upon the demands and needs of the weaving, knitting, and allied trades. This provision shall not apply to throwing machinery provided the yarn thrown thereon is for the employers' own use only in their own plants, and operating under the Cotton Textile Code.

No. 2. Recommendations that each employer who may wish to purchase or build throwing machinery, and any individuals of corporations desiring to establish plants of throwing machinery, may do so only after having procured from the Administration permission for such purchase or erection or for such establishment of plants; and the Code Administration Committee is hereby empowered to act as the agent of the Administration to receive applications for such permissions and to recommend the granting or withholding of same; and it shall be the duty of the Code Administration Committee in such proceeding to furnish the National Recovery Administration with a full and duly authenticated statement of the facts upon which its recommendation is based.

No. 3. Recommendation by the Code Administration Committee after study of the number of spindles to be operated by an employee

on different classes of yarn upon the feasibility of establishing standards, to be reported to the National Recovery Administration.

Such recommendations, when approved by the Administrator, shall have the same force and effect as any other provisions of this Code.

SECTION 5—CANCELLATION OR MODIFICATION BY THE PRESIDENT

SEC. V. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of Clause 10 (b) of the National Industrial Recovery Act, from time to time, to cancel or modify any order, approval, license, rule or regulation, issued under Title I of said Act, 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.

SECTION 6—AMENDMENT

SEC. VI. Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act, may with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to the Code or Additional codes will be submitted for the approval of the President to prevent unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act.

SECTION 7—VIOLATION

SEC. VII. Upon receiving evidence that an employer has violated or is violating any provision of this Code or of the National Industrial Recovery Act, or is endeavoring directly or indirectly to defeat the purposes of the Code and of the Act, the Code Administration Committee shall recommend to the Administrator that, provided the evidence is regarded by him as adequate, the offending employer shall in addition to any penalties or fine or imprisonment that may be imposed under the Act, be deprived of all use of the Blue Eagle Insignia.

