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OFFICE OF NATIONAL RECOVERY ADMINISTRATION
DIVISION OF REVIEW

POSTING OF LABOR PROVISIONS UNDER NRA

By

Paul Hutchings

(A Section of Part D: Control of Other Conditions
of Employment)

WORK MATERIALS NO. 45
THE LABOR PROGRAM UNDER THE NIRA

Work Materials No. 45 falls into the following parts:

- Part A: Introduction
- Part B: Control of Hours and Reemployment
- Part C: Control of Wages
- Part D: Control of Other Conditions of Employment
- Part E: Section 7(a) of the Recovery Act

LABOR STUDIES SECTION
March, 1936

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March, 1936

W. L. D. - pt. of Commerce
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FOREWORD

This study of "Posting of Labor Provisions Under NRA" was prepared by Mr. Paul Hutchings, Labor Studies Section, Mr. Solomon Barkin in charge.

This study is an examination of the procedure used in the preparation and distribution of posters containing the labor provisions of NRA codes. These posters were the principal method used to inform the great mass of employers and employees of the actual contents of the labor provisions applicable to their industry. It will be remembered that enforcement of labor provisions of codes was based primarily upon complaints made to NRA concerning non-compliance with code provisions rather than upon factory inspection. The posting of labor provisions was therefore an important device in the administration of these provisions.

At the back of this report will be found a brief statement of the studies undertaken by the Division of Review.

L. C. Marshall
Director, Division of Review

March 25, 1936

POSTING OF LABOR PROVISIONS UNDER THE NRA

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SUMMARY

This report deals with the National Recovery Administration's experience with the problem of dissemination and use of posters containing the labor regulations set forth in the codes of fair competition.

Labor provision posters were important as a device to aid in obtaining compliance with code labor provisions. They performed this function by informing employees of the exact terms of the code provisions and of where and how to make complaints of violations. They were also helpful to the Administration in securing compliance by indicating good procedure to employees in establishments which were not operating in conformity with the code labor provisions. This operated to benefit competing employers as well as the employees of the non-complying establishments.

No well defined posting policy existed for many months. Some trade associations, of their own volition, suggested various types of provisions which required that industry members display the labor provisions of the code in their plants. The Labor Advisory Board urged its staff members to work for the inclusion of a posting provision in each proposed code under their jurisdiction, and a model posting provision was contained in the first draft of that Board's model code. The numerous model codes of both the Labor Advisory Board and the Administration contained various types of regulations on posting. Since many of the large industries which were codified early in the code making period did not have posting regulations in their codes, it was necessary that some action be taken to obtain this inclusion. An Executive order made posting of code labor provisions mandatory. It delegated to the Administrator the right to formulate rules and regulations to insure such posting. These rules and regulations were established by a series of Administrative orders, adjustments in policy being made as experience warranted.

Various points of policy had to be determined relative to such details as the establishment of a procedure for filing complaints, obtaining estimates of the number of posters required in each industry, preparing posters, and many other less significant problems.

Many unusual problems of preparation of posters were encountered. These covered such difficulties as unusually lengthy code provisions, how to handle supplementary codes, the rewriting of unusually complex provisions so as to make them intelligible to workers, how to handle the problem of code modification, classified wage scales, area agreements, hazardous occupation lists, safety and health standards, and other matters. The necessity of translating code provisions for certain industries into Spanish, Yiddish, and other languages gave rise to difficulties which slowed preparation considerably in those cases.

A number of code authorities objected to the poster supplied by the Administration and some refused to distribute the official labor

posters, which refusal constituted a violation of the President's order, and a violation of the NIRA. Each case was handled individually. An attempt was always made to reach agreement with the objecting group. In some instances the Administration did not insist on poster distribution and display (as in the cases of the Daily Newspaper industry and the Iron and Steel industry).

The second source of distribution difficulty lay with the inability of code authorities in some large and widely scattered industries to build up adequate mailing lists of industry members. In one or two cases the Administration handled distribution either through its state offices or from Washington. The suspension of all code authorities for the Service trades necessitated the Administration's taking over the distribution of these posters.

Various modifications of the method of handling the posting problem were being considered at the time of the code invalidation. These included a method of verifying compliance with posting provisions of codes, several proposed methods of simplifying poster content, an attempt to require posting of PRA substitutions still in effect, and other changes to make the posting program function more smoothly and efficiently.

POSTING OF LABOR PROVISIONS UNDER THE NRA

I. THE IMPORTANCE OF POSTING LABOR PROVISIONS

The effectiveness of displaying labor posters containing labor regulations in industrial establishments has long been recognized by the more progressive State labor departments. It familiarizes employees, as well as employers, with the requirements (minimum regulations) of the law, and provides a factual basis for the settlement of controversies. Compliance with the law was found to be considerably assisted by such posting. The NRA utilized the experience of these State labor departments in its dissemination of the provisions of codes to industries.

The success of the NRA program in regard to re-employment depended on obtaining compliance with the labor provisions of codes. Posters containing the labor provisions represented the most efficient as well as the cheapest method of informing employees and their employers of the conditions governing employment. In order that employees might become familiar with the employment conditions prescribed by codes of fair competition applicable to them, they were provided through the labor posters with the code standards. They were, moreover, informed by the posters what action might be taken to secure compliance with the code, if their own terms of employment were at variance with those prescribed.

The posting of labor provisions was also of considerable value to employers. Responsible employers who complied with the code were assured that the employees of less responsible operators would be informed of their rights and the methods of protecting themselves. In establishments complying with the code the posters served to keep employees informed of the fact that they were working in accordance with the approved provisions of the applicable code. Cooperation between employees and employers was thereby increased.

Labor posters were of service to the National Recovery Administration as they were the only means of transmitting official information to employees. The large number of approved codes and their complexity made it physically impossible and financially impractical to supply each worker with a copy of the code provisions governing his employment. This problem was further complicated by amendments, exemptions, modifications, stays, and Administrative orders which kept changing the code context. A labor poster was therefore devised for each code, to be displayed in all establishments and kept up to date, thus furnishing the employee with the necessary information.

These posters were indispensable to NRA compliance, since compliance was founded on the premise that complaints were to be the major if not the exclusive means of detecting violations. Investigations of payroll were not to be used except where undertaken by individual code authorities on special occasions. Posting, therefore, was the major means of eliciting complaints and knowledge of non-compliance with code labor provisions.

II. THE DEVELOPMENT OF POLICY ON POSTING

- A. Early Precedents
 - 1. The PRA.

The President's Reemployment Program, announced on July 20, 1933, placed industries under pressure immediately to effectuate the terms of the President's Agreement. The drive behind the program and the prevailing public approval of this novel method of meeting the unemployment problem placed the PRA on the front page of newspapers for weeks. The display of the Blue Eagle was notice to employees and to all that the employer had signed the PRA and was obligated by its terms. Newspapers broadcasted to the employee the conditions under which he was to work if his employer displayed the Blue Eagle.

The effectiveness of this method of informing employees of their rights continuously decreased as PRA substitutions were approved in large numbers. As the industrial coverage of the substitutions was vaguely defined, workers found great difficulty in determining the conditions applicable to their employment. The press displayed relatively little interest in the specific substitutions to the PRA. Gradually all matters concerned with the PRA were relegated to the inner pages. PRA substitutions were not required to be posted in individual establishments.

2. Early Codes.

The first code which contained a provision for posting of labor provisions was that for the Corset and Brassiere industry, approved August 14, 1933. (*) This industry, largely centered in industrial states, had been made familiar with the use of posters by State labor departments. It is for that reason that they required the posting of labor provisions. (**) Labor codes, following this example, required that labor provisions be posted in establishments.

The code for the Hosiery industry was the second to contain a provision requiring the posting of labor provisions. (***) This code provided that the code authority would determine the manner in which such notices should be displayed. In addition the code authority

(*) Code No. 7, National Recovery Administration Codes of Fair Competition, Vol. I, p. 69, Government Printing Office.

(**) Code for Corset and Brassiere industry, National Recovery Administration, Codes of Fair Competition, Vol. I, p. 73. Article IV - (c):

"Each person shall post in a conspicuous place in each work room of his factory, Sections 3 and 4 of this Code."

(***) Code No. 16, Approved August 26, 1933.

interpretations of code provisions were also to be posted. (*)

3. Model Codes.

Soon after the approval of the two codes mentioned above, the staff of the Labor Advisory Board began aggressively to seek the inclusion of a posting provision in codes. Its model code of mid-September, 1933 included a clause requiring the posting of code labor provisions. At the same time a staff memorandum urged that the poster include addresses of authorities to whom employees might send complaints.

The need for a posting clause was soon recognized by the Administration. The model code of October 1st included a specific provision for the posting of the full copy of the code. This recommendation was developed out of a desire on the part of the representatives of various advisory units to have the employees familiarize themselves with the trade practice provisions as well as labor. To the representatives of the Labor Advisory Board this appeared unobjectionable so long as the principle of posting labor provisions was recognized. A model code of the Labor Advisory Board issued on September 30th for the use of its staff included a provision identical with that in the IRA model code of October 1st. A more complete clause was developed by staff members of the board for use in special cases. This prescribed the size of type, the number of posters to be displayed, and such languages in addition to English as were necessary to assure understanding by the employees. This draft clause likewise called for the inclusion on the poster of all changes made in the code itself.

The first code to make provision for the posting of the code in languages in addition to English was the code for the Ice industry, approved October 3, 1933. (**) The code for the Throwing industry,

(*) Code for the Hosiery industry, National Recovery Administration, Codes of Fair Competition, Vol. I, p.347. Article IX, Section 3 (a):

"3. It shall be the duty of the Code Authority to:

- a. Issue and distribute to all persons in the industry, from time to time, such posters or notices as, in its judgment, shall be displayed in the plants of the industry for the purpose of bringing to the attention of all employees, provisions of the code which affect them and interpretations thereof by the Code Authority. The Code Authority may specify the manner in which such notices or posters shall be displayed. Failure to comply with such instructions shall be an infraction of the code."

(**) Codes of Fair Competition, Vol. I., p.534. Government Printing Office.

approved October 11, 1933, introduced for the first time the principle of noting on the poster information as to where and how employees were to report violations of code provisions and acknowledged the need for standardized, printed, official posters by requiring the Throwsters Research Institute to furnish employers with copies of a printed notice. (*) Representatives of the Institute were permitted to verify the fact that such notices were posted and state labor departments were to be requested to cooperate in inspection to determine whether such notices were posted and kept posted.

The model codes of October 25th and November 6th both provided for the posting of the entire code without, however, specifically taking up the more detailed questions of the manner of posting. The unanimity of opinion that a posting clause was necessary was reflected increasingly in the growing number of codes with posting provisions. Of the first fifty codes approved by NRA only six required the posting of labor provisions; among the next ten codes approved four required such provisions and codes numbered 60 - 69 contained six codes with such provisions. Almost all codes approved after November, 1933 included a provision requiring the posting of either the labor provisions or the entire code. These clauses varied substantially in their content and several new types of provisions were introduced. Several codes reaffirmed the provision that posters would be supplied to employers. The code for the Concrete Masonry industry called for the posting of the labor provisions on each job as well as at the office. The provision adopted in the Raw Peanut Milling industry code more nearly complied with the recommendations of the Labor Advisory board staff than any other code. It set forth the size of type to be used, the number of posters in each shop as well as the requirement that posters be set forth both in English and in the foreign languages spoken by the employees and also called for the posting of changes in the code. The Chewing Gum industry made novel use of labor posters for enforcing its averaging provisions on hours by requiring that the hours of each employee be posted along with the general code.

B. Definitive Regulation of Posting.

Though progress was being made in the introduction of the posting provision into the various codes, several shortcomings were evident. In the first place, few of the early codes contained such a provision. Among these were some of the largest industries including electrical, shipbuilding, iron and steel, lumber and timber, automobile, cotton, silk, and wool. In fact, only 33 of the first one hundred codes had a posting clause. In addition, the provisions varied greatly among the codes, some prescribing the posting of the entire code and others the posting of the labor provisions only. Some codes required reproduction in other languages in addition to English, others made no reference to this point. Nor was any determination available on the procedures for furnishing copies of the codes for posting. In these circumstances, to

(*) Codes of Fair Competition, Vol. I., p. 649. Government Printing Office.

avoid the difficulties and delays which would occur in amending each code to comply with a uniform standard, the administration decided to standardize the whole subject by means of a general executive order applicable to all codes.

1. Executive Order of February 8, 1934.

Members of the Compliance division took the initial steps toward drafting the order. After several revisions, the order was presented to the President and signed by him on February 8, 1934. (*) The order authorized the Administrator to prescribe rules and regulations governing the posting of provisions of approved codes. Non-compliance with these rules and regulations made one liable to the penalties of the Act.

2. Administrative Orders.

On the basis of the authority thus delegated to the Administrator, an Administrative order was issued on February 12, 1934 prescribing rules and regulations governing the posting of labor provisions. (**) This order provided the following: (1) Each person subject to a code shall "register the full name of his enterprise together with a statement of the number of shops, establishments or separate units thereof and their location with the code authority"; (2) each registrant is to be furnished with an official copy of the labor provisions of the code which is to be conspicuously posted at all times in all units of the business so as to make them freely accessible to all employees. Furthermore, the order provided that the "official copies of such provisions will contain directions for filing complaints of violations of such provisions"; (3) each employer granted an exemption from the code labor provisions permitting him "to pay lower wages or work his employees longer hours or establish conditions of employment less favorable to his employees than those prescribed by the provisions contained in such official code would be given a certified copy of the exemption; (4) only correct copies of the code might be displayed; (5) employers subject to more than one code would be required to post all such codes.

On publication of this order objections were immediately raised to certain of its provisions. Provision No. 2 which left it to the employers to determine the places where the posters would be posted was criticized, as well as Provision No. 3 which might be interpreted as not requiring the posting by employers of any improved labor conditions (higher wages, shorter hours or conditions of employment more favorable to employees) which might be established through code modifications.

(*) Executive Order No. 6590-B, Vol. VI, Page 655 Printed Codes

(**) Administrative Order X-6.

A revised Administrative Order X-7 (*) was issued February 28, 1934. This new Order eliminated the weaknesses of its predecessor and in addition gave more specific instructions in regard to applications for official copies. It also emphasized the Administrator's right to "remove all Blue Eagles from any person who fails to comply with these regulations". With the issuance of this revised order, policy may be said to have crystallized into definite form. "The only important change subsequent to this order of February 8, was a modification of the first paragraph by Administrative Order X-82, dated September 1, 1934, which authorized the NRA to determine in its discretion what the official labor posters should contain. This removed all doubt as to the right of the Administration to pass on the content of all posters." (**)

Further problems took the form of administrative questions in carrying out the general policy thus adopted.

III. PROBLEMS OF POSTER PREPARATION

A. Responsibility for Posters Assumed by NRA.

By a decision taken in late February or early in March 1934, the NRA assumed responsibility for preparing and printing all labor posters. This decision was in the interests of protecting labor by having the form of poster itself satisfactory to the NRA, and by eliminating delays in their preparation. It also made the NRA responsible for the translation of the posters in other languages than English where it was deemed desirable and placed upon the NRA the decision on the question whether posters in such other languages were necessary in particular industries.

B. The Posting Committee

On February 22, 1934 a posting committee composed of representatives of the Compliance and Legal divisions, Administrative office, and the Industrial and Labor Advisory boards was organized.

C. Estimates of Posters Required.

The first task of the committee was to estimate the number of posters required in each industry. The problem was placed before the group conferences of code authorities in early March, 1934 and the consensus of opinion favored having estimates made by the code authorities and transmitted by them to the Administration.

D. Procedure for Filing Complaints.

A second problem was to determine a procedure for employees to

(*) Administrative Order X-7, February 28, 1934, Regulations Governing the Posting of Labor Provisions in Codes of Fair Competition, NRA Office Manual, V-D-4.

(**) NRA Office Manual, V-D-53.

follow in reporting and adjusting complaints of alleged violations of code labor provisions. Considerable difference of opinion was voiced on this problem. The representative of the Industrial Advisory board, among others, maintained that employees' complaints could best be adjusted by direct negotiation between the employee concerned and his employer and hence should be reported directly to the employer. Representatives of the Labor Advisory board objected vigorously to this proposal. They urged that the complaining employees might thus be subject to dismissal for making complaints. (*)

Instructions on filing of complaints were finally agreed upon as follows:

"Inquiries or complaints may be addressed to your employer or to your State NRA Compliance director whose address is below."

In the opinion of the Labor Advisory board this form of statement was not satisfactory and further efforts were made toward altering it. A new form was finally approved by the Advisory Council, July 18, 1934, as follows:

"How to File a Complaint"

"Don't act hastily. Make sure you are right. An unjust complaint is unfair to your employer and does you no good.

"Remember that many grievances can be best settled by going direct to your employer.

"But you may instead send all the facts to one of the following:

1. To the proper Industrial Relations Board, if any (See addresses on this poster or ask the State NRA Compliance Director for the proper address.)
2. To your State NRA Compliance Director (See addresses on this poster.)
3. Or (if not satisfied) to the Compliance Division of the NRA, Washington, D. C.

"NO ONE HAS THE RIGHT TO REVEAL YOUR NAME WITHOUT YOUR CONSENT NOR TO DISCHARGE YOU FOR MAKING A COMPLAINT."

(*) This objection was met by the issuance of Executive Order No. 6711, on May 15, 1934, which prohibited the dismissal or demotion of "any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any code of fair competition approved under said Title".

E. Procedure for Preparing Posters.

To expedite the preparation of posters a definite procedure to be followed was set up. On February 24, 1934, a member of the Compliance division was designated to handle all requests for information on the posting of labor provisions and all other correspondence relative to carrying out administrative regulations. (*)

The Labor Advisory board was given charge of preparing poster material and designating which clauses were to be included. The Legal division reviewed the selection of clauses and their accuracy. Finally the draft posters, or dummies, were transmitted to the Compliance division, which prepared the material for printing and sent it to the Government Printing Office. The Compliance division advised the Printing Office as to the number to be printed and gave instructions for forwarding the printed posters directly to the Code Authorities for distribution to industry members.

Executive Orders on handicapped workers, prohibiting dismissals of employees for filing complaint, Apprentices training, and home work were attached to the prepared dummy. The Compliance division prepared a standard dummy poster which contained,

1. The title of the poster (Name of approved code)
2. Approval date and number of code
3. The directions for filing complaints of violations
4. The list of State NRA Compliance officers with their addresses.

Among the duties of the Labor Advisory board was the inclusion on the draft poster of amendments or Administrative orders approved subsequent to approval of the code. All pertinent provisions of amendments were included in toto. To conserve space many of the Administrative orders were printed in summary only.

The procedures were modified as occasion demanded. The functions performed by the Compliance division were delegated to the Insignia section of the Communications division in the summer of 1934. The standardization of policy on types of material to be included made it possible to speed-up the work of poster preparation. Posting procedure as operating in early 1935 was officially recognized through its inclusion, with slight modification, in the Office Manual of the Administration. (**)

(*) Office Memorandum, February 24, 1934.

(**) NRA Office Manual, Enforcement - III - 4511 through 4524.22.

F. Special Problems of Preparation.

1. Technical Layout.

Poster stock was ordered in four sizes, 14x19, 14x28, 14x23 $\frac{1}{2}$, and 20x28 inches. The size of type selected was ten-point. To be included on the poster were the name and definition of the industry, the labor provisions of the code, and in addition, Executive orders on handicapped workers, and apprentices, prohibition of dismissal of employees for making complaints for violation of code provisions, and when a home work prohibition existed, the executive order on home work. In many cases, special administrative orders might also be necessary and notices regarding stays, etc. In addition, provisions had to be made for lists of hazardous occupations, safety and health regulations, wage schedules and wage agreements.

Provisions in the majority of codes were too lengthy to be placed on the smallest size stock. In a considerable number of cases even the largest size was too small if ten-point type was to be used. In these cases either the size of type had to be reduced or the material divided so as to appear on two or more posters. In some cases the type used was too small to be satisfactory.

The great length of the code for the Graphic Arts industry made it impossible to include all the labor provisions or all its subdivisions on a single poster. Four posters were prepared, each covering a sub-industry group of groups as follows: (1) relief printing, (2) gravure intaglio printing, (3) steel and copper plate engraving, securities and banknote engraving and printing, and (4) lithographic printing and trademounting and finishing.

In the case of the Lumber and Timber Products code and its numerous industry subdivisions the definition of each division had to be included on the poster. This crowded the space allowed for posting of labor provisions. As a result they were printed in very small type, which was particularly unsatisfactory in this instance because of the diversified wage rates established.

The supplementary codes of the Machinery and Allied Products industry, the Fabricated Metal Products industry and most of those of the Wholesale and Distributing trade, merely adopted by reference the labor provisions of the basic codes: these divisional industries were therefore supplied with the labor posters applicable to their basic industry. In the cases of the Construction industry and the Fishery industry, however, the divisional groups had to have separate labor posters because of special provisions applicable to the divisions. Labor posters for the supplements of the Construction industry were prepared by placing the provisions of the basic Construction code in the upper part of the poster and those of the supplementary code in the lower part. The General Contracts division of the Construction industry had three approved subdivisional codes which modified the labor provisions of the General Contractors code. In these cases a single poster was prepared for each subdivisional industry which combined the applicable provisions from all three---the Construction industry, the general contractors, and the subdivisional codes. But this plan involved reorganizing or modifying

the provisions; an agreement as to the method of posting these provisions had not been reached on May 27, 1935. In case of each subdivision of the Fishery industry the applicable provisions from the basic and pertinent supplementary code were combined into a single poster rearranged to bring the provisions on the same topic together.

(a) Social Devices.

Certain devices were utilized or planned to make the results more readable and effective.

i. Rearrangement.

The code for the cotton textile industry--the first code--did not conform in style or method of presentation with the later standardized forms, and many provisions were added in amendments. For purposes of the labor poster, material was rearranged so that all the pertinent provisions and orders were placed under the general headings "HOURS", "WAGES", "DEFINITIONS" and "GENERAL EMPLOYMENT PROVISIONS".

ii. Rewriting.

Separate posters were prepared for each division--production, exhibition and distribution--of the Motion Picture industry. The provisions established for the production division required that rules and regulations, and interpretations governing employment of extras "be adopted". (*) These interpretations and rules and regulations proved to be of such length that an additional poster was required. In order to make them comprehensible it was necessary that they be slightly rewritten for posting purposes. Permission for this rewriting was obtained from the deputy. (**)

(*) Motion Picture industry, Codes of Fair Competition, Volume 3, page 236:

"Section 3 - Provisions regarding 'extras' - 1. The code authority provided for in this code shall undertake and provide for rules and regulations to be adopted by all casting agencies and/or producers with respect to extras and shall appoint a standing committee representative of employers, 'extra employers', and the public, to effectuate the foregoing poster and to interpret the terms of any provisions made for 'extras' and to supervise the same, receive and pass on complaints and grievances and to otherwise aid in effectuating the foregoing provisions, subject to review by the Administrator."

(**) But see below, p.24. The poster was never distributed.

iii. Briefing.

Another device was that of briefing the pertinent facts in regard to wages and hours and placing this summary at the head of the poster. This sort of modification was approved by the Advisory Council of the Administration in the Spring of 1935 to apply to all new labor posters to be prepared under the proposed amended National Industrial Recovery Act. (*)

(*) Advisory Council Decision, Vol. IV, P. . . , reads as follows:

DECISION NO. 208

April 3, 1935

Office Manual

Posting

Detailed recommendation on tentative Office Manual.

The following recommendation relates to posting:

There is a definite feeling in the Council that both the customary labor posters and the routine of preparing them are over-elaborate. There is no need for reconsidering the poster problem at the moment, but if codes are revised, new posters will be needed. Consequently the suggestions made below are aimed at developing procedure for the new posters, if any.

The amount of detail crowded into the typical poster is so great as to render it incapable of being understood by the average workman for whose assistance and protection it is provided. Even if it means the sacrifice of legal information necessary for the prosecution of an occasional law suit, the form should be greatly reduced. Specifically, the Council questions whether it is necessary to include the definitions of the industry, all of the ponderous language concerning stays, exemptions, interpretations, extensions, and administrative orders except insofar as they bear on wages and hours of labor and are capable of intelligent contraction.

Sample of such a condensation of the official poster of the Pump Manufacturing industry is attached, prepared by the Labor Advisory Board. It is extremely brief, but even so includes the essentials. The council offers it, not as an approved document, but as an exhibit of the sort of skelton which might be developed. Some of the information that it does not include may on rare occasions be important to the maintenance of good working conditions, but the increased extent to which what is posted will be read and understood is certain to out-balance merely speculative losses on that score. Possibly, some such skelton could be presented in large type, and the exact details of the code printed in small type. Of course, if revision leads to simplification of labor provisions, the problem becomes less significant.

It should also be possible to simplify procedure. The council believes that the process of preparing and securing approval of posters can be shortened without risk of serious error or improper emphasis. Instead of the present procedure of having a poster prepared and then referred to the Advisory Boards, it might be prepared in a single meeting with the code advisers.

iv. Simplifying.

Another plan was for simplification by rewriting the labor provisions in briefer form: The code authority for the restaurant industry authorized the acting Administration Member to draw up a proposed simplified poster for that industry. At the time of the Supreme Court decision the preparatory work on the simplified poster had been completed and it was ready for submittal to the Code Authority.

(b) Supplementary Materials

i. Area Agreements

The basic Construction code provided for area agreements between employers and employees covering hours, wages, and employment conditions which when approved became binding upon such groups in the area. (*) In anticipation of these agreements a boxed statement was included on each Construction labor poster which read as follows:

"There must be inserted here by the code authority reference to any applicable mutual or area agreement made under provisions of Section 1 of Article III, chapter 1, quoted above. The copy of this agreement must be posted along with each copy of this official poster."

A space was provided immediately below this box for a listing of the area agreement number and the date of NRA approval of such agreement. Posters for approved agreements were modeled after official labor posters. (**)

(*) Construction industry, Codes of Fair Competition, Vol. V., Article III, Section 1, p.

"Section 1 - In each division or subdivision of the industry, as defined in the chapter incorporated in this code relating thereto, truly representative associations or groups of employers and employees respectively concerned, after proper notice and hearing and as a result of bona fide collective bargaining may by mutual agreement (when approved by the President as provided in Section B of the code), for a specifically defined region or locality the standards of hours of labor, rates of pay, and such other conditions of employment, relating to occupations or types of operations in such division or subdivision, as may be necessary to effectuate the policy of Title I of the Act."

(**) See appendix for example: Electrical contractors, Cook County, Illinois.

ii. Wage Schedules.

Some codes required that special wage schedules for skilled employees be submitted to the Administration for approval. (*) When these special wage schedules were approved it was necessary that they be posted along with other provisions. The wage scales for skilled labor in the Leather and Woolen Knit Glove Industry required three posters in addition to the one containing code labor provisions. While the disadvantages of quadruple posting were recognized, no other method was available to make these provisions accessible to employees. Operations were grouped according to actual grouping in industrial plants so far as possible, and each wage-scale poster was prefaced with the statement that it should be conspicuously posted alongside the labor provisions poster for the industry in work rooms where cutters, sorters, trimmers, (or other types of operators covered by the poster) were employed. This eliminated the need for posting all four at one place unless all types of skilled operators were employed in the same work room.

iii. Hazardous Occupations.

Practically every approved code contained a provision prohibiting the employment of persons under 18 years of age in any occupation hazardous by nature or detrimental to health. These provisions in addition usually required the Code Authority to submit a list of such occupations. It was necessary that these lists be posted with the labor provisions in order to inform employees of the regulations on hazardous employment. If the list had been approved by the Administration before the poster for the industry concerned was printed, the list was incorporated in the official labor poster immediately following the provision prohibiting employment in these hazardous occupations. If the poster for the industry had been printed prior to the approval of the list, the list was held until sufficiently important modifications were made to the labor provisions to warrant a poster reprint, or the list was set up on an official modification sticker (**), which was transmitted to members of the industry through their Code Authority to be attached to their official labor poster. The length of many of these lists required the use of smaller type than the standard ten point which had been agreed upon.

(*) Example: Leather and Woolen Knit Glove Industry, Article IV.

Section 6 and 7, p. 577, Vol.2, Codes of Fair Competition.

"Section 6- The minimum rates of wages of skilled workers provided for in paragraph 1 of this article shall be proclaimed from time to time by the code authority, after approval by the Administrator. The aforesaid minimum scales of wages shall be based upon the Fulton County wage scale, with any revisions, additions, amendments, or adjustments approved by the Administrator to meet original conditions and to maintain fair competition in the industry.

Section 7 - Employers shall post in their work rooms such copies of wage schedules in effect from time to time that may be distributed by the code authority."

(**) See below, p. 16.

2. Amendments and Modifications.

Keeping posters up to date was difficult, especially in cases where the codes were frequently amended.

In cases where changes were not sufficiently long to warrant re-printing of the entire poster, modification stickers were printed and distributed. This modification sticker was to be pasted at the bottom of the labor posters in the space provided for modifications. Some of the first stickers printed failed to mention the name of the code to which they applied. The later stickers contained directions for posting as well as code name, number, and the notice that the sticker constituted an official copy. The official stickers were distributed by the code authority in franked envelopes in a manner similar to the distribution of official labor posters.

The experience of the lumber and timber products code illustrates the difficulties of keeping up to date when numerous amendments were offered and approved. By May 27, 1933, there were 30 approved amendments to this code, many of them making significant changes in labor provisions. It was impossible to make the necessary changes in the posters by use of modification stickers because of the complex nature of both the amendments and the original provisions. The size of the industry made it financially impracticable for the Administration to reprint the entire poster every few months. At the time of the Supreme Court decision a completely revised poster for this industry was being prepared.

The official labor posters for the textile and apparel industries were among the most difficult to prepare because of continual changes in the code provisions and the jurisdictional problems between these industries. Amendments were proposed, heard and approved. Code provisions were stayed. Changes were so frequent that a poster correct when printed would be out of date within a few weeks. The Cotton Garment industry code had approximately twenty-five modifications and nine amendments to the labor provisions approved. The Dress Manufacturers code presented a similar problem.

3. Safety and Health Booklets.

More than three hundred approved codes contained provisions for the formulation of safety and health standards, which standards, when approved, were regarded as parts of the codes. Late in March 1933, by which time nine sets of safety and health standards had been approved, consideration was given to methods by which these standards could best be made available to the employers and employees of these industries. It was decided that the booklet form would be preferable to the poster form, since the booklets could be prepared by roto-printing, and thus avoid the delays encountered in the Government Printing Office. These pamphlets would consume less wall space than posters and, therefore, would encounter less opposition to posting from employers.

A sample safety and health pamphlet was prepared for approval, in order to test the advantages of this method of reproduction. But the invalidation of the act cut short any further development of this program.

4. Translation.

In a number of cases codes had to be translated into the languages in common use among employees in certain industries which employed large numbers of non-English speaking workers. The responsibility for translation fell to the Labor Advisory Board. The Puerto Rican office supplied Spanish translations of the Puerto Rican codes. In order to assure the posting of both posters whenever necessary a statement in Spanish to the effect that a Spanish translation of the poster must be posted in plants employing Spanish speaking workers was placed in a conspicuous box in the upper right-hand corner of the English poster.

The code for the Needlework industry in Puerto Rico presented special problems not only because of the necessity of translation in Spanish, but also because of the continuous modifications which were made in the wage rates established by the code. Each approved modification had to be translated and the appropriate changes made on the poster copy. (*)

It was decided by the posting group, after consultation with the deputy and labor advisers concerned, that the Retail Kosher Meat trade code should be translated into Yiddish for posting purposes. (**) A Yiddish translator was employed, and the translation was sent to New York for printing.

The code for the Handkerchief industry provided by amendment #2, approved October 31, 1934, that "posted copies of the labor provisions of this code and of the said interpretations shall be in English and in any other necessary language or languages". (***) The code authority requested that owing to the large percentage of Polish workers, labor posters be translated into Polish. In this case the code authority was authorized to have the translation made, subject to the approval of the Administration.

In the case of the Coat and Suit industry, the code authority prepared a tri-language poster (English, Yiddish, and Italian) which was approved by the Administration as the official labor poster for that industry.

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- (*) The Labor Advisory board had no adequate facilities for checking the accuracy of these translations. Certain errors in translation were found to have crept into the Spanish poster for the Needlework industry.
- (**) Retail Kosher Meat Trade, Schedule A, of the Retail Meat code, approved December 31, 1934, No. 540.
- (***) Handkerchief industry, Amendment #2, codes of fair competition, Volume XVIII, Section 10, amended, p. 439.

G. Time Lag.

The time lag was a serious problem. Many criticisms were voiced both within the Administration and by code authorities on the delays in getting posters printed and distributed. But under the conditions prevailing, delays could not be avoided. From three to five weeks were usually required for the printing operations alone, (i.e., from the time the prepared copy was sent to the Government Printing Office to the time the finished copy was sent from the Printing Office to the code authority for distribution). The work of preparation was performed under great handicaps. In the first place, no full time personnel was assigned to poster preparation work. The persons to whom the work was assigned added it as extra work to their other full-time responsibilities. Much of the posting work had to be done by overtime work on evenings and Sundays. This condition was only remedied after a number of months by taking on more personnel.

A second difficulty was caused by delays in securing copies of the numerous Administrative Orders affecting labor provisions of codes. Though all that was necessary was to have a typist copy the content of the original orders as filed in the Code Record section, because of lack of typists available to the Labor Advisory board, upon which this work devolved, it frequently took a week or more to obtain copies. During the last few months of poster activity, an arrangement was made that as new orders were approved, the Code Record section would supply copies of the pertinent orders to the personnel in charge of poster preparation.

An important cause of delay was due to amendments and modifications. In some cases lengthy amendments to labor provisions were pending at the time the posters were being prepared; these were often so long that modification stickers could not be used but the entire poster had to be reprinted. This condition was especially true of the codes in the textile and apparel groups. When the cotton textile labor poster was finally ready for printing the modification sticker of September, 1934 was already needed. In case of the cotton garment code, the north and south wage differential remained indeterminate for months while temporary stays and exemptions were issued. Under such conditions, printing the posters seemed almost of doubtful value since by the time the printed poster reached the code authorities, numerous changes needed to be incorporated and the poster revised and reprinted.

A further source of delay was the failure or inability of code authorities to furnish estimates of the number of posters required. Though preparation of labor posters was commenced immediately following the approval of rules and regulations governing posting of labor provisions in February, 1934, (*) printing of the posters did not begin until May, when

(*) Administrative Orders X-6 of February 12, 1934, and X-7 of February 28, 1934.

the first estimate was received from a code authority. (*)

- (*) History of the Indiana Section, Communications Division, W. M. Duvall, Chief, August 28, 1955 (filed with "HISTORY OF NON-INDUSTRIAL DIVISIONS AND BOARDS", NRA) p.11:

"Since the first step in the procedure set up by Administrative Order X-7 required the making of application by employers for official copies of labor provisions, and application form was prepared and made available for distribution at an early date, copy annexed.

A general distribution of this form through post-offices, however, was found impracticable since the Administrative order required employers to make application for labor posters through the proper code authority. Code Authorities were advised on February 27, 1954 in a letter issued by William H. Davis, the then National Compliance director, of their duties and obligations in connection with Administrative Order X-7.

Publicity was prepared and issued to the press and other agencies in an attempt to acquaint employers with responsibilities under the Executive order of February 8 and the administrative order of February 28 and every attempt was made to put pressure on code authorities in order that they would effect a distribution of the application form by April 14, 1954, the expiration date of the 45 day period for employers to make application. At the code authority conference held in Washington during the week of March 5, code authorities were again urged to cooperate.

By March 30, some two hundred and fifty code authorities had obtained application cards and either had completed distribution or were in the process. Approximately 100 code authorities had failed to requisition supplies of these forms and determined efforts were made in a last minute drive to secure results. Their continued delay required issuance of Administrative order X-21, dated April 14, extending the time in which employers might make application until May 15."

From this time on applications for posters were received almost daily from code authorities, but the Government Printing Office was unable to keep up with the poster work supplied by the Administration. As a result, in many cases months were required to fill the applications.(*)

(*) A detailed record of time required in poster preparation was kept by the Labor Advisory Board personnel in charge. NEA Archives.

IV. PROBLEMS OF ADMINISTRATION OF POSTER PROVISIONS

A. Issuance of Unofficial Posters by Code Authorities.

One of the problems of administration of the poster provisions was the issuance of unofficial posters by the code authorities and action by code authorities beyond or in violation of the poster provisions.

Certain code authorities insisted upon including unofficial material on the labor poster. The code authority of the Radio Broadcasting industry sought to have its own, unofficial, interpretations of certain labor provisions of the code placed on the official labor poster. When informed that the interpretations could not be so included unless and until they were given official approval and made effective by means of an Administrative order, the code authority printed and distributed its own labor poster containing these interpretations and listing the code authority as an agency for receiving complaints of labor violations. This unofficial code authority labor poster was distributed to members of the industry along with the Administration's official labor poster for the industry. At the same time members of the industry were supplied with Bulletin #20 of the code authority of this industry which severely criticized the Labor Advisory board of the National Recovery Administration for refusing to allow the inclusion of the unapproved interpretations and suggested that industry members comply with the Administration posting requirements but also post the notice of code authority origin. (*)

The case of the Hosiery industry may be discussed here, though in this case the code contained a provision delegating to the code authority the determination of the material to be included on the posters, the issuance and distribution as well as the method of posting. (**)

(*) The procedure of the code authority in this regard was challenged on the ground that the code authority in issuing its poster was in effect violating the rules and regulations effectuated under the Executive order of February 3, 1934, dealing with the posting of labor provisions. The case was brought before and discussed by the posting committee with the result that the Industrial Advisory board member of said committee asked for the opportunity to handle the problem informally. This was granted and the situation was in the process of rectification at the time of the Supreme Court decision.

(**) Codes of Fair Competition, Vol. I., p. 247. Article IX, Section 3(a):

"3. It shall be the duty of the code authority to: (a) Issue and distribute to all persons in the industry, from time to time, such posters or notices as, in its judgment, shall be displayed in the plants of the industry for the purpose of bringing to the attention of all employees, provisions of the code which affect them, and interpretations thereof by the code authority. The code authority may specify the manner in which such notices or posters shall be displayed. Failure to comply with such instructions shall be an infraction of the code."

This provision also allowed the code authority to post any interpretations they deemed necessary. The poster was therefore issued by the Hosiery Code authority prior to the issuance of the official NRA poster for the industry. The code authority objected to replacing their poster with the official poster both because of the difference in size, -- which might necessitate new poster cases -- and because the Administration was unwilling to include the (unofficial) code authority interpretations and explanations on the official poster. In addition, the code authority had included its name and address as an agency for receiving labor complaints. But this code authority had never been officially authorized to handle labor complaints and therefore could not be so listed on the official labor poster. Several conferences were held on this matter. The Administration agreed to expedite the proposed plan for a labor complaints committee and the code authority agreed to submit its interpretations and explanations to the Administration for approval. Action was also instituted to modify the provision in the Hosiery code, Article IX, Section 3(a) to bring it in line with Administration policy. These steps had not been completed by May 28, 1935.

B. Distribution Difficulties.

Certain code authorities refused to distribute posters because they were not listed on the posters as an agency to which labor complaints might be directed. Code authorities could not handle labor complaints unless they had been specifically so authorized. (*) Upon explanation these difficulties and misunderstandings were usually cleared up.

Some code authorities refused to distribute the labor posters to industry members because of specific objections to some of the included material and references. The posters for the Daily Newspaper Publishing industry, printed and sent to the code authority on August 20, 1934, were never distributed. The principal objection of this body was to the inclusion of any of the conditions outlined in the Executive order approving that code. These conditions concerned child labor and workers in the news departments. These code authorities also objected to the inclusion of additional comments on these subjects made by the President to the Administrator in a letter immediately following his order of approval of the code. (**) The code authority insisted that its name be listed on the poster as an agency with which labor complaints could be filed. As it had never been authorized to handle complaints this inclusion could not be allowed. An agreement on these differences was never reached and the posters were never distributed by the code authority.

(*) See Administrative Order X-89.

(**) Code for the Daily Newspaper Publishing Business, Codes of Fair Competition, Vol. VII., p. 69 through 71.

Printing of the Iron and Steel labor poster was begun in June, 1934, but was never completed. Representatives of the Iron and Steel Institute filed objections, on behalf of the institute, to the inclusion of that part of the Executive order approving the code which provided for elections by employees in the industry of representatives for purposes of collective bargaining as provided in Article VI of the code and section 7(a) of the NIRA (*) Because of this inclusion, the code authority refused to accept the official labor poster and to make distribution of the same to members of the industry. The Administration was unsuccessful in attempting to overrule the objection of the code authority which flatly refused to be subject to established posting policy. The Labor Advisory board vigorously objected to the compromise which was finally made between the industry and Administrator. As a result of this objection by the Labor Advisory board the compromise poster was never printed.

The Code Authority for the Railway Car Building industry refused to make distribution of the labor posters for that industry until an amendment was approved removing the shorter work week allegedly imposed on the industry by the order approving the code .(**) There was also a disagreement as to the effective date of this code, -- a controversy which also affected the labor poster as each poster reported the code approval date. These differences with the code authority were never satisfactorily resolved, and, as a result, distribution of the official labor poster was never achieved.

(*) Executive Order approving the code for Iron and Steel Industry, Codes of Fair Competition, Vol., p. 522:

"2. In order to insure the free exercise of the rights of employees under the provisions of Section 7 of this Act and of Article IV of this code, I will undertake promptly to provide, as the occasion may demand, for the election of employees in each industrial unit of representatives of their own choosing for the purpose of collective bargaining and other mutual aid and protection, under the supervision of an appropriate governmental agency and in accordance with suitable rules and regulations."

(**) Code for the Railway Car Building Industry, Codes of Fair Competition, Vol. VI, p. 552.

Difficulty was encountered in preparing the official labor posters for the Motion Picture industry. This was due to the fact that the code authority had set up committees to hear labor complaints. As these committees had never been officially approved by the Administration as agencies for the handling of labor complaints they could not be listed as such on the official labor posters. When the posters were printed and sent to the code authority, that body refused to accept them, claiming that it had the right to set up such committees in accordance with Article II, Section 4 of its code. (*) This controversy was never satisfactorily settled and no distribution was made of official labor posters.

In various instances code authorities were unable to effect complete distribution because of their incomplete registration lists of industry members. This was especially disturbing in the Retail trades, where the problem was met by having the local Retail code authorities make distribution to the best of their ability and by supplementing this distribution by the use of the NRA State Compliance offices.

The budget for the Restaurant code authority was not approved until the spring of 1935, at which time a reorganized code authority attempted to function. Owing to the large size of the industry, the small budget, and the fact that assessments in accordance with this budget were never made, it was a financial impossibility for the code authority to handle the distribution of its official labor posters. In addition, the available list of industry members was most incomplete. The Administration therefore took over the distribution of these labor posters. Owing to the inadequate lists of industry members, only a small percentage of the membership received them.

Perhaps the most difficult distribution problem was encountered in the Service trades. The code authorities for these trades were suspended by an Executive order which removed all provisions except those governing child labor, hours, wages and employment conditions. (**) The trades ultimately affected by this order were:

Advertising Display Installation	Cleaning & Dyeing
Advertising Distributing	Hotel
Barber Shop	Laundry
Bowling & Billiard Operating	Motor Vehicle Storage & Parking
	Shoe Rebuilding

Because of the misunderstanding and confusion which followed the President's service trade order it was important that the employees in these trades be correctly informed as to the status of their code provisions.

(*) Code for the Motion Picture industry, Code of Fair Competition, Vol. III, Article II, Section 4, p.222.

(**) Executive order #6725 of May 26, 1934.

Newspapers had been carrying headlines announcing that the Administration had virtually dropped all service trades. As the code authorities had ceased to function and as industry memberships lists were unavailable, it was necessary for the Administration to formulate a new method of distribution. On August 14, 1934, a notice was sent to each establishment in the nine service trades listed above. These notices were distributed through all first, second and third class post-offices in the United States. They informed trade members as to which provisions of their respective codes were still in effect and supplied them with the necessary application cards, which, properly filled out and returned to the Administration, would bring them their Code Eagles and labor posters. As a result of a suggestion by the Labor Advisory board to bring about increased compliance with posting requirements in these trades, a statement was added to all service trade code eagles to the effect that the display of the eagle should be accompanied by the posting of the official labor poster in the establishment.

C. Compliance and Inspection.

Another problem was the question of compliance. It was difficult to obtain definite knowledge of the extent of compliance with labor poster provisions. In numerous instances violations of the rules and regulations governing posting were known to exist. These violations varied from mere cases of posting in places not accessible to all employees, to non-posting. The Compliance division established a rule that in all investigations of reported violations of any code provision, inquiry should be made as to posting of the official labor posters. Although many cases of inadequate posting were discovered in this manner, it was impossible to thus secure complete compliance since complaints depended upon the employee's being informed (usually through the poster) of the code provisions and where to report violations of them.

During the early months of 1935, a routine procedure was adopted requesting all code authorities to submit to the Administration, within two weeks after receiving the labor posters for their industry, a report on the progress made in the distribution of these posters. The establishment of this procedure helped to correct only one angle of the problem. It was known that in a number of industries, of which the code authorities had been supplied with posters, members were not complying with the posting requirements. This was probably due both to the code authorities' inability to make complete distribution to industry members, and also to the unwillingness of some industry members to display posters.

To aid this poster compliance situation, a plan of inspection was proposed. However, expense of employing field inspectors to verify compliance with posting requirements in individual establishments was prohibitive. The possibility of using FERA employees for a number of weeks to make country-wide check-up on all establishments was considered. The plan was not adopted because of difficulties in detail and the possible transportation expenses involved.

D. FRA Posting

In December, 1934, it became evident that many small and several important large industries intended to continue operating under President's Reemployment Agreement substitutions as all attempts at code negotiation had failed. The need was recognized of informing the two to three million workers in these uncodified industries of the provisions of the FRA substitution applicable to their employment if the Blue Eagle was being displayed. (*)

A posting meeting, attended by representatives from all advisory boards, and the Compliance and Legal divisions was held in the office of the chief of the Communications Division on January 18, 1935. The

(*)The importance of the Blue Eagle (signifying compliance) in certain of these industries should not be underrated. Executive Order 6246 of August 10, 1933 required that every contract entered into by the United States provide and require that:

"1(a) - The contractor shall comply with all provisions of the applicable approved code of fair competition for the trade or industry or subdivision thereof concerned, or, if there be no approved code of fair competition for the trade or industry or subdivision thereof concerned, then with the provisions of the President's Reemployment Agreement promulgated under authority of section 4(a) of the foregoing act, or any amendment thereof, without regard to whether the contractor is himself a party to such code or agreement:
Provided, That where supplies are purchased that are not mined, produced, or manufactured in the United States the special or general code of fair practice shall apply to that portion of the contract executed within the United States."

Many of the state and municipal governments enacted similar requirements. The repercussions of these orders were felt especially by the uncodified public utility industries, telephone, telegraph, and electric light and power; all of which do considerable business with governmental units.

problem of labor posters for PRA substitutions was presented by the Labor Advisory board representatives, and it was unanimously decided to seek to secure new Executive and Administrative orders to amend the PRA so that the disband of the Blue Book after a specified date would require the posting of the current PRA or substitution provisions. The Legal division was requested to prepare rough drafts of the necessary orders to allow for this posting, and the representative of the Compliance division was requested to prepare a list of the PRA substitutions in effect.

On January 25, 1935, the Legal Adviser transmitted the drafts to the Labor Advisory board with a memorandum expressing doubt as to their legality. On April 5, 1935, the general coordinator of the Legal division sent the Labor Advisory board a revised draft of the proposed Executive order. An accompanying memorandum stated in part that;

"This is submitted to you on the understanding that it has not received final Legal division approval but is in reasonably decent shape for you to discuss."

A new memorandum, received April 20, 1935, upheld the legality of the proposed modification of Executive order 6590-B so as to require the posting of PRA substitutions. (*)

Plans were made for taking preliminary steps for preparing PRA labor posters to be ready for issuance if the National Industrial Recovery Act was extended by Congress and if the PRA were extended under the amended Act.

(*) Letter from L.H.C. Smith to H.H. Collins, April 20, 1935.
IRA Archives.

V. SUMMARY

The experience gained through the posting program of the National Recovery Administration shows clearly that any effective program of posting labor regulations must be premised on the existence of clearly worded and easily understood labor provisions. The necessity for comprehensive industry mailing lists should not be underestimated, as adequate distribution is a vital consideration in any posting program. These considerations plus an adequately trained posting staff with easy access to the necessary files and records are essentials to the successful accomplishment of any labor posting program.

The outstanding criticism was that they were too complicated; this is essentially a criticism of the codes rather than of the posters themselves. A second difficulty was the time lag which was a very serious handicap to prompt compliance; its remedy lay in increased personnel and development of expediting procedures.

A special difficulty was the problem of special exemptions applicable to individual establishments. These exemptions were not noted on the official labor posters unless they applied to at least a sizable portion of the whole industry. The majority of these exemptions were not of this type, applying usually to one plant only. The confusion resulting gave non-cooperative employers the opportunity to deviate from code labor provisions by alleging an exemption. Many employers would petition for exemption and then immediately modify code labor provisions in anticipation of favorable action by the Administrator on their plea. The validity of the employer's contention in this regard could not readily be ascertained by his employees as the official labor posters took no cognizance of approved exemptions. This condition could have been rectified by the adoption, by the Administration, of a standard condition to be included in all exemption approvals, stipulating that the exemption was granted on the condition that employers affected would post and keep posted complete official copies of the exemption order adjacent to each official labor poster. This type of clause was inserted in several exemption orders by the Labor Advisory Board, and negotiations were under way for its adoption as general Administration policy at the time of the expiration of Code Administration on May 27, 1935.

APPENDIX I.

SUGGESTIONS FOR FURTHER STUDY.

A survey of existing state posting procedure (covering State labor legislation) would be of great value. For this purpose a questionnaire has been developed to be submitted to State Labor Departments. As the states vary greatly in such activities, the questionnaire might be transmitted with an explanatory letter to the following 21 industrial states:

Arkansas	Michigan	Ohio
California	Missouri	Pennsylvania
Colorado	Montana	Rhode Island
Connecticut	New Jersey	Virginia
Delaware	New York	Washington
Illinois	North Dakota	Wisconsin
Massachusetts	Oregon	New Hampshire

The following group of industrial states should be reached by means of individual letters with specific references to those sections of their laws which make reference to posting. Specific questions should be asked pertinent to various state conditions:

- Alabama
- Florida
- Georgia
- Indiana
- Kentucky
- Maryland
- North Carolina
- Texas
- West Virginia
- Tennessee

It is doubtful whether any pertinent information in regard to posting could be obtained from the following 17 states:

Arizona	Minnesota	South Carolina
Idaho	Mississippi	South Dakota
Iowa	Nevada	Utah
Louisiana	New Mexico	Vermont
Kansas	Nebraska	Wyoming
Maine	Oklahoma	

It is doubtful if more than a few states have fully recognized the potential value of labor posters, setting forth the pertinent regulations of state law. Thorough inquiry among states concerning methods and devices to acquaint employees with regard to employment conditions would bring together information of great value.

QUESTIONNAIRE TO STATE LABOR DEPARTMENTS

Posting of Labor Laws

1. Check types of laws posted in your State:

- Hours.
- Time for meals.
- Starting and Finishing time.
- Wages (including Minimum Wages).
- Child Labor.
- Safety.
- Any laws governing employment conditions (hours - wages) in a specific industry.

2. List laws which specifically require posting of provisions:
(If no posting requirement is made in the law itself, has there been an order to this effect by the State Authority?)

3. Check method used in posting:
(If different methods used for various posters, place name of specific law in parentheses after check)

Laws posted in full.
Was the language of the law of such nature as to be understood by employees? _____

Laws abstracted or modified in some manner.

Check reasons:

- Easier to understand.
- Smaller and more concise posters.
- Easier posting.
- Other reasons _____

Check basis of simplification:

- Discretion of Commissioner.
- Authorization by Law.
- Others _____

List Legal difficulties encountered in simplification:

4. Record regulations or standards governing the following:

Size of type for printing _____

Type of material used for posters (paper or cardboard) _____

Location of posters in establishments _____

Number of posters in each establishment _____

b. Check if poster indicates with regard to filing of complaints:

___ Place for filing complaint.

___ Method of filing complaint.

___ Describe method of filing complaint _____

List other methods used for encouraging employee compliance activity:

6. Check method of distributing posters:

___ All establishments under the jurisdiction of the law.

How were the addresses of the establishments obtained? _____

___ Posters furnished only upon request.

Means used to publicize the need for displaying a particular poster _____

___ Other methods

Describe _____

7. Check method of poster modification when amendments to laws were enacted.

___ Reprinted.

___ Errata sheets or "stickers" containing the necessary modifications attached to posters.

___ Other methods.

List them _____

8. During plant inspection what check was made on poster compliance?

9. Had it been possible to ascertain whether posting of laws has aided in obtaining better compliance with the laws?

10. What was the employer's attitude in regards to posting of laws?

Favorable.

Unfavorable.

On what were the objections based? _____

Fill out and return to:
Labor Studies Section,
National Recovery Administration,
Washington, D.C.

APPENDIX II

EXEMPTED OR POSTERS

<u>Number</u>	<u>Example of</u>	<u>Industry</u>
1	Early method of handling supplemental codes Area agreement reference bar Early type instructions on complaint filing	Wood Floor Contracting (Div. of Construction)
2.	Final method of handling supplemental codes Revised instructions on complaint filing	Midwest Fish & Shellfish Preparing or Wholesaling (Div. of Fishery Ind)
3	Method of marking revised editions of posters Inclusion of Hazardous Occupation List Extract from Order Approving Code	Used Textile Bag
	Foreign language poster (Yiddish)	Retail Kosher Meat Trade
5	Construction area agreement poster	Electrical Contracting (Cook County, Ill.)
6	Rearrangement of applicable provisions	Cotton Textile
7	Special exemption poster (with map)	Country Grain Elevator
8	Statement used to insure posting of foreign language poster when necessary	Needlework in Puerto Rico
9	Modification sticker	Air Transport



NATIONAL RECOVERY ADMINISTRATION

Administrative Order L. P. 14-6

(APPROVED SEPTEMBER 25, 1934)

Country Grain Elevator Industry

APPROVED CODE No. L. P. 14

(Granting Application for Exemptions from Provisions of Article IV, Sections 1 to 7 of Said Code)

WHEREAS, an application has been made by the Code Authority established pursuant to the Code of Fair Competition for the Country Grain Elevator Industry on behalf of various employers engaged in said industry, for a temporary exemption from the provisions of Article IV, Sections 1 to 7 of said Code; and

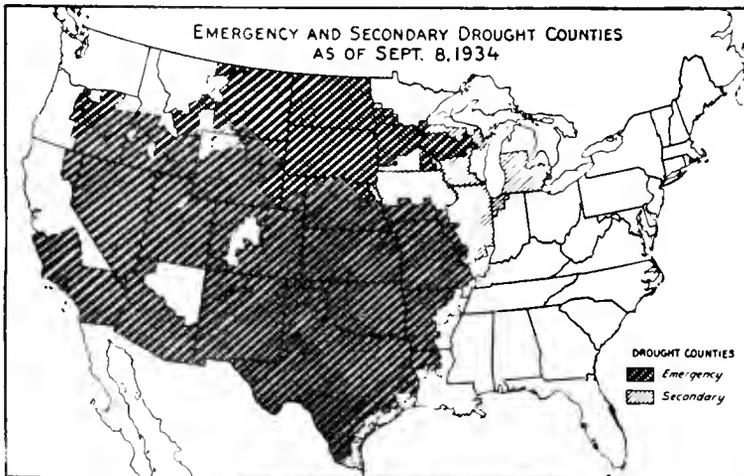
WHEREAS, the Deputy Administrator has reported to me that an emergency exists in said industry by reason of drought conditions, and it appears to my satisfaction that the exemptions hereinafter granted are necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW THEREFORE, pursuant to authority vested in me as Division Administrator, it is hereby ordered that any employer in the drought area, as shown on the attached map published by the Bureau of Agricultural Economics of the United States Department of Agriculture and titled

"Emergency and Secondary Drought Counties as of September 8, 1934", shall be exempted from said provisions as to all employees in towns and cities of less than ten thousand population, for a period of ten (10) months or until my further order, on the following conditions:

1. That such employer shall submit to NRA, through the Code Authority, an agreement to pay his employees on a reasonable commission basis and a statement from any employee of his, hereby affected, that such basis is acceptable;
2. That this exemption may, as to any particular employer or employee, be terminated by the Division Administrator, if, in his opinion, the foregoing evidence fails to establish that the continuance of such exemption will tend to effectuate the policies of said Act.

ARMIN W. RILEY,
Division Administrator.



9842

KEEP POSTED CONSPICUOUSLY
IN ACCORDANCE WITH LAW

La traducción oficial de este aviso
debe fijarse en sitio visible en los
talleres donde las empleadas son de
habla española

from the proper Inaular Authority, a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

ARTICLE V—General Labor Provisions

1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator not later than sixty (60) days after the effective date hereof, a list of such operations or occupations. An employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Authority in Puerto Rico empowered to issue employment or age certificates or permits showing that the employees are of the required age.

2. (a) 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.

(b) 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

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

3. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

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

5. Each member of the industry shall be furnished by the Code Authority with official copies of the provisions of this Code relative to

8. The Administrator shall appoint a Commission, on or after the effective date of this Code, to study the Community Work Room plan, and if that plan is not adjudged to be feasible to propose an alternate plan the object of which shall be to take from homes to Community Work Rooms or Factories as many homeworkers as practicable. The Commission shall report its findings on the Community Work Room or alternate plan within ninety (90) days after its first meeting.

ARTICLE VI—Contractors

1. No member of the Industry shall cause any goods to be manufactured or processed in any factory not registered with the Code Authority in accordance with regulations to be issued by the Code Authority subject to the approval of the Deputy Administrator.

2. All members of the Industry causing any goods to be manufactured by contractors or sub-contractors shall pay to such contractor or sub-contractor for such products, rates at least sufficient to enable such contractor or sub-contractor to pay their employees working on such goods the minimum wage provided for by this Code and all such payments received by such contractor or sub-contractor shall be first applied in the payment of wages to the employee working on such goods.

ARTICLE VII—Administration

Organization, Powers, and Duties of the Code Authority

8. 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:

(f) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(h) The Code Authority shall obtain from manufacturers lists of all contractors, sub-contractors or delivery agents to whom they supply materials for processing or manufacture into products of the Industry, whether by such contractors, sub-contractors or delivery agents or others; from contractors, lists of all sub-contractors to whom they supply materials for such purposes; and from all members of the Industry, lists of every homemaker to whom they supply materials for such purposes, including the address or best location possible of each

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OFFICIAL COPY
AIR TRANSPORT INDUSTRY
APPROVED CODE No. 111

Section 3 of Article III has been changed to read as follows:

"3. The term 'Industry' includes all public carriers for hire by aircraft for passengers, and/or mail, and/or cargo on scheduled operations and services incidental thereto within the several States of the United States, the District of Columbia, and the territories of Alaska and Hawaii, and such branches or subdivisions thereof as may, from time to time, be included by the President under the provisions of this Code, but does not include scheduled operations and/or services incidental thereto not within the several States of the United States, the District of Columbia, and the territories of Alaska and Hawaii. (As amended and effective February 26, 1935.)"

(This sticker is to be attached to the official labor poster for the Air Transport Industry in the space provided for official copies of amendments and additions. U. S. Government Printing Office: 1935.)

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OFFICE OF THE NATIONAL RECOVERY ADMINISTRATION

THE DIVISION OF REVIEW

THE WORK OF THE DIVISION OF REVIEW

Executive Order No. 7075, dated June 15, 1935, established the Division of Review of the National Recovery Administration. The pertinent part of the Executive Order reads thus:

The Division of Review shall assemble, analyze, and report upon the statistical information and records of experience of the operations of the various trades and industries heretofore subject to codes of fair competition, shall study the effects of such codes upon trade, industrial and labor conditions in general, and other related matters, shall make available for the protection and promotion of the public interest an adequate review of the effects of the Administration of Title I of the National Industrial Recovery Act, and the principles and policies put into effect thereunder, and shall otherwise aid the President in carrying out his functions under the said Title. I hereby appoint Leon C. Marshall, Director of the Division of Review.

The study sections set up in the Division of Review covered these areas: industry studies, foreign trade studies, labor studies, trade practice studies, statistical studies, legal studies, administration studies, miscellaneous studies, and the writing of code histories. The materials which were produced by these sections are indicated below.

Except for the Code Histories, all items mentioned below are scheduled to be in mimeographed form by April 1, 1936.

THE CODE HISTORIES

The Code Histories are documented accounts of the formation and administration of the codes. They contain the definition of the industry and the principal products thereof; the classes of members in the industry; the history of code formation including an account of the sponsoring organizations, the conferences, negotiations and hearings which were held, and the activities in connection with obtaining approval of the code; the history of the administration of the code, covering the organization and operation of the code authority, the difficulties encountered in administration, the extent of compliance or non-compliance, and the general success or lack of success of the code; and an analysis of the operation of code provisions dealing with wages, hours, trade practices, and other provisions. These and other matters are canvassed not only in terms of the materials to be found in the files, but also in terms of the experiences of the deputies and others concerned with code formation and administration.

The Code Histories, (including histories of certain NRA units or agencies) are not mimeographed. They are to be turned over to the Department of Commerce in typewritten form. All told, approximately eight hundred and fifty (850) histories will be completed. This number includes all of the approved codes and some of the unapproved codes. (In Work Materials No. 18, Contents of Code Histories, will be found the outline which governed the preparation of Code Histories.)

(In the case of all approved codes and also in the case of some codes not carried to final approval, there are in NRA files further materials on industries. Particularly worthy of mention are the Volumes I, II and III which constitute the material officially submitted to the President in support of the recommendation for approval of each code. These volumes 9768--1.

set forth the origination of the codes, the sponsoring group, the evidence advanced to support the proposal, the report of the Division of Research and Planning on the industry, the recommendations of the various Advisory Boards, certain types of official correspondence, the transcript of the formal hearing, and other pertinent matter. There is also much official information relating to amendments, interpretations, exemptions, and other rulings. The materials mentioned in this paragraph were of course not a part of the work of the Division of Review.)

THE WORK MATERIALS SERIES

In the work of the Division of Review a considerable number of studies and compilations of data (other than those noted below in the Evidence Studies Series and the Statistical Material Series) have been made. These are listed below, grouped according to the character of the material. (In Work Materials No. 17, Tentative Outlines and Summaries of Studies in Process, the materials are fully described).

Industry Studies

Automobile Industry, An Economic Survey of
Bituminous Coal Industry under Free Competition and Code Regulation, Economic Survey of
Electrical Manufacturing Industry, The
Fertilizer Industry, The
Fishery Industry and the Fishery Codes
Fishermen and Fishing Craft, Earnings of
Foreign Trade under the National Industrial Recovery Act
Part A - Competitive Position of the United States in International Trade 1927-29 through 1934.
Part B - Section 3 (e) of NIRA and its administration.
Part C - Imports and Importing under NRA Codes.
Part D - Exports and Exporting under NRA Codes.
Forest Products Industries, Foreign Trade Study of the
Iron and Steel Industry, The
Knitting Industries, The
Leather and Shoe Industries, The
Lumber and Timber Products Industry, Economic Problems of the
Men's Clothing Industry, The
Millinery Industry, The
Motion Picture Industry, The
Migration of Industry, The: The Shift of Twenty-Five Needle Trades From New York State, 1926 to 1934
National Labor Income by Months, 1929-35
Paper Industry, The
Production, Prices, Employment and Payrolls in Industry, Agriculture and Railway Transportation, January 1923, to date
Retail Trades Study, The
Rubber Industry Study, The
Textile Industry in the United Kingdom, France, Germany, Italy, and Japan
Textile Yarns and Fabrics
Tobacco Industry, The
Wholesale Trades Study, The
Women's Neckwear and Scarf Industry, Financial and Labor Data on
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Women's Apparel Industry, Some Aspects of the

Trade Practice Studies

Commodities, Information Concerning: A Study of NRA and Related Experiences in Control
Distribution, Manufacturers' Control of: Trade Practice Provisions in Selected NRA Codes
Distributive Relations in the Asbestos Industry
Design Piracy: The Problem and Its Treatment Under NRA Codes
Electrical Mfg. Industry: Price Filing Study
Fertilizer Industry: Price Filing Study
Geographical Price Relations Under Codes of Fair Competition, Control of
Minimum Price Regulation Under Codes of Fair Competition
Multiple Basing Point System in the Lime Industry: Operation of the
Price Control in the Coffee Industry
Price Filing Under NRA Codes
Production Control in the Ice Industry
Production Control, Case Studies in
Resale Price Maintenance Legislation in the United States
Retail Price Cutting, Restriction of, with special Emphasis on The Drug Industry.
Trade Practice Rules of The Federal Trade Commission (1914-1936): A classification for
comparision with Trade Practice Provisions of NRA Codes.

Labor Studies

Cap and Cloth Hat Industry, Commission Report on Wage Differentials in
Earnings in Selected Manufacturing Industries, by States, 1933-35
Employment, Payrolls, Hours, and Wages in 115 Selected Code Industries 1933-35
Fur Manufacturing, Commission Report on Wages and Hours in
Hours and Wages in American Industry
Labor Program Under the National Industrial Recovery Act, The
Part A. Introduction
Part B. Control of Hours and Reemployment
Part C. Control of Wages
Part D. Control of Other Conditions of Employment
Part E. Section 7(a) of the Recovery Act
Materials in the Field of Industrial Relations
PRA Census of Employment, June, October, 1933
Puerto Rico Needlework, Homeworkers Survey

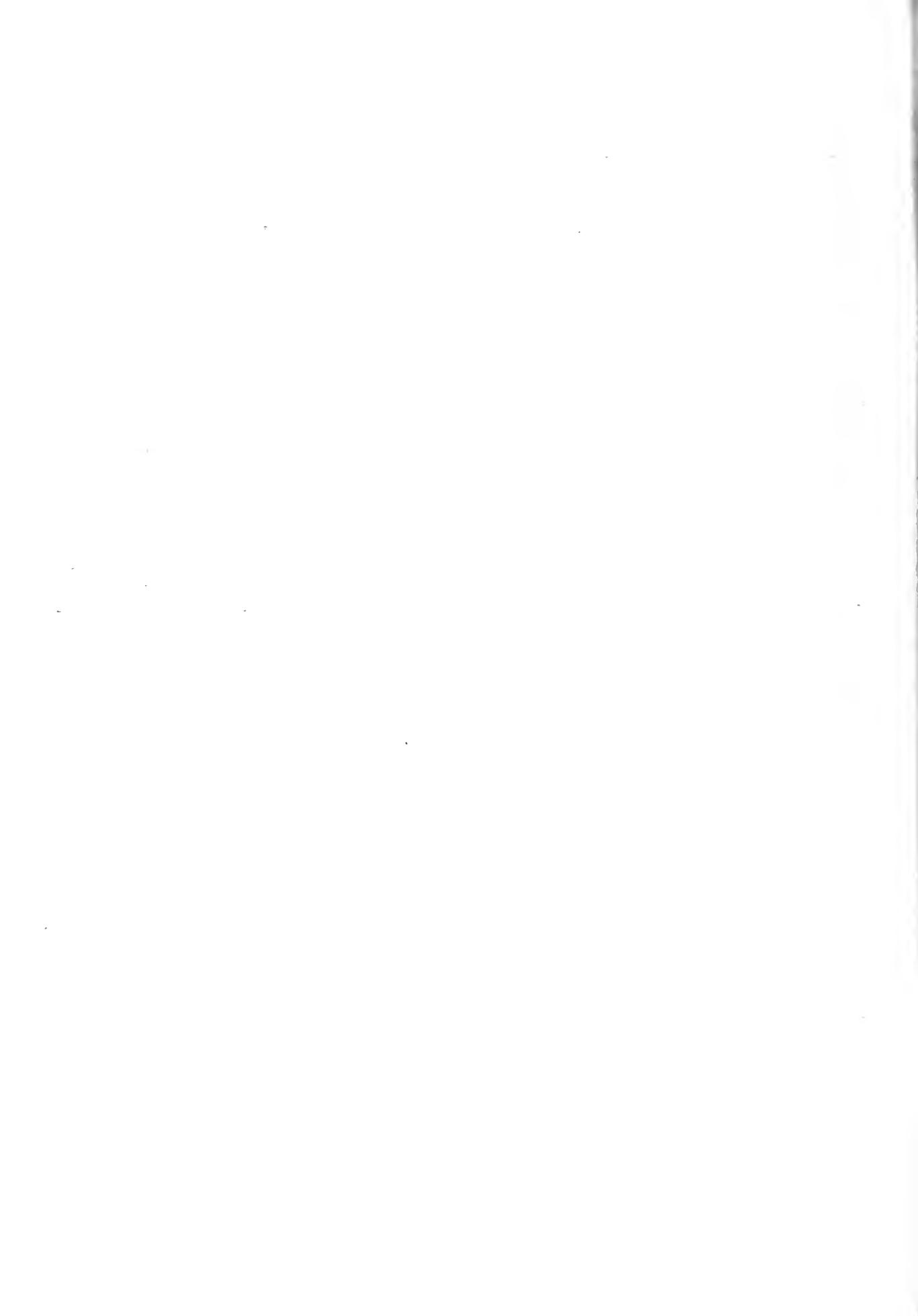
Administrative Studies

Administrative and Legal Aspects of Stays, Exemptions and Exceptions, Code Amendments, Con-
ditional Orders of Approval
Administrative Interpretations of NRA Codes
Administrative Law and Procedure under the NIRA
Agreements Under Sections 4(a) and 7(b) of the NIRA
Approved Codes in Industry Groups, Classification of
Basic Code, the -- (Administrative Order X-61)
Code Authorities and Their part in the Administration of the NIRA
Part A. Introduction
Part B. Nature, Composition and Organization of Code Authorities
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Part C. Activities of the Code Authorities
Part D. Code Authority Finances
Part E. Summary and Evaluation
Code Compliance Activities of the NRA
Code Making Program of the NRA in the Territories, The
Code Provisions and Related Subjects, Policy Statements Concerning
Content of NIRA Administrative Legislation
Part A. Executive and Administrative Orders
Part B. Labor Provisions in the Codes
Part C. Trade Practice Provisions in the Codes
Part D. Administrative Provisions in the Codes
Part E. Agreements under Sections 4(a) and 7(b)
Part F. A Type Case: The Cotton Textile Code
Labels Under NRA, A Study of
Model Code and Model Provisions for Codes, Development of
National Recovery Administration, The: A Review of its Organization and Activities
NRA Insignia
President's Reemployment Agreement, The
President's Reemployment Agreement, Substitutions in Connection with the
Prison Labor Problem under NRA and the Prison Compact, The
Problems of Administration in the Overlapping of Code Definitions of Industries and Trades,
Multiple Code Coverage, Classifying Individual Members of Industries and Trades
Relationship of NRA to Government Contracts and Contracts Involving the Use of Government
Funds
Relationship of NRA with States and Municipalities
Sheltered Workshops Under NRA
Uncodified Industries: A Study of Factors Limiting the Code Making Program

Legal Studies

Anti-Trust Laws and Unfair Competition
Collective Bargaining Agreements, the Right of Individual Employees to Enforce
Commerce Clause, Federal Regulation of the Employer-Employee Relationship Under the
Delegation of Power, Certain Phases of the Principle of, with Reference to Federal Industrial
Regulatory Legislation
Enforcement, Extra-Judicial Methods of
Federal Regulation through the Joint Employment of the Power of Taxation and the Spending
Power
Government Contract Provisions as a Means of Establishing Proper Economic Standards, Legal
Memorandum on Possibility of
Industrial Relations in Australia, Regulation of
Intrastate Activities Which so Affect Interstate Commerce as to Bring them Under the Com-
merce Clause, Cases on
Legislative Possibilities of the State Constitutions
Post Office and Post Road Power -- Can it be Used as a Means of Federal Industrial Regula-
tion?
State Recovery Legislation in Aid of Federal Recovery Legislation History and Analysis
Tariff Rates to Secure Proper Standards of Wages and Hours, the Possibility of Variation in
Trade Practices and the Anti-Trust Laws
Treaty Making Power of the United States
War Power, Can it be Used as a Means of Federal Regulation of Child Labor?
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THE EVIDENCE STUDIES SERIES

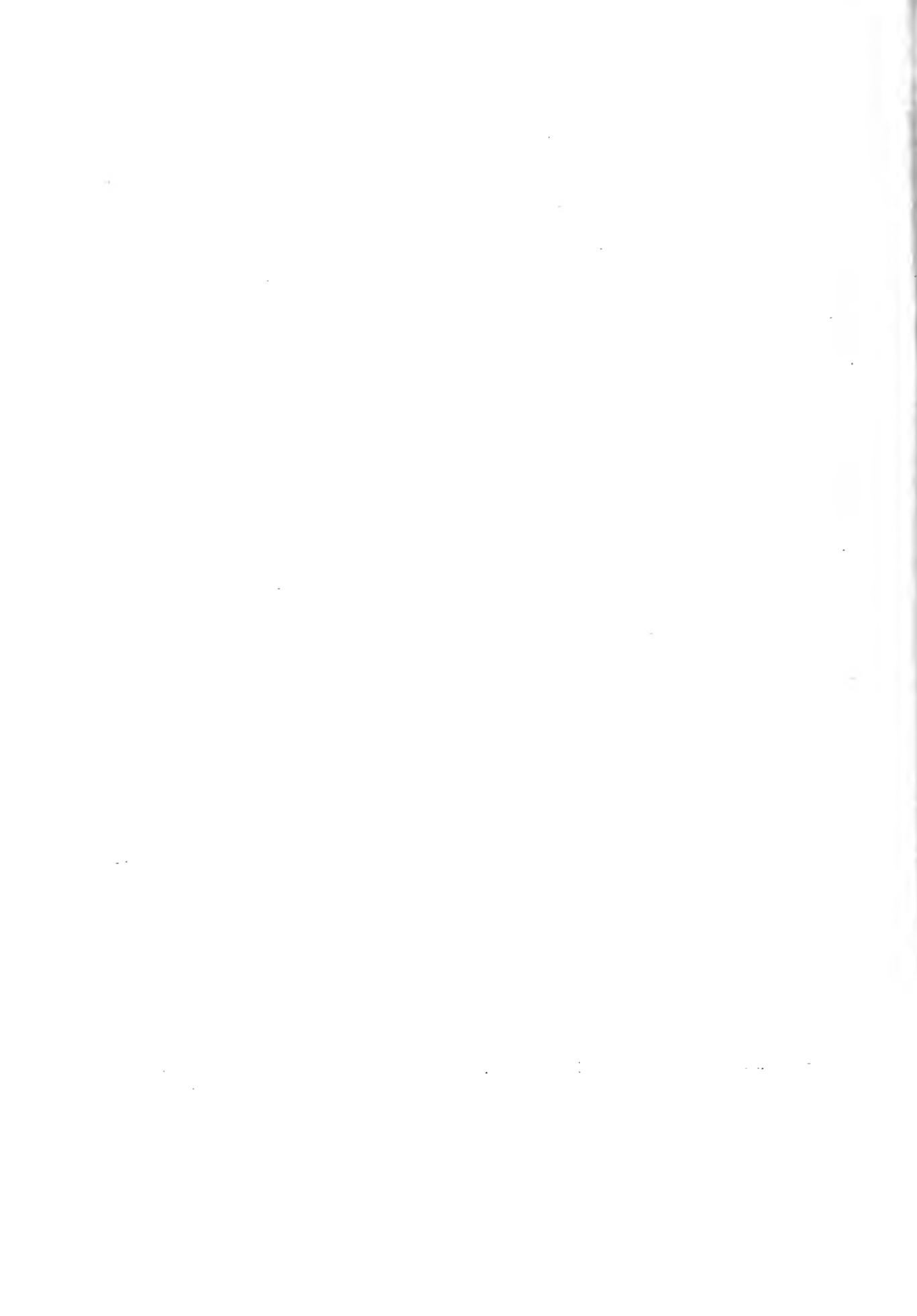
The Evidence Studies were originally undertaken to gather material for pending court cases. After the Schechter decision the project was continued in order to assemble data for use in connection with the studies of the Division of Review. The data are particularly concerned with the nature, size and operations of the industry; and with the relation of the industry to interstate commerce. The industries covered by the Evidence Studies account for more than one-half of the total number of workers under codes. The list of those studies follows:

Automobile Manufacturing Industry	Leather Industry
Automotive Parts and Equipment Industry	Lumber and Timber Products Industry
Baking Industry	Mason Contractors Industry
Boot and Shoe Manufacturing Industry	Men's Clothing Industry
Bottled Soft Drink Industry	Motion Picture Industry
Builders' Supplies Industry	Motor Vehicle Retailing Trade
Canning Industry	Needlework Industry of Puerto Rico
Chemical Manufacturing Industry	Painting and Paperhanging Industry
Cigar Manufacturing Industry	Photo Engraving Industry
Coat and Suit Industry	Plumbing Contracting Industry
Construction Industry	Retail Lumber Industry
Cotton Garment Industry	Retail Trade Industry
Dress Manufacturing Industry	Retail Tire and Battery Trade Industry
Electrical Contracting Industry	Rubber Manufacturing Industry
Electrical Manufacturing Industry	Rubber Tire Manufacturing Industry
Fabricated Metal Products Mfg. and Metal Fin- ishing and Metal Coating Industry	Shipbuilding Industry
Fishery Industry	Silk Textile Industry
Furniture Manufacturing Industry	Structural Clay Products Industry
General Contractors Industry	Throwing Industry
Graphic Arts Industry	Trucking Industry
Gray Iron Foundry Industry	Waste Materials Industry
Hosiery Industry	Wholesale and Retail Food Industry
Infant's and Children's Wear Industry	Wholesale Fresh Fruit and Vegetable Indus- try
Iron and Steel Industry	Wool Textile Industry

THE STATISTICAL MATERIALS SERIES

This series is supplementary to the Evidence Studies Series. The reports include data on establishments, firms, employment, payrolls, wages, hours, production capacities, shipments, sales, consumption, stocks, prices, material costs, failures, exports and imports. They also include notes on the principal qualifications that should be observed in using the data, the technical methods employed, and the applicability of the material to the study of the industries concerned. The following numbers appear in the series:

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Asphalt Shingle and Roofing Industry	Fertilizer Industry
Business Furniture	Funeral Supply Industry
Candy Manufacturing Industry	Glass Container Industry
Carpet and Rug Industry	Ice Manufacturing Industry
Cement Industry	Knitted Outerwear Industry
Cleaning and Dyeing Trade	Paint, Varnish, and Lacquer, Mfg. Industry
Coffee Industry	Plumbing Fixtures Industry
Copper and Brass Mill Products Industry	Rayon and Synthetic Yarn Producing Industry
Cotton Textile Industry	Salt Producing Industry
Electrical Manufacturing Industry	

THE COVERAGE

The original, and approved, plan of the Division of Review contemplated resources sufficient (a) to prepare some 1200 histories of codes and NRA units or agencies, (b) to consolidate and index the NRA files containing some 40,000,000 pieces, (c) to engage in extensive field work, (d) to secure much aid from established statistical agencies of government, (e) to assemble a considerable number of experts in various fields, (f) to conduct approximately 25% more studies than are listed above, and (g) to prepare a comprehensive summary report.

Because of reductions made in personnel and in use of outside experts, limitation of access to field work and research agencies, and lack of jurisdiction over files, the projected plan was necessarily curtailed. The most serious curtailments were the omission of the comprehensive summary report; the dropping of certain studies and the reduction in the coverage of other studies; and the abandonment of the consolidation and indexing of the files. Fortunately, there is reason to hope that the files may yet be cared for under other auspices.

Notwithstanding these limitations, if the files are ultimately consolidated and indexed the exploration of the NRA materials will have been sufficient to make them accessible and highly useful. They constitute the largest and richest single body of information concerning the problems and operations of industry ever assembled in any nation.

L. C. Marshall,
Director, Division of Review.

