

Mr. Bernard-L. Werner,
Director of Public Works

(continued)

or other facilities, if such board, lodging or other facilities are customarily furnished by such employer to his employees."

The definition of "wage" as used in the Internal Revenue Act of 1954, as amended (Title 26 USCA Sec. 3121), is:

"(a) Wages. - For purposes of this chapter, the term 'wages' means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include

(2) the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of -

- (A) retirement, or
- (B) sickness or accidental disability, or
- (C) medical or hospitalization expenses in connection with sickness or accident disability, or
- (D) death;

(3) any payment to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of 6 calendar months following the last calendar month in which the employee worked for such employer."

U.S.A. v. Carter Construction Co., 353 U.S. 210,
which is relied upon by the Contractor in his attempt to claim the 7½¢ per hour paid to a Welfare Fund as "wages" does not apply here. This case determined that for purposes of the Miller Act (40 USCA 220A), which provides that Government Contractors must furnish a payment bond for the protection of all persons supplying