

NATIONAL RECOVERY ADMINISTRATION

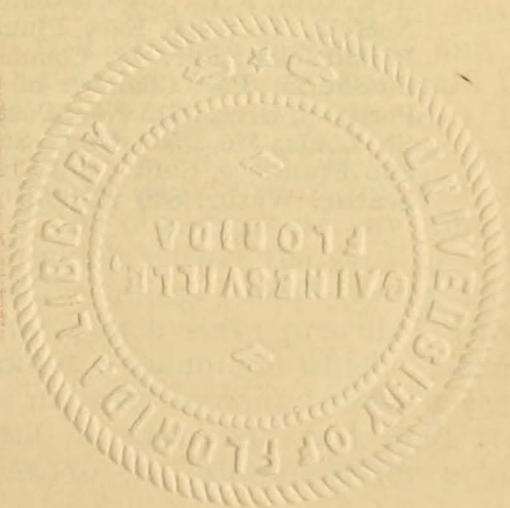
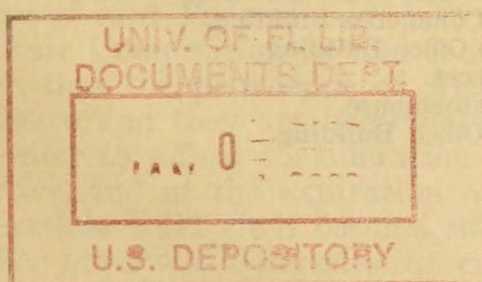
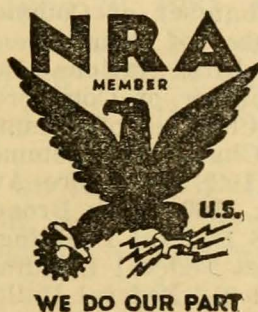
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CODE OF FAIR COMPETITION

FOR THE

COTTON PICKERY INDUSTRY

AS APPROVED ON MAY 17, 1934



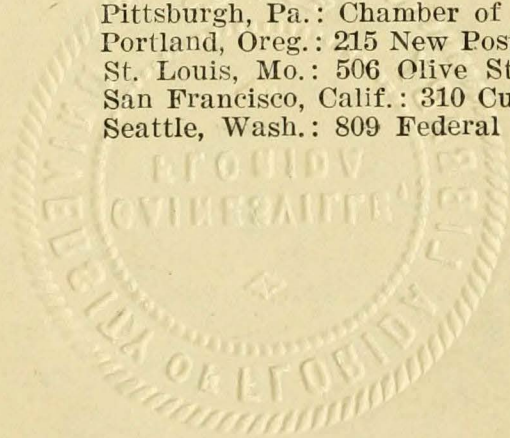
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Approved Code No. 433

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**COTTON PICKERY INDUSTRY**

**As Approved on May 17, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE COTTON PICKERY  
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 a Code of Fair Competition for the Cotton Pickery Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VIII thereof shall not become effective and they are hereby stayed for a period of ten (10) days in order to afford consideration of the objections of any interested parties, and at the expiration of which period the said provisions of Article VIII shall become effective unless I shall by my further Order otherwise determine or extend such stay; provided, further, that the Code Authority shall appoint a committee which shall make a study of wages and hours in the industry looking toward measures which will enable an improvement in standards, and shall report such study, with recommendations, to the Administrator prior to December 31, 1934.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D.C., May 17, 1934.



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Cotton Pickery Industry, and on the public hearing held in Washington, D. C., on March 10, 1934, in accordance with the provisions of the National Industrial Recovery Act.

### HOURS AND WAGES

All labor, clerical and otherwise, is placed on a basis of forty (40) hours per week and eight (8) hours per day with exemption for employees on emergency maintenance and emergency repair work and on emergencies involving the prevention of spoilage and/or deterioration of goods, and with a penalty of time and one-third for all time worked in excess of forty (40) hours.

Firemen and engineers are placed on a forty-eight (48) hour basis with overtime for the time beyond forty (40) hours. Truck drivers are restricted to forty-eight (48) hours and watchmen to fifty-six (56) hours. Those supervisory employees who receive thirty-five (\$35.00) dollars per week or more are exempted.

Office employees are placed on a sixteen (\$16.00) dollar per week basis with a differential of two (\$2.00) dollars for office boys. Watchmen are to be paid not less than fifteen (\$15.00) dollars per week. The minimum wages set for factory employees represent increases of thirty-six (36%) percent for male employees and seventy-four (74%) percent for female employees.

The usual safeguarding provisions are included in the Code.

### ECONOMIC EFFECTS OF THE CODE

The Cotton Pickery Industry is scattered throughout the cotton belt and its units are located at points where cotton is concentrated in the course of its movement from producers to cotton textile mills and into export. It is essentially a salvage business, engaging regularly in the conditioning of irregular cotton not acceptable to the Raw Cotton Trade, and, in emergencies, in reconditioning cotton damaged by fire, water, or otherwise. These emergencies necessarily create sharp fluctuations in the number of persons employed in the Industry.

The Industry receives damaged and irregular lots of cotton and sorts them into regular and irregular cotton. The regular cotton gets back into the channels of trade for such cotton; the irregular cotton goes into low grade textiles, twine, mops, bedding, upholstery, paper stock and explosives.

In view of the reduction in the cotton crop during the year 1933, and the further reduction which the Bankhead Bill is expected to effect, the volume of business which the Industry can expect is likely to be reduced. Therefore, the opportunity for increasing employ-



ment is restricted to spreading employment through curtailing the hours of employment, offsetting this curtailment by an increase in hourly wages.

There have been written into the Code requirements as to the marking of bales of irregular cotton of the various types each for the type which the bale contains. This is in conformity to similar provisions which are to be written into the other related cotton codes, and is designed for the more complete and accurate description of all cotton which will facilitate its movement through the several trade channels of the domestic trade.

The Code Authority will be selected by a method which is deemed to assure its being truly representative; its powers and duties are restricted to those generally vested in Code Authorities in accordance with the policy of this Administration.

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

"I find that:

"(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including 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 among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions 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) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

"(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial (or trade) association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

"(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

"(e) The Code is 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 Code.

For the above reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MAY 17, 1934.



# CODE OF FAIR COMPETITION FOR THE COTTON PICKERY INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Cotton Pickery Industry, and its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. As used in this Code:

(a) The term "President" means the President of the United States of America.

(b) The term "Administrator" means the Administrator for Industrial Recovery.

(c) The term "Act" means Title I of the National Industrial Recovery Act.

(d) The terms "Cotton Pickery Industry" and "Industry" include the business of reconditioning, reworking and/or reginning cotton damaged by flood wet, fire, water and/or in any other manner, and irregular cotton, whether baled or loose, whether such damaged and/or irregular cotton belongs to the member of the industry reconditioning, reworking and/or reginning such cotton or to others.

(e) The terms "member of the industry" and "member" include but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the industry as above defined, either as an employer or on his or its own behalf.

(f) The term "irregular cotton" includes conditioned, repacked and reginned cotton, pickings, and any other cotton not handled in the usual course of the cotton trade.

(g) The term "conditioned" means cotton which has been rebaled, without the addition of any other cotton, and which came from a bale which had been opened for the purpose of drying the cotton, which cotton has been dried. This term shall not apply to a bale containing the regular cotton remaining after the damaged cotton has been removed from a damaged bale.

(h) The term "repacked" means cotton that is composed of factors', brokers' or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of two or more smaller bales or parts of bales.

(i) The term "reginned" means cotton that has passed through the ginning process more than once, and/or cotton that, after having been ginned has been subjected to a cleaning process and then baled.

(j) The term "pickings" means any cotton removed, in the process of conditioning, from any bale which has been damaged in whole or



in part by fire and/or water, or in any other manner, whether reginned or not.

(k) The term "employee" includes any and all persons engaged in the industry, however compensated, except a member of the industry.

(l) The term "employer" includes any person by whom any such employee is compensated or employed.

(m) The term "watchman" includes any employee whose principal function is watching and guarding the premises and property of any establishment of a member of the industry.

(n) The term "Code Authority" means that body set up pursuant to the provisions of Section 1 of Article VI.

### ARTICLE III—HOURS

SECTION 1. No employee except as herein otherwise expressly provided, shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any one day, with the following exceptions:

(a) Executive, supervisory, technical and administrative employees, provided that they regularly receive thirty-five dollars (\$35.00) per week or more.

(b) Watchmen, provided, however, that they shall not be permitted to work in excess of fifty-six (56) hours per week.

(c) Truck drivers, provided, however, that they shall not be permitted to work in excess of forty-eight (48) hours per week.

(d) Firemen and engineers, provided, however, that they shall not be permitted to work in excess of forty-eight (48) hours per week; provided further, that one and one-third times the regular hourly rate shall be paid for all time worked in excess of forty (40) hours per week.

SECTION 2. The maximum hours fixed in the foregoing Section 1 shall not apply to employees on emergency maintenance and emergency repair work and on emergencies involving the prevention of spoilage and/or deterioration of goods; provided, however, that any employee so working beyond eight (8) hours per day or forty (40) hours per week shall be compensated for such overtime by at least one and one-third times his regular hourly rate, and reports shall be made monthly to the Code Authority stating the number of hours so worked in excess of the maximum as provided herein.

SECTION 3. All time worked, except by watchmen, on Sundays and National legal holidays shall be compensated the rate of time and one-third.

SECTION 4. No employee, except a watchman, shall be permitted to work in excess of six (6) days in any seven (7) day period.

SECTION 5. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this industry, exceeds the maximum permitted herein.

### ARTICLE IV—WAGES

SECTION 1. No clerical or other office employee except as herein otherwise expressly provided, shall be paid at the rate of less than



sixteen dollars (\$16.00) per week except office boys, who may be paid two dollars (\$2.00) less per week; provided, however, that the number of office boys so compensated shall not exceed five per cent (5%) of the total number of clerical or other office employees for any one member; provided further, that each member of the industry shall be entitled to at least one such employee.

SECTION 2. No watchman shall be paid at the rate of less than fifteen dollars (\$15.00) per week of fifty-six (56) hours.

SECTION 3. No employee except as herein otherwise expressly provided, shall be paid at the rate of less than (a) twenty-five cents (25¢) per hour for male employees and (b) eighteen cents (18¢) per hour for female employees.

SECTION 4. 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.

SECTION 5. (a) Employers shall not reduce the hourly wage rates for occupations other than common labor which are now in excess of the minimum hourly wage rates herein provided for and shall increase the hourly wage rates of factory employees by equitable readjustments of all pay schedules, which will at least maintain the differentials in full time weekly earnings existing on July 15, 1929.

(b) Employers shall not reduce the weekly wage rates of clerical and other office employees below the weekly earnings existing on July 15, 1933, even though the hours of employment shall have been or may hereafter be reduced to comply with this Code.

(c) Employers shall not reduce, or use any device or subterfuge for reducing, wage rates existing on July 15, 1933, of any employee. In the event that wage rates have been reduced subsequent to July 15, 1933, wage rates existing on July 15, 1933 shall be restored.

SECTION 6. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 7. 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 a 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 issuing 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.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry, nor shall any person under eighteen (18) years of age be employed at operations or occupations which are hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within sixty (60) days of the effective date of this Code a list of such operations and occupations.



SECTION 2. 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.

SECTION 3. 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.

SECTION 4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 5. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

SECTION 6. 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 Administrator within six (6) months after the effective date of this Code.

SECTION 7. No provision in 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.

SECTION 8. Each member of the industry shall comply with such rules and regulations, with regard to the posting of notices, bulletins and extracts of Code provisions, as may be from time to time issued by the Administrator.

SECTION 9. Wages shall be exempt from fines, charges, and/or deductions except with the written consent of the employee or when required by law.

## ARTICLE VI

### ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY<sup>1</sup>

SECTION 1. There shall forthwith be established a Code Authority, consisting of five (5) persons who shall be elected by members of the industry.

(a) Four (4) members of the Code Authority may be members of the National Cotton Pickeries Association or employees of such members; at least one member of the Code Authority shall be a member of the industry, or an employee of such member, who is not a member of this Association. In the event that such non-member is not elected, he may be appointed by the Administrator until so elected; if such non-member can not be found, then, at the discretion of the Administrator, the Association, with the approval of the Administrator, may elect one additional member in which event

<sup>1</sup> See paragraph 2 of order approving this Code.



each member of the industry shall have thereafter one vote for each of the five (5) members of the Code Authority.

(b) Each member of the industry who is a member of the National Cotton Pickeries Association shall have one vote for each of the four (4) members of the Code Authority who may be members of the National Cotton Pickeries Association or employees of members of the Association; each member of the industry who is not a member of the Association shall have one vote for the member of the Code Authority who shall be a non-member of the Association or an employee of such non-member. At each election the voting may be by person, by proxy, or by letter, and such voting may be cumulative.

(c) Members of the Code Authority shall be elected annually by majority vote at an annual meeting of members of the industry, held for that purpose, for a term of one year; provided, however, that the first Code Authority shall serve until the annual meeting of members of the industry to be held in June, 1934.

(d) Members of the Code Authority shall be certified to the Administrator by the Secretary of the National Cotton Pickeries Association.

(e) In addition to membership as above provided, there may be not more than three (3) members, without vote, to be appointed by the Administrator to serve for such term or terms as he may designate.

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (a) impose no inequitable restrictions on membership, and (b) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 4. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or nonfeasance.

SECTION 5. If the Administrator shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator 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 Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

#### POWERS AND DUTIES

SECTION 6. Subject to such rules and regulations as may be issued by the Administrator, 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 provide for the compliance of the industry with the provisions of the Act.

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code. 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 Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he 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 Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To appoint a fair trade practice committee which shall meet with the trade practice committee appointed under such other codes as may be related to the industry for the purpose of formulating the fair trade practices to govern the relationships between production and distribution employers under this Code and such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other codes.

(f) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

(g) 1. It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the Administrator;

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;



(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided in Section 1 hereof shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefit of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(h) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with this Code.

## ARTICLE VII—UNFAIR TRADE PRACTICES

### SECTION 1. Inaccurate marking.

It shall be an unfair practice and is prohibited to fail to mark accurately and permanently all bales of cotton that have been handled to indicate the treatment which such cotton has been given and, in accordance with the definitions in Article II, under one of the following designations: Conditioned, Repacked, Reginned, or Pickings. This shall not apply to a bale containing the regular cotton remaining after the damaged cotton has been removed from a damaged bale.

## ARTICLE VIII—EXPORT TRADE

SECTION 1. No provision of this Code relating to prices or terms of selling, shipping or marketing shall apply to export trade or sales or shipments for export trade.<sup>2</sup>

## ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

<sup>2</sup> See paragraph 2 of order approving this Code.



## ARTICLE X—MONOPOLIES, ETC.

No provisions of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

## ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 433.

Registry No. 224-02.













UNIVERSITY OF FLORIDA



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