

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

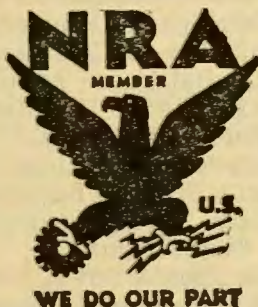
FOR THE

MEN'S GARTER, SUSPENDER, AND
BELT MANUFACTURING
INDUSTRY

AS APPROVED ON NOVEMBER 4, 1933

BY

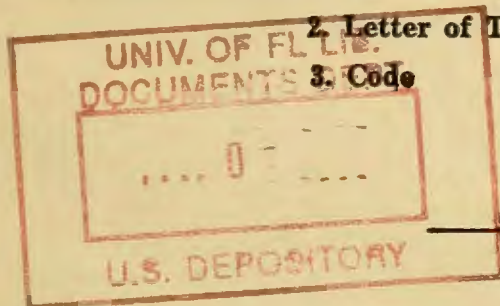
PRESIDENT ROOSEVELT



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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

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(II)



EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE MEN'S GARTER, SUSPENDER, AND BELT 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, 1393, for my approval of a Code of Fair Competition for the Men's Garter, Suspender, and Belt Manufacturing 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 subsection (a) of section 8 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.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
November 4, 1933.

Approval recommended:
HUGH S. JOHNSON,
Administrator.

(III)

NOVEMBER 2, 1933.

The PRESIDENT,
The White House.

SIR: The public hearing on the Code of Fair Competition for the men's garter, suspender, and belt-manufacturing industry, as proposed by the Men's Garter, Suspender, and Belt Manufacturers' Association, Inc., was conducted in Washington on October 9, 1933. Every person who requested an appearance was fairly heard in accordance with statutory and regulatory requirements. The Code has the approval of the Labor, Industrial, and Consumer Advisory Boards of the National Recovery Administration, and of the Legal Division. The Chairman of the Code Committee of the submitting Association, upon authorization of the Committee, has also indicated his approval of the final draft of the Code on behalf of the industry.

DESCRIPTION OF THE INDUSTRY

The industry as defined in the Code includes the manufacture of elastic sanitary belts, garters and garter belts for men and boys, women and children, and the manufacture of men's and boys' separate belts. The commodities included within the scope of the Code as recommended are, in some ways, related more through the activities of the manufacturers in the several branches and through common points and channels of sale than through physical characteristics and similarity of manufacturing technique. Thus men's belts are not physically akin to a pair of garters, but numerous manufacturers make both as well as other products, and both are marketed through the same trade channels. It is believed that the grouping of products under this Code is as nearly correct and generally satisfactory as can be obtained.

The industry may be said to center in the Eastern Seaboard States, particularly in New York and the New England States, although one of the larger members of the industry is located in Chicago. Most all of the concerns in the industry catering to the syndicate trade are located within a radius of one hundred miles of New York City.

The industry performs practically entirely a converting or assembling function, nearly all of the manufacturers with one conspicuous exception buying the materials that are required in making garters, suspenders, and belts.

Perhaps due to the comparatively small size of the industry, there has been no tremendous development in recent years in the mechanical equipment of factories. In general, regulation sewing machines are used in the production of garters and suspenders.

Recent years have seen increasing importance laid upon the style elements in the industry. With the return of fancy webbing for the use of "braces" and the increased consumption of sportswear articles, the style factor in the past few years has become an important factor in the industry.

Generally speaking, the industry has been one which has benefited by a harmonious relationship with labor. Of the 4,300 employees in the industry in 1929, hardly more than 100 were members of any union. The interests of labor were well represented in the development of the Code by the Labor Advisory Board.

RÉSUMÉ OF THE CODE

Article I sets forth certain definitions.

Article II contains the maximum hour provisions of the Code. The hours of productive workers are limited to 40 in each week, except that slightly longer hours are allowed office workers, maintenance employees, etc. The maximum hour provisions do not apply to watchmen, salesmen, or executives. Further overtime may be granted upon recommendation of the Code Authority and approval of the Administrator upon such terms as the Administrator may prescribe.

Article III sets forth the minimum wage provisions. A basic minimum of Fourteen (\$14.00) Dollars per week for all employees is provided for with the exception that the minimum for cutters in the men's belt branch of the industry is set at Twenty-eight (\$28.00) Dollars per week. There is an apprentice clause contained in this Article providing for the hiring of apprentices at the rate of Eleven (\$11.00) Dollars per week; this clause is, however, effective only until June 1, 1934, or until shortly after all homework in the industry will have been eliminated in accordance with Article X of this Code.

Article IV eliminates child labor and contains the labor provisions mandatory under the Act.

Article V provides for the establishment of a Code Authority. This body, consisting of 11 members, is charged with the regular duties and responsibilities of administering the Code. Nine of the members are to be appointed by the president of the Men's Garter, Suspender, and Belt Manufacturers' Association, Inc. One of these 9 members must be selected from those members of the industry not members of the Association. The 2 remaining members, without voting power, are appointed by the Administrator.

This Article provides for the establishment of a confidential agency to secure for and to submit to the Code Authority information necessary to the proper administration of the Code. The Code Authority is also empowered to recommend a uniform costing system for use in the industry—basic to the securing of information necessary for the enforcement of certain trade practice provisions.

The Code Authority is also empowered to recommend to the Administrator for his approval, trade practice provisions. Upon the approval of the Administrator, trade practice provisions so recommended by the Code Authority become a part of the code. This procedure of deferring consideration of trade practice provisions until they can be considered and recommended by the Code Authority charged with the Administration of the Code has been found very satisfactory in the apparel trade.

Article VII states the method of modifying or amending the code.

Article VIII contains the mandatory provisions in reference to monopolies and discrimination against all enterprises.

VI

Article IX provides for the gradual elimination of all home work in the industry. By May 1, 1934, all home work must have been eliminated according to the provisions of this code.

LABOR PROVISIONS OF THE CODE—POSSIBLE REEMPLOYMENT—HOURS

The average number of workers employed in the manufacture of garters and suspenders in 1929 was 4,341. The comparable figure for 1931 is 3,257, which indicates that there were in 1931 over 1,000 workers unemployed. It has been estimated that the men's belt branch of the industry employed in 1929 approximately 2,000 employees, and that the percentage of present unemployment in the belt branch is similar to that in the garter and suspender branch.

The average full-time work week in previous years has consisted of 48 hours. The 40-hour week as recommended in the code will necessitate the employment of 20% or about 650 additional.

WAGES

The average annual wage in the suspender and garter factories was \$915 in 1929 and \$715 in 1931. The wages in the men's belt branch of the industry are known to be generally higher. Increase in the pay roll due to the increase in the number of employees should, under the provisions of the code as recommended, amount to about 25%. For lack of definite information, it is difficult to determine just what effect the minimum contained in the code will have upon the total pay roll.

HOME WORK

The amount of employees engaged in the industry at the present moment in home work is variously estimated at between 700 and 1,000. Most of the concerns in the industry allowing home work are located in and around New York City. Home workers are engaged chiefly by those members of the industry catering to the syndicate trade. The elimination of home work is believed to be the first step in the effective enforcement of the labor provisions of the code.

FINDINGS

The Administrator finds that:

(a) The code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitations, Sub-Section (a) of Section VII and Sub-Section (b) of Section X thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the garter, suspender, and belt manufacturing industry; and that

(c) The code as recommended 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. It is recommended, therefore, that this code be immediately adopted.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION FOR THE MEN'S GARTER, SUSPENDER, AND BELT MANUFACTURING INDUSTRY

PREAMBLE

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Men's Garter, Suspender, and Belt Manufacturing Industry, and shall be the standard of fair competition for this industry, and shall be binding on every member thereof.

ARTICLE I—DEFINITIONS

1. The term "industry" as used herein includes the manufacture of garters and garter belts for men and boys, women, and children; elastic sanitary belts; suspenders and men's and boys' separate belts made of leather, imitation leather, and/or other material and fabrics.

2. The term "employee" as used herein includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

3. The term "member of the industry" includes anyone engaged in the industry as defined, either as an employer or on his own behalf.

4. The term "employer" and the term "manufacturer", as used herein, include anyone for whose benefit or on whose business such employee is engaged and anyone engaged in said industry on his own behalf.

5. The term "Southern section of the United States" as used herein shall include the States of Alabama, Florida, Georgia, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, North Carolina, South Carolina, Virginia, and West Virginia.

6. The term "effective date" as used herein shall mean, and this Code shall become effective upon, the fifteenth (15th) day after this Code shall have been approved by the President.

7. The terms "President", "Act", and "Administrator", as used herein shall mean, respectively, the President of the United States, the National Industrial Recovery Act, and the Administrator of said Act.

ARTICLE II—HOURS OF LABOR

1. Except as hereinafter provided, no employee shall be permitted to work in excess of forty (40) hours in any one (1) week.

2. The provisions of this Article shall not apply to watchmen, nor to salesmen, nor to members of the business management staff earning more than thirty-five dollars (\$35.00) per week.

3. Stock clerks, shipping clerks, cleaners, repair crews, engineers, firemen, and electricians may be permitted to work a maximum of forty-four (44) hours per week; provided, that such employees are paid at their regular hourly rate for all hours worked in excess of forty (40) hours in any one (1) week.

4. No office employee shall be permitted to work in excess of forty (40) hours in any one (1) week, except that such employees may be permitted to work a maximum of forty-four (44) hours per week during sixteen (16) weeks during each year provided that such employees are paid at the regular hourly rate for all hours worked in excess of forty (40) in any one (1) week.

5. No overtime beyond that specifically provided for by the provisions of this Code shall be permitted except upon the recommendation of the Code Authority and the approval of the Administrator, and under such conditions and upon such terms as the Administrator may prescribe.

6. No employee shall be permitted to work for a total number of hours in excess of the number of hours prescribed for each week whether employed by one (1) or more employers.

ARTICLE III—RATES OF PAY

1. No employee shall be paid at less than the rate of thirty-five cents (35¢) per hour or at less than the rate of fourteen dollars (\$14.00) per week of forty (40) hours, except the cutters, in the men's belt branch of the industry, shall be paid at not less than the rate of seventy cents (70¢) per hour, or not less than at the rate of twenty-eight dollars (\$28.00) per week of forty (40) hours.

2. The wage rates contained herein shall be 10% less for employees employed in the Southern section of the United States.

3. No employee shall be paid less than the minimum wages per hour set forth in this Article, regardless of whether such employee is compensated on a time-rate or a piece-rate basis.

4. Until June 1, 1934, no apprentice shall be paid at less than the rate of twenty-seven and a half cents (27½¢) per hour or at the rate of eleven dollars (\$11.00) per week of forty (40) hours for the first six (6) weeks of employment and thereafter, not less than the minimum wages provided in Section 1 of this Article. The period of apprenticeship shall be strictly limited to six (6) weeks, and in no case shall the total number of apprentices in the employ of any one (1) employer be greater than ten percent (10%) of the total employees. Any time worked by an apprentice shall be deemed a part of such apprenticeship period, whether such time is worked continuously or in more than one (1) shop, or at home work, or for more than one (1) employer. On and after June 1, 1934, no employee shall be paid at less than the regular minimum rate herein provided in Section 1 of Article III.

5. Employees handicapped on account of age or otherwise may be paid at the rate of eighty percent (80%) of the minimum wage established for other employees provided that in no case shall the total number of such employees in the employ of any one (1) employer exceed five percent (5%) of the total number of employees.

6. No employer shall reduce the weekly rate of compensation for any employee in effect as of July 1, 1933, whether heretofore paid on a monthly, weekly, daily, hourly, or piece rate basis, notwithstanding that the hours of such employee have been reduced by the provisions of this Code. The provision shall not be construed to mean that employees employed on a part-time basis shall receive the same weekly compensation as full-time employees. No employer may reemploy former employees at less than their previous weekly rate of compensation.

ARTICLE IV—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before January 1, 1934, a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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.

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, and

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.

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employer regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

7. Each employer shall post in conspicuous places full copies of this Code.

ARTICLE V—ADMINISTRATION

To further effectuate the policies of the Act; a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

1. *Organization and constitution of the Code Authority.*—(a) The Code Authority shall consist of eleven (11) members, of which eight (8) members shall be appointed by the President of the Men's Garter, Suspender, and Belt Manufacturers Association, subject to the approval of the Board of Directors of the Association, and one (1)

member shall be appointed in the first instance by the President of the said Association, subject to the approval of the Administrator, from members of the industry who are not members of said Association, but are entitled to participate in the selection of the Code Authority. The method of selection of such member thereafter shall be established by recommendation of the Code Authority, approved by the Administrator. Two (2) remaining members, without the power to vote, may be appointed by the Administrator, and shall receive notice of and may sit at all meetings.

(b) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall: (1) Impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership or organization and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(c) 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 provide 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, he may require an appropriate modification in the method of selection of the Code Authority.

(d) An appeal from any action of the Code Authority affecting the rights of any person subject to this Code may be taken to the Administrator.

2. The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject to the right of the Administrator on review, to disapprove, or modify any action taken by the Code Authority:

(a) To elect officers and to assign to them such duties as it may consider advisable, and to provide rules for its procedure, for the selection of its members, and its continuance as the administrative agency of this Code, in accordance with the terms of the Act and the principles herein set forth.

(b) To receive, investigate, and adjust complaints of violations of this Code, and based upon such investigations and after such hearing as it may deem proper, to make recommendations in respect hereto to the proper authorities for the prosecution of such violations.

(c) To obtain through a confidential agency from members of the industry periodical reports in such form and at such times with respect to wages, hours of labor, conditions of employment, number of employees, and such other matters pertinent to the purposes of this Code as the Code Authority, with the approval of the Administrator, may require for the administration and enforcement of this Code, and to submit reports to the Administrator in such form and at such times as he may require in order that the President may be informed as to the observance or nonobservance of this Code and to further effectuate the policies of the Act.

The confidential agency shall be in no way engaged in the industry nor connected with any member thereof, and all reports received by it shall be held as secret and confidential, except that they shall

be made available to the Administrator. Such agency shall analyze, digest, and consolidate such reports and shall disclose only general findings based thereon. Such general findings shall be made available to the Code Authority and such members of the industry as have assented to this Code.

(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, and to pay such agencies the cost thereof; provided, that such agencies shall at all times be subject to and comply with the provisions of this Code; and provided further, that nothing herein shall relieve the Code Authority of any of its duties and responsibilities thereunder.

(e) To coordinate the administration of this Code with such other codes, if any, as may be related to the Garter, Suspender, and Belt Manufacturing Industry, or any subdivision thereof, with a view to promoting joint and harmonious action upon matters of common interest.

(f) To make recommendations for fair trade practices, including provisions against selling below cost, and otherwise to assist the Administrator in effecting the purpose of this Code and the Act. Any such recommendation, upon the approval of the Administrator after such hearing and notice as he shall prescribe, shall become a part of this Code.

(g) Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. The reasonable share of the expenses of the administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

(h) To provide for a special N.R.A. label for the industry and to cooperate with the Administrator in regulating the use of such label solely by those employers who have assented to and are complying with this Code.

(i) To recommend a uniform cost and accounting system for the industry which upon approval by the Administrator shall be used as the basis for all reports. Each member of the industry shall use such standard system to the extent necessary to enable such member to submit such cost data and other information as the Code Authority may require in accordance with the provisions of this Code.

3. In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

4. The Code Authority shall study provisions relating to trade practices and the observance thereof, and may make recommendations thereon to the Administrator. Upon the approval of the Administrator and after such notice and hearings as he may prescribe, such recommendations or any part of them shall become a part of this Code and shall have full force and effect as provisions hereof.

ARTICLE VI—MODIFICATION

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 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, but without limitation, 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. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application by the Code Authority to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

ARTICLE VII—MONOPOLIES, ETC.

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

ARTICLE VIII—HOMEWORK

1. No home work shall be permitted by employers after May 1, 1934. After March 1, 1934, no employer shall employ more than sixty percent (60%) of the number of home workers employed by him as of September 1, 1933.

2. Until May 1, 1934, no work shall be permitted in any home by employers unless and until evidence has been presented to the Code Authority, as agent for the Administrator, that all State, municipal, and other laws and regulations relating to home work have been complied with and unless the names and addresses of such home workers and their employers shall have been filed with the Code Authority.

3. The Code Authority shall file with the Administrator a list of the names and addresses of all home workers employed in the industry and shall indicate by whom all such home workers are employed.

4. No home worker shall be engaged at the same time by more than one employer.

5. All home workers shall be paid on the same piece-rate basis as factory employees engaged in similar work.

6. Copies of Articles II, III, and VIII, of this Code shall be supplied all home workers.