

WSR 21-20-088

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed September 30, 2021, 4:00 p.m.]

Calculations for the Executive, Administrative, and Professional (EAP)
Exemption Salary Threshold Calculations for 2022

The department of labor and industries recently updated the rule for overtime exemptions for EAP workers, including outside sales and computer professionals. To be exempt from overtime, EAP workers must be salaried, paid a minimum specified salary level, and must primarily perform executive, administrative, professional, outside sales or computer professional duties as defined under chapter 296-128 WAC.

According to WAC 296-128-545, the salary thresholds for the EAP overtime exemption are calculated using a multiplier of the minimum wage for a 40-hour workweek and incrementally adjust through 2028. In 2028, the salary threshold will be 2.5 minimum wage for all employers.

Using the 2022 Washington minimum wage of \$14.49, the 2022 salary thresholds for EAP overtime exemption are as follows:

- For small employers with **50 or fewer employees**, the applicable EAP salary threshold in 2022 is **\$1,014.30 per week** (\$52,743.60 annually), which is **1.75 times the minimum wage**.
- For large employers with **51 or more employees**, the applicable EAP salary threshold in 2022 is **\$1,014.30 per week** (\$52,743.60 annually), which is **1.75 times the minimum wage**.
- For computer professionals at a small employer with **50 or fewer employees**, the applicable wage rate for an exempt computer professional is **\$50.72 per hour**, which is **3.5 times the minimum wage**.
- For computer professionals at a large employer with **51 or more employees**, the applicable wage rate for an exempt computer professional is **\$50.72 per hour**, which is **3.5 times the minimum wage**.

If you have any questions, please contact Tracy West, rules coordinator, at 360-902-6954.

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