



Maryland

Department of Economic & Employment Development

William Donald Schaefer, Governor
J. Randall Evans, Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201
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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

Decision No.: 1388-BH-91
Date: November 6, 1991
Claimant: Salvatore J. Fusco, et. al. Appeal No.: 9102816
S. S. No.:
Employer: Steamship Trade Association L. O. No.: 1
Appellant: CLAIMANT

Issue: Whether certain monies received by the claimants were "wages" within the meaning of Section 8-101(v); whether the claimants are monetarily eligible to receive benefits within the meaning of Section 8-202 of the Labor and Employment Article.

— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES

December 6, 1991

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER

Claimants:
William Worrell
Nathaniel Weaver
Wesley Thomas
Harold Ockimey
Alton Wright

Gil Abramson, Esq.;
Maurice Byan, Pres.;
Charles Cullen

Salvatore Fusco
James Munford
William Jacobs
Edward Burke, President, Local 333
Cosimo Abate, Esquire

John T. McGucken, Legal Counsel, D.E.E.D.

PRELIMINARY STATEMENT

The question before the Board of Appeals is whether or not payments made to the claimants pursuant to their Collective Bargaining Agreement (hereinafter referred to as the Agreement), from the Guaranteed Annual Income fund (hereinafter referred to as the GAIF) are wages within the meaning of Section 8-101(v) of the Labor and Employment Article.

FINDINGS OF FACT

The claimants are all members of the International Longshoremen's Association (hereinafter referred to as the ILA). The ILA entered into a series of Agreements with the Steamship Trade Association (hereinafter referred to as STA). The Agreements established a fund known as the Guaranteed Annual Income Fund (GAIF). The GAIF was created to subsidize employees, such as the claimants, whose employment opportunities have decreased. However, the claimants have exhausted their benefits under the provisions of the GAIF. Having exhausted these funds, the claimants applied for unemployment insurance benefits.

In order to determine whether or not payments made pursuant to the GAIF are "wages" as defined in Section 8-101(v) of the Labor and Employment Article, we must look at what, if anything, was required of the claimants to receive these benefits.

To receive GAIF benefits, the claimants were required to report to a Central Hiring Hall (hereinafter referred to as the Hall) by 7:30 a.m. At 7:30 a.m., the doors of the Hall were closed and no employees were permitted in. Employees in the Hall were then dispatched to what work was available, based on seniority. Employees that had not been assigned any work for the day were allowed to leave after 8:30 a.m. These employees were then eligible to receive GAIF benefits for that day.

Under the terms of the Agreement, in order to remain eligible for GAIF benefits, employees must actually work 200 hours for one or more of the employers or members of the ILA in the Port