THIRD MEETING

CODE AUTHORITY MEETING

New York, N. Y. July 27, 1934.

A meeting of the Code Authority for the Lead Industry was held on Friday, July 27, 1934, at 10:00 A.M., in the Board Room of the National Lead Company, 111 Broadway, New York, N.Y.

Present

Members

Clinton H. Crane, Chairman
F. M. Carter
W. V. C. Hunt
F. Y. Robertson
P. E. Sprague

Alternates

H. M. Brush
D. A. Callahan
I. H. Cornell
Clarence Class
R. C. McKay
F. S. Mulock
E. L. Newhouse, Jr.
H. Y. Walker

G. W. Farny, Administration Member
Carroll Wetzell, N.R.A. Legal Dept. New York

F. E. Wormser, Secretary, Treasurer.

The minutes of the second meeting of June 18 were approved.

Without objection, the Secretary was instructed to insert in the record Administrative Order No. 442-6, recognizing the members of the Code Authority for the Lead Industry, which appears as Exhibit "A" attached.

Without objection, the Secretary was instructed to insert in the record the following formal notification from the National Recovery Administration, appointing Major George W. Farny Administration Member:

> "Kindly be advised that Mr. George W. Farny of Morris Plains, N. J., has been appointed, by Administrative Order, as Administration member on the Code Authority of the Lead Industry. Mr. Farny is a mining engineer by profession and has a background of both national and international experience, and I believe that he will make a desirable member on the Code Authority.
> Signed: W. A. Janssen, Deputy Administrator, Metals and Mining Section, July 3, 1934."

Without objection, the Secretary was instructed to insert in the record the formal notification from the National Recovery Administration, granting temporary exemption from Section 2 of Article VII, and Schedule "A" of the Lead Code, which appears as Exhibit "B" attached.

Without objection, the Secretary was instructed to insert in the record formal notification from the National Recovery Administration, approving the By-Laws of the Code Authority, as follows:

> "The By-Laws of the Code Authority for the Lead Industry submitted by you with your letter of June 14, 1934, have been examined and are hereby approved.
> Signed: C.E. Adams, Division Administrator, June 29, 1934".

The Secretary was requested to report the ballotting, by letter, for alternates to serve for Code Authority members and he stated that the Mining Division had elected Alternate 1, Mr. A. G. Mackenzie and Alternate 2, Mr. Paul H. Hunt, to serve for Mr. George W. Lambourne, by letter ballot mailed on June 15, eleven out of fourteen ballots having been received.

The Smelting and Refining Division had elected Mr. Clarence Glass alternate for Mr. John A. McCarthy, by letter ballot mailed on June 14, fifteen out of nineteen ballots having been received.

The Pigments Division had elected Alternate 1, Mr. W. E. Easton and Alternate 2, Mr. J. R. MacGregor, to serve for Mr. R. M. Roosevelt, by letter ballot mailed on June 21, eight out of ten ballots having been received.

The Metallic Lead Products Division had elected Mr. E. L. Newhouse, Jr., to serve for Mr. P. E. Sprague, by letter ballot mailed on June 16, twenty out of twenty-nine ballots having been received.

The Secretary was requested to notify the National Recovery Administration of the election of these alternates in order to procure the approval of the Administrator.

The Secretary reported that the investigation of the eight-hour day, as ordered by the Code, was nearing completion and that he expected to make a full report at an early meeting of the Code Authority.

He also stated that the various divisions of the Code were studying the drafting of suitable standards of safety and health for their respective Divisions but that the subject was such a large one that considerable time would yet elapse before any reports could be expected.

The same comment was made with respect to the study of the regional industrial relations boards, at least one Division being confused with the relationship now existing between the newly formed Labor Relations Board and those industrial relations boards which were being set up by various codes. Mr. Callahan suggested that to avoid duplication of effort it would be desirable to obtain from the National Recovery Administration information as to the scope or jurisdiction of the National Labor Relations Board and the Regional Labor Boards to be set up under the Lead Code. The Administration representative said he understood the Labor Advisory Board was considering the situation and the Legal National Recovery Administration representative suggested the matter be laid on the table pending the receipt of further advice from Washington, stating that there would be no question of the extension of time that might be required to perfect the Lead Code labor plans occasioned by the delay.

WHEREUPON it was regularly moved, seconded and carried, that the Secretary be instructed to communicate with the Administration in order to determine what, if any, change the creation of the newly formed National Labor Relations Board would be brought about in planning for regional industrial relations boards for the Lead Industry and to request, if available, some definition as to the functions of each.

Mr. Sprague presented to the Code Authority the difficulties which the Metallic Lead Products Division encountered in attempting to devise adequate standards of safety and health for the Division, there being an overlap between the Smelting and Refining processes and actual manufacturing processes as conducted by numerous members of the Division. He suggested it might be wise to establish a new arm of the Code Authority to consider specially safety and health problems.

The Secretary was requested to circularize Code Authority members for a definite expression of their views on the safety and health problem. Mr. Walker recommended, and without objection the Chair ruled, that in the meantime each Division continue as it is doing and that ultimately the various Division Chairmen consult with each other on the safety and health program. The Chairman brought up the close inter-relationship between the standards of safety and health for the Lead Industry and the Copper Industry as well as other metal industries.

The Secretary reported that he had circulated labor questionnaires on which members could report overtime under the provisions of Article III, Section 3, or the number of handicapped employees under Article IV, Section 6. These forms are attached as Exhibit "C".

The Secretary also stated that he had distributed questionnaires among the members of the Mining and Smelting and Refining Divisions (Exhibit "D" attached) which were a continuation of the questionnaires sent earlier in the year under the auspices of the Lead Industries Association, in order to obtain fundamental labor statistics for these Divisions. He expressed a desire to have the cooperation of the Chairmen of the Pigments, Metallic Lead Products and Foil Divisions in order to devise and circulate suitable labor questionnaires among those Divisions respectively.

A letter from Deputy Administrator Janssen, dated July 21, with reference to amending the Lead Code so as to make assessments under the Code mandatory was presented. (Exhibit "E" attached) Discussion which ensued indicated that there was much to be said in favor of making the contributions to the Code Authority voluntary and, likewise, on a mandatory basis. As some members desired to give the subject further study action on the letter was put over to the next meeting.

The Chairman presented a request from Deputy Administrator Janssen, dated July 10, urging the Code Authority to establish a Trade Practice Complaints Committee. (Exhibit "F" attached) The Code Authority, in its discussion, weighed the desirability of constituting a trade practice complaints committee from only those Code Authority members who had a direct interest in the fair trade practices outlined in the Code, or constituting the entire Code Authority a trade practice complaints committee and

It was finally moved, seconded and carried, that the Code Authority for the Lead Industry constitute the Trade Practice Complaints Committee and that the Secretary confer with Mr. Wetzell of the National Recovery Administration to draft a suitable plan in accordance with the instructions provided by Deputy Janssen, circulating this plan among the Code Authority members before submitting it to Washington.

The Chairman presented a petition from the American Metal Co. Ltd., for an exemption from the Lead Code labor provisions for its operations at Carteret, N. J., as per copy of letters dated July 17 and July 25 (Exhibit "G" in two pages).

Discussion followed relative to the relationship between the American Metal Company's petition and that of the American Smelting & Refining Company, which had previously been endorsed, also the general situation as it affected the similar operations of the members of industry who had to operate under two or more codes. As a similar petition was pending in Washington

It was moved, seconded and carried that the request from the American Metal Co. Ltd., for exemption from the Lead Code labor provisions at its operations at Carteret, N. J., be tabled pending action by the Administrator on a similar petition from the American Smelting and Refining Company.

The Chairman presented a request from the Nassau Smelting and Refining Company, for guidance in handling a Compliance Certificate, as copy of letter of July 18. (Exhibit "H" attached) The Government representative, Mr. Farny, suggested that the problem be submitted to the National Recovery Administration for assistance. Mr. Glass read a legal opinion which his Company had received in an effort to be helpful

Whereupon it was suggested that the Code Authority approve a standard Certificate of Compliance, which could be submitted to the National Recovery Administration for its approval. Mr. Wetzell pointed out that the National Recovery Administration would probably be reluctant to become involved in a matter which concerned the P.W.A., or other Government Departments outside the N.R.A. The Secretary was instructed by the Chairman to communicate with Messrs. Earl, Fleming and Wolff to prepare a Certificate of Compliance which would meet the requirements of the Government and yet be adequate for industry.

The Chairman noted a request for an interpretation from the Metals Refining Company, dated July 2, 1934, with relation to Article VIII, Section 1 (i) as follows:

> "'A Seller of antimonial lead makes a contract with a Buyer of antimonial lead to supply the Buyer's requirements of antimonial lead of grades specified, said requirements to consist of a minimum of 200 tons and a maximum of 300 tons per month, at a price of $1.00 per ton below the cost of metals contained, using the St. Louis Lead market for the lead and the New York Antimony market for the balance of weight, the governing markets being those in effect at

> Buyer's option, to be declared when orders are placed, either (a) on date of shipment, or (b) monthly average for month of shipment.
>
> 'Is the tender and completion of the above transaction a violation of the clause quoted?'"

and referred it to Mr. Sprague, as Chairman of the Metallic Lead Products Division.

The Chairman presented a request for information from the Anaconda Lead Products Company, dated June 26, as follows:

> "Our men working five days per week frequently decide they would like to work ten days straight and have four days off, or they might work fifteen days straight and have six days off. They would average forty hours per week and simply work this schedule out between themselves so that they could really have a vacation and go some place in the four or six days that they are off. There is no difference in the money involved nor the hours of labor over a reasonable length of time. Of course, this would be provided for under the averaging agreement.
>
> "Naturally we would not pay them overtime on any such an arrangement outlined above. The net result is that the men only suffer, we do not have any more employment and yet we have more friction. Will you please be kind enough to clarify the situation for us?"

The Code Authority saw no objection in the Code to a working schedule being arranged so that an employee might work ten days straight with a four day lay-off immediately following this period of employment, provided not more than 40 hours employment per week be given, but that it would be a violation of the Code to work 15 days straight with 6 days off. The Government representative was inclined to favor this construction of the Code.

The Chairman presented a letter from the Hecla Mining Company, dated June 29, as follows:

> "The Lead Code provides for exceptions as to hours under Article III, Section 3 (c):
>
> "'Nor to employees receiving less than Thirty-Five (35) Dollars per week in a managerial, executive or supervisory capa-

> city, or to technical staffs, nor to outside sales or service employees.
>
> "The question has arisen with us as to whether or not our mine surveyors - men who work in the engineering office - would be classed as part of the technical staff. I will appreciate it if you can give me any information on this point."

It was the sense of the Code Authority that mine surveyors, men who work in the Engineering Office, were to be classed as part of technical staffs under Article III, Section 2(e) of the Lead Code.

The Chairman next presented a petition from the Bunker Hill and Sullivan Mining and Concentrating Company and the Hecla Mining Company, dated July 10, as follows:

> "The undersigned members of the Lead Industry, especially on behalf of certain of their employees, respectfully request an exception from the provisions of Article III of the Code of Fair Competition for the Lead Industry, as approved May 24, 1934, so as to permit these employees to arrange their schedule of work to their better advantage and comfort. The employees referred to are those who are on continuous operations such as running mine pumps, operatives in power houses, etc., some of whom, under the Code, work forty-eight hours per week. These men greatly prefer to work continuously for two or three weeks, then lay off two or three days as the case may be and then resume their work on another shift, but in no instance would they exceed an average of forty or forty-eight hours per week as the case may be during any thirteen weeks-period.
>
> "This is practically the same plan as is embodied in the Copper Code forty hours per week over a three months period; there is no change in the number of hours worked but their distribution is changed to a more convenient and popular plan. To hold these men rigidly down to a forty or forty-eight hour working time in any seven day week is inconvenient, and especially at the request of a number of employees are we making this request. If necessary formal petition for such a change can be hade from a large number of our employees and an endorsement of the plan will be made by local labor unions. Bunker Hill & Sullivan Mining & Concentrating Co. By Stanly A. Easton, Pres. Hecla Mining Company, by James F. McCarthy, Pres."

In view of the fact that the exemption requested referred to mine employees on continuous operations, such as powerhousemen and pumpmen, and that the petition was presented at the request of a number of employees of Bunker Hill and Hecla Mining Companies, and that an edorsement of the plan would be made by the local labor unions, the Code Authority approved the aforesaid petition and instructed the Secretary to transmit it to the Administrator with its endorsement.

Mr. Sprague stated that the Solder Section of the Metallic Lead Products Division had met to interpret Article VIII, Section 2 (i) but that opinion had not been unanimous on an interpretation. The Chairman therefore requested that the minutes of the Solder meeting, at which this interpretation was discussed, be distributed to the members of the Code Authority so that the Code Authority could act on this interpretation at the next meeting.

At the suggestion of Major Farny, the Chairman announced that the next meeting of the Code Authority would be held on Monday, August 20, at a time and place to be announced later.

The meeting thereupon adjourned.

Secretary.

COPY No. 468-1

NATIONAL RECOVERY ADMINISTRATION

WASHINGTON, D. C.

Division No. 1.
June [illegible], 193[illegible].

Mr. F. E. [illegible]
[illegible] Lead Industry,
[illegible]
New York, N. Y.

Dear Sir:

The Administrator instructs me to acknowledge receipt from you of the minutes of meetings informing him of the selection of your Code Authority.

After examination of the records submitted the method of selection is approved, and the following named persons are recognized as having been duly chosen members of the Code Authority for the Lead Industry:

EXECUTIVE COMMITTEE, Lead Industries Association

Clinton H. Crane	St. Joseph Lead Company	New York, N. Y.
F. H. Brownell	American Smelting and Refining Company	New York, N. Y.
F. M. Carter	National Lead Company	New York, N. Y.
F. Y. Robertson	U. S. Smelting & Refining Co.	New York, N. Y.
James F. McCarthy	Hecla Mining Company	Wallace, Idaho.

DIVISION CHAIRMEN

MINING DIVISION

G. W. Lambourne	Park Utah Consolidated Mines Co.	Salt Lake City, Utah.

SMELTING & REFINING DIVISION

John A. McCarthy	United Metals Selling Company, (Agents for International Smelting Co.)	New York, N. Y.

LEAD PIGMENTS DIVISION

R. M. Roosevelt	Eagle-Picher Lead Company	Cincinnati, Ohio.

METALLIC LEAD PRODUCTS DIVISION

F. E. Sprague	Metals Refining Company	Hammond, Indiana.

[illegible]

W. T. G. [illegible] [illegible] Metals Company New York, N. Y.

[illegible]

F. E. Brunner 420 Lexington Avenue New York, N. Y.

In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, this approval is given subject to the right of the Administrator to prescribe such hearings as he may deem proper, and thereafter, if he finds that the Code Authority is not truly representative, or does not in other respects comply with the provisions of the Act, he may modify or cancel this approval.

Very truly yours,

C. E. ADAMS (SIGNED)

Division Administrator.

Exhibit "B" Third Code Authority Meeting - July 27, 1934.

COPY

CODE OF FAIR COMPETITION

for the

LEAD INDUSTRY

Order Granting Temporary Exemption from the Trade and Marketing Provisions for the Lead Pigments Division of the Lead Industry.

An application having been duly made by the Members of Industry of the Lead Pigments Division of the Lead Industry for a temporary exemption from the provisions of Section 2 of Article VII, Schedule A, which is a part thereof, of the above described Code of Fair Competition, and the Deputy Administrator having recommended that such application be granted to the extent hereinafter set, and it appearing that the granting of such exemption is necessary to effectuate the policies of Title I of the National Industrial Recovery Act:

NOW, THEREFORE, pursuant to the authority vested in me by Executive Orders of the President and Orders of the Administrator for Industrial Recovery, it is hereby ordered that the Members of Industry of the Lead Pigments Division of the Lead Industry be and hereby are granted an exemption from the provisions of Section 2 of Article VII and Schedule A of said Code of Fair Competition for a period of three months from the date hereof, provided, that such exemption be granted without prejudice to further extension beyond three months if at the end it shall appear to the Administrator that the Industry has been unable to determine upon either the execution of Section 2 of Article VII and Schedule A which is a part thereof or upon the modification thereof.

C. E. Adams
Division Administrator

Approval recommended:

W. A. Janssen
Deputy Administrator

June 27, 1934.

LIA09293

Date ____________

CODE AUTHORITY FOR THE LEAD INDUSTRY

Report for Filing

Exceptions as to Hours
under Article [illegible], Section 3 (f)

MONTH OF ____________

OVERTIME IN CONTINUOUS PROCESSES

Name of Employee	Occupation	Hours Employed Over 8 Hours Per Day.	Hours Employed Over 40 Hours per Week.	Remarks

Mail this report not later than the 15th day after the close of each calendar month to:

F. E. Wormser, Secretary,
Code Authority for the Lead Industry,
420 Lexington Avenue,
New York, N.Y.

From ____________

____
Signature.

[illegible]

Date ____________________

[illegible]

Report for Filing

Exceptions as to Hours
under Article III, Section 3 (g)

MONTH OF ______________

OVERTIME DURING PEAK SEASONS

Name of Employee	Occupation	Hours Employed Over 8 Hours Per Day	Hours Employed Over 40 Hours Per Week	Remarks

Mail this report not later than the 15th day after the close of each calendar month to:

F. E. Wormser, Secretary,
Code Authority for the Lead Industry,
420 Lexington Avenue,
New York, N. Y.

From ____________________

____
Signature.

LIA09295

Date ____________

[illegible]

Report Covering
[illegible]
[illegible]
[illegible]

Month of ____________

Name of Employee	Occupation	Rate	Hours of [illegible]	Remarks

Mail this report not later than the 15th day after the close of each calendar month to:

F. E. Wormser, Secretary,
Code Authority for the Lead Industry,
420 Lexington Avenue,
New York, N.Y.

From ____________________

____
[illegible]

[illegible] of Third Code Authority Meeting July 27, 1934

CODE AUTHORITY FOR THE LEAD INDUSTRY
[illegible] Lexington Avenue,
New York, N. Y.

July 9, 1934.

Smelting and Refining
[illegible]

LABOR DATA

		April	1934 May	June
1. (a)	Ave. Hours per week Smelter or Refinery Operated.	......	.....	......
(b)	Total hours per month Smelter or Refinery Operated.	......	.....	......
(c)	One, two or three shifts per day?	......	.....	......
2.	**EMPLOYEES EXEMPT FROM CODE LABOR PROVISIONS.** (Executive, managerial, supervisory and technical as in Article III, Section 3 of Code.			
(a)	Total number on payroll.	......	.....	......
(b)	Total amount of payroll.	......	.....	......
3.	**CLERICAL AND OFFICE EMPLOYEES** (Other than Question 2 above.)			
(a)	Total number on payroll.	......	.....	......
(b)	Total amount of payroll.	......	.....	......
(c)	Total number receiving Minimum Code Wage.	......	.....	......
(d)	Total man shifts worked.	......	.....	......
(e)	Total man hours worked.	......	.....	......
4.	**MANUAL LABOR**			
(a)	Total number on payroll.	......	.....	......
(b)	Total amount of payroll.	......	.....	......
(c)	Total number receiving Minimum Code Wage.	......	.....	......
(d)	Total man shifts worked.	......	.....	......
(e)	Total man hours worked.	......	.....	......
5.	**GRAND TOTAL NUMBER OF EMPLOYEES ON PAYROLL.** (Total of 2 (a), 3 (a), and 4 (a), above)	......	.....	......
6.	**GRAND TOTAL AMOUNT OF PAYROLL.** (Total of 2 (b), 3 (b), and 4 (b), above.)	......	.....	......

[illegible]
[illegible],
New York, N.Y.

July 9, 1934

[illegible]

[illegible]

Classified Earnings Per Hour	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Under 20¢	....	......	....	......	....	......
20 and under 22½¢	....	......	....	......	....	......
22½ and under 25¢	....	......	....	......	....	......
25 and under 27½¢	....	......	....	......	....	......
27½ and under 30¢	....	......	....	......	....	......
30 and under 32½¢	....	......	....	......	....	......
32½ and under 35¢	....	......	....	......	....	......
35 and under 37½¢	....	......	....	......	....	......
37½ and under 40¢	....	......	....	......	....	......
40 and under 42½¢	....	......	....	......	....	......
42½ and under 45¢	....	......	....	......	....	......
45 and under 47½¢	....	......	....	......	....	......
47½ and under 50	....	......	....	......	....	......
50 and under 55¢	....	......	....	......	....	......
55 and under 60¢	....	......	....	......	....	......
60 and under 65¢	....	......	....	......	....	......
65 and under 70¢	....	......	....	......	....	......
70 and under 75¢	....	......	....	......	....	......
75 and under 80¢	....	......	....	......	....	......
80 and under 85¢	....	......	....	......	....	......
85 and under 90¢	....	......	....	......	....	......
90 and under 95¢	....	......	....	......	....	......
95 and under $1.00	....	......	....	......	....	......
$1.00 and under $1.10	....	......	....	......	....	......
$1.10 and under $1.20	....	......	....	......	....	......
$1.20 and under $1.30	....	......	....	......	....	......
$1.30 and under $1.40	....	......	....	......	....	......
$1.40 and under $1.50	....	......	....	......	....	......
$1.50 and under $1.60	....	......	....	......	....	......
$1.60 and under $1.70	....	......	....	......	....	......
$1.70 and under $1.80	....	......	....	......	....	......
$1.80 and under $1.90	....	......	....	......	....	......
$1.90 and under $2.00	....	......	....	......	....	......
$2.00 and under $2.50	....	......	....	......	....	......
$2.50 and under $2.75	....	......	....	......	....	......
$2.75 and under $3.00	....	......	....	......	....	......
$3.00 and under $3.50	....	......	....	......	....	......

CODE AUTHORITY FOR THE LEAD INDUSTRY
[illegible] Avenue,
[illegible], N. Y.

July 9, 1934. **Mining Division**

[illegible]

Classified hourly rate [illegible]	[illegible] wage earners in all [illegible]					
	[illegible]		[illegible]		[illegible]	
	[illegible]	**Manual**	**Clerical**	**Manual**	**Clerical**	**Manual**
Under 20¢	....	......	....	......	....	......
20 and under 22½¢	....	......	....	......	....	......
22½ and under 25¢	....	......	....	......	....	......
25 and under 27½¢	....	......	....	......	....	......
27½ and under 30¢	....	......	....	......	....	......
30 and under 32½¢	....	......	....	......	....	......
32½ and under 35¢	....	......	....	......	....	......
35 and under 37½¢	....	......	....	......	....	......
37½ and under 40¢	....	......	....	......	....	......
40 and under 42½¢	....	......	....	......	....	......
42½ and under 45¢	....	......	....	......	....	......
45 and under 47½¢	....	......	....	......	....	......
47½ and under 50¢	....	......	....	......	....	......
50 and under 55¢	....	......	....	......	....	......
55 and under 60¢	....	......	....	......	....	......
60 and under 65¢	....	......	....	......	....	......
65 and under 70¢	....	......	....	......	....	......
70 and under 75¢	....	......	....	......	....	......
75 and under 80¢	....	......	....	......	....	......
80 and under 85¢	....	......	....	......	....	......
85 and under 90¢	....	......	....	......	....	......
90 and under 95¢	....	......	....	......	....	......
95 and under $1.00	....	......	....	......	....	......
$1.00 and under $1.10	....	......	....	......	....	......
$1.10 and under $1.20	....	......	....	......	....	......
$1.20 and under $1.30	....	......	....	......	....	......
$1.30 and under $1.40	....	......	....	......	....	......
$1.40 and under $1.50	....	......	....	....	....	......
$1.50 and under $1.60	....	......	....	......	....	......
$1.60 and under $1.70	....	......	....	......	....	......
$1.70 and under $1.80	....	......	....	......	....	.....
$1.80 and under $1.90	....	......	....	......	....	......
$1.90 and under $2.00	....	......	....	......	....	......
$2.00 and under $2.50	....	......	....	......	....	.....
$2.50 and under $2.75	....	......	....	......	....	.....
$2.75 and under $3.00	....	......	....	......	....	.....
$3.00 and under $3.50	....	......	....	......	....	.....

July 9, 1934. **Mining Division**

[illegible]

	1934 April	 May	 June
1. (a) Ave. Hours per week Mine Operated?	.....	.....	.....
(b) Total Hours per month Mine Operated?	.....	.....	.....
(c) One, two or three shifts per day?	.....	.....	.....
(d) Ave. Hours per week Concentrator Operated?	.....	.....	.....
(e) Total Hours per month Concentrator Operated?	.....	.....	.....
(f) One, two or three shifts per day?	.....	.....	.....
2. **EMPLOYEES EXEMPT FROM CODE LABOR** (Executive, managerial, supervisory and technical, as in Article III, Section 3 of Code.)			
(a) Total number on payroll.	.....	.....	.....
(b) Total amount of payroll.	.....	.....	.....
3. **CLERICAL AND OFFICE EMPLOYEES.** (Other than Question 2 above.)			
(a) Total number on payroll.	.....	.....	.....
(b) Total amount of payroll.	.....	.....	.....
(c) Total number receiving Minimum Code Wage	......	.....	.....
(d) Total man shifts worked.	.....	.....	.....
(e) Total man hours worked.	.....	.....	.....
4. **MANUAL LABOR**			
A. Surface Labor			
(a) Total number on payroll.	.....	.....	.....
(b) Total amount of payroll.	.....	.....	.....
(c) Total number receiving Minimum Code Wage	.....	.....	.....
(d) Total man shifts worked.	.....	.....	.....
(e) Total man hours worked.	.....	.....	.....
B. Underground Labor			
(a) Total number on payroll.	.....	.....	.....
(b) Total amount of payroll.	.....	.....	.....
(c) Total number receiving Minimum Code Wage	.....	.....	.....
(d) Total man shifts worked.	.....	.....	.....
(e) Total man hours worked.	.....	.....	.....
5. **GRAND TOTAL NUMBER OF EMPLOYEES ON PAYROLL** (Total of 2 (a), 3 (a), 4A-(a), 4B-(a)	.....	.....	.....
6. **GRAND TOTAL AMOUNT OF PAYROLL.** (Total of 2 (b), 3 (b), 4A-(b). 4 B-(b).	.....	.....	.....

Exhibit "A" Third Code Authority Meeting

COPY

NATIONAL RECOVERY ADMINISTRATION

Washington, D. C.

July 21, 1934.

Mr. F. E. Wormser, Secretary
Lead Industry Code Authority
420 Lexington Avenue
New York, N. Y.

Dear Mr. Wormser:

Referring to the budget and basis of contribution plan for the Lead Industry recently submitted for approval, your attention is called to Administrative Order X-36 governing collection of expenses of code administration and to Office Memorandum No. 263 on July 17, 1934, on budgets and basis of contribution.

If it is the desire of your Industry to have mandatory contributions to the support of the Code Authorities, it will be necessary to amend Section 4 of Article VI. According to the procedure outlined in Article VIII, the several divisions should assent to the amendment which should then be requested by the Basic Code Authority.

The following provisions for mandatory contributions have received official approval:

> "1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:
>
> (a) to incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;
>
> (b) to submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the trade/industry;
>
> (c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the trade/industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

EXHIBIT "F" Third Code Authority Meeting

COPY

NATIONAL RECOVERY ADMINISTRATION
Washington, D. C.

July 13, 1934.

In Reply Refer
to Div. [illegible]

Mr. F. E. Wormser, Secretary,
Code Authority for the Lead Industry,
420 Lexington Avenue,
New York, N. Y.

Dear Sir:

Enclosed please find a guide which I trust will aid your Code Authority to procure "official authorization" for a Trade Practice Complaints Committee; also our various N.R.A. publications relative to this subject.

No model plan of procedure is included because such a model might not suit the particular requisites of your Code Authority and would only serve to confuse.

At the outset it seems desirable for your Industry to have a single National Committee, unless your experience at this time should indicate the necessity of having several autonomous committees. If such be the case, official authorization must be secured for each of the several autonomous committees.

It is the express desire of the Administrator that Code Authorities complete their organization with the least possible delay. If any further information is desired, responsible personnel of the Administration stand ready to be of assistance to your Code Authority.

Sincerely yours,

W. A. JANSSEN (SIGNED)

Deputy Administrator
Metals and Mining Section.

Exhibit #9 Third Code Authority Meeting

COPY

American Metal Company - July 23, 1934.

"Referring to our letter of July 17, in which we made application for our subsidiary, United States Metals Refining Company, to operate entirely under the labor provisions of the Copper Code and be exempt from the labor provisions of the Lead Code, I find that this letter did not stress one condition under which it would be very inconvenient to try to operate the plant under two codes.

"The United States Metals Refining plant operates with a Shop Committee, which has been in existence a long time before the code was established. If we were to operate under the labor provisions of both the copper and lead codes, we would have to deal with two Shop Committees in the same Plant, each committee governed by different labor regulations. This would bring about very unsatisfactory operating conditions.

"I hope you will bring this matter to the attention of the other members of the Code Authority in connection with our letter of July 17, so that it will be before them at the next meeting."

Very truly yours,
[illegible] (SIGNED)

Exhibit "C" Third Code Authority Meeting

C O P Y

The American Metal Company, Limited
61 Broadway,
New York.

July 17, 1934.

Code Authority for the Lead Industry,
[illegible] Lexington Avenue,
New York City.

Gentlemen:

Our subsidiary, the United States Metals Refining Company of Carteret, New Jersey, operates a copper smelting and refining plant and in conjunction with the treatment of scrap copper, a lead department was created to handle lead scrap. It is by reason of this latter work that we are under the Code for the Lead Industry; also included are operations which we perform in the production of solder from scrap materials.

It will be extremely difficult, as well as possibly inconsistent, if it is necessary to have our labor code administered by two Code Authorities. The facts are that in June the total employment in the plant was 2,009 men. Of these, 147 engaged in lead operations are in a separate building distinct from the copper division but are interchangeable in employment as between the lead and copper plants. If there were to be any signs of lead poisoning, any one of these 147 employees would be immediately changed from the lead operations to the copper operations to prevent further lead absorption. Scattered throughout the copper plant, there are 159 employees who are engaged in one manner or another in working for the lead division, such as sorting scrap which comes into the copper plant, and in the treatment of drosses, etc., in the white metal plant. Of our general service departments, such as transportation, shops, etc., there are 30 men that we classify as being engaged in service for the lead plant even though they are carried in the general service departments of the copper plant. The same is true of our office and laboratory in which 17 of the men are engaged in work relating to either lead or white metal operations.

This makes a total of 353 men who are engaged in lead work, 147 being segregated and 206 scattered throughout the copper plant operations. It is apparent what difficulties would be involved if by any chance the rulings on the labor provisions of the Lead Code and the Copper Code should differ in any respect.

We have been given to understand that this question should be first placed before you for your approval and we therefore make application to have the entire plant of the United States Metals Refining Company operate under the labor provisions of the Copper Code and to be exempt from the labor provisions of the Lead Code. At the present time, the minimum wage rate at the Carteret plant is 37½¢ per hour and the maximum hours are 40 hours per week. Should either of these conditions change so as not to be in conformity with the applicable provisions of the Lead Code, we will notify you promptly so that the matter may be considered in the light of prevailing circumstances.

Very truly yours,

THE AMERICAN METAL COMPANY, Ltd.

W. HOCHSCHILD (SIGNED)

KANSAS CIT[illegible] [illegible]NING COMPANY
[illegible]
[illegible]eet
[illegible]

[illegible]

Mr. F. E. Wormser, Secretary,
Code Authority for the Lead Industry,
420 Lexington Avenue,
New York City.

Dear Mr. Wormser:

The Kansas Smelting & Refining Company, in connection with a request to bid upon supplies to a customer, has been asked as a condition of such bid to execute the attached certificate of compliance.

The execution of this certificate in the case of certain customers, involves the assumption of obligations which are exceedingly costly even to the extent of practically excluding the supplier from the participation of business financed by government funds.

Legal counsel has suggested that this matter be referred to the code authorities of the respective codes for information, particularly as to two specific questions involved.

Reference is made in the second, third and fourth paragraphs to "articles, materials, supplies or parts sold or to be sold to purchaser." It is not clear in all of these paragraphs as to whether these "articles, materials, supplies or parts" are intended to apply to all purchases of articles, materials, supplies or parts used by the seller in the course of operation of his business or whether they are intended to apply to articles, materials, supplies or parts purchased by said seller for resale as such to purchaser.

In the smelting and refining of metals there are a large number of items purchased for use in the operations of the business which do not enter into the articles, materials, supplies or parts sold to the purchaser. In fact there is doubt as to the interpretation of this contract, as to whether it applies to raw materials subjected to complete change of identity by fabrication on the part of the seller.

In the secondary metal refining business, raw materials consist solely of secondary metals purchased from dealers or contracted directly from the producers of such by-products. The process of refining into merchantable form completely destroys the identity of these materials. In addition, the refiner uses a large number of items of supplies in the manufacture of the product finally sold, for example, fluxes, fuel, lubricants, tools, etc.

We are reluctant to execute compliance certificates of this nature without knowing specifically what our obligations are in this respect.

It would seem to us that this is a serious problem generally faced by members of the industry covered by the approved code and that the Code Authority, through its legal counsel or otherwise, should advise us as to the interpretation, The [illegible] effect [illegible] to the form of [illegible] question is the [illegible] of [illegible] of goods to the [illegible] materials, [illegible] or parts purch[illegible] under the contract or agreement.

The [illegible] of secondary metals is here confronted with the difficult, if not impossible [illegible] a record on each order, be it large or small, of the [illegible] labor [illegible]. If this is complied with to the letter of the agreement, it will [illegible] a [illegible] expense. The only practical way which we can see that compliance could be accomplished without involving prohibitive expense is to estimate or approximate the hours of labor involved, but the stipulation of the compliance certificate does not appear to contemplate the furnishing of estimated or approximate figures.

Can legal counsel of the Code Authority advise us as to a practical or acceptable method of complying with the spirit and intent of such a contract?

I have no doubt that these questions have in one form or another already been referred to the Code Authority and that some interpretation or advice is available.

The matter is a very serious one for members of the industry whose practice it is to keep conscientiously all covenants to which he subscribes.

Very truly yours,

F. W. WILLARD (SIGNED)

Executive Vice President.

C O P Y

Certificate No.306 P. [illegible] Form No.x44.34

Certificate of Compliance with applicable Code or Codes under National Industrial Recovery Act or President's Reemployment Agreement, in Connection with Financing of Railroad Equipment by Public Works Administration.

To Pullman-Standard Car Corporation and/or its affiliated corporations (hereinafter called "Purchaser"):

WHEREAS the undersigned ______________________________

(hereinafter called "Subcontractor") has received or may hereafter receive from one or more of the above companies (hereinafter called "Purchaser") an order for materials, supplies or parts to be used by the Purchaser in connection with railroad equipment financed by the Public Works Administration, or by funds directly or indirectly advanced by the United States, under terms requiring Purchaser and Subcontractor, with respect to said equipment and materials to be used therein, to comply strictly with the conditions herein stated; and it is understood that Subcontractor's failure to comply with such conditions may result in cancellation of Purchaser's or Subcontractor's contract or contracts, the Subcontractor hereby certifies and agrees as follows:

Subcontractor has accepted and complied with, and has agreed to be bound by, the applicable approved code or codes of fair competition, adopted under Title I of the National Industrial Recovery Act for the trade or industry, or subdivision thereof, affecting articles, materials, supplies or parts sold or to be sold to Purchaser under any arrangement or agreement to which this certificate and these conditions shall become a part; or if there be no such approved code for any such trade or industry, or subdivision thereof, that Subcontractor has complied with the provisions of the President's Reemployment Agreement, irrespective of its expiration date.

Subcontractor agrees that it will not purchase, or contract for the purchase of, or make arrangements for the sale of, articles, materials, supplies or parts to Purchaser unless the seller thereof, or the party with whom such contract or arrangement is made (other than Purchaser) prior to the making of such purchase or contract or arrangements, has accepted and complied with, and agreed to be bound by, the aforesaid applicable code or codes or the provisions of the President's Reemployment Agreement irrespective of its expiration date, as the case may be.

In the event that any provision of any such code or codes, or of the President's Reemployment Agreement, is violated by Subcontractor or the person, firm or corporation from whom Subcontractor purchases or arranges for such articles, materials, supplies or parts, Purchaser shall have the right to terminate, or require to be terminated, said contract or arrangement by serving on the Subcontractor notice of intention to terminate the same, or require the same to be terminated, and unless, within ten (10) days after the serving of such notice, such violation or violations shall cease and assurances, satisfactory to Purchaser and to the United States Government, shall be given that the party violating any such code or codes, or the President's Reemployment Agreement, shall desist therefrom and that the same shall not recur, Purchaser or Subcontractor shall have the remedies granted by law for breach of contract and the right to procure the articles, materials, supplies or parts to be delivered under such contract or arrangements from any other seller thereof who has complied with and agreed to be bound by such applicable code or codes, or the President's Reemployment Agreement, and in such case Subcontractor shall be liable to Purchaser for any expense, damage or cost occasioned thereby.

[illegible]

Subcontractor agrees to [illegible] to [illegible], to the United States [illegible] show the [illegible] pay rolls, [illegible] production of [illegible] Subcontractor [illegible] the fifteenth ([illegible]) day of [illegible] Subcontractor also agrees to furnish the [illegible] earliest practicable date or [illegible] the [illegible] addresses of all persons, firms or corporations with [illegible] are made for the [illegible] any [illegible], materials [illegible] or to be sold, to [illegible] any contract or arrangement to which this certificate or these conditions shall become a part.

Subcontractor agrees that the above stipulations are made with respect to and form part of each order placed or which may be placed by Purchaser and accepted by Subcontractor for materials for use in respect to projects of the nature above stated; and it shall be sufficient in any such orders for this purpose that Purchaser shall show upon such orders that the order is conditioned upon compliance with the terms of this certificate, which certificate may in future orders be identified as P.-R.C.C. Form No, x64.24. Certificate No. ______.

DATED at ______________ 193___.

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