IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2000 MTWCC 43

WCC No. 2000-0087

GLEN A. MORTENSEN, d/b/a TOWN TAVERN

Petitioner

vs.

DAWN M. HUGI, ELISA PAYSINGER-TATE,

DIANA R. JAMES, MELISSA McCAIN and

SHANNON PEART

Respondents.

ORDER REMANDING TO DEPARTMENT

Summary: Employer appealed determination of Independent Contractor Central Unit (ICCU) that exotic dancers were employees, not independent contractors.

Held: Jurisdiction of Workers' Compensation Court to determine employee vs. independent contractor status is limited to disputes under the Workers' Compensation and Unemployment Insurance Acts. It does not extend to wage and hour claims. Appeal remanded to Department of Labor for contested case hearing.

Topics:

Independent Contractor: Jurisdiction. Jurisdiction of Workers' Compensation Court to determine employee vs. independent contractor status is limited to disputes under the Workers' Compensation and Unemployment Insurance Acts. It does not extend to wage and hour claims.

Independent Contractor: Generally. Jurisdiction of Workers' Compensation Court to determine employee vs. independent contractor status is limited to disputes under the Workers' Compensation and Unemployment Insurance Acts. It does not extend to wage and hour claims.

Jurisdiction: Independent Contractor Disputes. Jurisdiction of Workers' Compensation Court to determine employee vs. independent contractor status is

limited to disputes under the Workers' Compensation and Unemployment Insurance Acts. It does not extend to wage and hour claims.

¶1 This is an appeal from a determination of the Independent Contractor Central Unit (ICCU) of the Department of Labor and Industry. The ICCU found that the exotic dancers who are parties herein were employees of Town Tavern.

¶2 In *Eve Art v. Independent Contractor Central Unit,* 2000 MTWCC 37, I determined that this Court's jurisdiction in employee status (independent contractor) disputes is limited to disputes arising under the Workers' Compensation and Unemployment Insurance acts. It does not extend to wage and hour claims. The present case exclusively involves wage and hour claims, hence this Court has no jurisdiction over the claims.

¶3 Therefore, the appeal from the ICCU determination is **dismissed** and the matter is **remanded** to the Department of Labor and Industry for a contested case hearing.

¶4 SO ORDERED.

DATED in Helena, Montana, this 14th day of July, 2000.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. Karl R. Rudbach
Mr. Jeff R. Lynch