

**WAC 296-128-540 Outside salesperson.** The term "individual employed in the capacity of outside salesperson" in RCW 49.46.010 (3)(c) shall mean any employee:

(1) Whose primary duty is:

(a) Making sales; including any sale, exchange, contract to sell, consignment for sale, shipment for sale or other disposition; or

(b) Obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and

(2) Who is customarily and regularly engaged away from the employer's place or places of business in performing such primary duty; and

(3) Who is compensated by the employer on a guaranteed salary, commission or fee basis and who is advised of their employee status as an "outside salesperson." The requirements of WAC 296-128-545 do not apply to the outside salespersons described in this section.

[Statutory Authority: RCW 49.46.010 (3)(c). WSR 20-09-040, § 296-128-540, filed 4/7/20, effective 7/1/20; WSR 20-01-063, § 296-128-540, filed 12/10/19, effective 7/1/20; Order 76-5, § 296-128-540, filed 2/24/76.]