

Chapter ILHR 106

COVERAGE OF MUSICIANS AND ENTERTAINERS

- ILHR 106.01 Status of band and orchestra "leaders"
- ILHR 106.02 Status of musicians and entertainers under a "leader"
- ILHR 106.03 Status of musicians and entertainers who contract directly with the "purchaser"

Note: Chapter Ind-UC 106 was renumbered to be chapter ILHR 106 under s. 13.93 (2m) (b) 1 and 2, Register, August, 1987, No. 380.

ILHR 106.01 Status of band and orchestra "leaders". Where a band or orchestra has a "leader" who contracts with "purchasers" (i.e. the owners or operators of places of performance) to furnish music or other entertainment or both, such leader is an employe of each purchaser with whom he so contracts unless substantially all of the following conditions exist:

- (1) The band or orchestra is known to the public by the name of the leader; and
- (2) The leader has the exclusive right to accept or reject proposed contracts and to select, hire and control the individual musicians and entertainers associated with his band or orchestra; and
- (3) The leader is in a position to profit or lose from the proceeds of the contract, after paying whatever wages and expenses may be incurred by him thereunder; and

(4) The leader is acting as the employer of the performers in his band or orchestra for the purposes of federal payroll taxes, such a federal insurance contributions act (Chapter 21, Internal Revenue Code, relating to "social security" taxes for federal old age and survivors insurance).

ILHR 106.02 Status of musicians and entertainers under a "leader". Where individual musicians and entertainers do not contract directly with a purchaser of music and entertainment but perform in pursuance of a contract entered into by a leader, the status of their leader, under s. ILHR 106.01, will determine who is their employer, as follows:

(1) If the leader is himself an employe of the purchaser, then all musicians and entertainers associated with him in the performance of the contract with the purchaser are also employes of the purchaser.

(2) If the leader is not an employe of the purchaser, then the leader is the employer of the musicians and entertainers associated with his band or orchestra.

ILHR 106.03 Status of musicians and entertainers who contract directly with the "purchaser". Where individual musicians or entertainers contract for their performances directly with the purchaser, their coverage status will be determined by the terms of their contracts and the relationship which exists in fact, in accordance with s. 108.02 (3) (b) 1 and 2, Stats.