

**WAC 296-17A-4504 Classification 4504.**

**4504-00 Theaters**

Applies to establishments engaged in the operation of indoor motion picture theaters, drive-in theaters, and live production theaters. This classification includes, but is not limited to, managers, stage hands, box office employees, projectionists, ushers, snack bar employees, parking lot attendants, security guards, sound system and lighting engineers, set builders, clerical office employees, and sales personnel. This classification includes the organization and management of nontheatrical events on theater-owned property, such as a "swap meet" on the grounds of an outdoor theater, when done by employees of an employer having operations subject to this classification.

This classification excludes performers in live theater such as, but not limited to, actors, entertainers, and musicians who are to be reported separately in 6605 or 6620 as applicable; nontheater employees engaged in setting up stage lighting and sound systems who are to be reported separately in classification 0601 or 0608 as applicable; and nontheater employees engaged in building and setting up props and sets who are to be reported separately in classification 0516.

**Special note:** Theatrical productions often involve independent contractors. The independent contractor tests found in RCW 51.08.180 and 51.08.195 should be applied when reviewing the status of individuals such as, but not limited to, the playwright, composer, set designer, costume designer, lighting and sound designers, and videographer. Care should be exercised when assigning this classification as the entertainers or musicians may be exempt from coverage as specified in RCW 51.12.020(9).

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 19-11-109, § 296-17A-4504, filed 5/21/19, effective 7/1/19. WSR 07-01-014, recodified as § 296-17A-4504, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-640, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020. WSR 94-24-007, § 296-17-640, filed 11/28/94, effective 1/1/95. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-640, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-640, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-640, filed 11/30/83, effective 1/1/84; WSR 82-24-047 (Order 82-38), § 296-17-640, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-640, filed 11/9/73, effective 1/1/74.]