

# New Ruling on Benefits for Exotic Dancers

By  
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Exotic dancers in a Kansas club have won the right to collect unemployment insurance, the latest ruling across the country that has found that dancers are employees of clubs and not independent contractors.

The Friday ruling by the state Supreme Court means the club's owners will have to contribute to the state unemployment-insurance fund.

Most clubs classify their dancers as independent contract workers, but court cases are challenging this tradition, according to Shannon Liss-Riordan, a lawyer who has represented dancers in states including Maine, Massachusetts and Connecticut. She said that under federal law and most state laws, employees must make minimum wage in addition to tips and must receive worker benefits.

In 2005, a dancer filed an unemployment claim after working at Club Orleans, in Topeka, Kan. At the club, dancers earn money through tips and follow a list of house rules, such as minimum rates for certain dances and boundaries for interactions with customers. Noting those house rules, the state's highest court found that the club has a "right of control" over the dancers, rendering them employees rather than contractual talent.

"I don't think they looked at all the facts," said John Samples, co-owner of Milano's, a firm that has owned the club since 2002. His lawyer, Michael Merriam, said the house rules were added at the request of the dancers. "We offer them a stage for which they pay rent," Mr. Merriam said. He couldn't say whether his client will appeal.

Julane Hiebert, 45 years old, worked at Club Orleans but quit dancing in 2006. The now-retail manager said unemployment benefits would offer a safety net, but she said they also would put more dancing work on the books, which some women may not want.

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