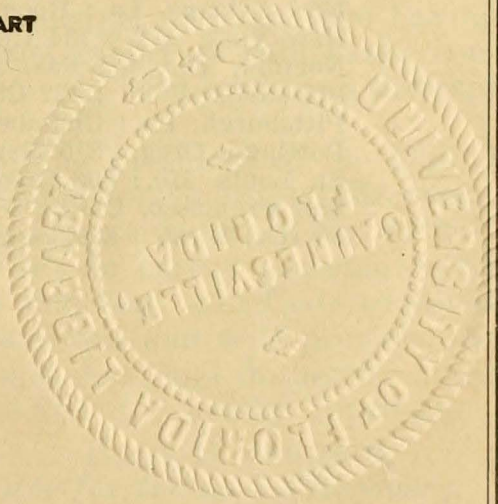
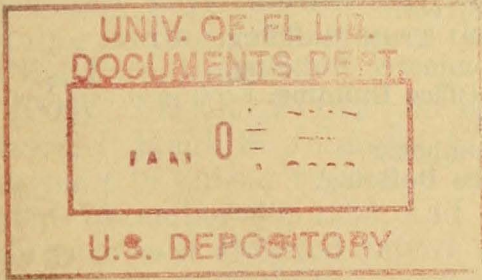
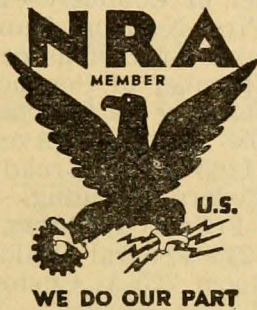


NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION
FOR THE
FELDSPAR INDUSTRY

AS APPROVED ON JANUARY 16, 1934

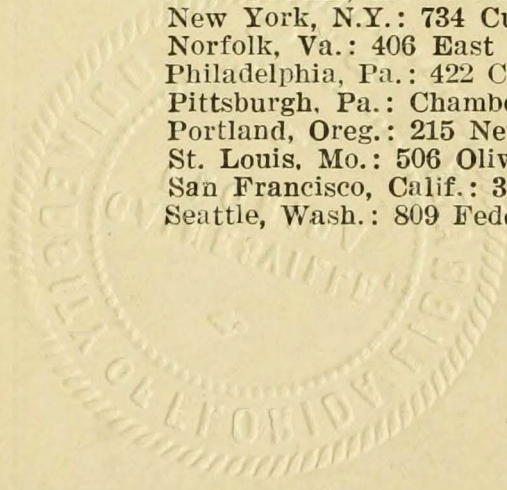


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Approved Code No. 206

CODE OF FAIR COMPETITION

FOR THE

FELDSPAR INDUSTRY

As Approved on January 16, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION

FOR THE

FELDSPAR 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 Feldspar 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 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.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

MALCOLM MUIR,
Division Administrator.

WASHINGTON, D.C.,
January 16, 1934.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Feldspar Industry, a hearing on which was conducted in Washington on the fourth of November 1933 in accordance with the provisions of the National Industrial Recovery Act.

HOURS

The Code provides that no employee engaged in milling or grinding operations shall be permitted to work in excess of 40 hours in any one week or 8 hours in any one day or 6 days in any 7-day period; that no employee engaged in mining operations shall be permitted to work in excess of 40 hours per week, averaged over a 3-month period, or in excess of 48 hours in any one week; and that no clerical or office employee shall be permitted to work in excess of 40 hours in any one week or 10 hours in any one day. The following are excepted:

(a) Employees in executive, administrative, or supervisory capacities, who receive \$35 or more per week;

(b) Employees on emergency maintenance or emergency repair work, who, however, shall be paid at least one and one third times the normal rate for time worked in excess of 8 hours in any one day.

WAGES

The Code provides for minimum rates of pay of 25 cents per hour in the South and 30 cents per hour in the North for employees engaged in mining operations; for minimum rates of pay of 30 cents per hour in the South and 35 cents per hour in the North for employees engaged in milling and grinding operations; and for a minimum rate of pay of \$13.50 for clerical and office employees.

Aged or physically handicapped persons may be employed at such wages and for such hours as shall be stated in a certificate issued by a State Authority designated by the United States Department of Labor.

CHILD LABOR

The employment of persons under 16 years of age and, in occupations hazardous in nature or dangerous to health, of persons under 18 years of age is prohibited.

ECONOMIC EFFECTS OF THE CODE

The miners and the grinders of feldspar have joined together for the purpose of presenting this Code. It is thought that the operation of these two groups under one Code will help to solve some of the most difficult problems of the industry.

From the year 1929 to the year 1932, the volume of sales of crude feldspar declined about 47% and the value of sales about 58%. Present grinding operations are at the rate of approximately 13% of capacity, and in 1929 were at the rate of only 28% of capacity.

The minimum wages prescribed in the Code are more than 100% higher than the lowest wages now being paid in some sections. Maximum weekly working hours are being reduced by approximately 25%. It is believed that the Code will increase employment in this industry about 25% and that it will increase wages at least 30%.

FINDINGS

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 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 these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JANUARY 16, 1934.

CODE OF FAIR COMPETITION

FOR THE

FELDSPAR INDUSTRY

ARTICLE I—PURPOSE

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 Feldspar Industry, and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

(a) The term "Feldspar Industry", as used herein, includes the mining, grinding, and sale by the miner or grinder of feldspar products and such related branches and/or subdivisions of this industry as may from time to time be included under the provisions of this Code by the President after such due notice and hearing as he may prescribe.

(b) The term "member of the industry" includes, but without limitation, any business entity engaged in the Feldspar Industry either as an employer or on his or its own behalf.

(c) The term "employer", as used herein, includes any individual or enterprise by whom any employee is compensated or employed.

(d) The term "employee", as used herein, includes any and all persons in the industry, except a member of the industry, however compensated.

(e) The term "grinder" as used herein includes any member of the industry engaged in the grinding of mined feldspar.

(f) The term "miner" as used herein includes any member of the industry engaged in the mining of crude feldspar.

(g) The term "South" as used herein includes the States of Virginia, Tennessee, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, and Louisiana.

(h) The term "North" as used herein includes those States not included within the foregoing definition of the South.

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

ARTICLE III—LABOR

A. HOURS OF WORK—1. (a) *Mining Operations*.—Subject to the exceptions hereinafter provided no employee shall be permitted to work in excess of forty (40) hours per week averaged over a three (3) months' period nor in excess of forty-eight (48) hours in any one week. The Code Authority shall specify the dates on which the three (3) month periods used for averaging hours shall begin and end. In order to permit the proper arrangement of these dates, the first period used for averaging may, if so specified by the Code Authority, be shorter than three (3) months.

(b) *Milling or Grinding Operations*.—Subject to the exceptions hereinafter provided no employee shall be permitted to work in excess of forty (40) hours in any one (1) week, or eight (8) hours in any one (1) day or six (6) days in any seven (7) day period.

2. No office or clerical employees shall be permitted to work in excess of forty (40) hours in any one (1) week or in excess of ten (10) hours in any twenty-four (24) hour period.

3. The maximum hours established herein shall not apply to employees engaged in executive, administrative, or supervisory work, who receive thirty-five dollars (\$35.00) or more per week.

4. The maximum hours established herein shall not apply to employees on emergency maintenance or emergency repair work, involving breakdowns or protection of life or property, but in any such special case at least one and one third ($1\frac{1}{3}$) times the normal rate shall be paid for hours worked in excess of eight (8) hours in any one (1) twenty-four (24) hour period.

5. No employer shall engage any employee for any time which, when totaled with that already performed for another employer or employers, exceeds the maximum permitted herein.

6. Employers who personally perform manual work or are engaged in mechanical operations shall, to the extent permitted by the Act, be subject to the maximum hours prescribed in this Article.

7. An employer shall so administer work in his charge as to provide a maximum practicable continuity of employment for his personnel.

B. WAGES—1. (a) *Mining Operations*.—No employee shall be paid at less than the rate of twenty-five cents (25¢) per hour in the South and thirty cents (30¢) per hour in the North.

(b) *Milling or Grinding Operations*.—No employee shall be paid at less than the rate of thirty cents (30¢) per hour in the South and thirty-five cents (35¢) per hour in the North.

2. No employee engaged in clerical or office work shall be paid at less than the rate of thirteen dollars and fifty cents (\$13.50) per week of forty (40) hours.

3. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, tonnage rate, or other basis.

4. An equitable adjustment shall be made in the wages of all employees now receiving more than the minimum wage as provided in this Code. Within thirty (30) days after the effective date each employer shall report to the Administrator through the Code Authority, all such readjustments made by him since June 16, 1933.

5. Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

6. An employer shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. Wages shall be paid at regular periods. These wages shall be exempt from any payments for pensions, insurance, or sick benefits other than those voluntarily paid by the wage earners.

7. No employer or his agent shall accept any rebate directly or indirectly on such wages or give anything of value or extend favors to any person for the purpose of influencing rates of wages or the working conditions of his employees.

8. A person whose earning capacity is limited because of age or physical or mental handicap 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 with the Code Authority a list of all such persons employed by him.

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 within thirty (30) days after the effective date of this Code, 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. No provision of this Code shall supersede any state or federal laws imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general conditions than are imposed under this Code.

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

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

8. Every employer shall provide for the health and safety of his workmen.

ARTICLE V—ADMINISTRATION

1. To effectuate the policies of the National Industrial Recovery Act and to provide for the administration of the Code, a Code Authority composed of six (6) members, three (3) of whom shall represent members of the industry engaged in grinding operations and three (3) of whom shall represent members of the industry engaged in mining operations solely, and independent of grinding interests, shall be elected by members of the industry, by such fair methods of election as the Administrator may approve. In addition, the Administrator, if he so elects, may appoint not more than three (3) nonvoting members of the Code Authority to serve, without expense to the Industry, for such terms as he may specify, as his representatives or as representatives of such interested groups as he may designate. Subject to the provisions of subsection (d) of section 5 of this Article all members of the industry engaged in mining operations shall be entitled to participate in the selection of such members of the Code Authority as represent the mining operations of the industry and all members of the industry engaged in grinding operations shall be entitled to participate in the selection of such members of the Code Authority as represent the grinding operations of the industry.

2. The Feldspar Association is hereby designated as the agency to conduct an election of members of the Code Authority within fifteen (15) days after the effective date of this Code and any other elections of members of the Code Authority which may thereafter be held. Members of the Code Authority shall be elected to serve for a term of one (1) year or until their successors are elected at the next annual meeting of the industry. In the event of any vacancy in the membership of the Code Authority, a special meeting of the members of the industry for an election to fill the incomplete term of such members shall be called. Notice of each election shall be sent to all members of the industry at least ten (10) days in advance of any such election, and voting at such election may be by person, by proxy, or by letter ballot.

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 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, may require an appropriate modification in the method of selection of the Code Authority.

4. Each trade or industrial association 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 such other information as to activities as the Administrator may deem necessary to effectuate the purposes of the Act.

5. In addition to the powers and duties herein specifically conferred upon the Code Authority it shall have the following powers and duties, subject to the right of the Administrator on review to disapprove any action by the Code Authority pursuant to this Code:

(a) The Code Authority shall be charged with the supervision and administration of this Code, and shall have the right to establish its own rules for the conduct of its business.

(b) In order that the President may be informed of the extent of the observance of the provisions of this Code and of the extent to which the declared policy of the National Industrial Recovery Act is being effectuated in the industry as herein defined, the Code Authority shall make such reports as the Administrator may require, periodically, or as often as he may direct. Each employer shall make such sworn or unsworn reports to the Code Authority as to wages, hours of labor, number of employees, quantity and value of production, shipments, stocks on hand, sales prices and other matters as the Code Authority may require for the administration of this Code. 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. Any and all information furnished to the Code Authority shall be furnished to such agency, not a member of the industry, as may be designated by the Code Authority. Such information shall be deemed confidential and shall not be divulged to any employer except in summary, but shall be available to the Administrator upon request.

(c) The Code Authority shall receive, and if it shall approve shall present for the approval of the President, any proposals for supplementary provisions or amendments to this Code, or any part hereof, with respect to wages, hours, trade practices, and related matters or conditions in the industry.

(d) Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and by paying their reasonable pro rata share of the expense of the maintenance of the said Code Authority and its activities, either by becoming a member of the Feldspar Association or by paying to the Code Authority or to such agency as it may designate such pro rata share. Such shares 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.

(e) The Code Authority may designate the Feldspar Association, or any other proper agency, to assist it in maintaining its accounts and in procuring the collection of the cost of administration due from members of the industry. The Code Authority may from time to time appoint such subcommittees or designate such agencies and may delegate to any of them such of its powers and its duties as it shall deem necessary and proper, in order to effectuate the provisions and purposes of this Code, provided, however, that the Code Authority shall not be relieved of final responsibility with respect to any such delegated powers or duties.

ARTICLE VI—COST ACCOUNTING AND PRICES

A. The Code Authority shall formulate and recommend for the approval of the Administrator for use in the industry a uniform and adequate cost-accounting system, which shall be adaptable to the industry. Such system shall specify the factors which shall be included in determining the operating costs of employers. After approval of such cost-accounting system by the Administrator each member of the industry shall use a cost-accounting system which is at least as detailed and complete as the system so approved.

B. No member of the industry engaged in grinding operations shall sell any product at such prices or on such terms and conditions of sale as will result in a purchaser's paying therefor less than such member's individual costs as determined in accordance with the principles of the costing system provided for in Section A of this Article, except to meet the competition of another member of the industry.

C. No member of the industry shall purchase crude feldspar from a member of the industry engaged in mining operations, and no member of the industry engaged in mining operations shall sell such crude feldspar to a member of the industry engaged in grinding operations at less than the lowest cost of a representative producer of crude feldspar. A representative producer of crude feldspar shall be a member of the industry regularly engaged in the mining of feldspar and maintaining a permanent organization for conducting these operations. Such costs shall be determined from time to time by the Code Authority on the basis of adequate cost data submitted by such representative producers and shall be subject to review and modification by the Administrator.

D. Members of the industry engaged in both mining and grinding operations as herein defined shall, for the purpose of determining their costs pursuant to the provisions of Section B of this Article, use as that element of cost described as cost of materials not less than the minimum prices established in accordance with Section C by the Code Authority for all products of members of the industry engaged in mining operations.

E. The Code Authority shall formulate and submit for the approval of the Administrator a classification of the grades of feldspar in accordance with the uses thereof. After the approval thereof by the Administrator no member of the industry shall sell feldspar except in accordance with such classification.

F. Within ten (10) days after the effective date of this Code, each member of the Industry shall file with the Code Authority a schedule individually prepared by him, showing his current prices, discounts, and all terms and conditions of sale, and thereafter shall maintain on file with the Code Authority at all times a schedule showing such current prices, discounts, and terms and conditions of sale, and any deviation therefrom in connection with any sale of his products shall constitute a violation of this Code.

Any member of the Industry may, from time to time, file a revised schedule with the Code Authority, such revision to become effective on date specified therein, provided, however, that such revision shall be filed with the Code Authority at least ten (10) days in advance of the effective date thereof. Copies of such revisions

with notice of the effective date specified, shall be immediately sent by the Code Authority to all other members of the Industry, who thereupon may file, if they so desire, revisions of their schedules to meet the revisions first filed, such revisions to become effective upon the date when the revised price list first filed shall become effective. All schedules so filed with the Code Authority shall be open to inspection at all reasonable times by any interested party.

G. No member of the industry shall permit his agent to sell ground feldspar products at other than the prices, terms, and conditions, filed by such member of the industry with the Code Authority in accordance with Section F.

H. No member of the Industry shall make or permit to be made any secret payment or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or any secret extension to certain purchasers, of special services or privileges not extended to all purchasers, on like terms and conditions.

I. All quotations and contracts for the sale of any product of the industry by a member of the industry shall be in writing and shall contain a definite statement of price, tonnage, grade, terms of payment, time and place of delivery, and all other items necessary to form a complete understanding. No contracts with individual consumers or jobbers shall be made for a period in excess of thirty (30) days or in excess of such longer periods as the Code Authority may from time to time approve.

J. No member of the Industry shall sell any products of the Industry on consignment, except under circumstances and conditions approved by the Code Authority.

K. The present capacity of the Industry is far in excess of the present or prospective needs. Therefore each member of the Industry shall register with the association the grinding capacity of its present grinding equipment. Prior to the installation of any new grinding equipment by persons engaged or engaging in the Feldspar Industry, except for the replacement of similar worn-out or obsolete grinding equipment, such persons shall report to the Code Authority. The Code Authority shall make such recommendations to the Administrator as may seem necessary to effectuate the policy of the National Industrial Recovery Act.

ARTICLE VII—MODIFICATION

A. 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 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 any provision of this Code or any conditions imposed by him upon his approval thereof.

B. This Code may be amended upon the recommendation of the Code Authority or of any interested party or group, and any modification so recommended or initiated shall be effective upon the approval thereof by the President after such notice and hearing as he may prescribe.

ARTICLE VIII

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

ARTICLE IX

Whereas the policy of the National Industrial Recovery Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized and understood that price increases will, so far as reasonably possible, be limited to actual increases in the seller's costs.

ARTICLE X

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

Approved Code No. 206.

Registry No. 1012/1/02.

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