

**WSR 22-16-017**

**WITHDRAWAL OF PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed July 22, 2022, 3:31 p.m.]

On June 22, 2022, the Washington utilities and transportation commission (commission) filed a Proposed rule making (CR-102) proposing revisions to the commission's rules to implement HB 1841, chapter 170, Laws of 2020, which pertains to the establishment of minimum crew size on certain trains, at WSR 22-13-173. The commission intends to file a new CR-102 on this subject with revised proposed rules, and it will provide stakeholders with an additional comment period prior to holding an adoption hearing. The commission, therefore, requests that the CR-102 published in WSR 22-13-173 be withdrawn.

The commission will notify stakeholders in this rule-making docket of the withdrawal of this CR-102.

Amanda Maxwell  
Executive Director and Secretary

**WSR 22-16-034**  
**PROPOSED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**  
[Filed July 26, 2022, 1:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-12-083.

Title of Rule and Other Identifying Information: WAC 181-79A-231  
Expanding the scope of the transitional certificate as a pandemic response for certificate renewal.

Hearing Location(s): On September 22, 2022, at 8:00 a.m., virtual Zoom meeting: Webinar Registration - Zoom and Webinar Registration - Zoom [contact agency for link]. Exact meeting location and a link to listen to the meeting virtually will be available several weeks prior to the meeting. More information regarding this can be found on our website <https://www.pesb.wa.gov/about-us/board-meetings/>.

Date of Intended Adoption: September 22, 2022.

Submit Written Comments to: Professional Educator Standards Board (PESB), 600 Washington Street S.E., Olympia, WA 98504, email [pesb.k12.wa.us](mailto:pesb.k12.wa.us), by 8:00 a.m., Monday, September 19, 2022.

Assistance for Persons with Disabilities: Contact Professional Educator Standards Board, phone 360-725-6275, email [pesb.k12.wa.us](mailto:pesb.k12.wa.us), by 8:00 a.m., Thursday, September 8, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Expanding the scope of the transitional certificate as pandemic response for certificate renewal.

Reasons Supporting Proposal: Educators were impacted in their access to clock hour offerings due to the pandemic.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Statute Being Implemented: Chapter 28A.410 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: PESB, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jisu Ryu, 600 Washington Street S.E., Olympia, WA 98504, 360-867-8510; Enforcement: Erica Hernandez-Scott, 600 Washington Street S.E., Olympia, WA 98504, 360-890-2443.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

July 18, 2022  
Jisu Ryu  
Rules Coordinator

**OTS-3791.1**

AMENDATORY SECTION (Amending WSR 21-15-085, filed 7/16/21, effective 8/16/21)

**WAC 181-79A-231 Limited certificates.** All applicants for limited certificates must meet the age, good moral character, and personal fitness requirements of WAC 181-79A-150 (1) and (2).

Nothing within chapter 181-79A WAC authorizes practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations adopted by the appropriate licensure board or agency.

(1) **Conditional certificate.**

(a) **Intent.** The intent of the conditional certificate is to assist school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals.

(b) **Roles.**

(i) Teacher roles. The conditional certificate may be issued to teachers in all endorsement areas. Specific minimum requirements defined in this section apply to the following:

- (A) Special education teachers;
- (B) Nonimmigrant exchange teachers;
- (C) Traffic safety education teachers.

(ii) Educational staff associate roles. The conditional certificate may be issued in the following education staff associate roles:

- (A) School counselor;
- (B) School nurse;
- (C) School psychologist;
- (D) School social worker;
- (E) School speech language pathologist or audiologist;
- (F) School behavior analyst;
- (G) School orientation and mobility specialist.

(iii) Administrator role. The conditional certificate may be issued in the following administrator role: Principal.

(c) **Request requirements.**

(i) When requesting the conditional certificate, the district, the educational service district, or the approved private school will verify that one or more of the following criteria have been met:

(A) The individual has extensive experience, unusual distinction, or exceptional talent in the subject matter to be taught or in the certificate role; or

(B) No person with regular certification in the area is available; or

(C) The individual holds a bachelor's degree or higher from an accredited college or university; or

(D) The individual is enrolled in an educator preparation program specific to the certificate role for which they are applying; or

(E) The individual will serve as a nonimmigrant exchange teacher and meets the specific minimum requirements defined in this section; or

(F) The individual will serve as a traffic safety education teacher and meets the specific minimum requirements defined in this section; or

(G) Circumstances warrant.

(ii) When requesting the conditional certificate, the district, the educational service district, or the approved private school will verify that all of the following criteria have been met:

(A) The district, educational service district, or approved private school has determined that the individual is competent for the assignment; and

(B) After specific inclusion on the agenda and a formal vote, the school board or educational service district board has authorized the conditional certificate; and

(C) The individual is being certificated for a specific assignment and responsibility in a specified activity/field; and

(D) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities; and

(E) The individual will not be serving in a paraeducator role; and

(F) The individual will be oriented and prepared for the assignment. In addition, prior to service, the individual will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment; and

(G) The individual will be assigned a mentor within (~~twenty~~) 20 working days from the commencement of the assignment; and

(H) A written plan of support will be developed within (~~twenty~~) 20 working days from the commencement of the assignment.

(d) **Minimum requirements.**

(i) Individuals must complete (~~fifty~~) 50 continuing education credit hours after the issuance of the certificate, and prior to the reissuance of the certificate. Holders of conditional certificates in the role of nonimmigrant exchange teacher are not required to complete (~~fifty~~) 50 continuing education credit hours.

(ii) Special education teacher. The applicant for a conditional teaching certificate in special education shall hold a bachelor's degree or higher from an accredited college or university.

The issuance of a conditional certificate to a special education teacher is contingent upon the individual being enrolled in a state-approved teacher preparation program resulting in a teacher certificate endorsed in special education.

An individual with full certification and endorsed in special education shall be assigned as a mentor to the special education teacher serving on a conditional certificate for the duration of the conditional certificate.

(iii) Traffic safety education teacher. The applicant qualifies to instruct in the traffic safety program under WAC 392-153-021. Written plans of support and mentors are not required for holders of conditional certificates in the role of traffic safety education teacher.

(iv) Nonimmigrant exchange. A conditional certificate in the role of teacher may be issued to an individual admitted to the United States for the purpose of serving as an exchange teacher.

The individual must be eligible to serve as a teacher in the elementary or secondary schools in their country of nationality or last residence.

(v) School counselor. The applicant must hold a bachelor's degree or higher from an accredited college or university, and be enrolled in a state-approved preparation program for the role, in accordance with Washington requirements for certification.

(vi) School nurse. The applicant possesses a state of Washington license for a registered nurse. Applicants who meet the requirements for the initial school nurse certificate will not be issued a conditional school nurse certificate.

(vii) School psychologist. The applicant must hold a bachelor's degree or higher from an accredited college or university, and be en-

rolled in a state-approved preparation program for school psychologists, in accordance with Washington requirements for certification.

In addition, the candidate shall have completed all course work for the required master's degree, and shall be participating in the required internship.

(viii) School social worker. The applicant must hold a bachelor's degree or higher from an accredited college or university. The applicant must be enrolled in a master's degree program in social work or social welfare.

(ix) School speech language pathologist or audiologist. The applicant has completed a bachelor's degree or higher from an accredited college or university.

(x) School behavior analyst. Applicants must meet one or more of the following:

(A) Hold a valid Washington state department of health license as an assistant behavior analyst. The district, educational service district, or approved private school must provide a supervisor who meets the department of health requirements for a supervisor of assistant behavior analysts; or

(B) Hold a valid board certified assistant behavior analyst (BCABA) certificate from the behavior analyst certification board (BACB). The district, educational service district, or approved private school must provide a supervisor who meets the behavior analyst certification board (BACB) requirements for a supervisor of board certified assistant behavior analyst (BCABA); or

(C) Hold a bachelor's degree, and, must be enrolled in or have completed the course work requirements for the board certified behavior analyst (BCBA) certificate from the behavior analyst certification board (BACB), as verified by the institution providing the behavior analysis course work.

(xi) School orientation and mobility specialist.

(A) Applicants must have completed all requirements for an approved national certificate with the exception of the internship and the assessment, as verified by the institution providing the course-work for the national certificate. The approved national certificates are the certified orientation and mobility specialist (COMS) certificate from the academy for certification of vision rehabilitation and education professionals (ACVREP), and the national orientation and mobility certification (NOMC) from the national blindness professional certification board (NBPCB).

(B) The school employer must ensure the candidate has access to a mentor who meets the requirements for an intern supervisor set by the academy for certification of vision rehabilitation and education professionals (ACVREP) or the national blindness professional certification board (NBPCB).

(xii) Principal. The applicant holds a bachelor's degree from an accredited college or university.

The candidate for conditional certification as a principal shall be enrolled in a program resulting in the issuance of a residency principal certificate, in accordance with Washington requirements for certification.

(e) **Validity.** The conditional certificate is valid for two years or less, and is only valid for the activity or role specified on the certificate.

The reissuance of the special education conditional certificate will have a validity period of three years or less.

(f) **Reissuance.**

(i) The conditional certificate may be reissued upon request by the employing local school district, approved private school, or educational service district, provided all conditions for the first issuance of the certificate are met.

(ii) The requesting school district, approved private school, or educational service district will verify that the (~~fifty~~) 50 continuing education credit hours earned as a requirement for reissuance of the certificate are designed to support the individual's professional growth, and enhance the individual's knowledge or skills to better assist students in meeting state learning goals.

(iii) Nonimmigrant exchange. The conditional certificate in the role of teacher may be reissued while the individual is being sponsored by a school district in an exchange and visiting teacher program.

(iv) Special education teacher. Conditional certificates in special education may only be reissued once. The reissuance of the special education conditional certificate will have a validity period of three years or less. The special education conditional certificate may only be reissued upon verification by the preparation program provider that the individual is completing satisfactory progress in a state-approved teacher certificate program leading to a special education endorsement.

(v) School speech language pathologist or audiologist. Conditional certificates as a school speech language pathologist or audiologist may be reissued twice.

The conditional certification as a school speech language pathologist or audiologist may be reissued if the candidate is enrolled in a master's degree program resulting in issuance of an initial ESA certificate in accordance with Washington requirements for certification.

The school speech language pathologist or audiologist conditional certificate may be reissued a second time upon verification by the degree provider that the individual is completing satisfactory progress in a master's degree program resulting in issuance of an initial school speech language pathologist or audiologist certificate in accordance with Washington requirements for certification.

(vi) Conditional certificates as a school behavior analyst may be reissued twice.

(vii) Conditional certificates as a school orientation and mobility specialist may be reissued once.

(2) **Transitional certificate.**

(a) **Intent.** The transitional certificate provides flexibility for school districts in employing an individual according to this chapter.

(i) Individuals whose continuing certificate has lapsed or expired.

(ii) Individuals whose certificate has lapsed or expired by June 30, 2022, under WAC 181-79A-240.

(b) **Roles.** The transitional certificate may be issued in roles of teacher, education staff associate, and administrator for continuing certificates or other certificates subject to renewal under WAC 181-79A-240.

(c) **Request requirements.**

(i) The transitional certificate is issued upon request by a school district, approved private school, or educational service district for an individual whose continuing certificate has lapsed or expired according to this chapter.

(ii) The transitional certificate is issued upon request by a school district, approved private school, or educational service dis-

strict for an individual whose certificate has expired according to this chapter.

(A) Districts may request a transitional certificate for all certificates other than continuing certificates under this section through December 31, 2023.

(B) Educators under this section must apply for the transitional certificate through the office of the superintendent of public instruction no later than June 30, 2024.

(iii) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of support for the holder to complete the necessary certificate renewal requirements under this chapter.

**(d) Minimum requirements.**

(i) The holder of the transitional certificate must complete the requirements for certificate renewal within two years of the date the holder was issued the transitional certificate.

(ii) No individual whose certificate has been suspended, revoked, or surrendered shall be eligible to be employed under this section.

(e) **Validity.** The transitional certificate is valid until two years from the date the holder was issued the certificate. The transitional certificate expiration date shall not be calculated under professional educator standards board policy WAC 181-79A-117.

(f) **Reissuance.** The transitional certificate is not renewable and may not be reissued.

**(3) Emergency substitute certificate.**

(a) **Intent.** The intent of the emergency substitute certificate is to assist school districts, approved private schools, and educational service districts with flexibility in meeting educator workforce needs.

**(b) Roles.**

(i) The emergency substitute certificate may be issued in the role of teacher.

(ii) To ensure that related services personnel deliver special education services in their respective discipline or profession, the emergency substitute certificate may not be issued for individuals to serve in an educational staff associate role in accordance with 34 C.F.R. Part 300.156 (b) (2) (ii).

(iii) Holders of the emergency substitute certificate may serve in the local school district, approved private school, or educational service district which requested the certificate.

(iv) Holders of the emergency substitute certificate may serve as substitutes if the local school district, approved private school, or educational service district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes under WAC 181-79A-232.

**(c) Request requirements.**

(i) The emergency substitute certificate is issued upon request by a school district, approved private school, or educational service district.

(ii) If the local school district, approved private school, or educational service district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, emergency substitute certificates may be issued to persons not fully qualified as substitutes under WAC 181-79A-232.

(d) **Validity.** Emergency substitute certificates shall be valid for two years or less.

(e) **Reissuance.** The emergency substitute certificate may be reissued upon request by the employing local school district, approved private school, or educational service district.

(4) **Intern substitute certificate.**

(a) **Intent.** The intent of the intern substitute certificate is to provide the intern the opportunity to serve as a substitute when the cooperating teacher is absent. This provides the intern with experience while allowing for consistency in instruction for the students.

(b) **Roles.** The intern substitute certificate may be issued to student teachers or intern teachers.

(c) **Request requirements.**

(i) School districts, educational service districts, and approved private schools may request intern substitute teacher certificates for individuals enrolled in student teaching and internships to serve as substitute teachers in the absence of the cooperating teacher.

(ii) The supervising preparation program provider must approve the candidate for the intern substitute teacher certificate.

(d) **Minimum requirements.** The holder of the intern substitute certificate may be called at the discretion of the school district, education service district, or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher or intern.

(e) **Validity.** The intern substitute teacher certificate is valid for one year or less.

(f) **Reissuance.** The intern substitute certificate may be reissued upon request by the local school district, approved private school, or educational service district, and approved by the educator preparation program provider.

[Statutory Authority: Chapter 28A.410 RCW. WSR 21-15-085, § 181-79A-231, filed 7/16/21, effective 8/16/21; WSR 21-08-024, § 181-79A-231, filed 3/29/21, effective 4/29/21. Statutory Authority: Chapters 28A.410 and 28A.413 RCW. WSR 19-15-110, § 181-79A-231, filed 7/22/19, effective 8/22/19. Statutory Authority: RCW 28A.410.220. WSR 18-21-072, § 181-79A-231, filed 10/11/18, effective 11/11/18; WSR 17-23-176, § 181-79A-231, filed 11/21/17, effective 12/22/17. Statutory Authority: RCW 28A.410.210. WSR 17-08-037, § 181-79A-231, filed 3/29/17, effective 4/29/17; WSR 16-16-044, § 181-79A-231, filed 7/26/16, effective 8/26/16; WSR 15-20-058, § 181-79A-231, filed 10/1/15, effective 11/1/15; WSR 10-16-124, § 181-79A-231, filed 8/3/10, effective 9/3/10; WSR 07-04-003, § 181-79A-231, filed 1/24/07, effective 2/24/07; WSR 06-14-010, § 181-79A-231, filed 6/22/06, effective 7/23/06. WSR 06-02-051, recodified as § 181-79A-231, filed 12/29/05, effective 1/1/06. Statutory Authority: RCW 28A.410.010. WSR 04-20-090, § 180-79A-231, filed 10/5/04, effective 11/5/04; WSR 03-14-115, § 180-79A-231, filed 6/30/03, effective 7/31/03; WSR 03-12-035, § 180-79A-231, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 28A.410.010 and 28A.305.130. WSR 02-13-027, § 180-79A-231, filed 6/12/02, effective 7/13/02. Statutory Authority: RCW 28A.410.010. WSR 00-13-063, § 180-79A-231, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 28A.410.010 and 28A.305.130 (1) and (2). WSR 99-23-023, § 180-79A-231, filed 11/9/99, effective 12/10/99. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). WSR 99-01-174, § 180-79A-231, filed 12/23/98, effective 1/23/99.]



**WSR 22-16-060**  
**PROPOSED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed July 29, 2022, 8:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-07-061.

Title of Rule and Other Identifying Information: Updates to WAC 139-10 for recruit academy eligibility requirements and curriculum of correctional personnel academies, and readmission to academies.

Hearing Location(s): On September 14, 2022, at 10:00 a.m., at 19010 1st Avenue South, Burien, WA 98418; or virtually. Please check the Washington state criminal justice training commission (WSCJTC) website for hearing location information due to the on-going public emergency related to COVID-19.

Date of Intended Adoption: September 14, 2022.

Submit Written Comments to: Derek Zable, 19010 1st Avenue South Burien, WA 98418, email Derek.Zable@cjtc.wa.gov, by September 2, 2022.

Assistance for Persons with Disabilities: Contact Derek Zable, phone 206-793-6332, TTY 206-793-6332, email Derek.Zable@cjtc.wa.gov, by September 2, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The intent of the rule change is to update the corrections WAC to match updated WAC sections due to SB [ESSB] 5051 (2021). WAC are also updated to have better terminology for recruits, better matching to current agency processes, and match the agency mission and values. It also includes an update to the WAC section that reorganizes information for a better user experience.

Reasons Supporting Proposal: Increased readability, corrected references, matching format of other sections.

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: RCW 43.101.220 and 43.101.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting: Serena Anastasio, 19010 1st Avenue South, Burien, WA 98418, 206-835-7299; Implementation and Enforcement: Christine Rickert, 19010 1st Avenue South, Burien, WA 98418, 206-835-8286.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Not required due to internal governmental impacts only per RCW 34.05.328 (5) (b) (ii).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rule content is explicitly and specifically dictated by statute.

July 29, 2022  
Derek Zable  
Records Manager

OTS-3992.1

AMENDATORY SECTION (Amending WSR 09-16-135, filed 8/5/09, effective 9/5/09)

**WAC 139-10-210 Requirement of basic corrections training for correctional personnel.** ~~As ((provided in RCW 43.101.220, all full-time corrections employees in the state of Washington with the exception of the Washington state department of corrections prison division or of any city, county, or political subdivision of the state of Washington must, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored, or conducted by the commission))~~ a condition of continued employment, unless exempted by the commission, all correctional personnel, as defined in RCW 43.101.010, with the exception of those employed by the Washington state department of corrections prison division, must commence training in a basic corrections academy within the initial six-month period of employment, unless otherwise extended or waived by the commission, and then successfully complete the training. The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections. ~~((This requirement to complete basic training must be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the commission.))~~ Requests for extension or waiver of the basic training requirement must be submitted to the commission in writing as designated by ~~((its policies))~~ commission policy and procedures.

(1) ~~((Corrections))~~ Correctional personnel must ~~((attend))~~ complete the appropriate basic corrections academy ((training)) according to job function as ~~((described))~~ referred below:

(a) Corrections officers academy ~~((. All employees whose primary job function is to provide for the custody, safety, and security of adult prisoners in jails and detention facilities. Representative job classifications include, but are not limited to, custody and corrections officers)),~~ as described in WAC 139-10-230.

(b) Misdemeanant ~~((probation/classification))~~ probation counselors academy ~~((. All employees whose primary job function is the case management of offenders under county/city supervision, to include: Assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to adult probation officers)),~~ as described in WAC 139-10-235.

(c) Community corrections officers academy and basic arrest, search, and seizure academy ~~((. All employees whose primary job function is the case management in the community of adult offenders under state department of corrections supervision, to include: Monitoring adjustment of offenders involved with in/outpatient treatment programs, counseling offenders and/or referring them for counseling or other resource/treatment programs, and making home/field visits pursuant to offender classification standards. Representative job classifications include, but are not limited to, community corrections officers, community risk management specialists, hearings officers, and victim advocates)),~~ as described in WAC 139-10-530.

(d) Juvenile services academy ~~((. All employees working with juveniles whose primary job function is the case management of offenders, to include: Assessment, case planning, counseling, supervision, and~~

monitoring. Representative job classes include, but are not limited to, juvenile probation counselors, case aides/assistants, trackers, juvenile drug court counselors, and community surveillance officers), as described in WAC 139-10-237.

(e) Juvenile corrections officers academy (~~(. All employees responsible for the care, custody, and safety of youth in county facilities. Representative job classes include, but are not limited to, juvenile detention workers, juvenile corrections officers, and juvenile supervision officers)~~), as described in WAC 139-10-240.

(f) Juvenile ((residential counselors)) rehabilitation academy (~~(. All employees responsible for the case management, custody, safety, counseling, supervision, and application of researched based treatment interventions to youth committed to the care and supervision of the juvenile rehabilitation administration. Representative job classes include, but are not limited to, juvenile residential rehabilitation counselors, juvenile rehabilitation community counselors, juvenile rehabilitation counselor assistants, juvenile rehabilitation security officers, juvenile rehabilitation coordinators, and juvenile rehabilitation supervisors.~~

(2) ~~It is the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the commission.~~

An agency may elect to decline basic academy training if such employee occupies a middle management or an executive position, as defined in WAC 139-10-410, 139-10-510, and 139-25-110.

(3) ~~Failure to comply with the above requirements will result in a notification of noncompliance from the commission directed to the individual employee and, as appropriate, the employing agency director, chief or sheriff, the chief executive of the local unit of government, and any other agency or individual determined by the commission.~~

(4))), as described in WAC 139-10-245.

(2) Each agency employing correctional personnel ((covered by RCW 43.101.220)), as defined in RCW 43.101.010, is responsible for full and complete compliance with the above training requirements. Additionally, each such agency must provide the commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees, as required by WAC 139-10-213.

[Statutory Authority: RCW 43.101.080. WSR 09-16-135, § 139-10-210, filed 8/5/09, effective 9/5/09; WSR 05-20-027, § 139-10-210, filed 9/28/05, effective 10/29/05; WSR 04-13-071, § 139-10-210, filed 6/15/04, effective 7/16/04; WSR 00-17-017, § 139-10-210, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.220. WSR 95-08-036 and 95-09-070, § 139-10-210, filed 3/30/95 and 4/19/95, effective 4/30/95 and 5/20/95. Statutory Authority: RCW 43.101.080(2). WSR 87-19-105 (Order 15-D), § 139-10-210, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-210, filed 9/10/86. Formerly WAC 139-36-020.]

AMENDATORY SECTION (Amending WSR 05-20-028, filed 9/28/05, effective 10/29/05)

**WAC 139-10-212 Physical requirements for admission to basic corrections academies.** ((Each successful applicant)) (1) For admission

to ~~((a basic))~~ the corrections officers academy or juvenile corrections officers academy ~~((sponsored or conducted by the commission)),~~ each recruit must possess good health and physical capability to actively and fully participate in defensive tactics training and other required physical activities.

(2) In order to minimize risk of injury and maximize the benefit of such participation, each ~~((trainee))~~ recruit in any academy session must, as a precondition of ~~((his or her))~~ their academy ~~((attendance))~~ admission, demonstrate a requisite level of physical fitness, as established by the commission.

For this purpose, each ~~((academy applicant))~~ recruit must be evaluated ~~((in the assessment areas of aerobic capacity, strength, and flexibility,))~~ in accordance with the ~~((requirements))~~ policies and procedures established by the commission. ~~((Such evaluation will be based upon composite performance ratings in the overall assessment as established by the commission.))~~

(3) Failure to demonstrate a requisite level of fitness ~~((within the overall assessment))~~ will result in ineligibility for academy ~~((attendance and completion))~~ admission.

[Statutory Authority: RCW 43.101.080. WSR 05-20-028, § 139-10-212, filed 9/28/05, effective 10/29/05; WSR 00-17-017, § 139-10-212, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 91-14-010, § 139-10-212, filed 6/24/91, effective 7/25/91; WSR 91-01-044, § 139-10-212, filed 12/12/90, effective 7/1/91.]

AMENDATORY SECTION (Amending WSR 18-13-059, filed 6/14/18, effective 7/15/18)

**WAC 139-10-213 Employment and separation of ((corrections)) correctional personnel—Notification to commission.** ~~((Upon employment,))~~ All counties and municipal corporations of the state of Washington, or any political subdivision thereof, shall ((immediately)) notify the commission ((on a personnel action report)) within 15 days by an approved form ((provided by the commission)) of each instance where ((corrections)) correctional personnel begins continuing and regular employment with that agency ~~((The commission shall maintain these notices in a permanent file, subject to RCW 43.101.400))~~ and each instance where correctional personnel has been separated for any reason.

[Statutory Authority: RCW 43.101.080. WSR 18-13-059, § 139-10-213, filed 6/14/18, effective 7/15/18.]

AMENDATORY SECTION (Amending WSR 18-19-067, filed 9/17/18, effective 10/18/18)

**WAC 139-10-215 ((Basic corrections academy equivalency certification.)) Equivalency process for corrections officers.** ~~((1) A certificate of equivalent basic corrections training shall be issued only to corrections employees who successfully complete the equivalency process as required by the Washington state criminal justice training~~

~~commission and shall be recognized in the same manner as the certificate of completion of a basic corrections academy.~~

~~(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time custody and case management employees of publicly funded corrections agencies within this state who have either:~~

~~(a) Obtained certification through successful completion of an accepted basic corrections training program in this or another state.~~

~~(b) Previously held certification in this state and incurred a break or interruption of corrections employment in excess of twenty-four months but less than sixty months and who are required to attend the equivalency.~~

~~The determination of program acceptability shall be the responsibility of the commission's executive director or his/her designee and shall be based upon a description and/or curriculum specifying subject areas and hourly allocation thereto.~~

~~(3) The decision to request an employee's participation within the equivalency process shall be discretionary with the chief executive officer of the employing agency. Such request shall be made to the commission in the approved form, signed by the chief executive officer of the requesting agency and shall include:~~

~~(a) Documented certification of successful completion of a basic corrections training program accepted by the training commission for the purposes of equivalency participation pursuant to the provisions of section (2) above;~~

~~(b) Written curriculum detailing specific areas of training and hours of training in specific areas;~~

~~(c) Copies of current and valid basic cardiopulmonary resuscitation (CPR) card and current and valid basic or advanced first-aid card(s) taken within the past year;~~

~~(d) Statement of applicant's health and physical condition from a licensed physician giving clearance for participation in physical training and defensive tactics coursework.~~

~~(4) Following receipt and acceptance of the above by the training commission, the applicant may participate in the equivalency process which shall include written examinations of specific core material classes, practical testing in basic skill areas, and full participation in mock scenes.~~

~~(5) Upon completion of the examination process outlined in section (4) and evaluation of the applicant's performance, the training commission shall:~~

~~(a) Issue a certificate of equivalent basic training;~~

~~(b) Issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the training commission may require;~~

~~(c) Require completion of the appropriate basic corrections academy program.~~

~~(6) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the training commission if it is determined that sufficient justification exists for such action. Any action or determination by commission staff regarding a requestor or applicant for equivalency certification may, upon written request of the involved individual or agency, be appealed to the training commission executive director, or designee.))~~  
The corrections officers equivalency academy process is provided in WAC 139-05-210.

[Statutory Authority: RCW 43.101.080. WSR 18-19-067, § 139-10-215, filed 9/17/18, effective 10/18/18; WSR 03-13-098, § 139-10-215, filed 6/17/03, effective 7/18/03; WSR 00-17-017, § 139-10-215, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 91-01-041, § 139-10-215, filed 12/12/90, effective 1/12/91.]

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

**WAC 139-10-220 Completion requirements of basic corrections**

**((academy)) academies.** ~~((1))~~ Each ~~((trainee))~~ recruit in a basic corrections academy ~~((shall))~~ will receive ~~((certification))~~ a diploma only upon full and successful completion of the academy ~~((process))~~ as prescribed by the ~~((Washington state criminal justice training))~~ commission. The performance of each ~~((trainee))~~ recruit shall be evaluated as follows:

~~((a) Scholarship.))~~ (1) Academic performance.

(a) A standardized ~~((examination))~~ evaluation process ~~((shall))~~ will be utilized ~~((by each))~~ in all basic corrections ~~((academy))~~ academies sponsored or conducted by the commission~~((7))~~ in evaluating the level of scholastic achievement ~~((and skill proficiency))~~ of each ~~((trainee))~~ recruit.

(b) Such process shall include the application of a designated minimum passing score for written examinations and the availability of a retesting procedure.

~~((b) Participation. Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes active and full participation in the physical activities required for certification. In no instance shall certification be granted until successful completion of physical fitness training, including defensive tactics, has been achieved.~~

~~((Department and conduct.))~~ (c) Failure to achieve the required minimum passing score will result in termination of academy enrollment.

(2) Practical skills.

(a) A standardized evaluation process will be utilized in all corrections officers academies and juvenile corrections officers academies sponsored or conducted by the commission in evaluating the level of skill proficiency of each recruit.

(b) Such process shall include the application of a designated minimum passing score of all skill proficiencies identified by the commission and the availability of a retesting procedure.

(c) Failure to achieve a final passing grade in each practical skills dimension will result in termination of academy enrollment.

(3) Conduct and participation.

(a) Each recruit will be required to participate fully in all academy classes and adhere to all rules, regulations, and policies of the commission.

(b) Failure to ~~((maintain a standard of deportment and conduct as defined in the))~~ adhere to all rules, regulations and policies of the ~~((basic corrections academy may))~~ commission will result in termination of academy enrollment.

~~((2) Upon the written request of a trainee, or the head of a trainee's employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.))~~

[Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-220, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 93-13-099, § 139-10-220, filed 6/21/93, effective 7/22/93; WSR 87-19-105 (Order 15-D), § 139-10-220, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-220, filed 9/10/86. Formerly WAC 139-36-030.]

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

**WAC 139-10-222 Readmission to basic corrections academies.** No person may be readmitted to any basic corrections ~~((training))~~ academy except as provided in this section.

(1) Any request for readmission ~~((to any academy shall))~~ must be made and submitted by the individual's employing ~~((or sponsoring))~~ agency ~~((chief executive officer))~~ head, or designee, in accordance with commission policies and procedures.

(2) Any individual whose academy enrollment was terminated ~~((from any academy))~~ for academic failure, skills deficiency, disciplinary reasons other than those specified in subsection (3) of this section, or who ~~((has))~~ had voluntarily withdrawn ~~((from any academy))~~ for any reason, may be readmitted to a subsequent academy session only if:

(a) The ~~((head of the))~~ individual's current employing agency head, or their designee, submits to the commission a written request for readmission of the individual to the academy ~~((program))~~; and

(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission ~~((previously))~~ specified by the ~~((agency))~~ commission executive director, or designee, have been met.

(3) ~~((Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:~~

(a) The head of the individual's current employing agency, or designee, submits to the commission a written request for readmission, and

~~((b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission previously specified by the director or designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.~~

~~((4))~~ Any person ~~((dismissed from any))~~ whose academy enrollment was terminated for an integrity violation ~~((r))~~ including, but not limited to: Cheating, the making of materially false statements, ((or)) the commission of a crime ((shall not be eligible)), or other violation contained in RCW 43.101.105 will be ineligible for readmission to any subsequent academy within ~~((twenty-four))~~ 24 months from the date of dismissal ~~((Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.~~

~~((5))~~ regardless of employer or employment status.

~~(4)~~ An exception to the ineligibility period specified in subsection ~~((4))~~ (3) of this section may be granted at the sole discretion of the commission executive director, or designee, based upon mitigating circumstances.

~~((However,))~~ (a) No person may be considered for such early readmission after an integrity violation dismissal unless a written request is made by the head of the agency employing the individual at the time of the request.

~~((Such request may be granted by the executive director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission.))~~ (b) Requests for early re-admission must follow applicable commission policies and procedures to be considered.

(c) The executive director's, or designee's, decision under this subsection shall be subject to ((further)) review only for abuse of discretion.

~~((6))~~ (5) After the ineligibility period specified in subsection ((4)) (3) of this section has passed, or after an exception ((thereto)) has been granted by the commission under subsection ((5)) (4) of this section, the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if ((:

~~(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and~~

~~(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission specified by the agency director or designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.~~

~~(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee or prospective trainee may be disseminated without restriction between the commission staff and any employer or prospective employer.~~

~~(8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy)) the conditions of subsection (2) of this section are satisfactorily met.~~

[Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-222, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 93-07-119, § 139-10-222, filed 3/24/93, effective 4/24/93.]

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

**WAC 139-10-230 ((Basic)) Corrections officers academy eligibility and curriculum.** (1) All employees whose primary job function is to provide for the custody, safety, and security of adult prisoners in jails and detention facilities must successfully complete the corrections officers academy. Representative job classifications include, but are not limited to, custody and corrections officers.

(2) The ((basic)) corrections officers academy curriculum ((of the Washington state criminal justice training commission,)) shall be



~~((one hundred sixty))~~ at least 400 instructional hours in length and ~~((shall))~~ may include, but not be limited to, the following subject matter areas:

- ~~((1))~~ (3) Core skills
  - (a) Observation skills
  - (b) Communication skills
  - (c) Security management
  - (d) Supervision of inmates
  - (e) Discipline of inmates
  - (f) Proper use of physical force
  - (g) Writing skills
- ~~((2))~~ (4) Key skills
  - (a) Legal issues
  - (b) Dealing with aggressive behavior
  - (c) Dealing with medical problems
  - (d) Dealing with mental illness problems
  - (e) Problem solving
  - (f) Report writing
  - (g) Avoiding inmate manipulation
  - (h) Booking and classification
  - (i) Fingerprinting
- ~~((3))~~ (5) Related skills
  - (a) Stress management
  - (b) Physical fitness
  - (c) Professionalism
  - (d) Human relations/cultural awareness
  - ~~((e) Self-leadership))~~.

[Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-230, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-105 (Order 15-D), § 139-10-230, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-230, filed 9/10/86. Formerly WAC 139-36-031.]

AMENDATORY SECTION (Amending WSR 05-13-079, filed 6/14/05, effective 7/15/05)

**WAC 139-10-235 ((Basic)) Misdemeanant ((probation/classification)) probation counselors eligibility and academy curriculum.** (1) All employees whose primary job function is the case management of adult offenders under county/city supervision, to include: Assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, adult probation officers and counselors.

(2) The ~~((basic))~~ misdemeanor ~~((probation/classification))~~ probation counselors academy curriculum ~~((of the commission must))~~ shall be at least ~~((eighty))~~ 80 instructional hours in length and ~~((will))~~ may include, but not be limited to, the following subject matter areas:

- ~~((1))~~ (3) Core skills
  - (a) Assessment
  - (b) Motivation
  - (c) Goal setting/action planning
  - (d) Monitoring and intervention
- ~~((2))~~ (4) Key skills

- (a) Interpersonal skills
- (b) Interviewing
- (c) Classification
- (d) Supervision and discipline
- (e) Offense prevention
- ~~((3))~~ (5) Related skills
- (a) Dealing with aggressive and resistive behavior
- (b) Legal issues
- (c) Report writing
- (d) Counseling techniques
- (e) Managing information.

[Statutory Authority: RCW 43.101.080. WSR 05-13-079, § 139-10-235, filed 6/14/05, effective 7/15/05; WSR 00-17-017, § 139-10-235, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-105 (Order 15-D), § 139-10-235, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-235, filed 9/10/86. Formerly WAC 139-36-032.]

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

**WAC 139-10-237 ((Basic)) Juvenile services academy curriculum.**

(1) All employees whose primary job function is to assess, case plan, and/or manage, counsel, and/or monitor juvenile offenders must complete the juvenile services academy. Representative job classes include, but are not limited to, juvenile probation counselors, guardian ad litem, case aides/assistants, trackers, juvenile drug court counselors, and community surveillance officers.

(2) The ((basic)) juvenile services academy curriculum ((of the Washington state criminal justice training commission)) shall be ((eighty)) at least 40 instructional hours in length and ((shall)) may include, but not be limited to, the following subject matter areas:

- ~~((1))~~ (3) Core skills
- (a) ~~((Assessment))~~ Observation skills
- (b) ~~((Motivation))~~ Writing skills
- (c) ~~((Goal setting/action planning))~~ Interpersonal communication
- (d) ~~((Monitoring and intervention))~~ Professionalism
- ~~((2))~~ (e) Legal authority

(4) Key skills

- (a) ~~((Interpersonal skills))~~ Juvenile law
- (b) ~~((Interviewing))~~ Behavioral health issues
- (c) ~~((Classification))~~ Personal safety
- (d) ~~((Supervision and discipline))~~ De-escalation
- (e) ~~((Offense prevention~~

~~(3))~~ Adolescent development

(5) Related skills

(a) ~~((Dealing with aggressive and resistive behavior))~~ Trauma informed care

(b) ~~((Ethnic competency))~~ Stress management

(c) ~~((Legal issues~~

~~(d) Report writing~~

~~(e) Counseling techniques~~

~~(f) Skill training~~

~~(g) Teamwork))~~ Interviewing.

[Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-237, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-105 (Order 15-D), § 139-10-237, filed 9/18/87.]

AMENDATORY SECTION (Amending WSR 05-01-110, filed 12/15/04, effective 1/15/05)

**WAC 139-10-240 ((Basic)) Juvenile corrections officers academy eligibility and curriculum.** (1) All employees whose primary job function is the care, custody, and safety of juvenile offenders in county facilities must complete the juvenile corrections officers academy. Representative job classes include, but are not limited to, juvenile detention workers, juvenile corrections officers, and juvenile supervision officers.

(2) The ((basic)) juvenile corrections officers academy curriculum ((of the Washington state criminal justice training commission)) shall be at least ((eighty)) 80 instructional hours in length and ((shall)) may include, but not be limited to, the following subject matter areas:

- ((1)) (3) Core skills
  - (a) Observation skills
  - (b) Interpersonal skills
  - (c) Security management
  - (d) Supervision of youth
  - (e) Discipline of youth
  - (f) Proper use of physical force
  - ((g) Writing skills
- ((2)) (4) Key skills
  - (a) Legal issues
  - (b) Dealing with aggressive behavior
  - (c) Handling medical problems
  - (d) Handling mental illness problems
  - (e) Report writing
  - (f) Skills training
  - (g) Reception and classification
- ((3)) (5) Related skills
  - (a) Professionalism
  - (b) Physical fitness
  - (c) Stress management.

[Statutory Authority: RCW 43.101.080. WSR 05-01-110, § 139-10-240, filed 12/15/04, effective 1/15/05; WSR 00-17-017, § 139-10-240, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-105 (Order 15-D), § 139-10-240, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-240, filed 9/10/86. Formerly WAC 139-36-033.]

AMENDATORY SECTION (Amending WSR 05-01-111, filed 12/15/04, effective 1/15/05)

**WAC 139-10-245 ((Basic)) Juvenile ((residential counselor)) rehabilitation academy eligibility and curriculum.** (1) All employees

whose primary job function is the case management, custody, safety, counseling, supervision, and/or the application of treatment interventions to juvenile offenders committed to the care and supervision of the juvenile rehabilitation administration must complete the juvenile rehabilitation academy. Representative job classes include, but are not limited to, juvenile residential rehabilitation counselors, juvenile rehabilitation community counselors, juvenile rehabilitation counselor assistants, juvenile rehabilitation security officers, juvenile rehabilitation coordinators, and juvenile rehabilitation supervisors.

(2) The ~~((basic))~~ juvenile ~~((residential))~~ rehabilitation counselor academy curriculum ~~((of the Washington state criminal justice training commission))~~ shall be at least ~~((eighty))~~ 80 instructional hours in length and ~~((shall))~~ may include, but not be limited to, the following subject matter areas:

- ~~((1))~~ (3) Core skills
  - (a) Observation skills
  - (b) Interpersonal skills
  - (c) Security management
  - (d) Supervision of youth
  - (e) Discipline of youth
  - (f) Proper use of physical force
  - (g) Applying research-based treatment
  - (h) Writing skills
- ~~((2))~~ (4) Key skills
  - (a) Legal issues
  - (b) Dealing with aggressive behavior
  - (c) Handling medical problems
  - (d) Handling mental illness problems
  - (e) Skills training
- ~~((3))~~ (5) Related skills
  - (a) Professionalism
  - (b) Stress management.

[Statutory Authority: RCW 43.101.080. WSR 05-01-111, § 139-10-245, filed 12/15/04, effective 1/15/05.]

AMENDATORY SECTION (Amending WSR 06-02-004, filed 12/22/05, effective 1/22/06)

**WAC 139-10-530 Basic community corrections officers academy and basic arrest, search, and seizure academy eligibility and curriculums.**

(1) All employees whose primary job function is the case management in the community of adult offenders under the state department of corrections supervision, to include: Monitoring adjustment of offenders involved with in/outpatient treatment programs, counseling offenders and/or referring them for counseling or other resource/treatment programs, and making home/field visits pursuant to offender classification standards must attend both the basic community corrections officers academy and the basic arrest, search, and seizure academy. Representative job classifications include, but are not limited to, community corrections officers, community risk management specialists, hearings officers, and victim advocates.

(2) The basic community corrections officers academy curriculum ~~((of the commission must))~~ shall be at least ~~((eighty))~~ 80 instruc-

tional hours in length and will include, but not be limited to, the following subject matter areas:

- ~~((1))~~ (a) Core skills
- ~~((a))~~ (i) Assessment
- ~~((b))~~ (ii) Motivation
- ~~((e))~~ (iii) Goal setting/action planning
- ~~((d))~~ (iv) Monitoring and intervention
- ~~((e))~~ (v) Arrest and search procedures
- ~~((2))~~ (b) Key skills
- ~~((a))~~ (i) Interpersonal skills
- ~~((b))~~ (ii) Interviewing
- ~~((e))~~ (iii) Classification
- ~~((d))~~ (iv) Offense prevention
- ~~((3))~~ (c) Related skills
- ~~((a))~~ (i) Dealing with aggressive and resistive behavior
- ~~((b))~~ (ii) Legal issues
- ~~((e))~~ (iii) Counseling techniques
- ~~((d))~~ (iv) Managing information
- ~~((e))~~ (v) Security management.

(3) The basic arrest, search, and seizure academy curriculum shall be at least 40 instructional hours in length and will include, but not be limited to, the following subject matter areas:

- (a) Core skills
- (i) Arrest procedures
- (ii) Search procedures
- (iii) Field safety techniques
- (b) Key skills
- (i) Verbal de-escalation
- (ii) Home assessments
- (c) Related skills
- (i) Dealing with aggressive and resistive behavior
- (ii) Legal issues
- (iii) Evidence procedures
- (iv) Personal safety
- (v) Security management.

[Statutory Authority: RCW 43.101.080. WSR 06-02-004, § 139-10-530, filed 12/22/05, effective 1/22/06; WSR 05-13-078, § 139-10-530, filed 6/14/05, effective 7/15/05.]

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |  |
|----------------|--|
| WAC 139-10-214 | Termination of corrections personnel—<br>Notification to commission.   |
| WAC 139-10-221 | Scholastic performance requirements for<br>basic corrections training. |
| WAC 139-10-550 | Basic arrest, search, and seizure<br>academy.                          |

**WSR 22-16-078**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed July 29, 2022, 4:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-11-081.

Title of Rule and Other Identifying Information: The department is proposing amendments to WAC 388-424-0015 Immigrant eligibility restrictions for the state family assistance, ABD cash, and PWA programs.

Hearing Location(s): On September 6, 2022, at 10:00 a.m., at Office Building 2, Department of Social and Health (DSHS) Headquarters, 1115 Washington [Street S.E.], Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or virtual. Due to the COVID[-19] pandemic, hearings are being held virtually. Please see the DSHS website for the most up-to-date information.

Date of Intended Adoption: No earlier [than] September 7, 2022.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by September 6, 2022, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email [Tencza@dshs.wa.gov](mailto:Tencza@dshs.wa.gov) [[Tencza@dshs.wa.gov](mailto:Tencza@dshs.wa.gov)], by August 23, 2022, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed amendments are necessary to implement HB 1748 (chapter 208, Laws of 2022) and expand aged, blind, or disabled program and housing and essential needs referral eligibility to victims of human trafficking (as defined in RCW 74.04.005).

Emergency amendments to implement this change took effect July 1, 2022, under WSR 22-14-047.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 41.05.021, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.04.805, 74.04.820, 74.08.090, 74.08A.100, 74.08A.120, 74.09.035, 74.09.530, and 74.62.030.

Statute Being Implemented: HB 1748 (chapter 208, Laws of 2022).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Nicholas Swiatkowski, P.O. Box 45470, Olympia, WA 98504-5470, 360-764-3494.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are exempt as allowed under RCW 34.05.328 (5) (b) (vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.["]

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 34.05.328 (5)(b)(vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS clients.

July 28, 2022  
Katherine I. Vasquez  
Rules Coordinator

## SHS-4935.2

AMENDATORY SECTION (Amending WSR 22-02-014, filed 12/27/21, effective 2/1/22)

**WAC 388-424-0015 Immigrant eligibility restrictions for the ((state family assistance)) SFA, ABD cash, and PWA programs.** (1) To receive state family assistance (SFA) benefits, you must be:

(a) A "qualified alien" as defined in WAC 388-424-0001 who is ineligible for temporary assistance to needy families (TANF) due to the five-year bar as described in WAC 388-424-0006(~~((3))~~);

(b) A "nonqualified alien" who meets the Washington state residency requirements (~~(as listed)~~) in WAC 388-468-0005, including a non-citizen American Indian who does not meet the criteria in WAC 388-424-0001; or

(c) A "survivor of certain crimes" as defined in WAC 388-424-0001(~~((4))~~).

(2) To receive aged, blind, or disabled (ABD) cash or pregnant women assistance (PWA) benefits, you must be:

(a) A "U.S. citizen" as defined in WAC 388-424-0001;

(b) A "U.S. national" as defined in WAC 388-424-0001;

(c) An American Indian born outside the U.S.;

(d) A "qualified alien" (~~(or similarly defined lawful immigrant such as victim of trafficking)~~) as defined in WAC 388-424-0001; or

(e) A "nonqualified alien" as defined (~~(described)~~) in WAC 388-424-0001 who (~~((5))~~), U.S. Immigration and Customs Enforcement is not taking steps to enforce their departure; or

(~~((i) Has verified their intent to stay in the United States indefinitely; and~~

(~~((ii) The United States Immigration and Customs Enforcement is not taking steps to enforce their departure.)~~)

(f) A "survivor of certain crimes" as defined in WAC 388-424-0001.

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.820, 74.08.090, 74.08A.120, 74.09.035. WSR 22-02-014, § 388-424-0015, filed 12/27/21, effective 2/1/22. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.100, 74.04.770, 74.62.030, 41.05.021, 74.09.035, 74.09.530, and 2011 1st sp.s. c 15, 2013 2nd sp.s. c 10, and the 2013 biennial budget. WSR 15-02-006, § 388-424-0015, filed 12/26/14, effective 1/26/15. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.100, 74.04.770, 74.04.0052, 74.04.655, 74.08.043, 74.08.335, and 2011 1st sp.s. c 36. WSR 12-10-042, § 388-424-0015, filed 4/27/12, effective 6/1/12. Statutory Authority:

RCW 74.04.050, 74.04.057, and 74.08.090. WSR 11-16-056, § 388-424-0015, filed 7/29/11, effective 8/29/11. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. WSR 04-15-004, § 388-424-0015, filed 7/7/04, effective 8/7/04. Statutory Authority: RCW 74.04.050, 74.08.090. WSR 00-08-060, § 388-424-0015, filed 3/31/00, effective 4/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-424-0015, filed 7/31/98, effective 9/1/98. Formerly WAC 388-518-1805.]



## WSR 22-16-090

## PROPOSED RULES

## SKAGIT VALLEY COLLEGE

[Filed August 1, 2022, 5:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-11-043.

Title of Rule and Other Identifying Information: WAC 132D-310-005 Antidiscrimination policy, 132D-150-500 Order of precedence, 132D-150-560 Evidence, and 132D-150-580 Appeals.

Hearing Location(s): On September 6, 2022, at 2:00 - 2:30 p.m., Zoom <https://skagitvalleycollege.zoom.us/j/83434277600>.

Date of Intended Adoption: September 12, 2022.

Submit Written Comments to: Sandy Jordan, 2405 East College Way, Mount Vernon, WA 98273, email [sandy.jordan@skagit.edu](mailto:sandy.jordan@skagit.edu), fax 360-416-7773, by September 1, 2022.

Assistance for Persons with Disabilities: Contact Pam Davis, phone 360-416-7995, fax 360-416-7773, TTY 360-416-7718, email [pam.davis@skagit.edu](mailto:pam.davis@skagit.edu), by September 1, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Over the past year, college staff have been in the process of reviewing college policies related to Title IX to ensure compliance with the law and to consolidate and clarify language. Based on that work, it is recommended to repeal WAC 132D-310-005 and revise WAC 132D-150-500, 132D-150-560, and 132D-150-580 to ensure that we have policies and procedures that allows for Title IX and Non-Title IX harassment and discrimination procedures. The completion of this work is consistent with ongoing guidance from the Assistant Attorney General's (AAG) office and is consistent with language of other colleges in the Washington community and technical college system.

Reasons Supporting Proposal: The proposed changes will ensure compliance with Title IX and will clarify language. The completion of this work is consistent with ongoing guidance from the AAG's office and is consistent with language of other colleges in the Washington community and technical college system.

Statutory Authority for Adoption: RCW 28B.50.140.

Rule is necessary because of federal law, [no information supplied by agency].

Name of Proponent: Skagit Valley College, public.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandy Jordan, 2405 East College Way, Mount Vernon, WA 98273, 360-416-7923; Enforcement: Claire Peinado, 2405 East College Way, Mount Vernon, WA 98273, 360-416-7961.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

August 1, 2022

Pam Davis

Executive Assistant to the President  
Rules Coordinator

OTS-3784.1

AMENDATORY SECTION (Amending WSR 21-13-151, filed 6/22/21, effective 7/23/21)

**WAC 132D-150-500 Order of precedence.** This supplemental procedure applies to allegations of sexual harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. Part 106. To the extent these supplemental hearing procedures conflict with the Skagit Valley College's standard disciplinary procedures, WAC 132D-150-010 through 132D-150-410, these supplemental procedures shall take precedence. Skagit Valley College may, at its discretion, contract with an administrative law judge or other person to act as a presiding officer and assign such presiding officer to exercise any or all of the duties in lieu of the student conduct committee and committee chair. If any provision of this code is invalidated by court order or operation of law, the affected provision of the code will no longer apply.

[Statutory Authority: RCW 28B.50.150. WSR 21-13-151, § 132D-150-500, filed 6/22/21, effective 7/23/21.]

AMENDATORY SECTION (Amending WSR 21-13-151, filed 6/22/21, effective 7/23/21)

**WAC 132D-150-560 Evidence.** The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(1) Relevance: The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(2) Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.

(3) Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

(a) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(b) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

~~(4) ((Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.~~

~~(5))~~ No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

~~((6))~~ (5) Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(a) Spousal/domestic partner privilege;

(b) Attorney-client and attorney work product privileges;

- (c) Privileges applicable to members of the clergy and priests;
- (d) Privileges applicable to medical providers, mental health therapists, and counselors;
- (e) Privileges applicable to sexual assault and domestic violence advocates; and
- (f) Other legal privileges identified in RCW 5.60.060.

[Statutory Authority: RCW 28B.50.150. WSR 21-13-151, § 132D-150-560, filed 6/22/21, effective 7/23/21.]

AMENDATORY SECTION (Amending WSR 21-13-151, filed 6/22/21, effective 7/23/21)

**WAC 132D-150-580 Appeals.** ~~((The parties shall have the right to appeal from the initial order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and time frames set forth in WAC 132D-150-290.~~

~~(1) The president or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).~~

~~(2) President's office shall serve the final decision on the parties simultaneously.)~~ All parties, including the student conduct officer in their capacity as a representative of the college, have the right to appeal from the determination of responsibility and/or from a dismissal, in whole or part, of a formal complaint during the investigative or hearing process. Appeals must be in writing and filed with the president's office or designee within 21 days of service of the initial order or notice of dismissal. Appeals must identify the specific findings of fact and/or conclusions of law in the initial order or dismissal that the appealing party is challenging and must contain argument as to why the appeal should be granted. Failure to file a timely appeal constitutes a waiver of the right to appeal and the initial order or dismissal shall be deemed final.

Upon receiving a timely appeal, the president's office will serve a copy of the appeal on all parties, who will have 10 days from the date of service to submit written responses to the president's office or designee addressing issues raised in the appeal. Failure to file a timely response constitutes a waiver of the right to participate in the appeal. Upon receipt of written responses, the president's office or designee shall serve copies of the responses to the other parties.

Parties receiving a copy of the responses shall have five days in which to submit a written reply addressing issues raised in the responses to the president's office or designee.

The president or their designee, based on their review of parties' submissions and the hearing or investigative record, will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether a dismissal is affirmed or denied, or if the disciplinary sanctions and conditions imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth the new disciplinary sanctions and conditions.

The president's office or designee shall serve the final decision on the parties simultaneously.



**WSR 22-16-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed August 2, 2022, 9:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-06-078.

Title of Rule and Other Identifying Information: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; chapter 296-17A WAC, Classifications for Washington workers' compensation insurance; and chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations.

Hearing Location(s): On September 6, 2022, at 10:00 a.m. Join Zoom meeting at <https://lmi-wa-gov.zoom.us/j/85307767078>, Meeting ID 853 0776 7078, Passcode Sept0622!; join by phone dial by your location +1 253 215 8782 US (Tacoma), Meeting ID 853 0776 7078, Passcode 776254954. The Zoom hearing starts at 10:00 a.m. and will continue until all oral comments are received.

Date of Intended Adoption: October 18, 2022.

Submit Written Comments to: Jo Anne Attwood, Department of Labor and Industries (L&I), Insurance Services, Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, email [JoAnne.Attwood@lmi.wa.gov](mailto:JoAnne.Attwood@lmi.wa.gov), fax 360-902-4988, by September 7, 2022, by 5:00 p.m.

Assistance for Persons with Disabilities: Contact Jo Anne Attwood, phone 360-902-4777, fax 360-902-4988, TTY 360-902-5797, email [JoAnne.Attwood@lmi.wa.gov](mailto:JoAnne.Attwood@lmi.wa.gov), by September 1, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Classification development's goal is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification development studied some subclassifications for potential reduction in number; and reviewed classification and reporting rules for improvement and clarification.

The purpose of this rule making is not to make substantive changes to how employers are classified, and amendments will not increase employer rates.

As part of this rule making, L&I reviewed these chapters for need, clarity, and consistency to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

Also as a part of this rule making, L&I proposes to remove the dollar amounts from state fund and self-insurance rules pertaining to penalties and documenting the penalty amounts on the L&I website. 2020's SHB 2409 requires penalties in chapter 51.48 RCW be updated every three years based on the consumer price index. Removing penalty amounts from the rules will eliminate the need to perform rule making every three years when those amounts change based on the consumer price index. Penalty amounts will be available on L&I's website and updates will be made every three years.

Proposed amendments include:

WAC Numbers	WAC Description	What is Changing	Reason for Change
296-15-560 296-17-35201 296-17-35204	Self-insured third-party administrator (TPA) penalties Recordkeeping and retention Penalty assessments for employers who fail to register under Title 51 RCW	Removing penalty dollar amounts and adding reference to RCW 51.48.095 Adjustment for inflation.	SHB 2409 requires penalties in chapter 51.48 RCW be updated every three years based on the consumer price index. We will remove penalty amounts from the rules to eliminate the need to perform rule making every three years when those amounts change based on the consumer price index. Penalty amounts will be available on L&I's website and updates will be made every three years.
296-17A-0307	Heating, ventilation, air conditioning, refrigeration and furnace systems; Installation, service or repair	Update class to reflect that HVAC businesses may perform incidental duct cleaning work. Also, reformatting the rule so that subclassifications are expanded with the appropriate information rather than title only.	Clarifying to eliminate staff confusion. See #6 below for reason for change.
296-17A-1108 296-17A-2102 296-17A-3503 296-17A-3708 296-17A-4301 296-17A-4302 296-17A-5106 296-17A-6207 296-17A-6208 296-17A-6607	Glass tempering Warehouses—General merchandise Pottery, earthenware, ceramics, porcelain or china: Manufacturing Hide or leather dealers Glue, lard, or tallow: Manufacturing Custom meat cutting Blacksmithing; vehicle spring or auto bumper: Manufacturing Carnivals—Traveling Amusement parks; exhibition caves or caverns Card rooms; bingo parlors or casinos	Reducing the number of subclassifications.	Reducing subclassifications: We are combining subclassifications as part of our plan to reduce the overall number of subclassifications in the classification plan to ease administrative burden for customers and staff. Some reasons for collapsing: • Low number of employers/hours reporting in subclassification (low credibility from actuarial view). • Subclassification does not represent separate risks from overall risk classification. • Low-loss data. • No longer need to track these subclassifications separately.  Reformatting rules: If the current format of these rules is a barrier to clarity, they are also being reformatted to make them easier to understand, apply, and follow.

WAC Numbers	WAC Description	What is Changing	Reason for Change
296-17A-3309	Golf cart, motorcycle, and motorized sport vehicle dealers	Reformatting the rule so that subclassifications are expanded with the appropriate information rather than title only.	Some of our classifications were formatted so that they were only identified by title rather than having narrative. This has caused some confusion for staff and they have requested we update the classifications so that every subclassification provides all the information, rather than title only.
296-17A-3702	Beverage manufacturing, wine making, distilleries, breweries, malt houses, bottling, and yeast manufacturing		
296-17A-4502	Radio, television, recording, video production, and cable services providers; all other employees		
296-17A-4904	Administrative, clerical, reception, and sales staff working in a business office		
296-17A-4907	Offender work opportunity		
296-17A-5003	Log hauling by contractor		
296-17A-5004	Tree planting services		
296-17A-5006	Forestry machine work— Forest firefighting		
296-17A-6109	Medical and health services N.O.C.		
296-17A-6204	Gyms, fitness centers, martial arts training, baths or saunas		
296-17A-6301	Lot and marina sales personnel for vehicles and pleasure craft; driving instructors, and limousine drivers		
296-17A-6303	Sales personnel with outside duties, messengers, insurance producers or surplus line brokers, social workers and dietitians employed by a home health care service		
296-17A-6504	Thrift stores operated by charitable or other not-for-profit organizations		
296-17A-6509	Assisted living and group homes		

WAC Numbers	WAC Description	What is Changing	Reason for Change
296-17A-6511  296-17A-6707	Chore services/home care assistants  Football teams and other contact sports, N.O.C., such as wrestling, roller derbies, and the martial arts		
296-17A-6906  296-17A-6802  296-17A-6809  296-17A-6901  296-17A-6906	Scheduled airlines— Flight crews  Airlines, scheduled— Ground crew operations  Professional and semiprofessional sports teams; noncontact sports  Volunteers  Volunteer law enforcement officers		
296-17A-6306	Furniture stores	Change subclassification number 6306-04 to 6306-06. Remove subclassification number 6306-05 Entertainment and home theater systems, big screen televisions stores. Add "Entertainment and home theater systems, big screen televisions stores" back to the title of subclassifications 6306-02.	Correcting past rule-making errors. This corrects errors in the rule making that was effective January 1, 2019. The first bullet in the <i>What is changing</i> column was a typographical error; the next two bullets were the result of miscommunication.

Reasons Supporting Proposal: L&I is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries in accordance with their degree of hazard and in a manner consistent with recognized insurance principles (RCW 51.16.035). The proposed rule will amend some classifications to increase ease of reporting, and ensure consistent and equitable treatment to businesses.

This rule making will potentially benefit all state fund employers by making it easier to do business with L&I. This rule making will also allow department staff to provide more consistent service to our customers.

Statutory Authority for Adoption: RCW 51.16.035.

Statute Being Implemented: RCW 51.16.035.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Jo Anne Attwood, Tumwater, 360-902-4777; Implementation: Keith Bingham, Tumwater, 360-902-4826; and Enforcement: Mike Ratko, Tumwater, 360-902-4997.

A school district fiscal impact statement is not required under RCW 28A.305.135.



A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required per RCW 34.05.328 (5)(b)(vi), as the proposed rules adjust rates pursuant to legislative standards.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

August 2, 2022  
Joel Sacks  
Director

## OTS-3912.2

AMENDATORY SECTION (Amending WSR 21-11-083, filed 5/18/21, effective 7/1/21)

**WAC 296-15-560 Self-insured third-party administrator (TPA) penalties.** (1) A TPA may be penalized under RCW 51.48.080 for deficiencies involving, but not limited to:

(a) Failure to maintain the requirements under WAC 296-15-425, 296-15-520, or 296-15-550. (~~The penalty for the initial violation is five hundred dollars. The department may increase the amount up to one thousand dollars if the violation is a reoccurring problem.~~) Beginning July 1, 2023, as authorized by RCW 51.48.095, this penalty will be adjusted for inflation every three years based on the consumer price index (Seattle, Washington area for urban wage earners and clerical workers, all items compiled by the Bureau of Labor Statistics of the United States Department of Labor) and posted to the L&I website.

(b) The department will not assess additional penalties under RCW 51.48.017 when a TPA:

(i) Promptly self-assesses;  
(ii) Correctly calculates the amount of the penalty;  
(iii) Reports to the department; and  
(iv) Pays to the worker a penalty not to exceed the greater of (~~one thousand dollars or twenty-five~~) \$1,000 or 25 percent upon discovery of the delayed payment, unless the department determines there is a reoccurring issue or establishes additional benefits have been delayed.

(2) A TPA may be directed to obtain training when reoccurring problems are identified. A TPA who refuses to obtain the training for their staff may be penalized when their failure to obtain training results in subsequent rule or statutory violations.

[Statutory Authority: RCW 51.04.020, 51.32.190 and 2020 c 277. WSR 21-11-083, § 296-15-560, filed 5/18/21, effective 7/1/21.]

OTS-3913.2

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

**WAC 296-17-35201 Recordkeeping and retention.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums due to the state for workers' compensation insurance for their covered workers. In the administration of Title 51 RCW, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums due to the state fund. The records so specified and required, shall be provided at the time of audit to any authorized representative of the department who has requested them.

Failure to produce the requested records within (~~thirty~~) 30 days of the request, or within an agreed upon time period shall constitute prima facie evidence of noncompliance with this rule and shall invoke the statutory bar to challenge found in RCW 51.48.030 and/or 51.48.040. See WAC 296-17-925, 296-17-930, and 296-17-935 for additional reporting and recordkeeping requirements for qualifying volunteers, student volunteers, and unpaid students.

(1) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which employment occurred:

- (a) The name of each worker;
- (b) The Social Security number of each worker;
- (c) The beginning date of employment for each worker and, if applicable, the separation date of employment of each such worker;
- (d) The basis upon which wages are paid to each worker;
- (e) The number of units earned or produced for each worker paid on a piecework basis;
- (f) The risk classification applicable to each worker whenever the worker hours of any one employee are being divided between two or more classifications;
- (g) The number of actual hours worked (WAC 296-17-31002) by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021 or 296-17-935;
- (h) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;
- (i) The workers' total gross pay period earnings;
- (j) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;
- (k) The net pay earned by each such worker.

(2) Business, financial records, and record retention. Every employer is required to keep and preserve all original employment time records for three full calendar years following the calendar year in which employment occurred. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve all check registers and bank statements. Employers who pay their workers by cash are required to keep and preserve records of

these cash transactions which provide a detailed record of wages paid to each worker.

(3) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such records, shall for the purpose of premium calculation assume worker hours using the average hourly wage rate for each classification, and also will be subject to penalties prescribed in subsection (4) of this section. The records compiled by the department shall be the basis for determining the average hourly wage rate: Provided, That the average hourly wage rate shall be no less than the state minimum wage existing at the time such assumed hours are worked. Notwithstanding any other provisions of this section, workers employed in a work activity center subject to Classification 7309 shall be reported on the basis of the average hourly wage.

(4) Failure to maintain records - Penalties. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such record, shall be liable, subject to RCW 51.48.030 (~~(, to a penalty not to exceed five hundred dollars or two hundred percent of the quarterly tax for each such offense, whichever is greater)~~). Beginning July 1, 2023, as authorized by RCW 51.48.095, this penalty will be adjusted for inflation every three years based on the consumer price index (Seattle, Washington area for urban wage earners and clerical workers, all items compiled by the Bureau of Labor Statistics of the United States Department of Labor) and posted to the L&I website. Failure to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, for a single employee shall constitute one offense, for two employees two offenses, and so forth. The department may waive penalties for the first-time or de minimis violations of this section. Any penalty that is waived under this section may be reinstated and imposed in addition to any additional penalties associated with a subsequent violation or failure within a year to correct the previous violation as required by the department.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 20-20-108, § 296-17-35201, filed 10/6/20, effective 1/1/21; WSR 16-18-085, § 296-17-35201, filed 9/6/16, effective 10/7/16. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-35201, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-35201, filed 8/31/99, effective 10/1/99. Statutory Authority: RCW 51.04.020. WSR 95-08-052, § 296-17-35201, filed 4/3/95, effective 7/1/95.]

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

**WAC 296-17-35204 Penalty assessments for employers who fail to register under Title 51 RCW.** (1) Any employer who has failed to secure payment of compensation for their workers covered under this title will be liable, subject to RCW 51.48.010 (~~(, to a maximum penalty in a sum of one thousand dollars or in a sum double the amount of premiums due for the four quarters prior to securing payment of compensa-~~

~~tion under this title, whichever is greater, for the benefit of the medical aid fund)). Beginning July 1, 2023, as authorized by RCW 51.48.095, this penalty will be adjusted for inflation every three years based on the consumer price index (Seattle, Washington area for urban wage earners and clerical workers, all items compiled by the Bureau of Labor Statistics of the United States Department of Labor) and posted to the L&I website.~~

(2) If an injury or occupational disease is sustained by a worker of an employer who has failed to secure payment of compensation under this title, that employer may also be liable for the cost of such an injury or occupational disease at the time the claim for benefits is accepted by the department.

For the purposes of this section only the cost of such claim will be determined as follows:

The case reserve value shall be determined by the nature of the injury or occupational disease, the part of the body affected and other factors which will impact the cost including, but not limited to, age, education and work experience. The case reserve value will include actual costs paid to date and estimated future claim costs. No further adjustments or evaluations of the cost of the claim will be made for the purposes of this subsection after assessment for the cost of an injury or occupational disease is made by the department.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 20-20-108, § 296-17-35204, filed 10/6/20, effective 1/1/21. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-35204, filed 8/28/98, effective 10/1/98.]

### OTS-3509.3

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

#### **WAC 296-17A-0307 Classification 0307.**

**(Description:**

~~Installation, service, or repair of:~~

~~• Heating systems, ventilation systems, air conditioning systems, refrigeration systems, furnaces, built-in vacuum systems, and pneumatic tube systems;~~

~~• Stoves that burn wood, pellets or gas.~~

**Goods installed, serviced or repaired** may include, but are not limited to:

- ~~• Air conditioning units;~~
- ~~• Air purification systems;~~
- ~~• Concrete pads;~~
- ~~• Duct systems;~~
- ~~• Gas stoves;~~
- ~~• Gas or electric furnace units;~~
- ~~• Heater units;~~
- ~~• Pellet stoves;~~
- ~~• Refrigeration units;~~
- ~~• System controls;~~

- Thermostats;
- Vents;
- Wood stoves.

**Materials used** by firms in this classification may include, but are not limited to:

- Fireplace inserts or units;
- Fittings;
- Flat sheets of metal;
- Galvanized pipe;
- Hoods and protective metal covers;
- Gas fireplace logs;
- Heat pumps;
- Hot water tanks;
- Insulation wrap;
- Preformed or bent venting duct and pipe;
- Vent collars and reels.

**Work environments** in this classification may include, but are not limited to:

- Construction sites;
- Residential customer locations;
- Commercial customer locations;
- Yards and shops;
- Display areas or showrooms.

**Exclusions:** Classification 0307 excludes:

• Worker hours engaged in **sheet metal fabrication shop** operations, which are reported separately in classification 3404. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4);

Note: When a contractor's business is assigned a manufacturing shop or plant classification such as classification 3404, all shop and yard operations are reported in the manufacturing shop or plant classification and the special exception classification 5206 is no longer applicable to the contractor's business.

• Worker hours engaged in **duct cleaning work**, which are reported separately in classification 1105. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4);

• Worker hours engaged in **other sheet metal installation or sheet metal construction**, which are reported separately in classification 0519. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4).

**Additional considerations for 0307:**

• Classification 0307 is a construction industry classification (see WAC 296-17-31013);

• In most cases, contractors cannot have a store classification in addition to classification 0307, unless store operations are their principal business. To determine if a contractor can also have a store classification such as classification 2009 or 6309, apply the multiple classification rule (WAC 296-17-31017). If a contractor does not qualify for a store classification and if the work meets the restrictions described in the exception rule (WAC 296-17-31018) and the classification descriptions (chapter 296-17A WAC), the contractor may report employees working in a display area or showroom in classification 5206 or 6303.

**Subclassifications:**

For administrative purposes, classification 0307 is divided into the following subclassifications:

~~0307-01 Heating, ventilation, air conditioning, refrigeration and furnace systems: Installation, service or repair.~~

~~0307-05 Wood, pellet or gas stove: Installation, service or repair.))~~

0307-01 Heating, ventilation, air conditioning, refrigeration and furnace systems: Installation, service or repair.

**Applies to:**

Installation, service, or repair of heating systems, ventilation systems, air conditioning systems, refrigeration systems, furnaces, built-in vacuum systems, or pneumatic tube systems.

**Materials used and goods installed, serviced or repaired may include, but are not limited to:**

- Air conditioning units;
- Air purification systems;
- Concrete pads;
- Duct systems, including duct cleaning;
- Fittings;
- Flat sheets of metal;
- Galvanized pipe;
- Heat pumps;
- Heater units;
- Hoods and protective metal covers;
- Hot water tanks;
- Insulation wrap;
- Preformed or bent venting duct and pipe;
- Refrigeration units;
- System controls;
- Thermostats; and
- Vent collars and reels.

**Work environments may include, but are not limited to:**

- Construction sites;
- Residential customer locations;
- Commercial customer locations;
- Yards and shops; and
- Display areas or showrooms.

**Exclusions:**

Worker hours engaged in sheet metal fabrication shop operations are reported separately in classification 3404.

**Note:** When a contractor's business is assigned a manufacturing shop or plant classification such as classification 3404, all shop and yard operations are reported in the manufacturing shop or plant classification and the special exception classification 5206 is no longer applicable to the contractor's business.

Businesses doing only duct cleaning or duct cleaning combined with other business activities in 1105-02 are classified in 1105-02.

Worker hours engaged in other sheet metal installation or sheet metal construction are reported separately in classification 0519.

**Notes:**

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.
- Classification 0307 is a construction industry classification (see WAC 296-17-31013);
- In most cases, contractors cannot have a store classification in addition to classification 0307, unless store operations are their principal business. To determine if a contractor can also have a store classification such as classification 2009 or 6309, apply the multiple classification rule (WAC 296-17-31017). If a contractor does not qualify for a store classification, the contractor may report employees working in a display area or showroom in classification 5206 or 6303 if the work meets the restrictions described in the exception rule (WAC 296-17-31018) and the applicable classification description (chapter 296-17A WAC).

0307-05 Wood, pellet or gas stove: Installation, service or repair.

**Applies to:**

Installation, service, or repair of stoves that burn wood, pellets or gas.

**Materials used and goods installed, serviced or repaired may include, but are not limited to:**

- Electric furnace units;
- Fireplace inserts or units;
- Fittings;
- Gas fireplace logs;
- Gas stoves or furnaces;
- Hearth pads;
- Hoods and protective metal covers;
- Preformed or bent venting duct and pipe;
- Pellet stoves;
- System controls;
- Thermostats;
- Vent collars and reels; and
- Wood stoves.

**Work environments may include, but are not limited to:**

- Construction sites;
- Residential customer locations;
- Commercial customer locations;
- Yards and shops; and
- Display areas or showrooms.

**Exclusions:**

- Worker hours engaged in brick or masonry work are reported separately in classification 0302.
- Worker hours engaged in **sheet metal fabrication shop** operations are reported separately in classification 3404.

**Note:** When a contractor's business is assigned a manufacturing shop or plant classification such as classification 3404, all shop and yard operations are reported in the manufacturing shop or plant classification and the special exception classification 5206 is no longer applicable to the contractor's business.

- Worker hours engaged in **other sheet metal installation or sheet metal construction** are reported separately in classification 0519.

**Notes:**

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.
- Classification 0307 is a construction industry classification (see WAC 296-17-31013);
- In most cases, contractors cannot have a store classification in addition to classification 0307, unless store operations are their principal business. To determine if a contractor can also have a store classification such as classification 2009 or 6309, apply the multiple classification rule (WAC 296-17-31017). If a contractor does not qualify for a store classification, the contractor may report employees working in a display area or showroom in classification 5206 or 6303 if the work meets the restrictions described in the exception rule (WAC 296-17-31018) and the applicable classification description (chapter 296-17A WAC).

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-0307, filed 7/5/16, effective 1/1/17. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.16.100. WSR 12-11-109, § 296-17A-0307, filed 5/22/12, effective 7/1/12. Statutory Authority: RCW 51.16.035 and 51.16.100. WSR 07-12-047, § 296-17A-0307, filed 5/31/07, effective 7/1/07. WSR 07-01-014, recodified as § 296-17A-0307, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-513, filed 6/6/06, effective 1/1/07. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-513, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-513, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-513, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-513, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-513, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

**WAC 296-17A-1108 Classification 1108.**

**(~~1108-02 Glass tempering~~)**

~~Applies to establishments engaged in glass tempering services for others. Operations contemplated by this classification include glass cutting, bending, grinding, beveling, and silvering. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, putty, caulking, cleaning solvents, forklifts, packing materials, delivery and service vehicles and tempering ovens. The process of glass tempering consists of taking auto or sheet glass which has been purchased from a glass manufacturer or distributor and placing it in a tempering oven. The oven heat re-aligns the molecular structure of the glass creating added strength, however, the appearance of the glass remains unchanged. This classification includes the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.~~

~~This classification excludes establishments engaged in the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; establishments engaged in the manufacture of glass which is to be reported separately in classification 3503; merchants who specialize in selling or installing auto glass which is to be reported separately in classification 1108-04; glass merchants engaged exclusively in flat glass sales which are to be reported separately in classification 1108-03; and combined auto/flat glass merchants with no tempering which are to be reported separately in classification 1108-05.~~

**1108-03 Flat glass merchants -- No tempering**

~~Applies to establishments engaged in receiving, storing and selling all types of fabricated glass and plexiglass. Glass products include, but are not limited to, window glass, plate glass, safety glass for automobiles, and mirrors. Work contemplated by this classification includes cutting of glass to customers specified dimensions, beveling, buffing, grinding, polishing, silvering of plate glass, and the installation of glass into frames within the shop or adjacent yard. Some dealers may specialize in cutting, selling or installing fabricated flat glass or they may also sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight and tempered glass. Most glass dealers will cut glass to order. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, putty, caulking, cleaning solvents, forklifts, packing materials, delivery and service vehicles. This classification includes the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.~~

~~This classification excludes establishments engaged in the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; manufacturing of glass which is to be reported separately in classification 3503; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; and merchants who specialize in selling or installing auto glass which are to be reported separately in classification 1108-04.~~



**1108-04 Auto glass merchants**

~~Applies to establishments engaged in selling and installing auto-mobile glass in vehicles. In addition to selling and installing new or replacement auto glass, merchants typically repair auto windshield cracks, scratches, bullseyes and breaks. Tools and equipment include metal and wood cutting tools, grinders, sanders, drills, saws, knives, windshield sticks, suction cups, putty, caulking, cleaning solvents, delivery and service vehicles. Solar tinting of auto glass with film to reduce heat and glare may also be performed, as well as selling and installing sun roofs. Auto glass merchants may offer 24-hour emergency service or pickup and delivery. Installation of auto glass, truck glass or boat tops performed in or away from the shop is included within the scope of this classification.~~

~~This classification excludes establishments engaged in the manufacturing of glass which are to be reported separately in classification 3503; tinting or the application of tinted plastic film to auto glass by an auto detailer which is to be reported separately in classification 3406; repairing auto windshield cracks, bullseyes and chips by an auto detailer which is to be reported in 3406; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; glass merchants exclusively dealing in flat glass which are to be reported in classification 1108-03; and combined auto/flat glass merchants with no tempering which are to be reported in classification 1108-05.~~

**1108-05 Combined auto and flat glass merchants - No tempering**

~~Applies to establishments engaged in receiving, storing and selling all types of fabricated glass and plexiglass as window glass, plate glass, safety glass for automobiles, mirrors and other types of glass at a permanent shop location or adjacent yard. Work contemplated by this classification includes cutting of glass to customers' specified dimensions, beveling, buffing, grinding, polishing, silvering of plate glass and the installation of glass into frames. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, windshield sticks, putty, caulking, cleaning solvents, forklifts, packing materials, and delivery and service vehicles. A glass merchant performing the installation of glass in automobiles is also included within the scope of this classification; as are related services such as, but not limited to, repair of auto windshield cracks, scratches, bullseyes and breaks; in vehicle tinting of auto glass to reduce heat and glare; and installing sun roofs. Other dealers may specialize in cutting, selling or installing fabricated flat glass or they may also sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight and tempered glass. Included within the scope of this classification is the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.~~

~~This classification excludes establishments engaged in the installation of glass, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; manufacturing of glass which is to be reported separately in classification 3503; tinting or the application of tinted plastic film to auto glass by an auto detailer which is to be reported separately in classification 3406; repairing auto windshield cracks, bullseyes and chips by an auto detailer which is to be reported in 3406; glass merchants who perform glass tempering which are to be re-~~

ported separately in classification 1108-02; and flat glass merchants who do not sell or install auto glass which are to be reported separately in classification 1108-03.

**1108-06 Glass frosting, etching, beveling or grinding**

Applies to establishments engaged in shaping and finishing solid glass by cutting, frosting, etching, beveling, grinding, sandblasting, carving, glue chipping, decorating or grooving. Custom items manufactured in this classification include, but are not limited to, video game tops, glass signs, glass used in the assembly of electrical appliances such as microwave ovens, electronically controlled cabinets and display panels, and mirrors of all sizes. Machinery includes diamond or glass cutting saws, diamond or glass grinding wheels and discs, drills, polishing laps, etching tools and other hand tools. In the manufacture of mirrors, metallic solutions (usually silver), shellacs or varnishes, paints, and plate glass are received from outside sources. The glass is cut to size, ground, smoothed, and the edges may be beveled. Hole drilling, chemical etching, drying, buffing and polishing may be performed. Reflective surfaces are generally produced by pouring or spraying metallic solutions over prepared glass. Heavier coats are obtained by successive applications of the plating solution. After applying the plating solution, the mirrors are sprayed or hand brushed with shellac or varnish, then with paint. Frames, handles or similar finishings may be attached. Production manufacturing of insulated glass by sealing together two or more sheets of glass with an air space between them is also included when performed by employees of an employer subject to this classification.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; glass merchants who do incidental grinding, beveling, silvering and cutting of glass who are to be reported separately in the classification applicable to the type of glass they specialize in; establishments manufacturing optical goods or telescopes, or perform precision grinding of blank or rough lenses which are to be reported separately in classification 6604; and establishments engaged in manufacturing stained or leaded glassware, or in melting or blowing glass which are to be reported separately in classification 3503.)

**1108-02 Glass tempering, frosting, etching, beveling or grinding**

**Applies to:**

- Businesses providing glass tempering services for others.
- Businesses shaping and finishing solid glass.

**Work activities include, but are not limited to:**

- Attaching frames, handles, or similar finishings;
- Bending;
- Beveling;
- Buffing;
- Carving;
- Decorating;
- Drying;
- Etching;
- Frosting;
- Glass cutting;
- Glue chipping;
- Grinding;
- Grooving;
- Polishing;

- Sandblasting;
- Silvering;
- Smoothing;
- Tempering.

**Incidental sales of accessories for flat glass include, but are not limited to:**

- Aluminum frames for storm windows and doors;
- Glass cleaners;
- Mirror backings or frames;
- Screen materials;
- Sealants.

**Custom items manufactured include, but are not limited to:**

- Glass in electrical appliances, electronically controlled cabinets, and display panels;
- Glass signs;
- Mirrors;
- Tempered glass;
- Video game tops.

**Tools and equipment include, but are not limited to:**

- Caulking;
- Cleaning solvents;
- Delivery and service vehicles;
- Diamond or glass cutting saws;
- Diamond or glass grinding wheels and discs;
- Drills;
- Etching and other hand tools;
- Forklifts;
- Grinders;
- Knives;
- Metal and wood cutting tools and machinery;
- Metallic solutions (usually silver);
- Packing materials;
- Paints;
- Plate glass;
- Polishing laps;
- Putty;
- Sanders;
- Saws;
- Shellacs or varnishes;
- Suction cups;
- Tempering ovens.

The process of glass tempering consists of taking auto or sheet glass purchased from a glass manufacturer or distributor and placing it in a tempering oven. The oven heat realigns the molecular structure of the glass creating additional strength without changing the appearance of the glass.

Manufacturing of insulated glass by sealing together two or more sheets of glass with an air space between them is also included when performed by employees of an employer subject to this classification.

**Exclusions:**

- Worker hours for installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop are reported separately in classification 0511.
- Manufacturing of glass, stained glass, leaded glassware, or melting or blowing glass are classified in 3503.

- Businesses who specialize in selling or installing auto glass are classified in 1108-04.
- Businesses engaged exclusively in flat glass sales are classified in 1108-03.
- Businesses with combined auto/flat glass sales with no tempering are classified in 1108-05.
- Worker hours engaged in mining, digging, or quarrying of raw materials are reported separately in the applicable classification.
- Manufacturing of optical goods or telescopes, or performing precision grinding of blank or rough lenses are classified in 6604.

### **1108-03 Flat glass merchants - No tempering**

#### **Applies to:**

Businesses receiving, storing, selling, and installing all types of fabricated glass and plexiglass.

#### **Glass products include, but are not limited to:**

- Mirrors;
- Plate glass;
- Plexiglass;
- Safety glass for automobiles;
- Window glass.

#### **Work activities include, but are not limited to:**

- Beveling;
- Buffing;
- Cutting of glass or plexiglass to customers' specified dimensions;
- Grinding;
- Installation of glass or plexiglass into frames within the shop or adjacent yard;
- Polishing;
- Selling or installing fabricated flat glass;
- Selling and installing plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight, and tempered glass;
- Silvering of plate glass.

#### **Incidental sales of accessories for flat glass include, but are not limited to:**

- Aluminum frames for storm windows and doors;
- Glass cleaners;
- Mirror backings or frames;
- Screen materials;
- Sealants.

#### **Tools and equipment include, but are not limited to:**

- Caulking;
- Cleaning solvents;
- Delivery and service vehicles;
- Drills;
- Forklifts;
- Grinders;
- Knives;
- Metal and wood cutting tools and machinery;
- Packing materials;
- Putty;
- Sanders;
- Saws;

- Suction cups.

**Exclusions:**

- Worker hours for installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop are reported separately in classification 0511.
- Manufacturing of glass is classified in 3503.
- Businesses who specialize in selling or installing auto glass are classified in 1108-04.
- Businesses performing glass tempering are classified in 1108-02.

**1108-04 Auto glass merchants**

**Applies to:**

Businesses selling and installing automobile glass in vehicles.

**Work activities include, but are not limited to:**

- Twenty-four-hour emergency service or pickup and delivery;
- Installation of auto glass, truck glass, or boat tops performed in or away from the shop;
- Repairing auto windshield cracks, scratches, bullseyes, and breaks;
- Selling and installing new or replacement auto glass;
- Selling and installing sun roofs;
- Solar tinting of auto glass with film.

**Tools and equipment include, but are not limited to:**

- Caulking;
- Cleaning solvents;
- Delivery and service vehicles;
- Drills;
- Grinders;
- Knives;
- Metal and wood cutting tools;
- Putty;
- Sanders;
- Saws;
- Solar tinting film;
- Suction cups;
- Windshield sticks.

**Exclusions:**

- Manufacturing of glass is classified in 3503.
- Auto dealers who do tinting or the application of tinted plastic film to auto glass are classified in 3406.
- Auto dealers who repair auto windshield cracks, bullseyes, and chips are classified in 3406.
- Businesses performing glass tempering are classified in 1108-02.
- Businesses engaged exclusively in flat glass sales are classified in 1108-03.
- Businesses with combined auto/flat glass sales with no tempering are classified in 1108-05.

**1108-05 Combined auto and flat glass merchants - No tempering**

**Applies to:**

Businesses receiving, storing, selling, and installing all types of fabricated glass and plexiglass and selling and installing automobile glass in vehicles.

**Work activities include, but are not limited to:**

- Beveling;
- Buffing;
- Cutting of glass to customers' specified dimensions;
- Cutting, selling, or installing fabricated flat glass;
- Grinding;
- Installation of auto glass, truck glass, or boat tops;
- Installation of glass into frames;
- Installation of sun roofs;
- Polishing;
- Repair of auto windshield cracks, scratches, bullseyes, and breaks;
- Sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight, and tempered glass;
- Silvering of plate glass;
- Solar tinting of auto glass with film.

**Incidental sales of accessories for flat glass include, but are not limited to:**

- Aluminum frames for storm windows and doors;
- Glass cleaners;
- Mirror backings or frames;
- Screen materials;
- Sealants.

**Tools and equipment include, but are not limited to:**

- Caulking;
- Cleaning solvents;
- Delivery and service vehicles;
- Drills;
- Forklifts;
- Grinders;
- Knives;
- Metal and wood cutting tools and machinery;
- Packing materials;
- Putty;
- Sanders;
- Saws;
- Suction cups;
- Windshield sticks.

**Exclusions:**

- Worker hours for installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop are reported separately in classification 0511.
- Manufacturing of glass is classified in 3503.
- Auto dealers who do tinting or the application of tinted plastic film to auto glass are classified in 3406.
- Auto dealers who repair auto windshield cracks, bullseyes, and chips are classified in 3406.
- Businesses performing glass tempering are classified in 1108-02.
- Businesses engaged exclusively in flat glass sales are classified in 1108-03.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 20-20-108, § 296-17A-1108, filed 10/6/20, effective 1/1/21. Statutory Authority: RCW 51.16.035 and 51.16.100. WSR 07-12-047, § 296-17A-1108, filed

5/31/07, effective 7/1/07. WSR 07-01-014, recodified as § 296-17A-1108, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-53805, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-53805, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-53805, filed 5/31/96, effective 7/1/96; WSR 86-12-041 (Order 86-18), § 296-17-53805, filed 5/30/86, effective 7/1/86; WSR 85-24-032 (Order 85-33), § 296-17-53805, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-53805, filed 2/28/85, effective 4/1/85; WSR 82-24-047 (Order 82-38), § 296-17-53805, filed 11/29/82, effective 1/1/83.]

AMENDATORY SECTION (Amending WSR 20-24-093, filed 11/30/20, effective 1/1/21)

**WAC 296-17A-2102 Classification 2102.**

**2102-00 Warehouses - General merchandise**

~~((Applies to establishments operating as warehouses for general merchandise. This merchandise belongs to a customer and is usually stored for long periods of time. Products typically involved are bulk, nonperishable materials which might include, but not be limited to:~~

- ~~• Coffee;~~
- ~~• Dry cement;~~
- ~~• Potatoes;~~
- ~~• Rice.~~

~~Work contemplated by this classification includes, but is not limited to:~~

- ~~• Maintaining the facility;~~
- ~~• Moving merchandise within the facility;~~
- ~~• Recordkeeping;~~
- ~~• Routine maintenance;~~
- ~~• Security.~~

~~Equipment and machinery used includes:~~

- ~~• Cleaning and recordkeeping supplies;~~
- ~~• Forklifts;~~
- ~~• Pallet jacks;~~
- ~~• Shop vehicles.~~

~~This classification excludes:~~

- ~~• Delivery drivers who are to be reported separately in classification 1102;~~
- ~~• Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;~~
- ~~• Wholesale dealers who operate a warehouse for storage of their own product which is to be reported separately in the classification applicable to the product being sold;~~
- ~~• Warehousing of household furnishings by a moving and storage company which is to be reported separately in classification 6907;~~
- ~~• Cold storage plants which are to be reported separately in classification 4401;~~
- ~~• Ministorage warehousing which is to be reported separately in classification 4910;~~
- ~~• Field bonded warehouses which are to be reported separately in classification 2008;~~

~~• Warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.~~

~~**Special note:** Even though this type of operation may handle some "grocery" products, it differs from 2102-11 in that the products being handled in 2102-00 are in bulk packaging (not cases of consumer-size packages), do not belong to the business that is warehousing them, and are not intended for sale to a wholesaler/retailer.~~

~~**2102-04 Recycle, collection and receiving stations; rags, bottles, paper and metal container dealers, N.O.C.**~~

~~Applies to establishments engaged in the collection of used paper, aluminum, tin, glass, and plastic for the purpose of selling the material to another business that will recycle/remanufacture it into new products. These facilities normally acquire material by placing collection bins at various remote locations, operating a drop-off center (this phase of the business is known in the trade as a "buy back center"). This classification includes dealers of rags, bottles, paper and metal containers not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to:~~

- ~~• Sorting material;~~
- ~~• Operating various pieces of equipment used to crush, reduce, wash, and bale material;~~
- ~~• Weighing containers;~~
- ~~• Paying customers for receipt of items that have a redemption value by the pound or piece ("buying back");~~
- ~~• Operating shop or yard vehicles.~~

~~Machinery and equipment includes, but is not limited to:~~

- ~~• Balers;~~
- ~~• Can crushers;~~
- ~~• Collection bins;~~
- ~~• Forklifts;~~
- ~~• Shredders;~~
- ~~• Rolloff trucks to handle the collection bins;~~
- ~~• Shop or yard vehicles;~~
- ~~• Weigh scales.~~

~~This classification excludes:~~

- ~~• All trucking outside of the yard which is to be reported separately in classification 1102;~~
- ~~• Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;~~
- ~~• Establishments engaged in collecting, sorting and reducing scrap metal such as junk dealers, scrap metal dealers or processors, which also receive glass, paper, plastic, etc., which are to be reported separately in classification 0604; and~~
- ~~• Establishments engaged in collecting used computer equipment for recycling which may be reported in classification 4107.~~

~~**Special note:** Classification 2102-04 should not be assigned to an employer who also operates a business subject to classification 4305-18 (Garbage, refuse or ashes collecting) without careful review and an on-site survey. Most garbage collecting businesses have some type of "recycle" program as part of their normal operations in an effort to sort and reduce the amount of waste that goes to landfills and this is considered an inclusion.~~

~~**2102-11 Grocery, fruit or produce distributors - Wholesale or combined wholesale and retail**~~



~~Applies to establishments engaged in the wholesale, or wholesale/retail, distribution of a variety of grocery items, fruit and produce. A business in this classification buys products from the manufacturer and sells to retail grocery stores, restaurants, and similar businesses. Grocery items may include, but not be limited to:~~

- ~~• Beverages;~~
- ~~• Dairy products;~~
- ~~• Frozen foods;~~
- ~~• Household cleaning supplies;~~
- ~~• Packaged foods;~~
- ~~• Paper products;~~
- ~~• Personal care items.~~

~~Work contemplated by this classification includes, but is not limited to:~~

- ~~• Breakdown of merchandise into smaller lots;~~
- ~~• Incidental repackaging;~~
- ~~• Maintaining the facility;~~
- ~~• Moving merchandise within the facility;~~
- ~~• Recordkeeping;~~
- ~~• Security;~~
- ~~• Unloading deliveries.~~

~~Equipment and machinery includes, but is not limited to:~~

- ~~• Forklifts;~~
- ~~• Pallet jacks;~~
- ~~• Strapping and shrink wrapping equipment;~~
- ~~• Vehicles.~~

~~This classification excludes:~~

- ~~• Delivery drivers who are to be reported separately in classification 1101;~~
- ~~• Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;~~
- ~~• Any general merchandise warehouse operations in which the operator of the warehouse does not own the merchandise being handled and it is in bulk quantities, which is to be reported separately in classification 2102-00;~~
- ~~• Cold storage plants handling food products which are to be reported separately in classification 4401;~~
- ~~• Operations specializing in vegetable/fruit packing for wholesale distribution which are to be reported separately in classification 2104;~~
- ~~• Operations specializing in wholesale distribution of beer, wine, ale or soft drinks which are to be reported separately in classification 2105;~~
- ~~• Field bonded warehouses which are to be reported separately in classification 2008; and~~
- ~~• The warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.~~

### **2102-28 Wool or cotton merchants**

~~Applies to establishments operating as wool or cotton merchants. Merchants subject to this classification buy raw wool or cotton from others, do incidental sorting, grading and repackaging, and sell the product to another business for use as a raw material to make products such as yarn, thread or fabric. Work contemplated by this classification includes, but is not limited to:~~

- ~~• Hand sorting the product by grade (quality);~~

- ~~• Maintaining the facility;~~
- ~~• Moving merchandise within the facility;~~
- ~~• Repackaging;~~
- ~~• Recordkeeping;~~
- ~~• Security;~~
- ~~• Unloading deliveries.~~

Equipment and machinery includes, but is not limited to:

- ~~• Forklifts;~~
- ~~• Pallet jacks;~~
- ~~• Repackaging equipment;~~
- ~~• Vehicles.~~

This classification excludes:

- ~~• Drivers who are to be reported separately in classification 1102;~~
- ~~• Wholesale dealers of a finished wool or cotton product which are to be reported separately in the classification applicable to the product; and~~
- ~~• The warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.)~~

**Applies to:**

- Businesses operating as warehouses for general merchandise. This merchandise belongs to a customer and is usually stored for long periods. Products typically involved are bulk, nonperishable materials.
- Businesses operating as wool or cotton merchants. Merchants subject to this classification buy raw wool or cotton from others, do incidental sorting, grading and repackaging, and sell the product to another business for use as a raw material to make products such as yarn, thread, or fabric.

**Products include, but are not limited to:**

- Coffee;
- Dry cement;
- Potatoes;
- Rice; and
- Wool or cotton.

**Work activities include, but are not limited to:**

- Hand sorting;
- Maintaining the facility;
- Moving merchandise within the facility;
- Recordkeeping;
- Repackaging;
- Routine maintenance;
- Security; and
- Unloading deliveries.

**Equipment and machinery used include, but are not limited to:**

- Cleaning and recordkeeping supplies;
- Forklifts;
- Pallet jacks;
- Repackaging equipment; and
- Shop vehicles.

**Exclusions:**

- Delivery drivers must be reported separately in 1102;

- Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;
- Wholesale dealers who operate a warehouse for storage of their own product are classified in the classification applicable to the product being sold;
- Warehousing of household furnishings by a moving and storage company is classified in 6907;
- Cold storage plants are classified in 4401;
- Ministorage warehousing is classified in 4910;
- Field bonded warehouses are classified in 2008;
- Warehousing of a manufacturer's own product is classified in the manufacturing classification applicable to the work being performed; and
- Wholesale dealers of a finished wool or cotton product are classified in the classification applicable to the product.

**Special note:** Even though this type of operation may handle some "grocery" products, it differs from 2102-11 in that the products being handled in 2102-00 are in bulk packaging (not cases of consumer-size packages), do not belong to the business that is warehousing them, and are not intended for sale to a wholesaler/retailer.

**2102-04 Recycle, collection and receiving stations; rags, bottles, paper and metal container dealers, N.O.C.**

**Applies to:**

Businesses collecting used paper, aluminum, tin, glass, and plastic to sell the material to another business that would recycle/remanufacture it into new products. These facilities normally acquire material by placing collection bins at various remote locations, operating a drop-off center (this is known in the trade as a "buy back center"). This classification includes dealers of rags, bottles, paper and metal containers not covered by another classification (N.O.C.).

**Work activities include, but are not limited to:**

- Sorting material;
- Operating various pieces of equipment used to crush, reduce, wash, and bale material;
- Weighing containers;
- Paying customers for receipt of items that have a redemption value by the pound or piece ("buying back"); and
- Operating shop or yard vehicles.

**Machinery and equipment include, but are not limited to:**

- Balers;
- Can crushers;
- Collection bins;
- Forklifts;
- Roll off trucks to handle the collection bins;
- Shredders;
- Shop or yard vehicles; and
- Weigh scales.

**Exclusions:**

- All trucking outside of the yard must be reported separately in 1102;
- Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;

- Businesses engaged in collecting, sorting, and reducing scrap metal such as junk dealers, scrap metal dealers, or processors, which also receive glass, paper, plastic, etc., are classified in 0604; and
- Businesses engaged in collecting used computer equipment for recycling are classified in 4107.

**Special note:** Classification 2102-04 should not be assigned to an employer who also operates a business subject to classification 4305-18 (garbage, refuse or ashes collecting) without careful review and an on-site survey. Most garbage collecting businesses have some type of "recycle" program as part of their normal operations in an effort to sort and reduce the amount of waste that goes to landfills and this is considered an inclusion.

**2102-11 Grocery, fruit or produce distributors - Wholesale or combined wholesale and retail**

**Applies to:**

Businesses engaged in the wholesale, or wholesale/retail, distribution of a variety of grocery items, fruit and produce. A business in this classification buys products from the manufacturer and sells to retail grocery stores, restaurants, and similar businesses.

**Grocery items may include, but are not limited to:**

- Beverages;
- Dairy products;
- Frozen foods;
- Household cleaning supplies;
- Packaged foods;
- Paper products; and
- Personal care items.

**Work activities include, but are not limited to:**

- Breakdown of merchandise into smaller lots;
- Incidental repackaging;
- Maintaining the facility;
- Moving merchandise within the facility;
- Recordkeeping;
- Security; and
- Unloading deliveries.

**Equipment and machinery include, but are not limited to:**

- Forklifts;
- Pallet jacks;
- Strapping and shrink wrapping equipment; and
- Vehicles.

**Exclusions:**

- Delivery drivers must be reported separately in 1101;
- Businesses that meet the criteria for the definition of fulfillment centers in classification 2103 are classified in 2103;
- Any general merchandise warehouse operations in which the operator of the warehouse does not own the merchandise being handled and it is in bulk quantities, is classified in 2102-00;
- Cold storage plants handling food products are classified in 4401;
- Operations specializing in vegetable/fruit packing for wholesale distribution are classified in 2104;
- Operations specializing in wholesale distribution of beer, wine, ale or soft drinks are classified in 2105;

• Field bonded warehouses are classified in 2008; and  
 • Warehousing of a manufacturer's own product is classified in the manufacturing classification applicable to the work being performed.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 20-24-093, § 296-17A-2102, filed 11/30/20, effective 1/1/21. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.16.100. WSR 12-11-109, § 296-17A-2102, filed 5/22/12, effective 7/1/12. Statutory Authority: RCW 51.16.035, 51.16.100, 2008 c 70, and Title 51 RCW. WSR 08-15-132, § 296-17A-2102, filed 7/22/08, effective 10/1/08. WSR 07-01-014, reclassified as § 296-17A-2102, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-563, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-563, filed 5/31/96, effective 7/1/96; WSR 88-12-050 (Order 88-06), § 296-17-563, filed 5/31/88, effective 7/1/88; WSR 85-24-032 (Order 85-33), § 296-17-563, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-563, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-563, filed 11/30/83, effective 1/1/84; WSR 81-24-042 (Order 81-30), § 296-17-563, filed 11/30/81, effective 1/1/82; WSR 80-17-016 (Order 80-23), § 296-17-563, filed 11/13/80, effective 1/1/81; Order 77-27, § 296-17-563, filed 11/30/77, effective 1/1/78; Order 75-38, § 296-17-563, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-563, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-563, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

**WAC 296-17A-3309 Classification 3309.**

~~((Golf cart, motorcycle, and motorized sport vehicle dealers  
 Classification 3309 applies to dealers that sell, rent, or re-  
 pair:~~

- ~~• Golf carts and trailers;~~
- ~~• Go carts;~~
- ~~• All-terrain vehicles (ATV);~~
- ~~• Jet skis;~~
- ~~• Motorcycles;~~
- ~~• Motor scooters;~~
- ~~• Snowmobiles.~~

~~These establishments may also sell other incidental items such  
 as:~~

- ~~• Boat motors;~~
- ~~• Canoes;~~
- ~~• Chain saws;~~
- ~~• Helmets;~~
- ~~• Lawn and garden equipment;~~
- ~~• Portable generators;~~
- ~~• Protective outerwear;~~
- ~~• Replacement parts;~~
- ~~• Small gasoline engines;~~
- ~~• Snow blowers;~~
- ~~• Water pumps.~~

Occupations included in this classification are:

- ~~• Service and repair personnel;~~
- ~~• Service managers;~~
- ~~• Parts department employees who also provide service and repair;~~
- ~~• Lot attendants who wash, fuel and prep vehicles, and keep service area organized;~~
- ~~• Motorcycle dismantlers (motorcycle wrecking yards);~~
- ~~• Regional service reps who provide factory training to local dealer shop mechanics.~~

**~~Special note:~~** If all conditions of the general reporting rules covering standard exception employees have been met, businesses in this classification with sales staff may qualify for classification 6301-00. See WAC 296-17-31018(2).

**~~Special note:~~** While most businesses in this classification have an inventory of parts which they use to service and repair customer vehicles, some employers have a full line of parts, accessories, and clothing store. Businesses with a full line of parts, accessories and clothing store which is physically separated from the repair shop, and sales of parts are primarily for off-premises (do it yourself) repair with no interchange of labor between the service department and the store, may also be assigned classification 6309.

Excluded from this classification are establishments primarily engaged in:

- ~~• Sales or rental of automobiles, motor homes, or travel trailers that are reported in classification 3411;~~
- ~~• Sales of boats, boat trailers and motors that are reported in classification 3414;~~
- ~~• Sales or rental of durable medical equipment or mobility aids that are reported in classification 6306;~~
- ~~• Sales or rental of heavy commercial or industrial equipment that are reported in classification 6409;~~
- ~~• Sales of lawn and garden equipment, and sales or rental of bicycles that are reported in classification 6309; and~~
- ~~• Repair of lawn and garden equipment and small engines that are reported in classification 3402.~~

For administrative purposes, Classification 3309 is divided into the following subclassifications:

~~**3309-02 Golf cart sales/rental dealers**~~

~~**3309-03 Motorized cycles and recreational vehicle dealers))**~~

~~**3309-02 Golf cart sales/rental dealers**~~

~~**Applies to:**~~

~~Dealers that sell, rent, or repair go carts, golf carts or golf cart trailers.~~

~~**These businesses may also sell other incidental items such as:**~~

- ~~• Boat motors;~~
- ~~• Canoes;~~
- ~~• Chain saws;~~
- ~~• Helmets;~~
- ~~• Lawn and garden equipment;~~
- ~~• Portable generators;~~
- ~~• Protective outerwear;~~
- ~~• Replacement parts;~~

- Small gasoline engines;
- Snow blowers; and
- Water pumps.

**Occupations include:**

- Service and repair personnel;
- Service managers;
- Parts department employees who also provide service and repair;
- Lot attendants who wash, fuel and prep vehicles, and keep service area organized; and
- Regional service reps who provide factory training to local dealer shop mechanics.

**Special note:** If all conditions of the general reporting rules covering standard exception employees have been met, businesses in this classification with sales staff may qualify for classification 6301-00. See WAC 296-17-31018(2).

**Special note:** While most businesses in this classification have an inventory of parts which they use to service and repair customer vehicles, some also have a store selling a full line of parts, accessories, and clothing. Businesses in this classification that also have a store selling a full line of parts, accessories and clothing may also be assigned classification 6309 when the store is physically separated from the repair shop, there is no interchange of labor between the service department and the store, and when sales of parts are primarily for off-premises (do it yourself) repair.

**Exclusions:**

- Sales or rental of automobiles, motor homes, or travel trailers are classified in 3411;
- Businesses selling boats, boat trailers and motors as described in 3414 are classified in 3414;
- Sales or rental of durable medical equipment or mobility aids are classified in 6306;
- Rental of boats is classified in 3414, 6208, 6209, or 6406 as applicable;
- Sales or rental of heavy commercial or industrial equipment are classified in 6409;
- Businesses selling lawn and garden equipment as described in 6309 are classified in 6309;
- Sales or rental of bicycles are classified in 6309; and
- Businesses that repair lawn and garden equipment and small engines as described in 3402 are classified in 3402.

**3309-03 Motorized cycles and recreational vehicle dealers**

**Applies to:**

Dealers that sell, rent, or repair:

- All-terrain vehicles (ATV);
- Jet skis;
- Motorcycles;
- Motor scooters; and
- Snowmobiles.

**These businesses may also sell other incidental items such as:**

- Boat motors;
- Canoes;
- Chain saws;
- Helmets;
- Lawn and garden equipment;

- Portable generators;
- Protective outerwear;
- Replacement parts;
- Small gasoline engines;
- Snow blowers; and
- Water pumps.

**Occupations include:**

- Service and repair personnel;
- Service managers;
- Parts department employees who also provide service and repair;
- Lot attendants who wash, fuel and prep vehicles, and keep service area organized;
- Motorcycle dismantlers (motorcycle wrecking yards); and
- Regional service reps who provide factory training to local dealer shop mechanics.

**Special note:** If all conditions of the general reporting rules covering standard exception employees have been met, businesses in this classification with sales staff may qualify for classification 6301-00. See WAC 296-17-31018(2).

**Special note:** While most businesses in this classification have an inventory of parts which they use to service and repair customer vehicles, some also have a store selling a full line of parts, accessories, and clothing. Businesses in this classification that also have a store selling a full line of parts, accessories and clothing may also be assigned classification 6309 when the store is physically separated from the repair shop, there is no interchange of labor between the service department and the store, and when sales of parts are primarily for off-premises (do it yourself) repair.

**Exclusions:**

- Sales or rental of automobiles, motor homes, or travel trailers are classified in 3411;
- Businesses selling boats, boat trailers, and motors as described in 3414 are classified in 3414;
- Sales or rental of durable medical equipment or mobility aids are classified in 6306;
- Rental of boats is classified in 3414, 6208, 6209, or 6406 as applicable;
- Sales or rental of heavy commercial or industrial equipment are classified in 6409;
- Businesses selling lawn and garden equipment as described in 6309 are classified in 6309;
- Sales or rental of bicycles are classified in 6309; and
- Businesses that repair lawn and garden equipment and small engines as described in 3402 are classified in 3402.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-3309, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 51.16.035, 51.16.100, and 2007 c 324. WSR 07-24-045, § 296-17A-3309, filed 12/1/07, effective 1/1/08. WSR 07-01-014, recodified as § 296-17A-3309, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-578, filed 8/28/98, effective 10/1/98; WSR 87-12-032 (Order 87-12), § 296-17-578, filed 5/29/87, effective 7/1/87; WSR 85-24-032 (Order 85-33), § 296-17-578, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-578, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-578, filed 11/9/73, effective 1/1/74.]



AMENDATORY SECTION (Amending WSR 18-11-113, filed 5/22/18, effective 7/1/18)

**WAC 296-17A-3503 Classification 3503.**

**~~((3503-17 Pottery, earthenware, ceramics, porcelain or china: Manufacturing~~**

~~Applies to establishments engaged in the manufacture of a wide variety of household or decorative items such as earthenware, pottery, ceramics, porcelain or china. Casting and throwing are the most common techniques. Other techniques include pressing, extrusion and sculpturing. Finished products include, but are not limited to, pots, bowls, dishes, plates, cups, cookie jars, vases, dolls, tobacco pipes, and novelty items. Materials include clay, sand, fluxing agents, paints, and glazing compounds. Machinery includes, but is not limited to, hand tools, potter's wheels, kilns, and plaster molds. In the casting method, clay is mixed with water and other additives until it is about the consistency of thick cream (called slip). The molds are closed shut and secured; then the slip is poured into them through a small hole at the top, and left in the mold to dry for a short time then poured out, leaving a hollow product to fire. In the throwing method, the clay mixture is placed on a potter's wheel and molded by hand as the wheel slowly turns. The pressing technique forces relatively dry clay into molds under substantial hydraulic pressure, which makes it hold its shape until fired. Extrusion forces a ribbon of clay through specially shaped dies, then it is cut with wire to create the final form. Sculpturing is hand carving wet clay to the desired dimensions. The resulting greenware from any method may be sanded, then further dried and fired in a small kiln. Most of the items will be glazed and refired several more times, depending on the desired end result. Prior to glazing, products may be decorated by hand painting designs on them. Most of the establishments in this classification are small shops that make the products they sell, either at their shop or occasionally at craft fairs. The teaching of classes and the incidental sale of ceramic and pottery making supplies or tools to home crafters is included within the scope of classification 3503-17. This classification includes establishments that only make molds by casting shapes in plaster, most of which they sell to ceramic shops for use in casting greenware.~~

~~This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; manufacture of decorative tile which is to be reported separately in classification 3503-19; manufacture of brick or concrete products such as, but not limited to, brick or clay pipe and concrete tile which is to be reported separately in the classification applicable to the work being performed; and establishments whose primary business is the sale of supplies used for crafts or hobbies which are to be reported separately in classification 6406.~~

**~~3503-19 Decorative tile: Manufacturing~~**

~~Applies to establishments engaged in the manufacture of decorative tile from cement or various clay mixtures. Raw materials include clay, sawdust, straw, coal dust, sand, and glazing compounds. Machinery includes, but is not limited to, hand tools, hydraulic presses, automatic grinding and polishing machines, hand grinding and polishing stones and laps, batch mixers, molds, hand trucks, kiln ovens and steam curing rooms. Cement tiles are usually pressed on hydraulic presses, kept wet until cured, then ground to size with a diamond~~

wheel and polished. To make cast clay tiles, clay is mixed with water and other ingredients, ground to desired fineness, screened, then poured into molds to dry. After drying, tiles are removed from molds and fired in a kiln oven, then glazed. Tile glaziers apply designs to bisque tile by hand or with a silk screen process, then glaze and fire it in a kiln one or more times. This classification includes the manufacture of decorative artificial rock or brick used as trimming around fireplaces, stoves, or on walls. To make artificial rock or brick, coloring is added to a mixture of cement and aggregate; the mixture is poured into molds. After the mixture has set, the piece is removed from the mold and cured.

This classification excludes the mining, digging or quarrying of the raw materials which is to be reported separately in the applicable classification; the manufacture of pottery, earthenware, ceramics, porcelain or china which is to be reported separately in classification 3503-17; and the manufacture of brick or concrete products such as brick or clay pipe and concrete blocks or stepping stones, drain tile, beams which is to be reported separately in the classification applicable to the work being performed.

### **3503-20 Stained or leaded glassware, N.O.C.: Manufacturing**

Applies to establishments engaged in the manufacture of stained or leaded glassware not covered by another classification (N.O.C.) including, but not limited to, windows, tiffany style or plain glass lamp shades, terrariums, or decorative items such as aquariums, shadow boxes, mirror picture frames or figurines. Much artistic hand labor is involved in making stained glass items. Pattern paper, masking tape, kerosene, wire solder, putty, and H-lead comes (slender, grooved bars) are received from others. Individual pieces of a design are cut to pattern out of stained glass; pieces may be ground for a precision fit on an emery or diamond wheel. Individual segments are pressed into the channels of the lead came; joints are fluxed, soldered and putty is pushed into any open spaces between the glass and the comes. The finished piece is smoothed and cleaned with kerosene. While lead comes are more widely used, copper foil may be used instead of lead. Manufacturers may also paint on glass and fire it in a kiln; this is most often done for stained glass window insets. Employers subject to this classification may repair items such as stained glass windows. If the repair requires bent or shaped glass, they make a mold and heat the replacement glass in a kiln oven until it "slumps" or bends to the shape of the mold. Most manufacturers in this state purchase their stained glass from others; however, the manufacture of stained glass is contemplated within the scope of this classification. Raw materials such as, but not limited to, sand, soda ash, and metal oxides are melted in a furnace and the molten glass is either rolled into sheets by machine or blown into long balloon shapes that are slit open and flattened by reheating. Color may be added to the surface while it is still molten. Some incidental manufacturing of insulated glass, such as sandwiching leaded glass between two sheets of clear glass, is included within the scope of this classification, but production line manufacturing of insulated glass is to be reported separately in classification 1108. Most of the establishments in this classification are small shops that make the products they sell, either at their shop or occasionally at craft fairs. The teaching of classes and the incidental sale of supplies or tools used to make glassware items to home crafters is included within the scope of this classification.

~~This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; establishments that manufacture optical goods or telescopes, or perform precision grinding of blank or rough lenses, which are to be reported separately in classification 6604; establishments engaged in etching, frosting, sandblasting, carving, grinding, and beveling glass which are to be reported separately in classification 1108; establishments engaged in melting or blowing glass which are to be reported separately in classification 3503-21; and establishments whose primary business is the sale of supplies used for crafts or hobbies which are to be reported separately in classification 6406.~~

**3503-21 Glassware, N.O.C.: Manufacturing; Melting, blowing, and forming hot glass**

~~Applies to establishments engaged in manufacturing housewares, decorative and specialty items not covered by another classification (N.O.C.) from hot glass using methods that include melting, blowing, or forming. Items include, but are not limited to, tableware, bakeware, perfume bottles, candlestick holders, kerosene lamp chimneys, auto headlight lenses, radio insulators, doorknobs, paperweights, and ashtrays. Machinery includes, but is not limited to, hand tools, glass melting furnaces, annealing ovens, mixing machines, ball mills, glass cutting diamond saws, glass grinding wheels and discs, glass polishing laps, drill presses, steel cutting saws, arc and gas welders, forklifts, overhead cranes or hoists. Some shops make their glass from raw materials including oxides, volcanic ash, soda ash, silica sand, lime, phosphate, or borax which are received from outside sources. Others will heat glass chips (frit) in a furnace, and work the molten glass into decorative or functional shapes by molding or blowing. The molten glass is poured into molds to make products such as, but not limited to, heavy glass for special purpose windows up to about eight inches thick. Molten glass may also be poured into cold water to make "frit" which is either sold or used for further processing. The molten glass can also be formed in a mouth-blowing process or by semiautomatic blowing machines. A glass blowing process will usually have a helper working with each glass blower. The helper's duties include preliminary glass gathering and blowing, adding colored glass "ribbons" to the item being blown as the glassblower turns it, shaping items being blown with wooden or metal tools, and placing the blown object in an annealing oven to be reheated and cooled slowly to relieve internal stress in the glass. When glass reaches room temperature, it is often cut on diamond wheels or ground down and polished on a series of wheels, stones, and laps. This work is normally done under a continuous water bath which may include grinding or polishing compounds.~~

~~This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; establishments engaged in manufacturing stained or leaded glassware which are to be reported separately in classification 3503-20; establishments that manufacture optical goods or telescopes, or perform precision grinding of blank or rough lenses, which are to be reported separately in classification 6604; and establishments engaged in etching, frosting, sandblasting, carving, grinding, and beveling glass which are to be reported separately in classification 1108.~~

**3503-23 Agate or enamel ware: Manufacturing**

~~Applies to establishments engaged in enameling or porcelainizing products they have made or products made by others. Enamel is defined~~

as a vitreous, usually opaque, protective or decorative coating baked on metal. Enameled products vary widely, including but not limited to, signs, cookware, items made from ceramics or clay, stove parts, or small parts for automobiles, to sewer pipe, automobile manifolds, or irrigation water gauges. Machinery includes, but is not limited to, ball mills, silk screen equipment, blenders or mixers, scales, kilns, degreasing and acid etching tanks, spray guns, heaters, conveyors, and fork lifts. The enameling process is essentially the same regardless of the product. Ceramic balls and frit (small glass chips) are placed in the ball mill. (A ball mill is a metal drum lined with rubber.) As the drum rotates, the balls roll over the frit, gradually grinding it into powder. Some enameling shops purchase the powder ready-made. To obtain desired colors, various mixes of glaze powders are prepared and placed on 1" to 2" square metal chips and baked in a small kiln. When the formulas are ready for all colors required, the job goes to the production line. The object to be glazed is cleaned, degreased, and given an acid bath if necessary, then rinsed and dried. The enamel (or porcelain) glaze may be applied by hand, silk screened on, or sprayed on with a spray gun. After the coating has air-dried, the piece heated in a kiln to melt the ceramic powder and fuse it to the surface; then cooled. Items may require repeated coatings and firings.

This classification excludes the manufacture of enameled brick which is to be reported separately in classification 3501.)

### **3503-17 Pottery, earthenware, ceramics, porcelain, china, decorative tile, or enamel ware: Manufacturing**

#### **Applies to:**

- Businesses engaged in the manufacture of a wide variety of household or decorative items such as earthenware, pottery, ceramics, porcelain or china;
- Businesses engaged in the manufacture of decorative tile from cement or various clay mixtures;
- Businesses engaged in enameling or porcelainizing products they have made or products made by others;
- Businesses engaged in the manufacture of decorative artificial rock or brick used as trimming around fireplaces, stoves, or on walls;
- Businesses that only make molds by casting shapes in plaster, most of which they sell to ceramic shops for use in casting greenware;
- Incidental teaching of classes and the sale of ceramic and pottery making supplies or tools to home crafters is included.

#### **Products manufactured include, but are not limited to:**

- Artificial brick;
- Artificial rock;
- Bowls;
- Cookie jars;
- Cups;
- Decorative tiles;
- Dishes;
- Dolls;
- Enameled items such as, but not limited to, signs, cookware, items made from ceramics or clay, stove parts, small parts for automobiles, sewer pipe, automobile manifolds, or irrigation water gauges;
- Novelty items;
- Plates;
- Pots;
- Tobacco pipes;

- Vases.

**Processes include, but are not limited to:**

• Casting - In the casting method, clay is mixed with water and other additives until it is about the consistency of thick cream (called slip). The molds are closed shut and secured; then the slip is poured into them through a small hole at the top, and left in the mold to dry for a short time then poured out, leaving a hollow product to fire.

• Extrusion - Extrusion forces a ribbon of clay through specially shaped dies, then it is cut with wire to create the final form.

• Pressing - The pressing technique forces relatively dry clay into molds under substantial hydraulic pressure, which makes it hold its shape until fired.

• Sculpturing - Sculpturing is hand carving wet clay to the desired dimensions.

• Throwing - In the throwing method, the clay mixture is placed on a potter's wheel and molded by hand as the wheel slowly turns.

• The resulting greenware from any pottery method may be sanded, then further dried and fired in a small kiln. Most of the items will be glazed and refired several more times, depending on the desired end result. Prior to glazing, products may be decorated by hand painting designs on them.

• Cement tiles are usually pressed on hydraulic presses, kept wet until cured, then ground to size with a diamond wheel and polished.

• To make cast clay tiles, clay is mixed with water and other ingredients, ground to desired fineness, screened, then poured into molds to dry. After drying, tiles are removed from molds and fired in a kiln oven, then glazed. Tile glaziers apply designs to bisque tile by hand or with a silk screen process, then glaze and fire it in a kiln one or more times.

• To make artificial rock or brick, coloring is added to a mixture of cement and aggregate; the mixture is poured into molds. After the mixture has set, the piece is removed from the mold and cured.

• Enameling - Ceramic balls and frit (small glass chips) are placed in the ball mill. (A ball mill is a metal drum lined with rubber.) As the drum rotates, the balls roll over the frit, gradually grinding it into powder that is used to create the enamel glaze. The object to be glazed is cleaned, degreased, and given an acid bath if necessary, then rinsed and dried. The enamel (or porcelain) glaze may be applied by hand, silk screened on, or sprayed on with a spray gun. After the coating has air-dried, the piece is heated in a kiln to melt the ceramic powder and fuse it to the surface; then cooled. Items may require repeated coatings and firings.

**Materials used include, but are not limited to:**

- Clay;
- Coal dust;
- Fluxing agents;
- Frit;
- Glass powder;
- Glazing compounds;
- Paints;
- Sand;
- Sawdust;
- Straw.

**Tools and machinery used include, but are not limited to:**

- Automatic grinding and polishing machines;
- Ball mills;
- Batch mixers;
- Conveyors;
- Degreasing and acid etching tanks;
- Fork lifts;
- Hand grinding and polishing stones and laps;
- Hand tools;
- Hand trucks;
- Heaters;
- Hydraulic presses;
- Kilns;
- Plaster molds;
- Potter's wheels;
- Scales;
- Silk screen equipment;
- Spray guns;
- Steam curing rooms.

**Exclusions:**

- Worker hours mining, digging or quarrying raw materials are reported separately in the applicable classification;
- Worker hours manufacturing brick or concrete products such as, but not limited to, brick or clay pipe and concrete blocks or stepping stones, drain tile, beams, which are reported separately in the classification applicable to the work being performed;
- Businesses primarily engaged in the sale of supplies used for crafts or hobbies are classified in 6406;
- Manufacturing enameled brick is classified in 3501.

**3503-21 Glassware, N.O.C.: Manufacturing; Melting, blowing, and forming hot glass. Stained or leaded glassware, N.O.C.: Manufacturing**

**Applies to:**

- Businesses engaged in manufacturing housewares, decorative, and specialty items from hot glass using methods that include melting, blowing, or forming not covered by another classification (N.O.C.);
- Businesses engaged in the manufacture or repair of stained or leaded glassware not covered by another classification (N.O.C.);
- Incidental teaching of classes and the sale of supplies or tools used to make glassware items to home crafters;
- Incidental manufacturing of insulated glass, such as sandwiching leaded glass between two sheets of clear glass.

**Products manufactured include, but are not limited to:**

- Ashtrays;
- Auto headlight lenses;
- Bakeware;
- Candlestick holders;
- Doorknobs;
- Kerosene lamp chimneys;
- Paperweights;
- Perfume bottles;
- Radio insulators;
- Stained glass items including, but not limited to, windows, tiffany style or plain glass lamp shades, terrariums, or decorative items such as aquariums, shadow boxes, mirror picture frames or figurines;
- Tableware.

**Processes include, but are not limited to:**

• Blowing - Heat glass chips (frit) in a furnace. The molten glass can also be formed in a mouth-blowing process or by semiautomatic blowing machines. A glass blowing process will usually have a helper working with each glass blower. The helper's duties include preliminary glass gathering and blowing, adding colored glass "ribbons" to the item being blown as the glassblower turns it, shaping items being blown with wooden or metal tools, and placing the blown object in an annealing oven to be reheated and cooled slowly to relieve internal stress in the glass. When glass reaches room temperature, it is often cut on diamond wheels or ground down and polished on a series of wheels, stones, and laps. This work is normally done under a continuous water bath which may include grinding or polishing compounds.

• Molding - Heat glass chips (frit) in a furnace. The molten glass is poured into molds to make products such as, but not limited to, heavy glass for special purpose windows up to about eight inches thick.

• Stained glass making - Individual pieces of a design are cut to pattern out of stained glass; pieces may be ground for a precision fit on an emery or diamond wheel. Individual segments are pressed into the channels of the lead came; joints are fluxed, soldered and putty is pushed into any open spaces between the glass and the comes. The finished piece is smoothed and cleaned with kerosene.

• Making glass or stained glass - Raw materials such as, but not limited to, borax, lime, phosphate, sand, soda ash, volcanic ash and metal oxides are melted in a furnace and the molten glass is either rolled into sheets by machine or blown into long balloon shapes that are slit open and flattened by reheating. Color may be added to the surface while it is still molten.

**Materials used include, but are not limited to:**

- Copper foil;
- Glass making materials - Borax, lime, phosphate, silica sand, soda ash, volcanic ash, and oxides;
- Glass frit;
- H-lead comes (grooved, lead bars);
- Kerosene;
- Masking tape;
- Pattern paper;
- Putty;
- Stained glass sheets;
- Wire solder.

**Tools and machinery used include, but are not limited to:**

- Annealing ovens;
- Arc and gas welders;
- Ball mills;
- Drill presses;
- Forklifts;
- Glass cutting diamond saws;
- Glass grinding wheels and discs;
- Glass melting furnaces;
- Glass polishing laps;
- Hand tools;
- Mixing machines;
- Overhead cranes or hoists;
- Steel cutting saws.

**Exclusions:**

- Worker hours mining, digging or quarrying raw materials are reported separately in the applicable classification;
- Worker hours manufacturing optical goods or telescopes, or performing precision grinding of blank or rough lenses are reported separately in classification 6604;
- Etching, frosting, sandblasting, carving, grinding, and beveling glass is classified in 1108;
- Production line manufacturing of insulated glass is classified in 1108;
- Businesses primarily engaged in the sale of supplies used for crafts or hobbies are classified in 6406.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 18-11-113, § 296-17A-3503, filed 5/22/18, effective 7/1/18. WSR 07-01-014, recodified as § 296-17A-3503, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-587, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 89-24-051 (Order 89-22), § 296-17-587, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-587, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-587, filed 11/30/83, effective 1/1/84; WSR 82-24-047 (Order 82-38), § 296-17-587, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-587, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

**WAC 296-17A-3702 Classification 3702.**

~~((Beverage manufacturing, wine making, distilleries, breweries, malt houses, bottling, and yeast manufacturing~~

~~Applies to all types of alcoholic and nonalcoholic beverage manufacturing and bottling operations.~~

~~Beverage manufacturing and bottling includes the following operations:~~

- ~~Blending of water, concentrates, juices, syrups, other consumables, and preservatives;~~
  - ~~Carbonating beverages;~~
  - ~~Crushing and mixing of ingredients;~~
  - ~~Cooking liquid mixtures containing grains, vegetables, fruit, herbs, and other natural or artificial ingredients;~~
  - ~~Distilling alcohol;~~
  - ~~Extracting juice;~~
  - ~~Fermenting;~~
  - ~~Filling bottles, cans, kegs, or other containers;~~
  - ~~Filtering;~~
  - ~~Labeling;~~
  - ~~Manufacturing yeast;~~
  - ~~Operating gift shops at manufacturing location;~~
  - ~~Pasteurizing;~~
  - ~~Sanitizing bottles, cans, or other containers.~~
- ~~Classification **3702** also includes incidental:~~
- ~~Tasting rooms at the same location as the manufacturing site;~~



- ~~Tours of facilities and premises.~~

**~~Classification 3702 excludes:~~**

- ~~Worker hours engaged in vineyard operations, which are reported separately in classification **4813-00**;~~
- ~~Worker hours engaged in tasting room operations at a separate location away from the manufacturing site, which are reported separately in classification **6403-07**;~~
- ~~Worker hours engaged in full service restaurant operations, which are reported separately in classification **3905**;~~
- ~~Manufacturers exclusively manufacturing and bottling dairy beverages, which are classified in **3902-28**;~~
- ~~Manufacturers exclusively manufacturing and bottling fruit juices, which are classified in **3902-02**.~~

Note: If records are not maintained for dividing worker hours between classifications, you must report these hours in the highest rated classification as described in WAC 296-17-31017(4).

For administrative purposes, ~~classification 3702 is divided into the following subclassifications:~~

- ~~**3702-01 Breweries, malt houses, and yeast manufacturing**~~
- ~~**3702-03 Bottling and manufacturing beverages, N.O.C.**~~
- ~~**3702-05 Wine making and liquor distillation**)~~

**3702-01 Breweries, malt houses, and yeast manufacturing**

**Applies to:**

Businesses engaged in brewery, malt house, or yeast manufacturing operations.

**This classification also includes incidental:**

- Tasting rooms at the same location as the manufacturing site;
- Tours of facilities and premises.

**Work activities and processes include, but are not limited to:**

- Blending of water, concentrates, juices, syrups, other consumables, and preservatives;
- Carbonating beverages;
- Crushing and mixing of ingredients;
- Cooking liquid mixtures containing grains, vegetables, fruit, herbs, and other natural or artificial ingredients;
- Distilling alcohol;
- Extracting juice;
- Fermenting;
- Filling bottles, cans, kegs, or other containers;
- Filtering;
- Labeling;
- Manufacturing yeast;
- Operating gift shops at manufacturing location;
- Pasteurizing;
- Sanitizing bottles, cans, or other containers.

**Exclusions:**

- Worker hours engaged in vineyard operations are reported separately in classification **4813-00**;
- Worker hours engaged in tasting room operations at a separate location away from the manufacturing site are reported separately in classification **6403-07**;
- Worker hours engaged in full service restaurant operations are reported separately in classification **3905**;
- Manufacturers exclusively manufacturing and bottling dairy beverages are classified in **3902-28**;

• Manufacturers exclusively manufacturing and bottling fruit juices are classified in 3902-02.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

### **3702-03 Bottling and manufacturing beverages, N.O.C.**

#### **Applies to:**

Businesses engaged in alcoholic and nonalcoholic beverage manufacturing and bottling operations not covered by another classification (N.O.C.).

#### **This classification also includes incidental:**

- Tasting rooms at the same location as the manufacturing site;
- Tours of facilities and premises.

#### **Work activities and processes include, but are not limited to:**

- Blending of water, concentrates, juices, syrups, other consumables, and preservatives;
- Carbonating beverages;
- Crushing and mixing of ingredients;
- Cooking liquid mixtures containing grains, vegetables, fruit, herbs, and other natural or artificial ingredients;
- Distilling alcohol;
- Extracting juice;
- Fermenting;
- Filling bottles, cans, kegs, or other containers;
- Filtering;
- Labeling;
- Manufacturing yeast;
- Operating gift shops at manufacturing location;
- Pasteurizing;
- Sanitizing bottles, cans, or other containers.

#### **Exclusions:**

- Worker hours engaged in vineyard operations are reported separately in classification 4813-00;
- Worker hours engaged in tasting room operations at a separate location away from the manufacturing site are reported separately in classification 6403-07;
- Worker hours engaged in full service restaurant operations are reported separately in classification 3905;
- Manufacturers exclusively manufacturing and bottling dairy beverages are classified in 3902-28;
- Manufacturers exclusively manufacturing and bottling fruit juices are classified in 3902-02.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

### **3702-05 Wine making and liquor distillation**

#### **Applies to:**

Businesses engaged in wine making and bottling or liquor distillation and bottling operations.

#### **This classification also includes incidental:**

- Tasting rooms at the same location as the manufacturing site;
- Tours of facilities and premises.

#### **Work activities and processes include, but are not limited to:**

- Blending of water, concentrates, juices, syrups, other consumables, and preservatives;

- Carbonating beverages;
- Crushing and mixing of ingredients;
- Cooking liquid mixtures containing grains, vegetables, fruit, herbs, and other natural or artificial ingredients;
- Distilling alcohol;
- Extracting juice;
- Fermenting;
- Filling bottles, cans, kegs, or other containers;
- Filtering;
- Labeling;
- Manufacturing yeast;
- Operating gift shops at manufacturing location;
- Pasteurizing;
- Sanitizing bottles, cans, or other containers.

**Exclusions:**

- Worker hours engaged in vineyard operations are reported separately in classification 4813-00;
- Worker hours engaged in tasting room operations at a separate location away from the manufacturing site are reported separately in classification 6403-07;
- Worker hours engaged in full service restaurant operations are reported separately in classification 3905;
- Manufacturers exclusively manufacturing and bottling dairy beverages are classified in 3902-28;
- Manufacturers exclusively manufacturing and bottling fruit juices are classified in 3902-02.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-3702, filed 7/5/16, effective 1/1/17; WSR 14-17-085, § 296-17A-3702, filed 8/19/14, effective 9/19/14. WSR 07-01-014, recodified as § 296-17A-3702, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-600, filed 8/28/98, effective 10/1/98; WSR 87-12-032 (Order 87-12), § 296-17-600, filed 5/29/87, effective 7/1/87; WSR 85-24-032 (Order 85-33), § 296-17-600, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-600, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-600, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-3708 Classification 3708.**

**~~((3708-14 Hide or leather dealers~~**

~~Applies to establishments engaged in the sale of dressed animal hides, reptile skins and tanned leather. Dealers in this classification receive raw hides from others, sort and grade them, "salt" them (by soaking in a salt solution) to help their preservation, and ship them to tanneries for processing. After the tanneries have processed them, the dressed and finished hides, skins and leather are returned to the hide dealers where they are again graded, measured, trimmed by hand as necessary, then stored until they are shipped to their customers. Customers are primarily manufacturers of garments or other items.~~

~~This classification excludes establishments who process raw hides, skins, and fur into tanned leather, or dressed fur, which are to be reported separately in classification 4301.~~

**~~3708-15 Linoleum, oil cloth or imitation leather: Manufacturing; Coating, impregnating, laminating or waterproofing textiles, N.O.C.~~**

~~Applies to establishments engaged in the coating, impregnating, laminating, or waterproofing of crude fabric whose operations are not covered by another classification (N.O.C.). Textiles or fabrics may be treated with coatings or finishes such as, but not limited to, oils, varnishes, lacquers, or plastic and rubber finishes. Woven or felt cloth (loose, in rolls or mounted on forms) can be coated with spreading devices, rollers, or by dipping in solvents, drained to allow solvents to evaporate, then cured in drying ovens. Impregnating involves placing fabrics in vacuum tanks with solutions of rubber or lacquer and solvents and subjecting them to various pressures. Solutions are drained, contents removed, dried, baked in curing ovens and rough spots removed by grinding. Laminating is a process of cementing fabric and coating materials together and running them through heated pressure rollers, then curing them in drying ovens. Fabric embossing, which is raising designs in a surface, is included in this classification. These processes are also used in the manufacture of linoleum, oil cloth, imitation leather, and similar waterproofed or laminated fabrics.~~

~~This classification excludes establishments engaged in the bleaching, dyeing, or finishing textiles which are to be reported separately in classification 3708-16 and coating or other finishing operations performed by employees of manufacturers of textiles or textile goods which are included in the manufacturing classification as applicable.~~

**~~3708-16 Bleaching, dyeing or finishing textiles: N.O.C.~~**

~~Applies to establishments engaged in the bleaching, dyeing, or mercerizing of crude fabric whose operations are not covered by another classification (N.O.C.). The fabric is first treated with bleaches, dyes, and other solutions, then singed and calendered prior to shipping to other manufacturers to be made into textile goods. Mercerizing is the treatment of fabric with sodium hydroxide to shrink the fiber and increase its color absorption and luster. Singeing is the burning of the fiber ends to seal them; calendering is pressing the cloth through heavy rollers to smooth and gloss it. The above operations require the use of large manufacturing machinery such as, but not limited to, calenders and large vats.~~

~~This classification excludes establishments engaged in coating, impregnating, laminating or waterproofing textiles which are to be reported separately in classification 3708-15; establishments engaged in the washing and drying, or dyeing of individual garments for others which are to be reported separately in classification 2201; and coating or other finishing operations performed by employees of manufacturers of textiles or textile goods which are included in the manufacturing classification as applicable.~~

**~~3708-18 Broom or brush: Manufacturing or assembly, N.O.C.~~**

~~Applies to establishments engaged in the manufacture or assembly of all types of household and industrial brooms, brushes, and mops not covered by another classification (N.O.C.), including, but not limited to, paint brushes and rollers, whisk brooms, scrub mops, dust mops, brushes for vacuum cleaners, street sweeping or other rotary machines.~~

Animal hair, synthetic fibers, handles and backings made of wood, plastic or metal, screws, rivets or other hardware, metal springs and wire, yarn, and dust-attracting additives are purchased from outside sources. Tools and equipment include, but are not limited to, manually operated or computerized brush making machinery. Brush making machinery drills holes in the brush base, fills holes with hair or other fibers, and staples them in place. Other types of brush making machines make metal-back strip brushes which are mounted in straight or spiraled rows around cores (tubing or shafts), and used in rotary machines. These machines loop bristles around an anchor wire, then crimp a metal channel around the anchor wire, forming the base. The bristles are trimmed to precise lengths on trimming machines.

This classification excludes establishments engaged in the manufacture of metal, wood or plastic handles or backings which are to be reported separately in the classification applicable to the manufacturing process, and establishments that make only mop heads by sewing yarn or other strands to a cloth base which are to be reported separately in classification 3802.

### **3708-19 Cordage, rope, or twine: Manufacturing**

Applies to establishments engaged in the manufacture of cord or cordage, rope, twine, or string from both natural and synthetic fibers such as cotton, manila, sisal, flax, jute, hemp, and rayon. Finished products, which range widely, include, but are not limited to, fish lines, shade or awning cords, mountain climbing ropes or riggings on boats. This classification includes the extrusion of polyethylene or similar pellets to form fibers when done by manufacturers for use in their own products only. This classification also includes establishments that pick, card, and comb fibers prior to twisting the resulting strands into twine or lightweight cord which they may further twist or braid together to produce heavier cordage or rope. "Picking" removes debris from the raw fibers; "carding" untangles and straightens the fibers; "combing" separates long fibers from shorter ones and forms them into thick strands (which are referred to as "slivers"). Other manufacturers in this classification start with spools of cording, then twist or braid a number of strands into heavier cordage or rope. Manufacturers may dye their products, coat them with latex to prevent deterioration, or steam and dry them. The above operations are included in the classification when performed by employees of employers engaged in manufacturing rope or cordage. Machinery includes bale breaking, picking, carding, spinning, twisting, braiding, winding machines, dipping vats, and dryer ovens.

This classification excludes establishments engaged in the manufacture of net, thread, webbing, or yarn which are to be reported separately in classification 3708-26 and establishments engaged in the manufacture of plush, velvet, felt, or other fabric produced by spinning or weaving which are to be reported separately in classification 3708-27.

### **3708-22 Pelting**

Applies to establishments engaged in animal hide pelting operations. A pelt is an untanned animal hide or skin with the hair or fur still on it. For classification purposes, pelting is defined as the initial cleaning and drying of animal skins or hides, but does not involve the removal of hair or fur, or tanning operations. Frozen pelts are thawed by flushing them in water. Fat and tissues are removed from the skin on fleshing machines. Fleshing machines resemble a band saw with a small blade over which the skin is moved to remove fat and tis-

sue. Then skins are placed in tumblers or drums with cornmeal or sawdust to clean the excess moisture, dirt, and oils from them. They are usually transferred to another drum or shaker to remove the cornmeal or sawdust. The cleaned pelts are stretched on drying boards or metal frames, stapled to the frames with hand staplers, and placed in drying rooms until dry. Pelts are sold to tanneries or furriers where they are further processed into tanned hides or dressed furs.

This classification excludes establishments engaged in the tanning of leather and the dressing of fur which are to be reported separately in classification 4301; establishments engaged as taxidermists which are to be reported separately in classification 3708-23; and establishments engaged in raising fur bearing animals which are to be reported separately in classification 4804.

**Special note:** Pelting of fur bearing animals, when performed by the animal raiser, is considered incidental to the raising and is included within the scope of classification 4804. Raisers of fur bearing animals are entitled to classification 3708-22 only if their hide pelting operation involves the pelting of animals which have been raised by others.

### **3708-23 Taxidermists**

Applies to establishments engaged in taxidermy which is the preparation, stuffing, and mounting of skins of dead animals for exhibition in a lifelike state. This classification includes all operations, including tanning of hides and making animal forms, when performed by employees of the taxidermist. Hunters and fishermen are the primary customers of taxidermists; pet owners may have a pet preserved, all of whom provide the skins or animals. Other customers include museums who use animal likenesses for decorating or exhibit. For these customers, the taxidermist usually purchases tanned hides from other sources. Small animals, such as birds, cats, or fish are usually mounted whole. Large animals may be mounted whole, although generally only the head and neck are mounted. Whole animals are posed and sometimes placed in natural-looking settings. The taxidermist may receive the skin, or the whole animal, in which case the skin is carefully removed in one piece. To remove fat and tissue, the fleshy side of the hide is pulled back and forth across the spinning blade of a fleshing machine. Fleshing machines resemble a band saw with a blade about a foot in diameter which is mounted on a worktable. Hides usually require "finer fleshing" which is done by scraping with a hand knife. Holes or tears in the skin are hand sewn. The taxidermist may finish preparing the skins, or they may send them to a tannery. Other preparations involve tumbling the skins in drums (which resemble clothes dryers) with sawdust or cornmeal to remove excess moisture, dirt, oils, then washing them in solutions of sodas, borax or alum to further clean, soften, and preserve them. Antlers are soaked in brine to remove blood and other waste. Prepared skins of smaller animals are usually stuffed; skins of larger animals are usually stretched over an animal form, sewn together, then glued onto the form. Taxidermists may make their own animal forms from fiberglass or other plastic materials, or they may purchase them elsewhere. Antlers, artificial eyeballs, teeth, tongues, toe nails, and hooves are attached. Finishing work requires touches of paint to eyelashes or mouths (applied with artist's brushes), sprays, or whatever make-up or sculpturing techniques are needed to make the animal look lifelike. Additional materials and equipment includes plaster, cotton or other stuffings, styrofoam, cleaning agents or waxes, hand tools for cutting, scraping, and sculpturing,

~~rasps, sewing needles, hammers, saws, freezers, dryers and tumblers, and sewing machines.~~

~~This classification excludes establishments engaged in hide pelt-ing which are to be reported separately in classification 3708-22 and establishments engaged in tanning operations and fur dressing which are to be reported separately in classification 4301.~~

### **3708-26 Net, thread, webbing, yarn: Manufacturing**

~~Applies to establishments engaged in the manufacture of webbing, thread, or yarn by spinning, weaving or knitting processes from natu-ral or synthetic fibers such as, but not limited to, cotton, rayon, silk, wool. This classification also includes the manufacture of nets which are woven from cording or twine. Initial operations include the removal of debris from fibers by picking; and untangling, straighten-ing, and stretching of fibers by carding. A combing operation sepa-rates long fibers from shorter ones and forms them into thick strands (referred to as slivers). Slivers are placed on creels and fed into spinning machines to be further stretched, spun and twisted onto bob-bins (also called packages). The thread or yarn go through further winding, rewinding, doubling, or reeling, depending on the ply being produced. At some point prior to the final winding onto a cone, the threads are rinsed in vats of hot water for several hours to set the ply; dyes may be added to the rinse. Threads are then spun dry and placed in dehydrators until all moisture is removed. Yarn/thread is packaged and sold to fabric weavers. Elastic or nonelastic webbing is woven from yarns or threads on narrow shuttle looms or knitting ma-chines. The finished lengths are coated, laminated, or dyed prior to winding onto skeins or spools for sale to others. Nets manufactured in this classification range from batting nets or hoop nets for sports, to nets used for commercial purposes. Styles are also widely varied; mesh nets woven on net looms, other types knitted on net-knitting ma-chines; some are hand knotted. Manufacturers may sell "net systems" which include traps, hooks, hinges, lines and other fishing parapher-nalia, to the marine industry. Those companies usually sell several styles of nets, some of which are made from ready-made netting they purchase elsewhere and sew bindings and hardware onto them. Hand-knot-ted netting is often used to catch salmon or herring. Lengths of rope are unwound with winches and winders, and stretched across a waist-high loom that usually extends the length of the factory and includes overhead bars from which rope hangs. Workers stand at the loom and knot the lengths of rope to form nets. Hand knotting is considered an art and takes some time and skill to learn. There are different ways of finishing the nets. Some are pulled and stretched with winches through a heating-drying system (these can be up to 100 feet or so in length). The top of the unit is lowered over the stretched net and steam heat is applied. The stretching tightens the knots, which strengthens them; drying shrinks and cures the net, also adding strength. Another method is to soak nets in vats of hot water to which dyes may be added. Nets may also be dipped in latex coatings and dried in dryer-ovens.~~

~~This classification excludes establishments engaged in the manu-facture of cordage, rope, or twine which are to be reported separately in classification 3708-19.~~

### **3708-27 Spinning or weaving, N.O.C. Plush, velvet, felt: Manufacturing**

~~Applies to establishments engaged in spinning or weaving opera-tions to manufacture woven or nonwoven fabric and which are not cov-ered by another classification (N.O.C.). Raw materials include natural~~

or synthetic filaments (also called thread) such as, but not limited to, cotton, wool, rayon, acetate, or spun fiberglass. Some manufacturers spin their own yarn prior to weaving it into cloth; others purchase the yarn from outside sources. To make woven cloth, creels hold spools (or beams) of yarn; the yarn feeds into the weaving machinery and is woven into cloth. The resultant cloth may be washed, dried, bleached, dyed or otherwise finished by the same manufacturer, or sent elsewhere for finishing. The dyeing, bleaching, or coating of fabric is included within the scope of this classification when performed by employees of an employer engaged in the manufacture of fabric. Nonwoven fabric (also called spunbonded) is lightweight and can be either absorbent or repellent. Uses for this type fabric include, but are not limited to, inner lining of diapers, surgical/medical masks, handwipes, mattress pads, pillow coverings. Process for making spunbonded fabric starts with the extrusion of polyethylene pellets into taffy-like substance which is eventually spun into continuous threads with the use of suction, electricity, cold air, and blowing. Once the substance is formed into threads, the threads move through the machinery at high speeds where air guns or nozzles suction several threads into one "visual strand." These transparent strands move along and are blown onto a fast-moving wire conveyor of a sheet-making machine where they are criss-crossed to form a nonwoven mass; the mass passes through the machine's large rollers as heat is applied to it. The heat and the pressure of the rollers bonds the webbed mass into the nonwoven fabric. The fabric passes through more rollers and winders, is wound onto paper cores, cut, and packaged for shipment. This classification includes the manufacture of plush, velvet or felt. Plush and velvet manufacturing contemplates similar operations and machinery as those for other woven fabrics. With velvet, the pile is almost always silk while the pile for plush may be of silk, wool, or mohair. Backings for both may be one or more of silk, artificial silk, wool, or cotton. After leaving the looms, the material goes through coloring, embossing, printing, brushing, shearing and inspecting processes. Felt is a mat-like material which is made by pressing raw materials, such as raw wool, cotton, nylon, textile scraps, into desired dimensions. The materials are first mixed in required proportions and, after picking and dusting, passed through breakers, carders, then laid in layers to form the felt. The felt is pressed and hardened by a hardening machine and, after fulling, is washed, dyed, then dried. (Fulling increases the weight and bulk by shrinking, beating, or pressing.) Once dry, the felt is pressed and trimmed in shearing machines and folded or rolled for shipping.

### **3708-29 Mattress or box springs: Manufacturing**

Applies to establishments engaged in the manufacture of stuffed mattresses, spring mattresses, or box springs. The manufacture of batting, wadding, waste is included in this classification when performed by employees of employers engaged in manufacturing mattresses. Materials include, but are not limited to, wool or cotton stuffing materials, foam for padding, decorative fabric for mattress covers, upholsterer's tape and sewing notions, glue, wire coils or springs, wire grid racks, and wood frames. Machinery includes, but is not limited to, hand tools, staple guns, glue spray guns, nail guns, band saws, sewing machines, eyelet punches, quilting machines, and tape edgers. *Mattresses:* Mattress pieces are cut to desired size, edging sewn on, eyelets and cord handles attached to the side pieces. Quilting of the covering fabric is done on large quilting machines. To assemble mat-



tresses, batting and foam padding, or other cushioning material, is laid out over the springs, then glued and stapled onto the springs, then ticking (covering) placed on both sides. Borders are sewn to the top and bottom pieces with a hand-held "tape edger" machine. *Box Springs:* Springs, grid racks, wood frames are received from outside sources. Wood frames are laid out on work surfaces, wire grids set on them, then the springs are stapled to the grids and frames at both ends, forming the box. Layers of batting and covering materials are secured in place; then lightweight cloth is stapled to the bottom of the boxed spring, and plastic reinforcement corner pieces tacked on.

This classification excludes establishments engaged in the manufacture of wire springs which are to be reported separately in classification 3402 and establishments engaged in the manufacture of batting, wadding, or waste which are to be reported separately in classification 3708-34.

### **3708-32 Carpet or rug: Manufacturing**

Applies to establishments engaged in tufting carpets from textile fiber, or weaving carpets and rugs from textile yarn on weaving machinery. Tufted products are sold as wall-to-wall carpets, area rugs, art squares, bath mats or scatter rugs. Woven products are sold as aircraft or automobile floor coverings, mats or matting. Materials include, but are not limited to, pile yarn, jute backing, liquid latex, binding, and sewing notions. Machinery and equipment includes, but is not limited to, tufting machines, looms, vats, electric infrared dryers, electric cutting knives, and sewing machines. For tufted carpets or rugs, pile yarn is sewn to a prewoven jute backing by a high speed machine using hundreds of needles. Rollers move the carpet over vats of rubberized liquid latex while the liquid is applied to the backing to secure the tufting. The carpet then passes through a dryer to dry the latex. Bindings are sewn on with a sewing machine.

This classification excludes establishments engaged in making hand carved or inlaid carpets or rugs from premanufactured carpeting which are to be reported separately in classification 3802.

### **3708-34 Batting, wadding or waste: Manufacturing; Wool combing or scouring**

Applies to establishments engaged in the manufacture of batting, wadding or waste which is sold to distributors or other manufacturers for use in their products. The terms batting and wadding are interchangeable and refer to cotton or wool fibers wadded together to form a soft layer used for padding or stuffing. Batting/wadding is used to stuff mattresses, automobile tops, bed pillows and comforters, sleeping bags, futons, crating pads, stuffed animals, and similar items, or to upholster furniture. Raw materials such as raw or waste cotton, wool, and synthetic fibers are received from others and treated by processes that include shredding, willowing, picking, dusting, carding, blending, rolling, drying and curing. These processes require the use of considerable manufacturing machinery which includes, but is not limited to, choppers, shredders, blowers, conveyor systems, rollers, ovens, winders, and cutters. The terms willowing, picking, and dusting refer to opening and cleaning unprocessed wool or cotton; carding or combing untangles and separates fibers. Fibers are fed into garnetting machines where they are picked, pressure-blown and blended, then blown out onto a long, flat, surface that rotates as the fibers build up to a specified thickness. Once the desired thickness is reached, the mass moves through the machine's rollers, winders, and conveyors; it may be treated lightly with resins or linseed oil. The conveyors move the

continuous rolled mass through enclosed ovens where it is cured and dried. The roll of batting may pass through a quilting machine to be bound together in a web structure of strong thread. Finally, it is wound onto cores, cut and prepared for shipping. Shoddy or waste manufacturing is the processing of rags or textile mill waste until the materials are reduced to fibers. Processes may include, but not be limited to, sorting, classifying, carbonizing (exposing rags to hydrochloric acid fumes), baking, dusting, washing, drying, batching, picking, garnetting, and baling. Wool separating operations may include soaking rags in diluted sulfuric acid or carbonizing to remove cotton and other foreign matter. The rags are then dried and processed to remove dust, washed in alkali to neutralize the remaining acid, then dried. This classification also applies to establishments engaged in wool combing or scouring operations. Wool is processed in dusters which remove dirt. The wool then passes to scouring tanks. Several washers may be combined in a unit, the wool passing from one to the other by automatic conveyors. The last tank of clear water rinses the wool and it is then dried. Sometimes it is picked and carded again prior to being dried, then bagged or baled for sale. This classification also includes the treating and twisting of animal hair for upholsterers' use.

### **3708-39 Textile goods: Manufacturing N.O.C.**

Applies to establishments engaged in the manufacture of a wide variety of textile goods not covered by another classification (N.O.C.), and those which incorporate textiles with other types of raw materials. In addition to those described below, raw materials include, but are not limited to, metal or plastic rods and edging strips, glue, epoxy, cork, adhesive tape, nuts, bolts and other small hardware. In addition to that described below, machinery includes, but is not limited to, die cutters, rotary press cutters, band saws, hot wire cutters, reciprocating blade cutters, slitters, balers, thermo-weld presses, laminators, rivetors, punch presses, shredding machinery such as hammer mills, and hand tools such as glue sprayers, staple guns, and rivet guns. Sewing machines are often used in the manufacture of products contemplated in this classification; however, sewing is an auxiliary function performed in addition to other fabrication processes. Products contemplated in this classification include, but are not limited to:

*Abrasive cloth* made by running the backing material (cloth, paper, or combinations of these) through a making machine which is usually a grouping of three units. The printer unit imprints the backside of the backing material with a trademark or grade number; in the next unit an adhesive bond is applied in varying concentrations and quantities; a grain dispenser applies grains or minerals such as flint, emery, crocus, garnet, aluminum oxide or silicone carbide, either by a mechanical or an electrostatic method.

*Absorbent booms or sheets* designed to lift oil from water, made by shredding paper with an absorbent finish, then blowing it into a sock of netting or a sheet sewn from nonwoven fabric.

*Bug screens for automobiles* made by cutting wire screen mesh to size with either scissors or a small shearer, sewing vinyl bindings around them.

*Conveyor belts* made by joining the ends of premanufactured belting made of natural or synthetic rubber to form a continuous belt. Ends may be joined by a mechanical splice or a vulcanized splice. A mechanical splice joins the ends with lacings (metal strips into which

wire rods are threaded); a vulcanized splice joins the ends by applying heat under pressure. This type of bonding is also called thermo-welding.

*Fishing rod wrappings* added to blank poles made by others. Cork handles are glued onto the poles individually in a hand operation. Poles are positioned on a lathe-like device powered by small motor. Next, guides are placed onto the pole and secured by winding thread around the pole as the lathe slowly turns it. Epoxy is brushed on by hand, or the pole is dipped in epoxy, then placed on a revolving wheel or hung to air dry. If the company that makes the poles also applies the wrappings (finishings), the entire operation is to be reported separately in the classification applicable to the manufacture of the poles.

*Hard side luggage or carrying cases* for items such as, but not limited to, video cameras, computers, telescopes, made by cutting plywood or premanufactured plastic sheets to pattern, lining the inside and outside of the pattern pieces with materials such as embossed paper or imitation leather, forming the case by riveting metal or plastic edging and corner pieces onto the pattern pieces, and attaching hardware such as handles, hinges, and locks. Polyester foam padding is glued to the inside of the specialized carrying cases to protect the contents.

*Hot tub covers* made by cutting styrofoam to pattern, joining the two pieces with metal hinges and enclosing the unit in a vinyl covering.

*Insulating products* made by cutting materials such as premanufactured fiberglass cloth to specified shapes, then stapling together, or by laminating vinyl or other covering fabrics to premanufactured fiberglass cloth.

*Office divider panels* made by cutting premanufactured materials similar to polyfoam, laminating fabric onto foam, and attaching light weight metal or wood edging pieces.

*Rigging for boats* such as rope ladders made from heavy-duty rope, slings made by sewing bindings onto premanufactured netting.

This classification also includes the *cutting and laminating* of styrofoam, polyethylene foam and other flexible "foam rubber" materials to make products such as, but not limited to, mattress pads, cushions, contour pillows, automobile seats, packaging materials, padding and pads for sports equipment. Other products could be contemplated in this classification as long as the materials, machinery and processes used in the manufacture of those products are similar to those of employers subject to this classification.

This classification excludes establishments engaged in the manufacture of miscellaneous textile soft goods which are to be reported separately in classification 3802 and establishments engaged in the molding and mixing of rubber, plastic or graphite goods, which are to be reported separately in the classification applicable to the work being performed.

### **3708-40 Bag or sack-industrial size, N.O.C.: Manufacturing**

Applies to establishments engaged in the manufacture of industrial size bags or sacks which are not covered by another classification (N.O.C.). These types of bags are used for packaging items in bulk, such as, but not limited to, flour, sugar, salt, meat products, fruits and vegetables, fertilizer, building materials, or coal. Raw materials include ink, strong thread, rope drawstrings, and fabric such as, but not limited to, cotton, nylon, woven polypropylene, burlap, or gunny

which is generally received in bales. Baled fabric is opened on baler machinery, sewn into continuous lengths, then wound onto cores on a roll-up machine. The fabric is fed through a winder which pulls it straight, then may be run through print presses where logos, brand names, or designs are applied. The lengths are stacked on long cutting tables and cut with hand or power cutters to desired bag size. The sides and bottoms are sewn together inside out, then hem the open end. The bags are turned right side out on turning machines and drawstrings may be inserted in the hemmed edge. Finished bags are bundled into bales with strapping machines and prepared for shipping.

This classification excludes establishments engaged in the manufacture of small bags, packs, picnic bags or others generally carried on the person, which are to be reported separately in classification 3802; establishments engaged in the manufacture of plastic bags which are to be reported separately in classification 3510; and establishments engaged in the manufacture of paper bags which are to be reported separately in classification 6908.)

**3708-14 Hide or leather dealers; Coating, impregnating, laminating or waterproofing textiles; Fabric embossing; Pelting; Taxidermists; and linoleum, oil cloth and imitation leather: Manufacturing**

**Applies to:**

Businesses engaged in:

- Selling dressed animal hides, reptile skins and tanned leather;
- Manufacturing linoleum, oil cloth, imitation leather, and similar waterproofed or laminated fabrics;
- Coating, impregnating, laminating, embossing, or waterproofing crude fabrics not covered by another classification, N.O.C.;
- Animal hide pelting, which includes the initial cleaning and drying of animal skins or hides; and
- Taxidermy, which is the preparation, stuffing, and mounting of skins, and includes all incidental operations, such as tanning of hides and making animal forms, when performed by employees of the employer.

**Work process/activities include, but are not limited to:**

- Receiving raw hides from others, sorting/grading/salting;
- Shipping hides and leathers to tanneries for additional processing;
- Grading, measuring, trimming hides/leathers by hand or machine;
- Treating textiles or fabrics with coatings or finishes such as, but not limited to, oils, varnishes, lacquers, or plastic and rubber finishes;
- Coating woven or felt cloth using spreading devices, rollers, or by dipping into solvents, draining to allow solvents to evaporate, and curing in drying ovens;
- Placing fabrics in vacuum tanks with solutions of rubber or lacquer and solvents to subject fabrics to various pressures. Fabrics are then removed, dried, and baked in curing ovens and rough spots removed;
- Laminating and cementing fabric and coating materials together. Running through heated pressure rollers, and curing in drying ovens;
- Removal of fat and tissue with fleshing machines or by hand;
- Tumbling hides with cornmeal or sawdust to remove excess moisture, dirt, and oils;
- Washing skins in solutions of sodas, borax or alum to further clean, soften, and preserve them;

- Stretching cleaned pelts on drying boards and placing in drying rooms;
- Selling pelts to tanneries or furriers;
- Hand sewing holes or tears in skins; and
- Soaking antlers in brine to remove blood and other waste.

**Machinery and equipment used include, but are not limited to:**

- Curing ovens;
- Drying boards;
- Drying ovens;
- Fleshing machines;
- Freezers;
- Hand tools (used for cutting, scraping, and sculpturing);
- Pressure rollers;
- Saws;
- Sewing machines;
- Tumblers and drums/shakers;
- Vacuum tanks;

**Exclusions:**

- Processing raw hides, skins, and fur into tanned leather, or dressed fur is classified in 4301.
- Bleaching, dyeing, or finishing of textiles is classified in 3708-26.
- Coating or other finishing operations performed by employees of manufactures of textile. Goods are included in the applicable manufacturing classification.
- Raising fur bearing animals is classified in 4804.

**Special note:** Pelting of fur bearing animals, when performed by the animal raiser is considered incidental to the raising and are included within the scope of classification 4804. Businesses raising fur bearing animals are entitled to classification 3708-14 only if their hide pelting operation involves the pelting of animals, which have been raised by others.

**3708-26 Net, thread, webbing, yarn, cordage, rope, twine, plush, velvet, felt, batting, wadding or waste, carpet or rug, or bag or sack-industrial size, N.O.C.: Manufacturing; Bleaching, dyeing or finishing textiles: N.O.C., spinning or weaving, or wool combing or scouring N.O.C.**

**Applies to:**

Businesses engaged in:

- Manufacturing webbing, thread, or yarn, by spinning, weaving or knitting processes from natural or synthetic fibers, such as, but not limited to: Cotton, rayon, silk, or wool;
- Manufacturing nets, which are woven from cording or twine;
- Bleaching, dyeing, or mercerizing of crude fabric whose operations are not covered by another classification (N.O.C.);
- Manufacturing cord or cordage, rope, twine, or string from both natural and synthetic fibers, such as, but not limited to: Cotton, manila, sisal, flax, jute, hemp, and rayon;
- Spinning or weaving operations to manufacture woven or nonwoven fabrics, and which are not covered under another classification (N.O.C.) using natural or synthetic fibers, such as, but not limited to: Cotton, wool, rayon, acetate, or spun fiberglass;
- Tufting carpets or weaving carpets and rugs;

- Manufacturing batting, wadding or waste which is sold to distributors or other manufacturers;
- Manufacturing industrial size bags or sacks which are not covered by another classification (N.O.C.);
- Extrusion of polyethylene or similar pellets to form fibers when done by manufacturers in this class for use in their own products;
- Wool combing or scouring;
- Manufacturing plush, velvet, or felt; and
- Treating and twisting of animal hair for upholsters' use.

**Products manufactured include, but are not limited to:**

- Awning cords;
- Bags (industrial type used in packaging items such as flour, sugar, salt, meat products, fruits, vegetables, fertilizer, building supplies, etc.);
- Batting (wadding);
- Carpets/rugs/mats;
- Climbing ropes;
- Cotton goods;
- Fish lines;
- Nets (batting nets, hoop nets for sports, nets used for commercial purposes such as fishing and marine);
- Nonwoven fabric (also called spun bonded, used in inner lining of diapers, surgical/medical masks, hand wipes, mattress pads, pillow coverings);
- Rayon fabric;
- Rigging ropes;
- Silk fabric;
- Spun fiberglass;
- Wool fabric;
- Woven cloth.

**Work process/activities include, but are not limited to:**

- Removing debris from fibers by picking, untangling, straightening, and stretching of fibers by carding;
- Combing to separate long fibers from shorter ones and forming them into thick strands (referred to as slivers);
- Placing slivers on creels and feeding into spinning machines to be further stretched, spun and twisted onto bobbins (also called packages);
- Rinsing threads in vats of hot water to set ply, adding dyes to the rinse;
- Spinning threads dry and placing in dehydrators until all moisture is removed;
- Packaging yarn/thread and selling to fabric weavers;
- Weaving elastic or nonelastic webbing from yarns or threads on narrow-shuttle looms or knitting machines;
- Coating, laminating, or dyeing yarns and threads prior to winding onto skeins or spools for sale to others;
- Dyeing cordage, rope or twine;
- Coating with latex to prevent deterioration;
- Steaming and drying;
- Spinning yarn prior to weaving into cloth;
- Washing, drying, bleaching, mercerizing, dyeing, singeing the edges, and calendaring cloth;
- Extruding polyethylene pellets into continuous threads with the use of suction, electricity, cold air, and blowing of air;

• Putting threads through machinery at high speeds where air guns or nozzles suction several threads into one strand. Strands are blown onto a wire conveyor of a sheet making machine where the fibers are criss-crossed to form a nonwoven mass. Mass passes through the machines large rollers as heat is applied. The heat and pressure of rollers bonds the webbed mass into the nonwoven fabric. The fabric passes through more rollers and winders, is wound onto paper cores, cut, and packaged for shipment;

• Coloring, embossing, printing, brushing, shearing and inspecting;

• Pressing raw materials, such as wool, cotton, nylon, textile scraps, into desired dimensions for felt;

• Tufting carpets by sewing pile yarn to prewoven jute backing using a high speed machine with hundreds of needles;

• Applying liquid latex to backing of carpet to secure tufting, then putting through a dryer, and sewing on bindings;

• Receiving raw materials such as cotton, wool, and synthetic fibers and treating with processes that include shredding, willowing, picking, dusting, carding, blending, rolling, drying and curing;

• Feeding fibers into garneting machines where they are picked, pressure-blown and blended, then blown out into a long flat surface that rotates as the fibers build up to a specified thickness;

• Processing rags or textile mill waste into fibers;

• Sorting, classifying, carbonizing, baking, dusting, washing, drying, batching, picking, garneting, and bailing for waste manufacturing;

• Separating wool, which includes soaking rags in diluted sulfuric acid or carbonizing to remove cotton and other foreign matter. Rags are then dried and processed to remove dust and washed in alkali to neutralize the remaining acid;

• Processing wool in dusters, which remove dirt, then passing to scouring tanks. Wool is rinsed and dried, then bagged or baled for sale;

• Treating and twisting of animal hair;

• Opening baled fabric on baler machinery, sewing into continuous lengths, and winding onto cores on a roll-up machine. Fabric is fed through a winder which pulls it straight, then may be run through print presses where logos, brand names, or designs applied; and

• Cutting bags to desired length, sewing sides and bottoms together, and applying drawstrings.

**Machinery and equipment used include, but are not limited to:**

• Bale breaking machines;

• Breakers;

• Calendars (pressing the cloth through heavy rollers to smooth and gloss fabric);

• Carders or carding machines;

• Choppers;

• Conveyors;

• Cutting knives;

• Electric dryers;

• Hardening machines;

• Knitting machines;

• Looms;

• Sewing machines;

• Shredders;

• Spinning machines;

- Tufting machines;
- Vats;
- Weaving machines;
- Winches and winders.

**Exclusions:**

- Coating, impregnating, laminating or waterproofing textiles is classified in 3708-14.
- Washing, drying, or dyeing of individual garments for others is classified in 2201.
- Coating or other finishing operations performed by employees of manufacturers of textiles or textile goods are included in the manufacturing classification, which is applicable to the work performed.
- Manufacturing hand carved or inlaid carpets or rugs from pre-manufactured carpeting is classified in 3802.
- Manufacturing small bags, picnic bags or others generally carried on the person is classified in 3802.
- Manufacturing plastic bags is classified in 3510.
- Manufacturing paper bags is classified in 6908.

**3708-29 Mattress or box springs: Manufacturing**

**Applies to:**

Businesses manufacturing stuffed mattresses, spring mattresses, or box springs. The manufacture of batting, wadding, and waste are included in this classification when performed by employees of employers engaged in manufacturing mattresses.

**Raw materials include, but not limited to:**

- Fabric;
- Foam;
- Glue;
- Sewing notions;
- Upholsterer tape;
- Wire coils/springs;
- Wire grid racks;
- Wood frames;
- Wool or cotton stuffing material.

**Work process/activities include, but are not limited to:**

- Cutting mattress pieces;
- Quilting on quilting machines;
- Gluing and stapling batting, foam padding or other cushioning (mattresses may be placed on rotating guerneys so that workers do not move and the mattress is worked on all sides);
- Applying ticking;
- Sewing borders;
- Sewing the final build-up (assembly) of the mattress; and
- Vacuuming the final product, package in either plastic or cardboard, and ship.

**Machinery and equipment used include, but are not limited to:**

- Band saws;
- Eyelet punches;
- Glue spray guns;
- Hand tools;
- Nail guns;
- Quilting machines;
- Sewing machines;
- Staple guns;



- Tape edgers.

**Exclusions:**

- Manufacturing wire springs is classified in 3402.
- Manufacturing batting, wadding, or waste is classified in 3708-26.

**3708-39 Textile goods: Manufacturing N.O.C., Broom or brush: Manufacturing or assembly, N.O.C.**

**Applies to:**

Businesses manufacturing a variety of textile goods or manufacturing or assembly of all types of household and industrial brooms, brushes, and mops not covered by another classification (N.O.C.).

**Products manufactured include, but are not limited to:**

- Abrasive clothes;
- Absorbent booms or sheets;
- Brushes for vacuum cleaners, street sweeping or other rotary machines;
- Bug screens for automobiles;
- Conveyor belts;
- Fishing rod wrappings;
- Hard sided luggage or carrying cases (video cameras, computers, telescopes);
- Hot tub covers;
- Insulating products;
- Office divider panels;
- Paint brushes and rollers;
- Rigging for boats (rope ladders, slings);
- Scrub mops, dust mops;
- Whisk brooms.

**Raw materials include, but not limited to:**

- Adhesive tape;
- Animal hair;
- Cork;
- Grains or minerals such as flint, emery, crocus, garnet, aluminum oxide or silicone carbide;
- Dust attracting additives;
- Edging strips;
- Epoxy;
- Glue;
- Metal or plastic rods;
- Metal springs/wire;
- Nuts/bolts;
- Synthetic fibers;
- Various hardware (handles, rivets);
- Yarn.

**Work process/activities include, but are not limited to:**

- Winding materials around rollers;
- Twisting onto spools;
- Winding fibers onto bobbins;
- Spinning, braiding or weaving the materials on machines;
- Machines set thicknesses, weft, warp, and weave for flexibility, strength, and tension;
- Machines test to determine breaking points or melting points;
- Machines cut to length or size;
- Contouring materials using shapers;

- Drilling holes may be drilled;
- Inserting or stapling bristles; and
- Final product cleaned, packed, and shipped.

**Machinery and equipment used include, but are not limited to:**

- Balers;
- Band saws;
- Brush making machinery;
- Die cutters;
- Rotary press cutters;
- Hand tools;
- Hot wire cutters;
- Laminators;
- Manual/computerized brush making machinery;
- Punch presses;
- Reciprocating blade cutters;
- Riveters;
- Sewing machines;
- Shredding machinery;
- Slitters;
- Thermoweld presses.

**Exclusions:**

- Manufacturing miscellaneous textile soft goods is classified in 3802.
- Molding and mixing of rubber, plastic or graphite goods is classified in the classification applicable to the work performed.
- Manufacturing metal, wood or plastic handles or backings is classified in the classification applicable to the manufacturing process.
- Businesses that make only mop heads by sewing yarn or other strands to a cloth base are classified in 3802.
- Businesses that make fishing poles and also apply the wrappings are classified in the classification applicable to the manufacture of the poles.

[WSR 07-01-014, recodified as § 296-17A-3708, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-604, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-604, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 93-12-093, § 296-17-604, filed 5/31/93, effective 7/1/93; WSR 91-12-014, § 296-17-604, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 51.16.035. WSR 87-24-060 (Order 87-26), § 296-17-604, filed 12/1/87, effective 1/1/88; WSR 85-24-032 (Order 85-33), § 296-17-604, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-604, filed 11/30/83, effective 1/1/84; WSR 82-24-047 (Order 82-38), § 296-17-604, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-604, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-4301 Classification 4301.**

**((4301-05 Glue, lard, or tallow: Manufacturing**

Applies to establishments engaged in the manufacturing of products from animal substances such as glue, lard and tallow. Glue manufacturing begins by boiling animal substances, including skins and hoofs, in water until the materials are diluted and melted. The material dries as a residue and forms as a hard pure protein gelatin. Incidental operations include bone crushing, grinding and bagging of bone meal, the filling of solidified grease into drums from the oil settling tanks and the pressing, drying, pulverizing and bagging of tankage for fertilizer manufacturers. The traditional "hot" animal glue which is produced in flake form, requires a heated glue pot to keep it at a usable consistency. More modern forms are ready to use liquids. Glues come in three general forms: Ready-to-use, water mixed form, and waterproof types that are often two-part and must be sold in two separate container units. These come with directions to mix to specified proportions just before use. Ready-to-use types retail in bottles, cans and tubes. Tools and equipment used include, but are not limited to, boiling pots, scrapers and razors. This classification includes making or refining lard, which is the white solid or semisolid rendered fat from a hog, and tallow making. This process includes taking the hard fat from parts of the bodies of cattle, sheep or horses, separating it by melting from the fibrous and membranous matter and mixing the whitish solids for use in making candles, leather dressing, soap and lubricants.

This classification excludes establishments that manufacture synthetic glues such as acrylic base, contact cement, polyester, latex combination, epoxy sticks, polyethylene, polyvinyl, or cellulose nitrate or rubber base which are to be reported separately in classification 3701.

#### **4301-10 Sausage: Manufacturing**

Applies to establishments engaged in manufacturing sausage. This process includes grinding, mixing, and blending cuts of meat with seasonings, spices, and fillers using grinders, mixers, pots, cooking tanks and meat cutting instruments. The mixture is stuffed into synthetic or natural casings or packed into forms. The product is often cooked in pressurized cooking tanks. The sausage is then cured by either pumping or injecting a curing solution into the meat or dry rubbing a curing substance into the meat and immersing the meat in a brine solution. Curing solutions usually contain one or more chemicals, such as sodium or potassium nitrate, ascorbate, or erythorbate, and water. The meats are then allowed to cure for up to 40 days. Curing may be followed by a period of several hours to several days in a temperature controlled smokehouse. The final product may be packaged, canned, placed in jars, or frozen.

This classification excludes dealers of natural sausage casings which are to be reported separately in classification 4301-19; meat products manufacturing which is to be reported separately in classification 4301-12; retail meat and poultry dealers which are to be reported separately in classification 3303; and the handling of livestock which is to be reported separately in the applicable classification.

#### **4301-11 Packing house**

Applies to establishments engaged in packing house operations which include the handling and slaughtering of livestock and the preparation of fresh meat and meat products. Animals are moved through a system of chutes to a conveyor system which takes them through a stunning machine and then into the slaughtering area. Work is performed with the use of hoists, knives, scissors, razors, scrapers, meat chip-

pers, cleavers and hydraulic dropper/spreaders. After slaughtering, the blood is drained, collected and stored. The carcasses are then dipped into a scald tank and conveyed to dehairer machines and the hides are removed. After carcasses have been inspected and weighed, they are placed in blast freezers for several hours and then moved to a cooler. Carcasses are sawed or cut into portions and specific cuts of meat including those that will be used in other products such as cold cuts, sausages, and hot dogs. The products are then placed in cardboard boxes and loaded onto pallets. This classification includes incidental rendering, lard refining, butter substitutes manufacturing, washing of casings, sausage manufacturing, salting of hides, cooking of offal (waste), processing of the viscera manually or by machine, and fertilizer manufacturing when done by employees of an employer subject to this classification. Some of the prepared meats are packed in cans, bottles, or jars, sealed and cooked in vats. Meat packing and processing operations may be consolidated or may be in different locations.

This classification excludes establishments primarily engaged in sausage manufacturing which are to be reported separately in classification 4301-10; dealers of natural sausage casings which are to be reported separately in classification 4301-19; meat products manufacturing which is to be reported separately in classification 4301-12; slaughterhouse only operations which are to be reported separately in classification 4301-22; custom meat cutting which is to be reported separately in classification 4302; retail meat and poultry dealers which are to be reported separately in classification 3303; and wholesale meat and poultry processors/dealers which are to be reported separately in classification 3304.

#### **4301-12 Meat products: Manufacturing**

Applies to establishments engaged in meat products manufacturing, including canning or dehydrating. Products include, but are not limited to, frankfurters, bologna, head cheese and meat loaf. No handling or slaughtering of livestock is performed by employers subject to this classification. Meats are received in halves, quarters or individual fresh cuts. Cuts of meat are washed, soaked in brine, smoked, pickled, corned, and/or otherwise cooked. Meat products are bottled in jars, bottles, or cans and sealed. Meat trimmings may be chopped, ground, mixed, smoked, boiled, or stuffed in sausage casings. Machinery and equipment includes, but is not limited to, mixing, cutting, and bottling equipment or tools.

This classification excludes establishments primarily engaged in sausage manufacturing which are to be reported separately in classification 4301-10; dealers of natural sausage casings which are to be reported separately in classification 4301-19; glue, tallow or lard manufacturing which is to be reported separately in classification 4301-05; packing house operations which are to be reported separately in classification 4301-11; slaughterhouse operations which are to be reported separately in classification 4301-22; custom meat cutting which is to be reported separately in classification 4302; the retail sale of meat and poultry which is to be reported separately in classification 3303; and wholesale meat dealers and wholesale poultry processors/dealers which are to be reported separately in classification 3304.

#### **4301-13 Peat moss: Shredding and baling**

Applies to establishments engaged in the shredding and baling of peat moss. This includes the cleaning, sorting and packaging of peat

moss to be used as mulch, plant food (fertilizer), soil amendment, fuel or decorative uses such as in floral arrangements.

This classification excludes establishments engaged in the digging or stripping of peat from the surface of bogs with use of mechanical equipment which are to be reported separately in classification 0112 and the picking of moss by hand in a forest which is to be reported separately in classification 4802.

#### **4301-17 Tanneries, fur manufacturing**

Applies to establishments engaged in tannery operations which involve tanning and dressing raw hides for sale to dealers or manufacturers of leather or fur products. (Taxidermists often send hides to a tannery rather than treating them at their own shops.) Hides are received from outside sources, washed in caustic soda, borax and soda to clean, soften and preserve them. Excess flesh and tissue is removed from hides by fleshing machines which resemble a band saw mounted on a table. Any additional fleshing is done by scraping with a hand knife. Hides are then softened by agitating in a lime solution to remove all or part of the hair or fur, softened by agitating paddles using a variety of chemicals mixed with cornmeal and treated with a solution of sulfuric acid. Tanning is then done in revolving drums containing a mixture of water, salt, sodium bicarbonate and chromium sulfate. Drying may be done using a gas fired oven depending on the type of hide. Shredded hide may be baled and sold to glue makers. Tanned hides are split, dyed and finished. Tears in the hide are hand sewn.

This classification excludes hide or leather dealers, establishments engaged in hide pelting, and taxidermists which are all to be reported separately in classification 3708.

#### **4301-19 Sausage casing dealers**

Applies to establishments engaged in the sales and distribution of natural sausage casings to others. Casings are animal intestines received from packing houses or rendering plants. Wholesale dealers wash, dry, sort and package casings for distribution.

This classification excludes establishments engaged in the manufacture of sausage which are to be reported separately in classification 4301-10.

#### **4301-21 Rendering works, N.O.C.**

Applies to establishments engaged in rendering operations not covered by another classification (N.O.C.). Rendering is the act of reducing or melting down fat by heating. The raw animal materials such as, but not limited to, discarded fat, bone trimmings, meat scraps, blood, grease and feathers are collected from farms, stockyards, slaughterhouses, butcher shops, supermarkets, restaurants, meat and poultry stores, ranches, feed lots or animal shelters and brought to the rendering plant. The hides are removed and stored for shipment to hide dealers and tanneries. Carcasses are cut into workable sizes and placed into tanks. Steam passes directly into the materials being cooked. The grease is drawn off and meat and bones drop into a slush box. The slush is then pressed to remove more water and grease before going to steam pressure dryers. In some plants this is all performed with one piece of equipment. Tools and equipment may also include crushers, hashers, grinders, hoppers, prebreakers, blow tanks, conveyors, bucket elevators, pumps, steam-heater batch cokers, dryers, screw presses and waste water treatment equipment. In addition, other products such as cod liver oil may be produced, depending on the basic material being rendered. Regardless of the type of rendering system

being used, all fish oils and animal grease or tallow are pumped into receiving or settling tanks. Barrels, drums or tank cars are filled for shipment to manufacturers of assorted products such as soap, and fatty acid products such as cosmetics, lubricants, paints and plastics. Edible tallow is used in margarine and other foods as regulated by the USDA. This classification includes the crushing, grinding, pressing, drying, pulverizing, and bagging of dried slush or tankage to produce fish or bonemeal, and feed concentrates for livestock and poultry and fertilizer.

This classification excludes establishments engaged as packing houses which are to be reported separately in classification 4301-11 and establishments engaged as slaughterhouses which are to be reported separately in classification 4301-22.

#### **4301-22 Slaughterhouses**

Applies to establishments engaged in the slaughter of animals and the initial processing of meat. This includes purchasing livestock from individuals or feedlots, handling the livestock, maintaining pens, and butchering. The process requires the preparation of the animal carcass, washing of casings and the salting of hides or cooking of offal (waste). Tools and equipment used include hydraulic dropper/spreaders, stunning machines, hoists, knives, scissors, razors, scrapers, meat chippers and cleavers. The meat is then sold by hanging weight and distributed to buyers using box freezer or container trucks. This classification excludes establishments engaged in packing house operations which are to be reported separately in classification 4301-11; establishments engaged in manufacturing meat products which are to be reported separately in classification 4301-12; custom meat cutting which is to be reported separately in classification 4302; retail meat and poultry dealers which are to be reported separately in classification 3303; wholesale meat dealers and wholesale poultry processors/dealers which are to be reported separately in classification 3304.) )

#### **4301-10 Sausage: Manufacturing**

##### **Applies to:**

Businesses engaged in manufacturing sausage.

##### **The process of manufacturing sausage may include:**

- Grinding, mixing, and blending cuts of meat with seasonings, spices, and fillers;
- Filling synthetic or natural casings or packing meat into forms;
- Cooking in pressurized cooking tanks;
- Curing by pumping or injecting a curing solution into the meat or by dry rubbing a curing substance into the meat and immersing it in a brine solution. Curing solutions usually contain one or more chemicals, such as sodium or potassium nitrate, ascorbate, or erythorbate, and water. The meats may then cure for up to 40 days;
- Smoking meat for a period of several hours to several days in a temperature controlled smokehouse;
- Packaging, canning, jarring, or freezing.

##### **Equipment used include, but are not limited to:**

- Cooking tanks;
- Cutting instruments;
- Grinders;
- Mixers;

- Pots.

**Exclusions:**

- Retail meat and poultry dealers are classified in 3303;
- Worker hours engaged in handling livestock are reported separately in the applicable classification;
- Businesses that manufacture other meat products, including combined with manufacturing sausage, are classified in 4301-12;
- Natural sausage casings dealers are classified in 4301-19.

**4301-11 Packing house****Applies to:**

Businesses engaged in packing house operations which include the handling and slaughtering of livestock and the preparation of fresh meat and meat products. Meat packing and processing operations may be consolidated or may be in different locations.

**This classification includes incidental:**

- Butter substitutes manufacturing;
- Cooking of offal (waste);
- Fertilizer manufacturing;
- Lard refining;
- Processing of the viscera manually or by machine;
- Rendering;
- Salting of hides;
- Sausage and other meat product manufacturing;
- Washing of casings.

**Packing house processes may include:**

- Moving livestock through a system of chutes and conveyors, through a stunning machine, and then into the slaughtering area;
- Slaughter of livestock;
- Draining, collecting and storing blood;
- Dipping carcasses into scald tanks;
- Conveying carcasses to dehairer machines;
- Removing hides;
- Weighing and inspecting carcasses;
- Placing carcasses in blast freezers or coolers;
- Cutting carcasses into portions and specific cuts of meat;
- Packing prepared meats in cans, bottles, or jars that are then sealed and cooked in vats;
- Placing products in cardboard boxes and loading onto pallets.

**Equipment used include, but are not limited to:**

- Cleavers;
- Hoists;
- Hydraulic dropper/spreaders;
- Knives;
- Meat chippers;
- Razors;
- Scissors;
- Scrapers.

**Exclusions:**

- Retail meat and poultry dealers are classified in 3303;
- Wholesale meat dealers and poultry processors/dealers are classified in 3304;
- Businesses primarily engaged in sausage manufacturing are classified in 4301-10;

- Meat products manufacturing is classified in 4301-12;
- Natural sausage casings dealers are classified in 4301-19;
- Slaughterhouse only operations are classified in 4301-22;
- Custom meat cutting is classified in 4302.

#### **4301-12 Meat products: Manufacturing**

##### **Applies to:**

Businesses engaged in meat products manufacturing, including canning or dehydrating. No handling or slaughtering of livestock is performed by employers subject to this classification.

##### **Products manufactured include, but are not limited to:**

- Bologna;
- Frankfurters;
- Head cheese;
- Meat loaf;
- Sausage.

##### **The process of meat products manufacturing may include:**

- Receiving meats halves, quarters, or individual fresh cuts;
- Washing, soaking in brine, smoking, pickling, corning, or otherwise cooking cuts of meat;
- Bottling in jars, bottles, or sealing in cans;
- Chopping, grinding, mixing, smoking, boiling, or stuffing meat trimmings in sausage casings.

##### **Equipment used include, but are not limited to:**

- Bottling equipment or tools;
- Cutting instruments;
- Grinders;
- Mixers.

##### **Exclusions:**

- Retail meat and poultry dealers are classified in 3303;
- Wholesale meat dealers and wholesale poultry processors/dealers are classified in 3304;
- Businesses primarily engaged in sausage manufacturing are classified in 4301-10;
- Packing house operations are classified in 4301-11;
- Natural sausage casings dealers are classified in 4301-19;
- Glue, tallow, and lard manufacturing are classified in 4301-21;
- Slaughterhouse operations are classified in 4301-22;
- Custom meat cutting is classified in 4302.

#### **4301-13 Peat moss: Shredding and baling**

##### **Applies to:**

Businesses engaged in the shredding and baling of peat moss, including cleaning, sorting and packaging of peat moss to be used as mulch, plant food (fertilizer), soil amendment, fuel, or decorative uses such as in floral arrangements.

##### **Exclusions:**

- Digging or stripping of peat from the surface of bogs with use of mechanical equipment is classified in 0112;
- Picking of moss by hand in a forest is classified in 4802.

#### **4301-17 Tanneries, fur manufacturing**

##### **Applies to:**



Businesses engaged in tannery operations. These businesses usually process raw hides and skins into fur pelts, leather, or suede for sale to dealers or manufacturers of leather or fur products. Taxidermists often send hides to a tannery rather than treating them at their own shops.

**Tannery processes may include:**

- Receiving hides;
- Rehydrating cured hides;
- Removing excess flesh and tissue using fleshing machines and with hand knives;
- Agitating in a lime solution to soften and remove hair or fur;
- Deliming, cleaning, and softening using water and a variety of chemicals, such as enzymes, sulfates, or chlorides;
- Vegetable tanning, soaking in a tannin solution in oversized vats;
- Chemical tanning, rotating in revolving drums containing a highly alkaline chemical, such as sodium carbonate, bicarbonate, or chromium sulfate;
- Removing excess moisture using oversized wringers;
- Splitting, bleaching, and dyeing hides;
- Stretching hides;
- Drying using air drying techniques, drying units with temperature and humidity controls, tunnel dryers, vacuum drying techniques, or drying using a high-frequency electromagnetic field;
- Brushing to buff out imperfections or to raise the nap resulting in suede;
- Finishing by applying coatings to the leather's grain side;
- Glazing to produce patent leather;
- Plating or embossing using a plating press;
- Baling shredded hide for sale to glue makers;
- Hand sewing tears in hides.

**Equipment used include, but are not limited to:**

- Agitating drum machines;
- Brushing machines;
- Drying units, tunnels, and other drying equipment;
- Hide shaving and fleshing machines;
- Knives;
- Plating presses;
- Vats;
- Wringing machines.

**Exclusions:**

- Hide or leather dealers are classified in 3708;
- Businesses engaged in hide pelting are classified in 3708;
- Taxidermists are classified in 3708.

**4301-19 Sausage casing dealers**

**Applies to:**

Businesses engaged in the sales and distribution of natural sausage casings to others. Natural casings are animal intestines, usually received from packing houses or rendering plants.

**Work activities include:**

- Wash, dry, sort, and package casings for distribution.

**Exclusion:**

• Businesses engaged in sausage manufacturing are classified in 4301-10.

**4301-21 Rendering works, N.O.C.; Glue, lard, or tallow: Manufacturing Applies to:**

• Businesses engaged in rendering operations not covered by another classification (N.O.C.). Rendering is the act of reducing or melting down fat by heating.

• Businesses engaged in the manufacturing of products from animal substances such as glue, lard, and tallow.

**Work activities and processes may include, but are not limited to:**

• Receiving raw animal materials such as, discarded fat, bone trimmings, meat scraps, blood, grease, and feathers from farms, stockyards, slaughterhouses, butcher shops, supermarkets, restaurants, meat and poultry stores, ranches, or feed lots;

• Removing hides for shipment to hide dealers and tanneries;

• Cutting carcasses into workable sizes;

• Placing carcasses into tanks where steam passes directly into the materials being cooked. Grease is drawn off and meat and bones drop into a slush box. The slush is then pressed to remove more water and grease before going to steam pressure dryers. In some plants this is all performed with one piece of equipment;

• Boiling animal substances, including skins and hoofs, in water until the materials are diluted and melted, then drying to form a hard pure protein gelatin;

• Separating the hard fat from parts of cattle, sheep, or horse carcasses by melting it from the fibrous and membranous matter, then mixing the whitish solids for use in making candles, leather dressing, soap, and lubricants;

• Making or refining lard;

• Crushing, grinding, pressing, drying, pulverizing, and bagging of dried slush or tankage to produce fish meal, bone meal, feed concentrates for livestock and poultry, or fertilizer;

• Pumping fish oils and animal grease or tallow into receiving or settling tanks;

• Filling barrels, drums or tank cars for shipment to manufacturers of assorted products such as soap, cosmetics, lubricants, paints, and plastics.

**Equipment used include, but are not limited to:**

• Blow tanks;

• Boiling pots;

• Bucket elevators;

• Conveyors;

• Crushers;

• Dryers;

• Grinders;

• Hashers;

• Hoggers;

• Prebreakers;

• Pumps;

• Razors;

• Scrapers;

• Screw presses;

• Steam-heater batch corkers;

• Wastewater treatment equipment.

**Exclusions:**

- Slaughterhouse operations are classified in 4301-22;
- Manufacturing synthetic glues, such as acrylic base, contact cement, polyester, latex combination, epoxy sticks, polyethylene, polyvinyl, cellulose nitrate, or rubber base, is classified in 3701;
- Packing houses are classified in 4301-11.

**4301-22 Slaughterhouses****Applies to:**

Businesses engaged in the slaughter of animals and the initial processing of meat. This includes purchasing livestock from individuals or feedlots, handling the livestock, maintaining pens, and butchering.

**Slaughterhouse processes include, but are not limited to:**

- Preparation of the animal carcass;
- Washing of casings;
- Salting of hides;
- Cooking of offal (waste);
- Distributing to buyers using box freezer or container trucks.

**Equipment used include, but are not limited to:**

- Cleavers;
- Hoists;
- Hydraulic dropper/spreaders;
- Knives;
- Meat chippers;
- Razors;
- Scissors;
- Scrapers;
- Stunning machines.

**Exclusions:**

- Retail meat and poultry dealers are classified in 3303;
- Wholesale meat dealers and wholesale poultry processors/dealers are classified in 3304;
- Packing houses are classified in 4301-11;
- Manufacturing meat products is classified in 4301-12;
- Custom meat cutting is classified in 4302.

[WSR 07-01-014, recodified as § 296-17A-4301, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-630, filed 8/28/98, effective 10/1/98; WSR 88-12-050 (Order 88-06), § 296-17-630, filed 5/31/88, effective 7/1/88; WSR 85-24-032 (Order 85-33), § 296-17-630, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-630, filed 2/28/85, effective 4/1/85. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 78-12-043 (Order 78-23), § 296-17-630, filed 11/27/78, effective 1/1/79; Order 76-36, § 296-17-630, filed 11/30/76; Order 75-38, § 296-17-630, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-630, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-630, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-4302 Classification 4302.**

**4302-14 Custom meat cutting**

~~((Applies to establishments engaged in operating custom meat cutting shops. This classification primarily caters to customers who bring in an animal carcass (usually from a farm or hunt) for processing. Customers generally fill out a cut and wrap list which indicates how they want the meat cut such as steaks, flank, roasts, ribs, fillets, or hamburger, and how they want the product wrapped such as 3 steaks to a package, 5 pound roasts, 2 pound packages of hamburger, etc. Once the order has been filled to a customer's specifications, meat is stored in a freezer locker until the customer picks up the product. Custom meat cutting shops may also smoke meats and offer custom cut inspected meats (meaning inspected by USDA officials) for sale as locker packages or by the pound. It is also common for these establishments to sell related grocery items such as butter, eggs or milk. Tools and equipment include, but are not limited to, knives, razors, meat chippers, cleavers and hand carts.~~

~~This classification excludes establishments primarily engaged in custom meat cutting *including farm kill operations* which are to be reported separately in classification 4302-15; establishments engaged in farm kill operations *only* which are to be reported separately in classification 4302-16; packing house operations and slaughterhouse operations which are to be reported separately in classification 4301; establishments engaged in the retail sale of meat and poultry dealers which are to be reported separately in classification 3303; and whole-sale meat dealers which are to be reported separately in classification 3304.~~

**4302-15 Custom meat cutting and farm kill**

~~Applies to establishments engaged in operating custom meat cutting shops *which also provide farm kill operations away from the custom meat shop*. This classification primarily caters to customers who bring in an animal carcass (usually from a farm or hunted) for processing. Customers generally fill out a cut and wrap list which indicates how they want the meat cut such as steaks, flank, roasts, ribs, fillets, hamburger, etc., and how they want the product wrapped such as 3 steaks to a package, 5 pound roasts, and 2 pound packages of hamburger. Once the order has been filled to a customer's specifications, meat is stored in a refrigerated locker until the customer picks up the product. Custom meat cutting shops may also smoke meats and offer custom cut inspected meats (meaning inspected by USDA officials) for sale as locker packages or by the pound. It is also common for these establishments to sell related grocery items such as butter, eggs or milk. Tools and equipment include, but are not limited to, knives, razors, meat chippers, cleavers and hand carts. *Farm kill operations* are usually performed with the use of a mobile kill truck. The animal is killed, placed on a hook hoist attached to the mobile unit, skinned, and dressed. The meat is then processed, according to the customer's order, usually at the shop.~~

~~This classification excludes establishments engaged in custom meat cutting *in shop only (no farm kill)* which are to be reported separately in classification 4302-14 and farm kill *only* operations (mobile butchering) which are to be reported separately in classification 4302-16.~~

**4302-16 Farm kill**

~~Applies to establishments engaged exclusively in mobile butchering or farm kill operations which are usually performed with the use of a mobile kill truck. The animal is killed, placed on a hook hoist attached to the mobile unit, skinned, and dressed. Establishments in this classification are engaged in farm kill operations only; they are not engaged in the further processing of meat or meat cutting.~~

~~This classification excludes establishments engaged in operating custom meat cutting shops only (no farm kill) which are to be reported separately in classification 4302-14 and custom meat cutting shop including farm kill which are to be reported separately in classification 4302-15.)~~

**Applies to:**

Businesses operating custom meat cutting shops.

**Custom meat cutting operations include, but are not limited to:**

- Serving customers who bring in an animal carcass (usually from a farm or hunt) for processing;
- Fulfilling customers' cut and wrap lists. Cut lists indicate how they want the meat cut, such as steaks, flank, roasts, ribs, fillets, or hamburger. Wrap lists indicate how they want the product wrapped, such as three steaks to a package, five pound roasts, or two pound packages of hamburger;
- Storing meat that has been cut and wrapped to a customer's specifications in a freezer locker until the customer picks up the product;
- Smoking meats and offering custom cut USDA inspected meats for sale as locker packages or by the pound;
- Incidental sale of related grocery items such as butter, eggs, or milk.

**Tools and equipment include, but are not limited to:**

- Cleavers;
- Handcarts;
- Knives;
- Meat chippers;
- Razors.

**Exclusions:**

- Businesses engaged in custom meat cutting including farm slaughter operations or businesses engaged in farm slaughter operations only are classified in 4302-15;
- Packing house operations and slaughterhouse operations are classified in 4301;
- Retail meat and poultry dealers are classified in 3303;
- Wholesale meat dealers are classified in 3304.

**4302-15 Custom meat cutting and custom farm slaughter****Applies to:**

- Businesses operating custom meat cutting shops which also provide farm slaughter operations away from the custom meat shop;
- Businesses engaged exclusively in mobile butchering or farm slaughter operations which are usually performed with the use of a mobile slaughter truck.

**Custom meat cutting operations include, but are not limited to:**

- Serving customers who bring in an animal carcass (usually from a farm or hunt) for processing;

• Fulfilling customers' cut and wrap lists. Cut lists indicate how they want the meat cut, such as steaks, flank, roasts, ribs, filets, or hamburger. Wrap lists indicate how they want the product wrapped, such as three steaks to a package, five pound roasts, or two pound packages of hamburger;

• Storing meat that has been cut and wrapped to a customer's specifications in a freezer locker until the customer picks up the product;

• Smoking meats and offering custom cut USDA inspected meats for sale as locker packages or by the pound;

• Incidental sale of related grocery items such as butter, eggs, or milk.

**Custom farm slaughter operations include, but are not limited to:**

• Use of a mobile slaughter truck;

• The animal is slaughtered, placed on a hook hoist attached to the mobile unit, skinned, and dressed;

• The meat is processed according to the customer's order, usually at the shop.

**Tools and equipment include, but are not limited to:**

• Cleavers;

• Handcarts;

• Knives;

• Meat chippers;

• Razors.

**Exclusions:**

Custom meat cutting shops only (no farm slaughter) are classified in 4302-14.

[WSR 07-01-014, recodified as § 296-17A-4302, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-631, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 90-13-018, § 296-17-631, filed 6/8/90, effective 7/9/90. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-631, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-631, filed 2/28/85, effective 4/1/85; Order 76-36, § 296-17-631, filed 11/30/76; Order 73-22, § 296-17-631, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 19-11-109, filed 5/21/19, effective 7/1/19)

**WAC 296-17A-4502 Classification 4502.**

~~((Radio, television, recording, video production, and cable service providers; all other employees~~

~~Classification 4502 is limited to employees who do **not** install, test, or repair electrical wiring, cable lines, antennas, satellite dishes, or hook-up subscribers, unless the work is performed inside buildings on their employers' premises. Occupations reported in this classification include clerical office and sales workers, but may also include:~~

~~Account managers;~~

~~Administrative staff;~~

Advertising, marketing, and promotions staff;  
 Animation production staff;  
 Announcers;  
 Art, design, wardrobe staff;  
 Billing, customer service staff;  
 Camera operators, videographers, photographers;  
 Commercial productions staff;  
 Control room engineers and operators;  
 Facility operations, maintenance staff;  
 Film and video editors;  
 Meteorologists;  
 Music DJs;  
 Musicians, performers, actors, and personalities;  
 Producers, directors, reporters;  
 Sales staff;  
 Set construction staff, lighting technicians;  
 Studio engineers, studio technicians;  
 Stunts staff.

This classification excludes:

- Field employees for cable television or communication providers installing or maintaining extension lines and subscriber hook-ups, who are reported separately in classification 1305;
- Technical staff employed by a radio or television station, recording studio, or video production company installing, testing, or repairing electrical wires, cable, antennas, satellite dishes, or any other equipment outside their employers' studios, offices, or facilities;
- Large-scale theatrical/movie productions reported separately in classification 6608;
- Videotaping by photography studios reported separately in classification 6506; and
- Entertainers, musicians, recording engineers, etc., who are not employees of the broadcasting or recording company.

**Special note:** 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).

Businesses may be assigned either classification 4501 or 1305 in addition to classification 4502; however, employers must maintain records that permit the department to confirm hours worked in each classification. If employers do not or cannot maintain these records, they must report all hours in question in the classification with the higher rate.

For administrative purposes classification 4502 is divided into the following subclassification(s):

~~4502-00 Radio stations, N.O.C.~~

~~4502-01 Television stations and video production~~

~~4502-02 Recording studios~~

~~4502-03 Cable companies, including homeowners' associations or cooperatives offering a central cable system) )~~

~~4502-00 Radio stations, N.O.C.~~

Applies to:

Radio broadcasting stations. This classification is limited to radio station employees in the studio or office, and includes occasional outside exposure when broadcasting from a remote location.

**Occupations include, but are not limited to:**

- Account managers;
- Administrative staff;
- Advertising, marketing, and promotions staff;
- Announcers;
- Clerical office staff;
- Commercial production staff;
- Control room engineers and operators;
- Facility operations and maintenance staff;
- Meteorologists;
- Music DJs;
- Musicians, performers, actors, and personalities;
- Producers, directors, and reporters;
- Sales staff;
- Studio engineers and studio technicians.

**Special note:** 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).

**Exclusion:**

• Worker hours for radio station field employees engaged in technical and engineering work such as, but not limited to, the installation, testing, or repair of lines, antennas, and satellite dishes must be reported separately in 4501.

**Note:** Radio stations may be assigned classification 4502 in addition to classification 4501. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**4502-01 Television stations and video production**

**Applies to:**

Television broadcasting stations and the production of videos. This classification is limited to employees in the studio or office, and includes occasional outside exposure when broadcasting from a remote location.

**Occupations include, but are not limited to:**

- Account managers;
- Administrative staff;
- Advertising, marketing, and promotions staff;
- Animation production staff;
- Announcers;
- Art, design, and wardrobe staff;
- Camera operators, videographers and photographers;
- Clerical office staff;
- Commercial production staff;
- Control room engineers and operators;
- Facility operations and maintenance staff;
- Film and video editors;
- Meteorologists;
- Music DJs;
- Musicians, performers, actors, and personalities;
- Producers, directors, and reporters;
- Sales staff;
- Set construction staff and lighting technicians;
- Studio engineers and studio technicians;



- Stunt staff.

**Special note:** 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).

**Exclusions:**

- Worker hours for television station field employees engaged in technical and engineering work such as, but not limited to, installation, testing, or repair of lines, antennas, and satellite dishes must be reported separately in 4501;
- Large-scale theatrical or movie productions are classified in 6608;
- Photography studios providing videotaping services are classified in 6506.

**Note:** Television stations may be assigned classification 4502 in addition to classification 4501. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**4502-02 Recording studios**

**Applies to:**

Recording studios. This classification is limited to recording studio employees in the studio or office, and includes occasional outside exposure when recording at a remote location.

**Occupations include, but are not limited to:**

- Account managers;
- Administrative staff;
- Advertising, marketing, and promotions staff;
- Clerical office staff;
- Commercial production staff;
- Control room engineers and operators;
- Facility operations and maintenance staff;
- Music DJs;
- Musicians, performers, actors, and personalities;
- Producers, directors, and reporters;
- Sales staff;
- Studio engineers and studio technicians.

**Special note:** 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).

**4502-03 Cable television companies, including homeowners' associations or cooperatives offering a central cable system**

**Applies to:**

- Cable television companies;
- Homeowners' associations and co-ops who operate a central cable system for residential users.

This classification is limited to employees in the control room, studio or office, and includes occasional outside exposure when broadcasting from a remote location.

**Occupations include, but are not limited to:**

- Account managers;
- Administrative staff;
- Advertising, marketing, and promotions staff;
- Animation production staff;
- Announcers;
- Art, design, and wardrobe staff;

- Camera operators, videographers and photographers;
- Clerical office staff;
- Commercial productions staff;
- Control room engineers and operators;
- Facility operations and maintenance staff;
- Film and video editors;
- Meteorologists;
- Music DJs;
- Musicians, performers, actors, and personalities;
- Producers, directors, and reporters;
- Sales staff;
- Set construction staff and lighting technicians;
- Studio engineers and studio technicians;
- Stunt staff.

**Special note:** 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).

**Exclusions:**

- Worker hours for field employees of cable television or communication providers installing, testing, or maintaining equipment away from the employer's premises or on the roof or exterior of any building on the employer's premises must be reported separately in 1305;
- Large-scale theatrical or movie productions are classified in 6608;
- Photography studios providing videotaping services are classified in 6506.

**Note:** Cable television companies may be assigned classification 1305 in addition to classification 4502. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 19-11-109, § 296-17A-4502, filed 5/21/19, effective 7/1/19; WSR 13-11-128, § 296-17A-4502, filed 5/21/13, effective 7/1/13. WSR 07-01-014, recodified as § 296-17A-4502, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-638, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-638, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-638, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-638, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 17-11-120, filed 5/23/17, effective 7/1/17)

**WAC 296-17A-4904 Classification 4904.**

~~((Administrative, clerical, reception, and sales staff working in a business office~~

~~Classification 4904 is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and the work place. If any of a worker's duties are excluded from 4904 because of restrictions described in this rule, then none of the worker's hours may be reported in Classification 4904.~~

~~**Special note:** Care must be taken:~~

~~• To look beyond job titles, such as "clerk" or "cashier." Job titles do not ensure the work or the workplace meet the requirements for 4904.~~

~~• Ensure standard exceptions are permitted — Some basic classifications include office work.~~

~~Classification 4904 applies only to employees whose job duties are restricted to a business office, meeting room, or similar office like environment that is:~~

~~• Physically separated by walls, partitions, or other physical barriers from all other work areas; and~~

~~• Where only office work, as described in this rule, is performed.~~

~~Classification 4904 excludes any work area where:~~

~~• Products sold by the employer are handled or stored;~~

~~• Carry out merchandise is displayed for sale;~~

~~• Customers bring merchandise they are purchasing to make payment.~~

~~Office work is limited to duties such as:~~

~~• Communicating by phone or routing phone calls;~~

~~• Programming software;~~

~~• Technical drafting;~~

~~• Designing publication layouts on hardware or by drafting;~~

~~• Maintaining financial, personnel, or payroll records;~~

~~• Writing or routing correspondence;~~

~~• Billing and receiving payments;~~

~~• Preparation of insurance policies or billing records;~~

~~• Composing informational material;~~

~~• Copying documents;~~

~~• Utilizing computer software;~~

~~• Manual or computer design work;~~

~~• Completing forms;~~

~~• Researching records;~~

~~• Checking persons into a hotel or other facility;~~

~~• Writing reports and manuals;~~

~~• Attending meetings;~~

~~• Assisting walk-in customers;~~

~~• Processing payments and invoices.~~

~~Office work excludes:~~

~~• Handling, packaging, mailing, receiving, or demonstrating any product (or their components) sold by the employer;~~

~~• Hand delivering business correspondence outside of the business office.~~

**~~Special notes:~~**

~~Classification 4904 permits limited and minimal work outside an office for:~~

~~• Banking;~~

~~• Taking correspondence to or from the post office;~~

~~• Purchasing supplies for the office;~~

~~• Taking training courses;~~

~~• Attending meetings.~~

~~Classification 4904 permits limited and minimal exposure to areas of the employer's premises that do not qualify for office work, if this is necessary for getting to or from a:~~

~~• Restroom facility;~~

~~• Business office;~~

~~• Lunchroom or dining area;~~

~~• Break room;~~

- Delivery of a personal message.

For administrative purposes classification ~~4904~~ is divided into the following subclassifications:

~~4904-00 Clerical office, N.O.C.~~

~~4904-13 Clerical office for insurance business~~

~~**Special note:** Individuals issued a license by the office of the insurance commissioner and acting as an insurance producer are exempt from coverage as specified in RCW 51.12.020(11). To elect voluntary coverage these individuals must submit a completed optional coverage form to the department. This exclusion to coverage does not apply if the license is held by someone who otherwise:~~

- Does not work in the capacity of an insurance producer; and
- Is not compensated related to the volume of insurance sold or premiums collected; and
- Holds a license solely for the purpose of receiving applications or premiums.

~~4904-17 Clerical office: Employee leasing companies~~

~~4904-20 Community action organizations -- Clerical office employees, N.O.C.~~

~~Applies to the clerical office employees, not otherwise classified (N.O.C.), of organizations performing two or more services to support the local community and people in need. See subclassifications 1501-20 and 5308-20 for other community action organization classifications.)~~

~~**4904-00 Clerical office, N.O.C.**~~

~~**Applies to:**~~

~~Clerical office employees whose job duties and work environment meet all the conditions of the general reporting rules covering clerical office standard exception employees, and who are not covered by another classification assigned to their employer's account, see WAC 296-17-31018 Exception classifications.~~

~~**Special note:** Care must be taken to look beyond job titles, such as "clerk" or "cashier." Job titles do not ensure the work or the workplace meet the requirements for 4904.~~

~~**Office work is limited to duties such as:**~~

- ~~Assisting walk-in customers;~~
- ~~Attending meetings;~~
- ~~Billing and receiving payments;~~
- ~~Checking persons into a hotel or other facility;~~
- ~~Communicating by phone or routing phone calls;~~
- ~~Completing forms;~~
- ~~Composing informational material;~~
- ~~Copying documents;~~
- ~~Designing publication layouts on software or by drafting;~~
- ~~Maintaining financial, personnel, or payroll records;~~
- ~~Manual or computer design work;~~
- ~~Processing payments and invoices;~~
- ~~Programming software;~~
- ~~Researching records;~~
- ~~Technical drafting;~~
- ~~Utilizing computer software;~~
- ~~Writing or routing correspondence;~~
- ~~Writing reports and manuals.~~

~~**Office work excludes:**~~

- Hand delivering business correspondence outside of the business office;
- Handling, packaging, mailing, receiving, or demonstrating any product (or their components) sold by the employer.

**Work environment is restricted to a business office, meeting room, or similar office-like environment that is:**

- Physically separated by walls, partitions, or other physical barriers from all other work areas; and
- Where only office work, as described in this rule, is performed.

**Work environment excludes any work area where:**

- Carry-out merchandise is displayed for sale;
- Customers bring merchandise they are purchasing to make payment;
- Products sold by the employer are handled or stored.

**Special notes:**

Classification 4904 permits limited and minimal work outside an office for:

- Attending meetings;
- Banking;
- Purchasing supplies for the office;
- Taking correspondence to or from the post office;
- Taking training courses.

Classification 4904 permits limited and minimal exposure to areas of the employer's premises that do not qualify for office work, if this is necessary for getting to or from a:

- Break room;
- Business office;
- Delivery of a personal message;
- Lunchroom or dining area;
- Restroom facility.

**4904-13 Clerical office for insurance business**

**Applies to:**

Clerical office employees of insurance companies, including insurance agents or brokers who perform duties exclusively of clerical nature and without an interchange of labor between clerical and non-clerical duties. Job duties and work environment must meet all the conditions of the general reporting rules covering clerical office standard exception employees who are not covered by another classification assigned to their employer's account, see WAC 296-17-31018 Exception classifications.

**Special note:** Individuals issued a license by the office of the insurance commissioner and acting as an insurance producer are exempt from coverage as specified in RCW 51.12.020. To elect voluntary coverage these individuals must submit a completed optional coverage form to the department. This exclusion to coverage does not apply if the license is held by someone who otherwise:

- Does not work in the capacity of an insurance producer; and
- Holds a license solely for the purpose of receiving applications or premiums; and
- Is not compensated related to the volume of insurance sold or premiums collected.

**Office work is limited to duties such as:**

- Assisting walk-in customers;
- Attending meetings;
- Billing and receiving payments;
- Communicating by phone or routing phone calls;
- Completing forms;
- Composing informational material;
- Copying documents;
- Designing publication layouts on software or by drafting;
- Maintaining financial, personnel, or payroll records;
- Manual or computer design work;
- Preparation of insurance policies or billing records;
- Processing payments and invoices;
- Programming software;
- Researching records;
- Technical drafting;
- Utilizing computer software;
- Writing or routing correspondence;
- Writing reports and manuals.

**Office work excludes:**

- Hand delivering business correspondence outside of the business office;
- Handling, packaging, mailing, receiving, or demonstrating any product (or their components) sold by the employer.

**Work environment is restricted to a business office, meeting room, or similar office-like environment that is:**

- Physically separated by walls, partitions, or other physical barriers from all other work areas; and
- Where only office work, as described in this rule, is performed.

**Work environment excludes any work area where:**

- Carry-out merchandise is displayed for sale;
- Customers bring merchandise they are purchasing to make payment;
- Products sold by the employer are handled or stored.

**Special notes:**

Classification 4904 permits limited and minimal work outside an office for:

- Attending meetings;
- Banking;
- Purchasing supplies for the office;
- Taking correspondence to or from the post office;
- Taking training courses.

Classification 4904 permits limited and minimal exposure to areas of the employer's premises that do not qualify for office work, if this is necessary for getting to or from a:

- Break room;
- Business office;
- Delivery of a personal message;
- Lunchroom or dining area;
- Restroom facility.

**4904-17 Clerical office: Employee leasing companies**

**Applies to:**

Clerical office employees of employee leasing companies who perform duties exclusively of clerical nature and without an interchange

of labor between clerical and nonclerical duties. Job duties and work environment must meet all the conditions of the general reporting rules covering clerical office standard exception employees who are not covered by another classification assigned to their employer's account, see WAC 296-17-31018 Exception classifications.

**Office work is limited to duties such as:**

- Assisting walk-in customers;
- Attending meetings;
- Billing and receiving payments;
- Communicating by phone or routing phone calls;
- Completing forms;
- Composing informational material;
- Copying documents;
- Designing publication layouts on software or by drafting;
- Maintaining financial, personnel, or payroll records;
- Manual or computer design work;
- Processing payments and invoices;
- Programming software;
- Researching records;
- Technical drafting;
- Utilizing computer software;
- Writing or routing correspondence;
- Writing reports and manuals.

**Office work excludes:**

- Handling, packaging, mailing, receiving, or demonstrating any product (or their components) sold by the employer;
- Hand delivering business correspondence outside of the business office.

**Work environment is restricted to a business office, meeting room, or similar office-like environment that is:**

- Physically separated by walls, partitions, or other physical barriers from all other work areas; and
- Where only office work, as described in this rule, is performed.

**Work environment excludes any work area where:**

- Carry-out merchandise is displayed for sale;
- Customers bring merchandise they are purchasing to make payment;
- Products sold by the employer are handled or stored.

**Special notes:**

Classification 4904 permits limited and minimal work outside an office for:

- Attending meetings;
- Banking;
- Purchasing supplies for the office;
- Taking correspondence to or from the post office;
- Taking training courses.

Classification 4904 permits limited and minimal exposure to areas of the employer's premises that do not qualify for office work, if this is necessary for getting to or from a:

- Break room;
- Business office;
- Delivery of a personal message;
- Lunchroom or dining area;

- Restroom facility.

**4904-20 Community action organizations - Clerical office employees, N.O.C.**

**Applies to:**

Clerical office employees, not otherwise classified (N.O.C.), of organizations performing two or more services to support the local community and people in need. See subclassifications 1501-20 and 5308-20 for other community action organization classifications.

**Office work is limited to duties such as:**

- Assisting walk-in customers;
- Attending meetings;
- Billing and receiving payments;
- Communicating by phone or routing phone calls;
- Completing forms;
- Composing informational material;
- Copying documents;
- Designing publication layouts on software or by drafting;
- Maintaining financial, personnel, or payroll records;
- Manual or computer design work;
- Processing payments and invoices;
- Programming software;
- Researching records;
- Technical drafting;
- Utilizing computer software;
- Writing or routing correspondence;
- Writing reports and manuals.

**Office work excludes:**

- Handling, packaging, mailing, receiving, or demonstrating any product (or their components) sold by the employer;
- Hand delivering business correspondence outside of the business office.

**Work environment is restricted to a business office, meeting room, or similar office-like environment that is:**

- Physically separated by walls, partitions, or other physical barriers from all other work areas; and
- Where only office work, as described in this rule, is performed.

**Work environment excludes any work area where:**

- Carry-out merchandise is displayed for sale;
- Customers bring merchandise they are purchasing to make payment;
- Products sold by the employer are handled or stored.

**Special notes:**

Classification 4904 permits limited and minimal work outside an office for:

- Attending meetings;
- Banking;
- Purchasing supplies for the office;
- Taking correspondence to or from the post office;
- Taking training courses.

Classification 4904 permits limited and minimal exposure to areas of the employer's premises that do not qualify for office work, if this is necessary for getting to or from a:



- Break room;
- Business office;
- Delivery of a personal message;
- Lunchroom or dining area;
- Restroom facility.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 17-11-120, § 296-17A-4904, filed 5/23/17, effective 7/1/17; WSR 14-17-085, § 296-17A-4904, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.16.100. WSR 12-11-109, § 296-17A-4904, filed 5/22/12, effective 7/1/12. Statutory Authority: RCW 51.16.035, 51.16.100, 51.04.020(1). WSR 10-18-024, § 296-17A-4904, filed 8/24/10, effective 10/1/10. Statutory Authority: RCW 51.16.035, 51.16.100, and 2007 c 324. WSR 07-24-045, § 296-17A-4904, filed 12/1/07, effective 1/1/09. WSR 07-01-014, recodified as § 296-17A-4904, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-653, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-653, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-653, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-653, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-653, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-653, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

**WAC 296-17A-4907 Classification 4907.**

**~~((Classification 4907 Offender work opportunity~~**

~~Applies to offenders in custody of the state, city, or county, when the offenders perform work in a tax reduction industry to provide goods or services only (of any type) to tax-supported entities, non-profit corporations, or private contractors. Goods produced by a tax reduction industry are used by a public agency or nonprofit corporation. Tax reduction industries provide basic work training and experience which qualify offenders for better work within the prison, jail, or in the public community. Work is performed at the prison, jail, or at a separate location.~~

~~This classification excludes work performed by offenders under a free venture enterprise contract with a private business (profit or nonprofit) which is to be reported separately in the classification applicable to the work being performed.~~

~~For administrative purposes, classification 4907 is divided into the following subclassifications:~~

~~**4907-00 Class 2 Offender work opportunity — State**~~

~~**4907-01 Offender work opportunity — City**~~

~~**4907-02 Offender work opportunity — County))**~~

**4907-00 Offenders working in class 2 industry opportunity - State**

**Applies to:**

Offenders in custody of the state, when the offenders perform work in a class 2 tax reduction industry as part of an inmate work program.

**Exclusions:**

- Work performed by offenders under a free venture enterprise contract with a private business (private or nonprofit), is classified in the applicable classification of the work being performed.
- Work performed by offenders in a class 4 community work industry is classified in 4908.

#### **4907-01 Offenders working in class 2 industry opportunity - City**

##### **Applies to:**

Offenders in custody of the city, when the offenders perform work in a class 2 tax reduction industry as part of an inmate work program.

##### **Exclusions:**

- Work performed by offenders under a free venture enterprise contract with a private business (private or nonprofit), is classified in the applicable classification of the work being performed.
- Work performed by offenders in a class 4 community work industry is classified in 4908.

#### **4907-02 Offender working in class 2 industry opportunity - County**

##### **Applies to:**

Offenders in custody of the county, when the offenders perform work in a class 2 tax reduction industry as part of an inmate work program.

##### **Exclusions:**

- Work performed by offenders under a free venture enterprise contract with a private business (private or nonprofit), is classified in the applicable classification of the work being performed.
- Work performed by offenders in a class 4 community work industry is classified in 4908.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-4907, filed 7/5/16, effective 1/1/17. WSR 07-01-014, recodified as § 296-17A-4907, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-656, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-656, filed 11/27/85, effective 1/1/86; Order 73-22, § 296-17-656, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

#### **WAC 296-17A-5003 Classification 5003.**

~~((Applies to the hauling of logs from a logging site to a mill or storage yard.~~

~~This classification excludes the hauling of logs from a log storage yard to a shipping destination, which is to be reported separately in classification 1102.~~

~~For administrative purposes, this classification is divided into the following subclassifications:~~

##### **5003-01 Log hauling by contractor**

~~Applies to contractors hauling logs for others. The loading and unloading of the truck is included in this classification when performed by the truck driver.~~

##### **5003-02 Log truck drivers, N.O.C.**

~~Applies to employees of a logging company who haul the company's own logs. If the log truck driver has other duties during their work shift that are subject to the logging classification 5001, then the hauling of the logs must be reported in classification 5001 (WAC 296-17-31018 Exception classifications).)~~

### **5003-01 Log hauling by contractor**

#### **Applies to:**

Contractors hauling logs for others from a logging side to a mill or storage yard. The loading and unloading of the truck is included in this classification when performed by the truck driver.

#### **Exclusions:**

- Hauling of logs from a log storage yard to a shipping destination is classified in 1102.
- Log hauling by employees of a logging company is classified in 5003-02.

### **5003-02 Log truck drivers, N.O.C.**

#### **Applies to:**

Employees of a logging company who haul the company's own logs from a logging side to a mill or storage yard. If the log truck driver has other duties during their work shift that are subject to the logging classification 5001, then the hauling of logs must be reported in classification 5001 (WAC 296-17-31018 Exception classification).

#### **Exclusions:**

- Hauling of logs from a log storage yard to a shipping destination is classified in 1102.
- Log hauling by a log hauling contractor is classified in 5003-01.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-5003, filed 8/19/14, effective 9/19/14. WSR 07-01-014, recodified as § 296-17A-5003, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-66001, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-66001, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-66001, filed 11/30/83, effective 1/1/84; WSR 80-17-016 (Order 80-23), § 296-17-66001, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 78-12-043 (Order 78-23), § 296-17-66001, filed 11/27/78, effective 1/1/79.]

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

### **WAC 296-17A-5004 Classification 5004.**

~~((to be assigned only by the reforestation underwriter))~~

~~**Special note:** Classification 5004, and related classifications 1007 and 5006, cover various activities associated with the management of forests, range, or timber land. These classifications are also assigned to establishments engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Re-~~

~~forestation establishments assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.~~

~~**Applies to:**~~

~~• Establishments engaged in forestry and timber land management services.~~

~~• Work conducted in the forest or timber land generally associated with the overall care of these lands.~~

~~**Work in this classification includes:**~~

~~• Employees of contractors and of land owners;~~

~~• Manual crew labor; and~~

~~• All field crew supervisors and foremen assigned to oversee work covered by this classification, including internal quality control audits, regardless of whether their assigned duties include manual labor.~~

~~**What activities are not included in this classification?**~~

~~• Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, and forest firefighting (report in classification 5006);~~

~~• Forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest firefighting, slashing, pile burning, roadside brushing, roadway dust/mud control (report in classification 5006);~~

~~• Logging operations (report in classification 5001);~~

~~• Logging road construction (report in classification 6902);~~

~~• Identifying volume and species of trees in a section of timber land or a forest (report in classification 1007);~~

~~• Auditing parcels planted by a tree planting contractor for quality control purposes (report in classification 1007);~~

~~• Conducting environmental studies (report in classification 1007); and~~

~~• Testing growing techniques and similar activities (report in classification 1007).~~

~~For administrative purposes classification 5004 is divided into the following subclassifications:~~

~~**5004-13 Tree planting services**~~

~~This subclassification is limited to planting trees in a forest (reforestation) or in privately owned timbered land. This is done to reestablish a tree population after logging or a fire.~~

~~**5004-14 Tree thinning services including forest trail construction and brush clearing, N.O.C.**~~

~~This subclassification is limited to employees of an employer engaged in:~~

~~• The removal of unmarketable trees with a chain saw, machete, or pruning loppers;~~

~~• Brush clearing;~~

~~• Manual tree slashing; and~~

~~• Constructing walking paths or trails.~~

~~These activities are done to reduce competition of the remaining trees for water and nutrients, to eliminate fire hazard and to provide trails for management and recreational use.~~

~~This subclassification includes manual conifer release and pruning services. This classification excludes chemical conifer release (report in classification 5004-18 if using a backpack method, or 5006-08 if using a truck).~~

**5004-18 Miscellaneous forestry services, N.O.C.**

~~This subclassification is for miscellaneous manual labor on forest or timber land such as, but not limited to:~~

- ~~• Manual forest firefighting;~~
- ~~• Animal damage control;~~
- ~~• Beaver trapping;~~
- ~~• Chemical spraying;~~
- ~~• Fertilizer services;~~
- ~~• Cone picking;~~
- ~~• Hydro seeding;~~
- ~~• Stream restoration;~~
- ~~• Habitat development;~~
- ~~• Tree netting.~~

~~This classification excludes manual conifer release (report in classification 5004-14).)~~

**5004-13 Tree planting services (to be assigned only by the reforestation underwriter)**

**Special note:** Classification 5004, and related classifications 1007 and 5006, cover various activities associated with the management of forests, range, or timber land. These classifications are also assigned to businesses engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation businesses assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.

**Applies to:**

Businesses planting trees in a forest (reforestation) or in privately owned timbered land. This is done to reestablish a tree population after logging or a fire. These businesses are engaged in forestry and timber land management services, and the work conducted is generally associated with the overall care of these lands.

**Work in this classification includes, but not limited to:**

- Employees of contractors and of land owners;
- Manual crew labor; and
- All field crew supervisors and foremen assigned to oversee work covered by this classification, including internal quality control audits, regardless of whether their assigned duties include manual labor.

**Work activities in this classification includes:**

- Planting trees.

**Exclusions:**

- Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, and forest firefighting are classified in 5006;
- Forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest firefighting, slashing, pile burning, roadside brushing, roadway dust/mud control are classified in 5006;
- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;

- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities is classified in 1007.

**5004-14 Tree thinning services (to be assigned only by the reforestation underwriter)**

**Special note:** Classification 5004, and related classifications 1007 and 5006, cover various activities associated with the management of forests, range, or timber land. These classifications are also assigned to businesses engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation businesses assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.

**Applies to:**

Businesses who have employees engaged in tree thinning services, including forest trail construction and brush clearing, in a forest (reforestation) or in privately owned timbered land. These businesses are engaged in forestry and timber land management services, and the work conducted is generally associated with the overall care of these lands.

**Work in this classification includes, but not limited to:**

- Employees of contractors and of land owners;
- Manual crew labor; and
- All field crew supervisors and foremen assigned to oversee work covered by this classification, including internal quality control audits, regardless of whether their assigned duties include manual labor.

**Work activities in this classification includes:**

- Removal of unmarketable trees with a chain saw, machete, or pruning loppers;
- Pruning trees;
- Brush clearing;
- Manual tree slashing; and
- Constructing walking paths or trails.

These manual conifer release activities are done to reduce competition of the remaining trees for water and nutrients, to eliminate fire hazard and to provide trails for management and recreational use.

**Exclusions:**

- Chemical conifer release, if using a backpack method, is classified in 5004-18;
- Chemical conifer release, if using a truck, is classified in 5006-08;
- Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, and forest firefighting are classified in 5006;
- Forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest firefight-

ing, slashing, pile burning, roadside brushing, roadway dust/mud control are classified in 5006;

- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;
- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities is classified in 1007.

**5004-18 Miscellaneous forestry services, N.O.C. (to be assigned only by the reforestation underwriter)**

**Special note:** Classification 5004, and related classifications 1007 and 5006, cover various activities associated with the management of forests, range, or timber land. These classifications are also assigned to businesses engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation businesses assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.

**Applies to:**

Businesses performing miscellaneous manual labor on forest or timber land. These businesses are engaged in forestry and timber land management services, and the work conducted is generally associated with the overall care of these lands.

**Work in this classification includes, but not limited to:**

- Employees of contractors and of land owners;
- Manual crew labor; and
- All field crew supervisors and foremen assigned to oversee work covered by this classification, including internal quality control audits, regardless of whether their assigned duties include manual labor.

**Work activities in this classification includes, but not limited to:**

- Manual forest firefighting;
- Animal damage control;
- Beaver trapping;
- Chemical spraying;
- Fertilizer services;
- Cone picking;
- Hydro seeding;
- Stream restoration;
- Habitat development;
- Tree netting.

**Exclusions:**

- Manual conifer release is classified in 5004-14;
- Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, and forest firefighting are classified in 5006;
- Forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest firefight-

ing, slashing, pile burning, roadside brushing, roadway dust/mud control are classified in 5006;

- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;
- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities is classified in 1007.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-02-060, § 296-17A-5004, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-5004, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-66002, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-66002, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-66002, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1), 51.16.035, 51.12.070 and 51.16.060. WSR 92-18-065, § 296-17-66002, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-66002, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-66002, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-66002, filed 11/30/83, effective 1/1/84; WSR 81-24-042 (Order 81-30), § 296-17-66002, filed 11/30/81, effective 1/1/82.]

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

**WAC 296-17A-5006 Classification 5006.**

~~((to be assigned only by the reforestation underwriter))~~

~~**Special note:** Classification 5006, and related classifications 1007 and 5004, cover various activities associated with the management of forests, range or timber land. These classifications are also assigned to establishments engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation establishments assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.~~

~~**Applies to:**~~

- ~~• Establishments engaged in forestry and timber land management services;~~
- ~~• Machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying, chemical conifer release and forest firefighting.~~

~~**Work in this classification includes:**~~

- ~~• Machinery operations;~~
- ~~• Employees of contractors and of land owners.~~

~~**What activities are not included in this classification?**~~



~~• Manual crew operations and labor such as, but not limited to, tree planting and tree thinning (report in 5004);~~  
~~• Work conducted in the forest or timber land generally associated with the overall care of these lands (report in 5004);~~  
~~• Logging operations (report in classification 5001);~~  
~~• Logging road construction (report in classification 6902);~~  
~~• Identifying volume and species of trees in a section of timber land or a forest (report in classification 1007);~~  
~~• Auditing parcels planted by a tree planting contractor for quality control purposes (report in classification 1007);~~  
~~• Conducting environmental studies (report in classification 1007); and~~  
~~• Testing growing techniques and similar activities (report in classification 1007).~~

For administrative purposes classification 5006 is divided into the following subclassifications:

#### **5006-02 Forestry machine work – Forest firefighting**

This subclassification is limited to employees engaged in forest firefighting using equipment such as, but not limited to, water tanker trucks, bulldozers and loaders.

#### **5006-08 Miscellaneous forestry services, N.O.C.**

This subclassification is for miscellaneous machine work on forest or timber lands such as, but not limited to:

- Brush clearing;
- Chemical spraying;
- Dust control;
- Forest trail construction;
- Scarifying;
- Slash burning;
- Slash piling;
- Slope grooming;
- Stream restoration;
- Hydro seeding;
- Erosion control.

Equipment could include, but is not limited to, tanker trucks, bulldozers, and loaders.)

#### **5006-02 Forestry machine work – Forest firefighting**

(to be assigned only by the reforestation underwriter)

Special note: Classification 5006, and related classifications 1007 and 5004, cover various activities associated with the management of forests, range or timber land. These classifications are also assigned to establishments engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by this series of classifications has special reporting requirements. Reforestation establishments assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements.

#### **Applies to:**

Businesses engaged in forest firefighting using machinery equipment.

#### **Work in this classification includes:**

- Machinery operations; and
- Employees of contractors and of landowners.

**Types of equipment includes, but is not limited to:**

- Bulldozers;
- Loaders; and
- Water tank trucks.

**Exclusions:**

- Manual crew operations and labor such as, but not limited to, tree planting, tree thinning, and manual forest firefighting are classified in 5004;
- Work conducted in the forest or timber land generally associated with the overall care of these lands is classified in 5004;
- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;
- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities are classified in 1007.

**5006-08 Miscellaneous forestry services, N.O.C.****Applies to:**

Businesses engaged in miscellaneous machine work on forest or timber lands.

**Work in this classification includes, but is not limited to:**

- Brush clearing;
- Chemical spraying;
- Dust control;
- Erosion control;
- Forest trail construction;
- Hydro seeding;
- Scarifying;
- Slash burning;
- Slash piling;
- Slope grooming; and
- Stream restoration.

**Types of equipment includes, but is not limited to:**

- Bulldozers;
- Loaders; and
- Tanker trucks.

**Exclusions:**

- Manual crew operations and labor such as, but not limited to, tree planting and tree thinning are classified in 5004;
- Work conducted in the forest or timber land generally associated with the overall care of these lands is classified in 5004;
- Logging operations are classified in 5001;
- Logging road construction is classified in 6902;
- Identifying volume and species of trees in a section of timber land or a forest is classified in 1007;
- Auditing parcels planted by a tree planting contractor for quality control purposes is classified in 1007;
- Conducting environmental studies is classified in 1007; and
- Testing growing techniques and similar activities are classified in 1007.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-02-060, § 296-17A-5006, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-5006, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-66004, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-66004, filed 5/31/96, effective 7/1/96.]

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-5106 Classification 5106.**

~~((5106-08 Blacksmithing; vehicle spring or auto bumper: Manufacturing~~

~~Applies to establishments engaged in blacksmithing, or in manufacturing leaf springs or bumpers for vehicles. Blacksmithing is the hammering of metal heated in a forge to shape either with hand tools or with a steam or air hammer. The force of the blow is controlled by the operator and the desired size or shape is produced between flat dies like a hammer and anvil. Incidental welding, grinding, tempering and sharpening may also be involved. Spring manufacturing contemplated by this classification are known as leaf springs and are used in vehicles. To make leaf springs or bumpers, steel is rolled, sheared or stamped to size, bent to shape and then tempered to produce the required degree of elasticity.~~

~~This classification excludes the manufacture of wire springs, such as for wire mattresses or bed springs, which is to be reported separately in classification 3402.~~

~~5106-09 Tool forging: Hot forming or stamping~~

~~Applies to establishments engaged in the manufacture of products such as, but not limited to, forging tools, hand tools such as wrenches or levels, and small machine tools such as twist drills, chisel bits, dies, or jigs, by hot forming or stamping. Tool forging by hot forming or stamping involves heating metal in a furnace or hearth, then beating or hammering the heated metal into desired shapes with large drop hammers or rams. After forging is completed, goods are finished with typical machine shop equipment. Finishing processes may involve cutting, turning, shaping, heat treating, drilling, milling, grinding, tapping and finishing by assembling, polishing, buffing, painting or plating.~~

~~This classification excludes establishments engaged in the manufacture of tools by machining operations which are to be reported separately in the applicable machining classification.~~

~~5106-10 Forging works; drop or machine~~

~~Applies to establishments engaged in the manufacture of products such as, but not limited to, engine parts, hooks, and chains by drop or machine forging. Forgings are produced by drop or trip hammers or forming presses. Drop or machine forging differs from blacksmithing or hammer forging in that closed impression dies are used. The forgings are produced by impact or pressure which forces the metal to conform to the shape of the die, one half of which is carried by the ram while the other half is held stationary on the anvil block. Trimming is done by the trimmer dies in a separate press which removes the surplus metal that squeezes out between the two sections of the forging die.))~~

**5106-10 Forging works, tool forging, blacksmithing, or vehicle spring or auto bumper: Manufacturing****Applies to businesses engaged in:**

- Forging works by drop or machine forging;
- Tool forging, usually by hot forming or stamping;
- Blacksmithing;
- Vehicle spring or auto bumper manufacturing.

**Products manufactured include, but are not limited to:**

- Bumpers or leaf springs for vehicles;
- Chains;
- Engine parts;
- Forging tools;
- Hand tools including, but not limited to, wrenches or levels;
- Hooks;
- Small machine tools including, but not limited to, twist drills, chisel bits, dies, or jigs.

**Work processes/activities include, but are not limited to:**

- Blacksmithing: Hammering of metal heated in a forge to shape with hand tools or with a steam or air hammer;
- Hot forming or stamping: Heating metal in a furnace or hearth, then beating or hammering the heated metal into desired shapes with large drop hammers or rams;
- Drop or machine forging: Forgings are produced by impact or pressure which forces the metal to conform to the shape of the die;
- Trimming with trimmer dies to remove the surplus metal that squeezes out between the two sections of the forging die;
- Welding, grinding, tempering, and sharpening;
- Finishing processes may involve cutting, turning shaping, heat-treating, drilling, milling, grinding, tapping, assembling, polishing, buffing, painting or plating; and
- Manufacture of leaf springs or bumpers: Steel is rolled, sheared or stamped to size, bent to shape and then tempered to produce the required degree of elasticity.

**Machinery and equipment used include, but are not limited to:**

- Drop or trip hammers;
- Forming presses;
- Furnace or hearth (forge);
- Hand tools;
- Large drop hammers or rams;
- Machine shop equipment;
- Steam or air hammer.

**Exclusions:**

- Manufacture of wire springs, such as for wire mattresses or bed springs, is classified in 3402.
- Manufacture of tools by machining operations is classified in the applicable metal machining classification.

[WSR 07-01-014, recodified as § 296-17A-5106, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-666, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-666, filed 11/27/85, effective 1/1/86; WSR 82-24-047 (Order 82-38), § 296-17-666, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-666, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

**WAC 296-17A-6109 Classification 6109.**

~~(( Medical and health services N.O.C.~~

~~Applies to licensed medical practitioners, medical or treatment clinics, and other health practices not providing overnight care or residency. Medical and health services examine, test, diagnose, refer, consult, and treat patients for all types of diseases, conditions, maladies, injuries, syndromes, addictions, and disorders.~~

~~Classification 6109 includes:~~

- ~~• All work performed at clinics;~~
- ~~• Employees of a clinic visiting patients at home, or in other care-related facilities such as hospitals or nursing homes;~~
- ~~• Clerical office and sales personnel, whether working at a clinic or in a separate business office.~~

~~Occupations typically reported in classification 6109 include employment such as:~~

- ~~• Acupuncturists;~~
- ~~• Alternative medicine practitioners;~~
- ~~• Chiropractors;~~
- ~~• Counselors;~~
- ~~• Dental assistants;~~
- ~~• Dental technicians;~~
- ~~• Dentists;~~
- ~~• Dietitians;~~
- ~~• Eyewear technicians;~~
- ~~• Foot massagers;~~
- ~~• Hygienists;~~
- ~~• Laboratory technicians;~~
- ~~• Licensed massage therapists;~~
- ~~• Medical billers;~~
- ~~• Midwives;~~
- ~~• Naturopaths;~~
- ~~• Nurse practitioners;~~
- ~~• Nurses;~~
- ~~• Occupational therapists;~~
- ~~• Ophthalmologists;~~
- ~~• Optometrists;~~
- ~~• Orthotic technicians;~~
- ~~• Pharmacists;~~
- ~~• Phlebotomists;~~
- ~~• Physical therapists;~~
- ~~• Physicians;~~
- ~~• Prosthetic technicians;~~
- ~~• Psychiatrists;~~
- ~~• Psychologists;~~
- ~~• Radiologists;~~
- ~~• Receptionists;~~
- ~~• Reflexologists;~~
- ~~• Respiratory therapists;~~
- ~~• Speech therapists;~~
- ~~• Surgeons;~~
- ~~• X-ray technicians.~~

~~**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to~~

~~provide care to their employees or customers. These medical services are included in the basic classification representing the nature of the organization's business.~~

**~~Classification 6109 excludes:~~**

- ~~• Firms providing medical services treating animals, which are classified in **6107-01**;~~
- ~~• Firms providing medical care, therapy, and nursing services whose principal business is treating patients in their homes, which are classified in **6110-00**;~~
- ~~• Firms providing in-home personal care and chore services which are classified in **6511**;~~
- ~~• Personal care and chore service employees employed by the person being cared for, who are classified in **6510** or **6512**, and dietitians and counselors employed by home health care services who meet the standard exception requirements and are classified **6303-21**;~~
- ~~• Medical facilities that include overnight acute care, recovery, and rehabilitation, which are classified in **6105**, **6120**, and **6121**;~~
- ~~• Medical facilities providing care in state licensed convalescent and nursing homes, which are classified in **6108-00**;~~
- ~~• Long-term residential facilities providing personal care services with less than acute care medical services, which are classified in **6509**.~~

~~For administrative purposes, classification **6109** is divided into the following subclassification(s):~~

~~**6109-00 Physicians and medical clinics, N.O.C.**~~

~~**6109-01 Dental clinics**~~

~~**6109-02 Chiropractors**~~

~~**6109-04 Naturopaths**~~

~~**6109-08 Physical, occupational, respiratory, and speech therapists**~~

~~**6109-09 Eye clinics**~~

~~**6109-10 Licensed mental health practitioners; psychologists and psychiatrists**~~

~~**6109-12 Clinics for nutrition, diet, or weight loss**~~

~~**6109-13 Childbirth classes**~~

~~**6109-14 Orthotic and prosthesis clinics**~~

~~**6109-15 Midwife services**~~

~~**6109-16 Licensed massage therapy, reflexology, and nonlicensed massage services**~~

~~**6109-17 Radiology and MRI referral clinics))**~~

~~**6109-00 Physicians, surgeons, and medical clinics, N.O.C.**~~

**Applies to:**

- ~~• Licensed medical practitioners such as physicians and surgeons, not covered by another classification (N.O.C.).~~
- ~~• Medical clinics not covered by another classification (N.O.C.).~~

**Medical practices include, but are not limited to:**

- ~~• General medicine;~~
- ~~• Ophthalmology - Specializes in diagnosis and treatment of diseases and injuries of the eyes;~~
- ~~• Specialized medicine;~~
- ~~• Surgery centers.~~

**Work activities include, but are not limited to:**

- ~~• Administer or prescribe treatments and drugs;~~
- ~~• Analyze reports and findings of tests and examinations;~~

- Billing;
- Diagnose and treat diseases and injuries;
- Inoculate and vaccinate patients;
- House or emergency calls to attend to patients unable to visit the office;
- Plan and perform surgeries;
- Reception;
- Refer patients to a medical specialist or other practitioners for specialized treatment.

**Occupations include, but are not limited to:**

- Clerical office personnel;
- Laboratory technicians;
- Nurse practitioners;
- Nurses;
- Ophthalmologists;
- Pharmacists;
- Phlebotomists;
- Physicians;
- Sales personnel;
- Surgeons;
- X-ray technicians.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

**Exclusions:**

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

**6109-01 Dentists and dental clinics**

**Applies to:**

- Dental clinics or offices;
- Licensed dental practitioners;
- Oral surgery clinics or offices.

**Work activities include, but are not limited to:**

- Billing;
- Cleaning teeth;
- Examination of teeth and gums to determine condition; diagnosis of disease, injuries, or malformation;
- Extractions;
- Fillings;
- House or emergency calls to attend to patients unable to visit the office;
- Instruction on oral and dental hygiene and preventative care;

- Oral surgery;
- Reception;
- Root canals;
- Tooth replacement.

**Occupations include, but are not limited to:**

- Clerical office personnel;
- Dental assistants;
- Dental hygienists;
- Dental technicians;
- Dentists;
- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

**Exclusions:**

• Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.

**6109-02 Chiropractors, N.O.C.**

**Applies to:**

Chiropractic medical practices not covered by another classification (N.O.C.).

**Work activities include, but are not limited to:**

- Billing;
- Diagnose and treat musculoskeletal conditions of the spinal column and extremities to prevent disease and correct abnormalities of the body believed to be caused by interference with the nervous system;
- House or emergency calls to attend to patients unable to visit the office;
- Manipulation of the spinal column and extremities to adjust, align, or correct abnormalities caused by neurologic and kinetic articular dysfunction;
- Reception.

**Occupations include, but are not limited to:**

- Chiropractors;
- Clerical office personnel;
- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

**Exclusions:**

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.



- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

#### **6109-04 Naturopaths, N.O.C.**

##### **Applies to:**

Naturopathic medicine practices not covered by another classification (N.O.C.).

##### **Work activities include, but are not limited to:**

- Billing;
- Diagnose, treat, and care for patients, using a system of practices that bases treatment of physiological functions and abnormal conditions on natural laws governing the human body;
- House or emergency calls to attend to patients unable to visit the office;
- Reception;
- Relying on natural remedies such as, but not limited to, acupuncture, sunlight supplemented with diet, and naturopathic corrections and manipulations.

##### **Occupations include, but are not limited to:**

- Acupuncturists;
- Clerical office personnel;
- Naturopathic and alternative health practitioners;
- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the nature of the organization's business.

##### **Exclusions:**

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

#### **6109-08 Physical, occupational, respiratory, and speech therapists, N.O.C.**

##### **Applies to:**

Businesses engaged in the practice of physical, occupational, respiratory or speech therapy not covered by another classification (N.O.C.).

**Work activities include, but are not limited to:**

- Billing;
- House or emergency calls to attend to patients unable to visit the office;
- Maintain optimum performance of patients by using exercise, massage, heat, light, water, electricity, and specific therapeutic apparatus, or by participation in medically oriented rehabilitative programs, including educational, occupational, and recreational activities;
- Treating and rehabilitating people with physical or mental disabilities by developing and restoring functions or preventing loss of capacities.

**Occupations include, but are not limited to:**

- Clerical office personnel;
- Physical therapists plan and administer medically prescribed physical therapy treatment for patients suffering from injuries, or muscle, nerve, joint and bone diseases, to restore function, relieve pain, and prevent disability;
- Occupational therapists plan, organize, and conduct occupational therapy programs to facilitate development and rehabilitation of people living with mental, physical, or emotional disabilities;
- Respiratory therapists administer respiratory therapy care and life support to patients with deficiencies and abnormalities of the cardiopulmonary system, under the supervision of physicians and by prescription;
- Sales personnel;
- Speech therapists specialize in diagnosis and treatment of speech and language problems and engage in scientific study of human communication.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the nature of the organization's business.

**Exclusions:**

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Dietitians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.

• Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

### **6109-09 Eye clinics**

#### **Applies to:**

Eye clinics not covered by another classification (N.O.C.).

• Eye clinics may specialize in the type of services provided, such as contact lenses, low vision aids, or vision therapy, or in the treatment of specific groups such as children or elderly patients.

#### **Work activities include, but are not limited to:**

- Billing;
- Examining patients' eyes to determine the nature and degree of vision problems or eye diseases;
- House or emergency calls to attend to patients unable to visit the office;
- May specialize in the type of services provided, such as contact lenses, low vision aids, or vision therapy, or in the treatment of specific groups such as children or elderly patients;
- Performing various tests to determine visual acuity and perception and to diagnose diseases and other abnormalities, such as glaucoma and color blindness,
- Prescribing corrective lenses or procedures;
- Reception.

#### **Occupations include, but are not limited to:**

- Clerical office personnel;
- Opticians;
- Optometrists;
- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

#### **Exclusions:**

- Optometrists employed by optical goods stores are classified in 6308.
- Ophthalmology practices are classified in 6109-00.
- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.

### **6109-10 Licensed mental health practitioners; psychologists and psychiatrists**

#### **Applies to:**

Businesses engaged in the practice of diagnosing and treating patients with mental, emotional, or behavioral disorders not covered by another classification (N.O.C.).

#### **Work activities include, but are not limited to:**

- Billing;
- Diagnose or evaluate mental and emotional disorders of individuals and administer programs of treatment utilizing a variety of psychotherapeutic methods which can include medication;
- House or emergency calls to attend to patients unable to visit the office;

- Interview patients in clinics, hospitals, prisons, and other institutions, and study medical and social case histories;
- Organize data obtained from the patient, relatives, and other sources, concerning the patient's family, medical history, and the onset of symptoms.

**Occupations include, but are not limited to:**

- Clerical office personnel;
- Counselors;
- Psychiatrists;
- Psychologists;
- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

**Exclusions:**

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

**6109-12 Nutrition, diet, or weight loss clinics, N.O.C.**

**Applies to:**

Businesses engaged as nutrition, diet, or weight loss clinics not covered by another classification (N.O.C.).

**Work activities include, but are not limited to:**

- Billing;
- House or emergency calls to attend to patients unable to visit the office;
- Programs to help clients achieve healthy and permanent weight loss through healthy eating habits;
- Programs based on behavior modification theory;
- Private counseling or group support meetings and seminars to educate individuals about their eating habits and proper eating patterns;
- Publish newsletters or other forms of literature for the benefit of their clients;
- Reception;
- Selling vitamin supplements or a line of food products to be used by their clients.

**Occupations include, but are not limited to:**

- Clerical office personnel;
- Dieticians;
- Nutritionists;
- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

**Exclusions:**

- Worker hours doing exercise programs such as personal fitness training or aerobic exercise instruction are reported separately in the applicable classification.
- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

**6109-13 Childbirth classes**

**Applies to:**

Businesses providing childbirth education for expectant parents.

**Services include, but are not limited to:**

- Breathing and relaxing techniques instructions;
- Education on what to expect during pregnancy;
- Literature and movies may be provided in addition to oral instruction;
- Massage therapy instructions.

**Occupations include, but are not limited to:**

- Billing personnel;
- Childbirth instructors;
- Clerical office personnel;
- Receptionists;
- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

**Exclusions:**

- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.

- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

#### **6109-14 Orthotic and Prosthetic clinics**

##### **Applies to:**

Businesses operating as orthotic or prosthetic clinics which fit and prepare orthopedic braces and prosthetics under the direction of and in consultation with physicians.

##### **Orthotists work includes, but is not limited to:**

- Examine and evaluate the patient's needs in relation to disease and functional loss;
- Assist in the design of an orthopedic brace;
- Select materials, make cast measurements, model modifications and layouts;
- Evaluate the brace on a patient, make adjustments to ensure correct fit, and instruct the patient in its use;
- House or emergency calls to attend to patients unable to visit the office.

##### **Prosthetists work includes, but is not limited to:**

- Care to patients with partial or total absence of a limb;
- Planning fabrication of, writing specifications for, and fitting the prosthesis under the guidance of and in consultation with a physician;
- House or emergency calls to attend to patients unable to visit the office.

##### **Occupations include, but are not limited to:**

- Billing personnel;
- Clerical office personnel;
- Orthotists;
- Prosthetists;
- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

##### **Exclusions:**

- Manufacturing of orthopedic braces, splints or prostheses are classified in the applicable classification.
- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

#### **6109-15 Midwife services**

**Applies to:**

Businesses engaged in the practice of midwifery.

**Work activities include, but are not limited to:**

- Billing;
- Caring for women undergoing medically uncomplicated pregnancy and low risk labor and delivery;
- Delivery may take place in a clinic setting or in the expectant mother's home;
- Reception.

**Occupations include, but are not limited to:**

- Clerical office personnel;
- Midwives;
- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

**Exclusions:**

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Dietitians and counselors employed by home health care services who meet the standard exception requirements and are classified in 6303.

**6109-16 Licensed massage therapy, reflexology, and foot massage services****Applies to:**

- Businesses providing reflexology or foot massage services.
- Businesses of licensed practitioners who are engaged in the practice of massage therapy. Some massage therapists work in conjunction with physicians or sports teams, or at hospitals, rehabilitation facilities or convalescent homes.

**Work activities include, but are not limited to:**

- Billing;
- Determining the modality to be used, such as deep-muscle work, trigger-point therapy, or joint rotation;
- Determine the nature of the massage; relaxation, correction, or to relieve a medical problem, reviewing medical reports;
- House or emergency calls to attend to patients unable to visit the office;
- Reception.

**Occupations include, but are not limited to:**

- Clerical office personnel;
- Massage therapists;
- Reflexologists;

- Sales personnel.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

**Exclusions:**

- Massage therapists employed by a health club, gymnasium, sauna, or bath house are classified in 6204.
- Massage therapists employed by a salon or other business are classified in 6501.
- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Businesses providing medical care, therapy, and nursing services, whose principal business is treating patients in their homes are classified in 6110.
- Businesses providing in-home personal care and chore services are classified in 6511.
- Personal care and chore service employees employed by the person being cared for are classified in 6510 or 6512.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

**6109-17 Radiology and MRI referral clinics**

**Applies to:**

Businesses engaged in the practice of radiology and/or magnetic resonance imaging.

**Work activities include, but are not limited to:**

- Administer radiopaque substances by injection, orally, or as enemas, to render internal structures and organs visible on X-ray films or fluoroscopic screens;
- Billing;
- Diagnose and treat diseases of the human body using X-ray and radioactive substances;
- Examine the internal structures and functions of the organ systems and make diagnoses after correlating the X-ray findings with other examinations and tests;
- Magnetic resonance imaging technologists to operate magnetic resonance imaging equipment which produces cross-sectional images (photographs) of a patient's body for diagnostic purposes;
- Reception.

**Occupations include, but are not limited to:**

- Clerical office personnel;
- Nurses;
- Radiologists;
- Sales personnel;
- Technologists.

**Special note:** Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to pro-



vide care to their employees or customers. These medical services are included in the basic classification assigned to the organization's business.

**Exclusions:**

- Business with veterinarians and surgeons providing medical services treating animals are classified in 6107.
- Medical facilities that include overnight acute care, recovery, and rehabilitation are classified in 6105, 6120, and 6121.
- Medical facilities providing care in state licensed convalescent and nursing homes are classified in 6108.
- Long-term residential facilities providing personal care services with less than acute care medical services are classified in 6509.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-6109, filed 7/5/16, effective 1/1/17; WSR 15-02-060, § 296-17A-6109, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-6109, filed 12/8/06, effective 12/8/06; WSR 00-14-052, § 296-17-686, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-686, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-686, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 94-12-063, § 296-17-686, filed 5/30/94, effective 6/30/94; WSR 93-12-093, § 296-17-686, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. WSR 87-24-060 (Order 87-26), § 296-17-686, filed 12/1/87, effective 1/1/88; WSR 87-12-032 (Order 87-12), § 296-17-686, filed 5/29/87, effective 7/1/87; WSR 85-24-032 (Order 85-33), § 296-17-686, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-686, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-686, filed 11/30/83, effective 1/1/84; WSR 81-24-042 (Order 81-30), § 296-17-686, filed 11/30/81, effective 1/1/82; Order 73-22, § 296-17-686, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

**WAC 296-17A-6204 Classification 6204.**

~~((Gyms, fitness centers, martial arts training, baths or saunas~~

~~Classification 6204 applies to businesses that offer activities and services for recreation, health, and fitness. Gyms typically include cardio workout machines, weight equipment, free weights, bicycle machines, and studio space for group exercise sessions and classes. These facilities may also offer additional items such as running tracks, tennis and racket ball courts, pools, tanning rooms, massage, saunas, baths, and gymnastic equipment. There may also be some retail sales and limited food and beverage services.~~

~~Businesses in this classification sometimes advertise as day spas. This classification includes day spas offering a soaking pool, bath, hot tub, sauna, or steam rooms. Businesses with these spa features may also offer aromatherapy, mud baths, body wrap, rub down, massage, or other personal beauty services.~~

~~**Occupations reported in this classification may include:**~~

~~Activity directors;~~

~~Personal trainers;  
 Instructors;  
 Facility managers;  
 Lifeguards;  
 Cleaning staff;  
 Massage therapists;  
 Spa attendants;  
 Estheticians;  
 Nutritional counselors;  
 Child care providers;  
 Food and beverage service workers;  
 Front desk staff;  
 Grounds keepers;  
 Maintenance personnel;  
 Scuba diving instructors providing lessons in a swimming pool,  
 even if not employed by pool facility.~~

~~This classification excludes:~~

- ~~• Day spas or beauty shops which do not offer baths, soaking pools, or hot tubs that are reported separately in classification **6501**;~~
- ~~• Massage therapy businesses which are reported separately in classification **6109**;~~
- ~~• Golf courses which are reported separately in classification **6206**;~~
- ~~• Clubs that offer members' fine dining, lounges, bars, conference rooms, and other services in addition to the athletic facilities, which are reported separately in classification **6205**;~~
- ~~• Dance schools which are reported separately in classifications **6103** and **6104**;~~
- ~~• Ski resorts which are reported separately in classification **6705**;~~
- ~~• Scuba diving instruction not taking place in pools which is reported in classification **0202**;~~
- ~~• Swim instructors employed by organizations that have no facility or pool who are to be reported in classification **6103**.~~

~~For administrative purposes, classification **6204** is divided into the following subclassification(s):~~

~~**6204-00 Baths, hot tubs, saunas, steam rooms**~~

~~**6204-04 Exercise facilities, gyms, fitness and martial arts centers, N.O.C.)**~~

~~**6204-00 Baths, hot tubs, saunas, steam rooms**~~

**Applies to:**

Businesses operating baths, hot tubs, day spas, saunas, or steam rooms.

**Services include, but are not limited to:**

- Aromatherapy;
- Baths;
- Body shampoos;
- Body wraps;
- Hot tubs;
- Jetted bathtubs;
- Mud baths;
- Rub downs;
- Saunas;

- Soaking pools;
- Steam rooms;
- Tanning beds/booths; and
- Other personal beauty services.

**Occupations may include, but are not limited to:**

- Cleaning staff;
- Estheticians;
- Facility managers;
- Front desk staff;
- Groundskeepers;
- Instructors;
- Maintenance personnel;
- Massage therapists; and
- Spa attendants.

**Exclusions:**

- Day spas or beauty shops which do not offer baths, soaking pools, or hot tubs classified in 6501.
- Massage therapy businesses classified in 6109.

**6204-04 Exercise facilities, gyms, fitness, and martial arts centers, not covered by another classification (N.O.C.).**

**Applies to:**

Businesses operating exercise facilities, gyms, fitness, or martial arts centers.

**Exercise facilities may include, but are not limited to:**

- Body toning and nautilus equipment;
- Cardio workout equipment;
- Free weights and weight machines;
- Gymnasiums;
- Handball courts;
- Jogging tracks;
- Racquetball courts;
- Squash courts;
- Swimming pools; and
- Tennis courts.

**Classes may include, but are not limited to:**

- Aerobic;
- Gymnastic;
- Martial arts;
- Nutrition counseling; and
- Physical fitness goal instruction.

**Amenities may include, but are not limited to:**

- Child care;
- Food and beverage services;
- Locker rooms;
- Massages;
- Pro shops;
- Saunas;
- Showers;
- Tanning booths;
- Towel service; and
- Whirlpools.

**Occupations may include, but are not limited to:**

- Activity directors;

- Child care providers;
- Cleaning staff;
- Esthetician;
- Facility managers;
- Food and beverage service workers;
- Front desk staff;
- Groundskeepers;
- Instructors;
- Lifeguards;
- Maintenance personnel;
- Massage therapists;
- Nutritional counselors;
- Personal trainers;
- Scuba diving instructors providing lessons in a swimming pool, even if not employed by pool facility; and
- Spa attendant.

**Exclusions:**

- Massage therapy businesses classified in 6109.
- Golf courses classified in 6206.
- Clubs that offer members' fine dining, lounges, bars, conference rooms, and other services in addition to the athletic facilities, classified in 6205.
- Dance schools classified in 6103 and 6104.
- Ski resorts classified in 6705.
- Worker hours for scuba diving instruction not taking place in pools must be reported separately in classification 0202.
- Worker hours for swim instructors employed by organizations that have no facility or pool report separately in classification 6103.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-6204, filed 7/5/16, effective 1/1/17; WSR 15-02-060, § 296-17A-6204, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-6204, filed 12/8/06, effective 12/8/06; WSR 00-14-052, § 296-17-690, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-690, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 93-12-093, § 296-17-690, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-690, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-690, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-690, filed 11/30/83, effective 1/1/84; WSR 81-24-042 (Order 81-30), § 296-17-690, filed 11/30/81, effective 1/1/82; Order 73-22, § 296-17-690, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 15-11-063, filed 5/19/15, effective 7/1/15)

**WAC 296-17A-6207 Classification 6207.**

**~~((6207-00 Carnivals -- Traveling~~**

~~Applies to those employees of an employer engaged in operating traveling carnivals, who are drivers and/or engaged in the set up and/or tear down of mechanical and nonmechanical amusement rides, and~~

any temporary structure associated with a traveling carnival such as, but not limited to, game, food, or souvenir concession booths, mobile offices, aid rooms or ticket booths.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; clerical employees who travel with the carnival or with ride operators and who work out of a mobile office, ride operators, game attendants, ticket sellers/takers and personnel involved in the care, custody, and maintenance of carnival facilities who are to be reported separately in classification 6208; establishments engaged in operating mechanical or nonmechanical rides at a permanent location which are to be reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement park, which are to be reported separately in classification 6406.

**Special note:** Permanent shop employees, and those employees assigned to the shop during the winter quartering period may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-31018 have been met.

#### **6207-01 Circuses - Traveling**

Applies to establishments engaged in operating a traveling circus. Work contemplated by this classification includes all preparations, operations and maintenance normally performed by employees of an employer having operations subject to this classification. Employments include, but are not limited to, drivers, trainers, performers, ticket sellers/takers, clerical staff who travel with the circus, set up/tear down of mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths and all other temporary structures associated with a traveling circus.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met.

**Special note:** Classifications 6208 and 5206 do not apply to circus operations.

#### **6207-02 Amusement rides - Traveling**

Applies to establishments engaged in operating mechanical or nonmechanical amusement rides. Employments contemplated by this classification include, but are not limited to, drivers and all employees engaged in the set up and tear down, operation, and maintenance of mechanical and nonmechanical rides and all other temporary structures associated with the amusement rides. This classification also includes automobile stunt shows, such as monster trucks or motorcycle car jumps, that perform for entertainment purposes. Covered employments associated with automobile stunt shows include, but are not limited to, drivers, mechanics, and maintenance employees who set up and take down ramps or other structures used in the show.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; clerical employees who travel with the amuse-

~~ment operations and work out of a mobile office, ride operators, attendants, ticket sellers/takers, and personnel involved in the care, custody, and maintenance of amusement facilities who may be reported separately in classification 6208; employers engaged in operating mechanical or nonmechanical rides at a permanent location which are to be reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement park, which are to be reported separately in classification 6406.~~

~~**Special note:** Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17A-5206 have been met.~~

### ~~6207-03 Rodeos~~

~~Applies to establishments engaged in the production of rodeos. Employments contemplated by this classification include all operations normally performed by employees of an employer having operations subject to this classification such as, but not limited to, drivers and all arena employees, setting up/tearing down temporary enclosures/structures/bleachers, clowns, gate openers, animal handlers, ticket sellers/takers, first-aid staff, and clerical staff who travel with the rodeo.~~

~~This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; and stock handlers who contract with a rodeo producer to supply horses, bulls, or other rodeo animals, who are to be reported separately in classification 7302.~~

~~**Special note:** Classifications 6208 and 5206 do not apply to rodeos.~~

### ~~6207-04 Fireworks exhibition~~

~~Applies to establishments engaged in producing pyrotechnic exhibitions. This classification includes purchasing ready made fireworks, setting up displays, timing fuses, lighting the fireworks, and cleaning up.~~

~~This classification excludes establishments engaged in the manufacture of fireworks which are to be reported separately in classification 3701.)~~

### 6207-00 Traveling carnivals and amusement rides

#### Applies to:

Businesses engaged in operating traveling carnivals, operating mechanical and nonmechanical amusement rides, and automobile, motorcycle, and monster truck stunt shows.

#### Work activities include, but are not limited to:

- Driving and mechanical work;
- Transporting the equipment or rides between locations;
- Setting up, maintaining, and tearing down the rides, structures, and equipment;
- Setting up or tearing down temporary structures such as, but not limited to:
  - Aid rooms;
  - Concession booths;
  - Food booths;

- Game booths;
- Souvenir booths;
- Mobile offices; and
- Ticket booths.

**Exclusions:**

• Worker hours for office clerical employees assigned to a permanent office location with no outside duties are reported separately in classification 4904 provided all conditions of the general reporting rules covering standard exception employees have been met.

• Worker hours for traveling clerical employees who work out of a mobile office, ride operators, game attendants, ticket sellers/takers, and maintenance of facilities are reported separately in classification 6208.

• Worker hours for permanent shop employees, and those employees assigned to the shop during the winter quartering period, are reported separately in classification 5206-79 provided the conditions set forth in WAC 296-17A-5206 and 296-17-31018 have been met.

• Businesses operating mechanical or nonmechanical rides at permanent locations are classified in 6208.

• Businesses operating video or amusement game arcades at permanent locations, not in connection with an amusement park, are classified in 6406.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017, Multiple classifications.

**6207-01 Rodeos and traveling circuses****Applies to:**

Businesses engaged in operating a traveling circus or the production of rodeos.

**Work activities include, but are not limited to:**

- Animal handling;
- Arena work;
- Circus performing;
- Driving;
- First aid;
- Gate opening;
- Preparing, operating, and maintaining equipment and facilities;
- Rodeo clown work;
- Setting up or tearing down mechanical and nonmechanical rides;
- Setting up or tearing down temporary structures such as, but

not limited to:

- Aid rooms;
- Bleachers;
- Concession booths;
- Enclosures;
- Mobile offices; and
- Ticket booths.
- Ticket sellers/takers;
- Trainers; and
- Traveling clerical employees.

**Exclusions:**

• Worker hours for office clerical employees assigned to a permanent office location with no outside duties are reported separately in classification 4904 provided all conditions of the general reporting rules covering standard exception employees have been met.

• Stock handlers who contract with a rodeo producer to supply rodeo animals are classified in 7302.

**Special note:** Classifications 6208 and 5206 do not apply to rodeo and traveling circus operations.

**6207-04 Fireworks exhibition**

**Applies to:**

Businesses engaged in producing pyrotechnic exhibitions.

**Work activities include, but are not limited to:**

- Cleaning up;
- Igniting the fireworks;
- Purchasing ready-made fireworks;
- Setting up displays; and
- Using timing fuses.

**Exclusions:**

- Businesses manufacturing fireworks are classified in 3701.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-11-063, § 296-17A-6207, filed 5/19/15, effective 7/1/15; WSR 14-17-085, § 296-17A-6207, filed 8/19/14, effective 9/19/14; WSR 13-11-128, § 296-17A-6207, filed 5/21/13, effective 7/1/13. WSR 07-01-014, recodified as § 296-17A-6207, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-693, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-693, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-693, filed 5/31/96, effective 7/1/96; WSR 86-12-041 (Order 86-18), § 296-17-693, filed 5/30/86, effective 7/1/86; WSR 85-24-032 (Order 85-33), § 296-17-693, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-693, filed 2/28/85, effective 4/1/85; Order 77-27, § 296-17-693, filed 11/30/77, effective 1/1/78; Order 73-22, § 296-17-693, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

**WAC 296-17A-6208 Classification 6208.**

**~~((6208-00 Amusement parks; exhibition caves or caverns~~**

~~Applies to establishments engaged in providing amusement parks to the public or in the operation of cave or caverns for exhibition purposes. Establishments subject to this classification are located on a permanent site and usually offer a variety of activities such as, but not limited to, amusement rides, water slides, miniature golf, and games such as tossing rings, throwing balls, and shooting air rifles. There may be one or more separate arcade areas located within the park. This classification includes rides, ticket sellers, gate attendants, food and beverage operations, care, custody and maintenance of the above facilities and operations similar to a traveling carnival.~~

~~This classification excludes set up, tear down and delivery of amusement park rides, games and food booths which are to be reported separately in classification 6207.~~

**~~6208-01 Ranges: Archery, ball, dart, golf, firearms shooting~~**



~~Applies to establishments engaged in operating indoor or outdoor archery, ball, dart, golf, and firearms shooting ranges. Golf driving ranges subject to this classification are operated separately from a golf course. If the driving range is operated in conjunction with a golf course, then the entire establishment is to be reported separately in classification 6206. Ball ranges (batting cages) are establishments set up to provide batting practice. Archery ranges are permanent establishments that provide targets for practice. If these operations are conducted in conjunction with an amusement park, then the entire operation is to be reported separately in classification 6208-00. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.~~

~~This classification excludes miniature golf courses which are to be reported separately in classification 6208-07, and ranges that use air rifles which are to be reported separately in classification 6208-10.~~

### **6208-03 Boat rental facilities**

~~Applies to establishments engaged in renting row boats, paddle boats, rubber rafts or similar water craft for recreational purposes when the water is part of a park. This classification includes the operation of bumper boat amusement rides if that is the sole function of the establishment. If the bumper boats are operated as part of an amusement park, the entire establishment is to be reported separately in classification 6208-00. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.~~

### **6208-04 Fairs, shows and exhibitions, N.O.C.**

~~Applies to establishments or community organizations engaged in managing, sponsoring and conducting fairs, shows and exhibitions not covered by another classification (N.O.C.). Events may include, but not be limited to, community fairs, animal (pet or livestock), flower, art, and trade shows. Many of the exhibitors and concessionaires are independent businesses that rent space at the site. Work contemplated by this classification includes, but is not limited to, coordinating exhibitors, arranging for a facility and utilities, selling tickets, judging entries, security personnel, helping to set up and tear down booths, the showing of animals in an arena, food and beverage operations and care, custody and maintenance of the above facilities.~~

~~This classification excludes all raising or care of animals which are to be reported separately in the applicable classifications.~~

### **6208-07 Miniature golf courses**

~~Applies to establishments engaged in the operation of miniature golf courses. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.~~

~~This classification excludes miniature golf courses operated in conjunction with an amusement park which are to be reported separately in classification 6208-00.~~

### **6208-08 Kiddie rides at permanent locations**

~~Applies to establishments engaged in operating kiddie rides at a permanent location. Ride attendants duties include, but are not limited to, selling tickets, directing patrons getting on and off the rides, keeping order among the patrons waiting to ride, and making sure all belts and safety devices are in the proper place and func-~~

tioning. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

**~~6208-09 Race tracks~~**

~~Applies to establishments engaged in the operation of race tracks such as, but not limited to, stock car, go cart, motorcycle, horse, and drag racing tracks. Employments contemplated by this classification include, but are not limited to, selling tickets, booking events, coordinating participants, and security. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.~~

~~This classification excludes parimutuel clerks at a horse racing track and cashiers with no other duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; and the handling of horses or vehicles which is to be reported separately in the classification applicable to the work being performed.~~

**~~6208-10 Shooting galleries for air rifles only; laser tag, war games, paint ball facilities~~**

~~Applies to establishments engaged in operating shooting galleries for air rifles only. If the air rifle shooting gallery is operated in conjunction with an amusement park, the entire operation is to be reported separately in classification 6208-00. This classification also applies to laser tag, war games, and paint ball facilities. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.~~

~~This classification excludes operations involving any firearms such as, but not limited to, pistol or rifle ranges, which are to be reported separately in classification 6208-01.~~

**~~6208-11 Carnival operations, N.O.C.~~**

~~Applies to those employees of an employer engaged in operating carnivals who are not covered by another classification (N.O.C.). These employees are generally employed as ride operators, game attendants, ticket sellers/takers, and traveling clerical workers. This classification includes operations care, custody and maintenance of the above facilities.~~

~~This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; employees engaged in driving and/or set up and tear down of all mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths, and all other temporary structures associated with a traveling carnival who are to be reported separately in classification 6207; employees of carnival operations assigned to work in food booths who are to be reported separately in classification 3905; and employees of carnival operations assigned to work in souvenir or gift shops who may be reported separately in classification 6406 provided they have no other duties.~~

~~**Special note:** Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17A-5206 have been met.)~~

**6208-00 Permanent site for amusement parks, exhibition caves or caverns, boat rentals, and kiddie rides**

**Applies to:**

- Amusement parks and kiddie rides located on a permanent site.
- Businesses that operate a park with water and the business does recreational boat rentals.
- Operating exhibition caves or caverns.

**Activities and services offered include, but are not limited to:**

- Amusement and kiddie rides;
- Ball throwing;
- Boat rental - Row, paddle, rubber, or similar water craft for recreational purposes;
- Bowling lanes;
- Bumper boats;
- Food and beverage operations;
- Miniature golf;
- Ring toss;
- Shooting air rifles; and
- Water slides.

**Work activities include, but are not limited to:**

- Game attendants;
- Gate attendants;
- Maintenance of the facilities;
- Ride operators; and
- Selling/taking tickets.

**Exclusions:**

- Worker hours for setting up, tearing down, or delivering rides, games, and temporary structures must be reported separately in classification 6207.
- Worker hours for office clerical employees assigned to a permanent office location with no outside duties are reported separately in classification 4904 provided all conditions of the general reporting rules covering standard exception employees have been met.
- Businesses engaged in marinas and boat house operations with incidental boat rentals are classified in 3414.
- Businesses engaged in motorized sport vehicles sales or rental with incidental rental of jet skis, boats, canoes, or kayaks are classified in 3309.
- Retail sporting good stores with incidental rentals of items such as, but not limited to, canoes, kayaks, paddle boards, or paddle boats are classified in 6406.
- Businesses engaged in the rental of sporting goods such as, but not limited to, canoes, kayaks, paddle boards, or paddle boats are classified in 6406.

**6208-01 Miniature golf courses, shooting galleries, batting cages and ranges****Applies to:**

- Businesses engaged in operating indoor or outdoor activities such as, but not limited to:
- Air rifles and firearms shooting ranges;
  - Archery ranges;
  - Axe throwing ranges;
  - Ball ranges;
  - Batting cages;
  - Golf driving ranges;
  - Laser tag facilities;

- Miniature golf courses;
- Paint ball facilities; and
- War games facilities.

**Work activities include, but are not limited to:**

- Food and beverage operations;
- Maintenance of the facilities; and
- Selling tickets.

**Exclusions:**

- Driving ranges operating in conjunction with a golf course are classified in 6206.
- Ball ranges, archery ranges, miniature golf courses, or air rifle ranges operated in conjunction with an amusement park are classified in 6208-00.

**6208-04 Fairs, shows, and exhibitions, N.O.C.**

**Applies to:**

Businesses engaged in managing, sponsoring and conducting fairs, shows, and exhibitions not covered by another classification (N.O.C.).

**Events may include, but not be limited to:**

- Animal shows (pet or livestock);
- Art shows;
- Community fairs;
- Flower shows; and
- Trade shows.

**Work activities include, but are not limited to:**

- Arranging for a facility and utilities;
- Coordinating exhibitors;
- Food and beverage operations;
- Judging entries;
- Maintenance of the facilities;
- Providing security;
- Selling tickets;
- Setting up or tearing down temporary booths; and
- Showing animals in an arena.

**Exclusions:**

- Independent exhibitors and concessionaires that rent space at the site are classified in the applicable classification for the business.
- Worker hours engaged in raising or care of animals are reported separately in the applicable classifications.

**6208-09 Race tracks**

**Applies to:**

Businesses engaged in the operation of race tracks such as, but not limited to:

- Drag racing;
- Go-cart;
- Horse;
- Motorcycle; and
- Stock car.

**Work activities include, but are not limited to:**

- Booking events;
- Coordinating participants;
- Food and beverage operations;

- Maintenance of the facilities;
- Security; and
- Selling tickets.

**Exclusions:**

- Worker hours for pari-mutuel clerks at a horse racing track and cashiers with no other duties are reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met.
- Worker hours handling horses or vehicles are classified in the applicable classification to the work being performed.

**6208-11 Carnival operations, N.O.C.****Applies to:**

Businesses operating a carnival who are not covered by another classification (N.O.C.).

**Work activities include, but are not limited to:**

- Game attendants;
- Maintenance of the facilities;
- Ride operators;
- Ticket sellers/takers; and
- Traveling clerical workers who work out of a mobile office.

**Exclusions:**

- Worker hours for office clerical employees with no outside duties are reported separately in classification 4904 provided all conditions of the general reporting rules covering standard exception employees have been met.
- Worker hours for driving, setting up, tearing down, delivering of all mechanical and nonmechanical rides, games, and concession booths or stands, mobile offices, aid rooms, ticket booths, and all other temporary structures for a traveling carnival must be reported separately in classification 6207.
- Worker hours of employees of carnival operations assigned to work in food booths are reported separately in classification 3905.
- Worker hours of employees of carnival operations assigned to work in souvenir or gift shops are reported separately in classification 6406 provided they have no other duties.

**Special Note:** Worker hours for shop employees, assigned to a permanent office location are reported separately in classification 5206-79 provided the conditions set forth in WAC 296-17A-5206 and 296-17-31018 have been met.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017, Multiple classifications.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-6208, filed 8/19/14, effective 9/19/14. WSR 07-01-014, recodified as § 296-17A-6208, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-694, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 51.16.035, 51.04.020. WSR 00-14-052, § 296-17-694, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-694, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-694, filed 5/31/96, effective 7/1/96; WSR 86-12-041 (Order 86-18), § 296-17-694, filed 5/30/86, effective 7/1/86; WSR 85-24-032 (Order 85-33), § 296-17-694, filed 11/27/85, effective 1/1/86; WSR

85-06-026 (Order 85-7), § 296-17-694, filed 2/28/85, effective 4/1/85; WSR 81-24-042 (Order 81-30), § 296-17-694, filed 11/30/81, effective 1/1/82; Order 76-36, § 296-17-694, filed 11/30/76; Order 73-22, § 296-17-694, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 15-19-081, filed 9/15/15, effective 10/16/15)

**WAC 296-17A-6301 Classification 6301.**

~~((Lot and marina sales personnel for vehicles and pleasure craft; driving instructors, and limousine drivers~~

~~Classification 6301 is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from 6301 because of restrictions described in this rule, then none of the worker's hours may be reported in classification 6301.~~

~~**Special note:** Care must be taken to:~~

~~• Look beyond job titles such as "salesperson" or "driving instructor." Job titles do not ensure the work or the workplace meet the requirements for 6301;~~

~~• Ensure standard exceptions are permitted — Some basic classifications include sales;~~

~~• Ensure workers assigned to classification 6301 perform no work other than what is allowed by this classification and that permitted in WAC 296-17-4904.~~

~~Classification 6301 is restricted to the following work areas:~~

~~• Those allowed for office work in WAC 296-17A-4904;~~

~~• Classrooms;~~

~~• Sales lots and other sales display areas;~~

~~• In a vehicle/water craft for a test drive or instruction;~~

~~• Operating a "special occasion" limousine.~~

~~Classification 6301 includes all activities allowed by WAC 296-17A-4904 (office workers) as well as:~~

~~• Test driving;~~

~~• Showing and demonstrating products;~~

~~• Sales training;~~

~~• In car driving instruction for driving schools;~~

~~• Driving for limousine services that take people to and from special events by appointment.~~

~~Classification 6301 excludes:~~

~~• Classroom instructors or administrators at driving schools performing no work inside vehicles, who are reported separately in classification 6103;~~

~~• Vehicle repair or maintenance work reported separately in classification 3411;~~

~~• In vehicle driving instructors for high schools, who are reported in classification 6104;~~

~~• Airport limousine services or similar shuttle type operations that are reported separately in classification 1407;~~

~~• On call taxi-type services. See classification 1401;~~

~~• Dealership employees responsible for transporting vehicles (such as cars purchased at an auction) who are reported separately in classification 3411.~~

For administrative purposes, classification ~~6301~~ is divided into the following subclassifications:

~~6301-00 Sales personnel: Vehicles and marine pleasure craft  
6301-06 Instructors of driving schools  
6301-07 Limousine drivers)~~

6301-00 Sales personnel: Vehicles and marine pleasure craft

**Applies to:**

Businesses having sales employees, not covered by another classification assigned to the employer's account, who are engaged in selling and/or leasing new and/or used vehicles.

**Vehicles can include, but are not limited to:**

- Automobiles;
- Boats and other marine pleasure craft;
- Campers;
- Mobile homes;
- Motorcycles;
- Other all-terrain vehicles;
- Recreational vehicles;
- Trucks.

**Work activities are limited to duties such as:**

- Activities allowed by WAC 296-17A-4904 (clerical office);
- Arranging for delivery of purchased vehicles;
- Completing paperwork;
- Sales training;
- Showing and demonstrating vehicles;
- Test driving.

**Work areas can include:**

- Areas allowed for office work in WAC 296-17A-4904;
- Sales lots and other sales display areas;
- Vehicle/water craft for a test drive or instruction.

**Special note:** This is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from 6301 because of restrictions described in this rule, then none of the worker's hours may be reported in classification 6301.

**Exclusions:**

- Workers engaged in vehicle repair or maintenance work must be reported in classification 3309, 3411, or 3414 as applicable.
- Dealership employees responsible for transporting vehicles (such as cars purchased at an auction) must be reported in classification 3411.

6301-06 Instructors of driving schools

**Applies to:**

Instructors of driving schools.

**Work activities are limited to duties such as:**

- Activities allowed by WAC 296-17A-4904 (clerical office);
- Demonstrating driving techniques; and
- Observing student drivers.

**Work areas can include:**

- Areas allowed for office work in WAC 296-17A-4904;

- Vehicle for a test drive or instruction.

**Special note:** This is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from 6301 because of restrictions described in this rule, then none of the worker's hours may be reported in classification 6301.

**Exclusions:**

- Classroom instructors or administrators at driving schools performing no work inside vehicles, must be reported in classification 6103.
- Workers engaged in vehicle repair or maintenance work must be reported in classification 3309, 3411, or 3414 as applicable.
- Vehicle driving instructors employed by high schools, are classified in 6104.

**6301-07 Limousine drivers**

**Applies to:**

Drivers of businesses engaged in providing limousine services to others.

**Limousine services include luxury transportation for special occasions such as, but not limited to:**

- Birthday parties;
- Concerts;
- Corporate business functions;
- Dances;
- Sporting events;
- Weddings.

**Work areas can include:**

- Areas allowed for office work in WAC 296-17A-4904;
- Operating a "special occasion" limousine.

Clients usually travel in groups from two to 10. Drivers are professionally trained chauffeurs; they generally provide services by appointment from specific locations to set destinations, and often wait with the vehicle while clients attend events.

Depending on the occasion, the limousine service may also provide beverages, snacks, balloons, or flowers. Since the service is intended for luxury as opposed to meeting deadlines, the hazards of driving differ from most other professional drivers.

**Special note:** This is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from 6301 because of restrictions described in this rule, then none of the worker's hours may be reported in classification 6301.

**Exclusions:**

- Workers engaged in vehicle repair or maintenance work must be reported in classification 3309, 3411, or 3414 as applicable.
- Airport limousine services or similar shuttle type operations are classified in 1407.
- On call taxi-type services are classified in 1401.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-19-081, § 296-17A-6301, filed 9/15/15, effective 10/16/15; WSR 14-17-085, § 296-17A-6301, filed 8/19/14, effective 9/19/14. Statutory Authority:



RCW 51.04.020, 51.16.035, and 51.16.100. WSR 11-24-022, § 296-17A-6301, filed 11/30/11, effective 1/1/12. Statutory Authority: RCW 51.16.035, 51.16.100, and 2007 c 324. WSR 07-24-045, § 296-17A-6301, filed 12/1/07, effective 1/1/08. WSR 07-01-014, recodified as § 296-17A-6301, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-696, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-696, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-696, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-696, filed 11/30/83, effective 1/1/84; WSR 82-24-047 (Order 82-38), § 296-17-696, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-696, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 19-11-109, filed 5/21/19, effective 7/1/19)

**WAC 296-17A-6303 Classification 6303.**

~~((Sales personnel with outside duties, messengers, insurance producers or surplus line brokers, social workers and dieticians employed by a home health care service~~

~~Although referenced as sales personnel, this classification also applies to others with similar type activities. While some duties may be performed in a business office, the work is often conducted away from the employer's physical business location or in showrooms. We refer to work that takes place away from the employer's premises as "outside sales."~~

~~Classification **6303** is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from **6303** because of restrictions described in this rule, then none of the worker's hours may be reported in classification **6303**.~~

~~**Special note:** Care must be taken to:~~

- ~~• Look beyond job titles such as salesperson, social worker, or messenger. Job titles do not ensure the work satisfies the restrictions for classification **6303**;~~
- ~~• Ensure standard exceptions are permitted – Some basic classifications include sales work;~~
- ~~• Ensure workers assigned classification **6303** perform no work other than what is allowed by this classification or that permitted in WAC 296-17-4904.~~

~~Classification **6303** includes all activities allowed by WAC 296-17A-4904 (office workers) as well as:~~

- ~~• Meeting with customers off premises;~~
- ~~• Showing and demonstrating products and merchandise;~~
- ~~• Off-site classroom instructional training;~~
- ~~• Driving oneself or being transported to or from meeting or training locations;~~
- ~~• Delivering interoffice mail, correspondence and legal documents necessary for administering the employer's business;~~
- ~~• Providing counseling or verbal direction to clients of a home health care service;~~
- ~~• Performing public relations for employers' business; and~~
- ~~• Estimating (nonconstruction) or appraising.~~

Classification ~~6303~~ excludes:

- ~~Stocking, shipping, receiving, or delivering merchandise;~~
- ~~The demonstration of machinery or equipment;~~
- ~~Workers who perform any duties not specifically allowed by WAC 296-17A-4904 or 296-17A-6303;~~
- ~~Specialty services merchandising products in stores, reported in classification ~~0607-19~~;~~
- ~~Directly supervising workers not included in classifications ~~4904~~ or ~~6303~~;~~
- ~~Providing samples to retail customers, reported in classification ~~6406-40~~ or ~~7106-01~~;~~
- ~~Working as a driver for a service that transports or chauffeurs others;~~
- ~~Driving, cooking, or cleaning for, or physically assisting others for home health care services;~~
- ~~Employees of collection agencies, who are reported separately in ~~5301-13~~;~~
- ~~Door-to-door sales persons who are reported separately in ~~6309-22~~;~~
- ~~Businesses engaged in providing inspections and valuations exclusively for insurance companies which are to be reported separately in classification ~~4903~~;~~
- ~~Employees of messenger services who are reported separately in ~~1101-09~~;~~
- ~~Employees working for a legal messenger service who are reported separately in ~~6601-07~~;~~
- ~~Construction estimators, who are reported in classification ~~4911~~, when their work is limited to time and material estimating for a full work shift.~~

**Special note:** Hands on training outside of a classroom setting has to be reported separately in the applicable basic classification. For example, a karate instructor is reported in classification ~~6204~~, not ~~6303~~.

For administrative purposes, classification ~~6303~~ is divided into the following subclassifications:

~~**6303-00 Outside sales personnel, messengers, N.O.C.**~~

~~**6303-03 Insurance sales personnel and claims adjusters**~~

**Special note:** Individuals licensed by the insurance commissioner as insurance producers for soliciting, negotiating, and selling insurance are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010. To elect coverage, these individuals must submit a completed optional coverage form to the department.

~~**6303-21 Home health care services: Social workers and dietitians**~~

Applies to social workers and dietitians employed by home health care services agencies. These agencies provide care for the elderly, or individuals who need the continuous care and supervision that hospitals and nursing facilities provide, or people living with disabilities. Duties in this classification include teaching people with physical or developmental disabilities in their own homes to manage daily living skills to care for themselves, and assessing clients to determine level of care needed.

Note: Employees working in this classification are only assessing level of need, and teaching clients how to perform duties and tasks; they do not provide direct care to individuals.

Teaching duties of social workers could include teaching clients to:

- ~~Shop for groceries;~~

- ~~• Dress and use proper hygiene;~~
- ~~• Use public transportation;~~
- ~~• Attend medical appointments or go to work;~~
- ~~• Cook meals;~~
- ~~• Write checks;~~
- ~~• Budget finances;~~
- ~~• Do laundry;~~
- ~~• Access recreational or social activities.~~

~~Patients are referred to dietitians (also called nutritionists) by the patients' physicians. The dietitian assesses the patient's current nutritional status, and then develops a food plan to meet the patient's needs.~~

**~~Classification 6303-21 excludes:~~**

~~• Direct care of clients, such as: Cooking, cleaning, transporting and physically assisting clients, which is to be reported in the applicable classification;~~

~~• Nursing and home therapy services which are classified in 6110-00;~~

~~• Domestic servants who are classified in 6510;~~

~~• Chore workers who are classified in 6511;~~

~~• Home care services provided through the consumer directed employer program, which are classified in 6512-00.~~

~~**Special note:** Subclassification 6303-21 should be assigned only to accounts that also have classifications 6110, 6511, or both.)~~

**6303-00 Sales personnel with outside duties, messengers, N.O.C.**

**Applies to:**

Workers whose job duties and work environment meet all the conditions of the general reporting rules covering outside sales personnel, and who are not covered by another classification (N.O.C.) assigned to the employer's account.

**Sales personnel work activities are limited to duties such as:**

- Activities allowed by WAC 296-17A-4904 (office workers);
- Completing correspondence;
- Estimating (nonconstruction) or appraising;
- Performing public relations duties for employers' business;
- Placing orders;
- Servicing existing accounts;
- Showing, selling, and explaining products or services in a showroom or other location away from employer's premises;
- Soliciting new customers by telephone or in person;
- Traveling to or from meeting or training locations.

**Messengers work activities are limited to duties such as:**

- Activities allowed by WAC 296-17A-4904 (office workers);
- Delivering interoffice mail;
- Making deposits;
- Similar duties that are exclusively for the administration of the employer's business.

**Special notes:** Hands on training outside of a classroom setting must be reported in the applicable basic classification. For example, a karate instructor is reported in classification 6204, not 6303.

Classification 6303 is a standard exception classification as described in WAC 296-17-31018 Exception classifications. If any of a worker's duties are excluded from 6303 because of restrictions descri-

bed in this rule, then none of the worker's hours may be reported in classification 6303.

Care must be taken to:

- Look beyond job titles such as salesperson or messenger. Job titles do not ensure the work satisfies the restrictions for classification 6303.

- Ensure standard exceptions are permitted. Some basic classifications include sales work.

**Exclusions:**

- Workers that deliver products or merchandise or stock shelves are classified as applicable.

- Workers that demonstrate or deliver machinery or equipment are classified as applicable.

- Workers that drive for a service that transports or chauffeurs others are classified as applicable.

- Specialty services merchandising products in stores are classified in 0607-19.

- Collection agencies or public relations agencies are classified in 5301.

- Sales personnel engaged in home or door-to-door sales are classified in 6309.

- Retail product demonstrators are reported as required by WAC 296-17-31018(3) and 296-17A-6406.

- Businesses engaged in providing inspection and valuations exclusively for insurance companies are classified in 4903.

- Businesses engaged in process serving and legal messenger services are classified in 6601.

- Messenger services who are classified in 1101.

- Directly supervising workers who perform activities or have exposures excluded from classification 6303.

**6303-03 Insurance sales personnel and claims adjusters**

**Applies to:**

Insurances sales personnel and claims adjustors with outside duties.

**Work activities are limited to duties such as:**

- Activities allowed by WAC 296-17A-4904 (office workers);

- Estimating (nonconstruction) or appraising;

- Going to the scene of an accident or catastrophe to assess damage;

- Selling insurance policies at their place of business or at the client's home, or other location.

**Special notes:** Individuals performing duties as an agent, broker, or solicitor (and who hold a license as issued by the office of the insurance commissioner) are exempt from coverage as specified in RCW 51.12.020 and 48.17.010. To elect coverage these individuals must submit a completed elective coverage form to the department.

Classification 6303 is a standard exception classification as described in WAC 296-17-31018 Exception classifications. If any of a worker's duties are excluded from 6303 because of restrictions described in this rule, then none of the worker's hours may be reported in classification 6303.

Care must be taken to:

- Look beyond job titles such as salesperson. Job titles do not ensure the work satisfies the restrictions for classification 6303.

• Ensure standard exceptions are permitted. Some basic classifications include sales work.

**Exclusions:**

• Businesses providing inspections and valuations exclusively for insurance companies are classified in 4903.

• Construction estimators are reported as required by WAC 296-17-31018(3) and 296-17A-4911.

• Directly supervising workers who perform activities or have exposures excluded from classification 6303.

**6303-21 Home health care services: Social workers and dietitians**

**Applies to:**

Social workers and dietitians, also called nutritionists, employed by home health care services. These businesses provide care for the elderly, people living with disabilities, or individuals who need the continuous care and supervision that hospitals and nursing facilities provide.

**Work activities are limited to duties such as:**

• Activities allowed by WAC 296-17A-4904 (office workers);

• Assesses the patient's current nutritional status, including current food intake, medical background, family history, currently prescribed medications, and social and psychological needs, then develops a food plan to meet the patient's needs. Workers subject to this classification do no cooking;

• Providing counseling or verbal direction;

• Teaching the elderly or physically or developmentally disabled individuals in their own home to manage daily living skills such as caring for themselves, laundry, dressing, cooking, shopping, using public transportation, budget, finances, access recreational or social activities, and going to the doctor.

**Special notes:** Classification 6303 is a standard exception classification as described in WAC 296-17-31018 Exception classifications. If any of a worker's duties are excluded from 6303 because of restrictions described in this rule, then none of the worker's hours may be reported in classification 6303.

Care must be taken to look beyond job titles such as social worker. Job titles do not ensure the work satisfies the restrictions for classification 6303;

This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met. **This classification is not to be assigned to any account that does not also have classification 6110 and/or 6511.**

**Exclusions:**

• Direct care of clients, such as: Cooking, cleaning, transporting, and physically assisting clients, is classified in the applicable classification.

• Workers that demonstrate or deliver machinery or equipment are classified in the applicable classification.

• Nursing and home health care services are classified in 6110.

• Therapy services are classified in 6109 or 6110, as applicable.

• Domestic servants or workers are classified in 6510.

• Home care services provided through the consumer directed employer program are classified in 6512.

• Chore workers are classified in 6511.

• Directly supervising workers who perform activities or have exposures excluded from classification 6303.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 19-11-109, § 296-17A-6303, filed 5/21/19, effective 7/1/19; WSR 16-14-085, § 296-17A-6303, filed 7/5/16, effective 1/1/17; WSR 15-11-063, § 296-17A-6303, filed 5/19/15, effective 7/1/15; WSR 14-17-085, § 296-17A-6303, filed 8/19/14, effective 9/19/14; WSR 13-08-063, § 296-17A-6303, filed 4/1/13, effective 1/1/14. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.16.100. WSR 12-11-109, § 296-17A-6303, filed 5/22/12, effective 7/1/12. Statutory Authority: RCW 51.16.035, 51.16.100, 51.04.020(1). WSR 10-18-024, § 296-17A-6303, filed 8/24/10, effective 10/1/10. Statutory Authority: RCW 51.16.035, 51.16.100, and Title 51 RCW. WSR 09-20-039, § 296-17A-6303, filed 9/30/09, effective 1/1/10. WSR 07-01-014, recodified as § 296-17A-6303, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 05-23-161, § 296-17-698, filed 11/22/05, effective 1/1/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-698, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-698, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-698, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-698, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-698, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-698, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035. WSR 79-12-086 (Order 79-18), § 296-17-698, filed 11/30/79, effective 1/1/80; Order 76-36, § 296-17-698, filed 11/30/76; Order 73-22, § 296-17-698, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 18-05-080, filed 2/20/18, effective 1/1/19)

**WAC 296-17A-6306 Classification 6306.** Classification **6306** applies to retail and wholesale sales, rental, and rent-to-own of new, used, or refurbished:

- Furniture for home and office;
- Billiard or pool tables;
- Household appliances such as refrigerators, freezers, stoves, range tops, trash compactors, washing machines, and clothes dryers;
- Pianos and organs;
- Audio visual equipment for indoor or outdoor events such as a seminar or concert including microphones, projectors, screens, sound systems, lights, and other incidental items;
- Large home entertainment systems and big screen televisions;
- Outside television antennas and/or satellite dish receiving units;
- Medical durable goods such as, hospital beds, wheelchairs, lift chairs, and similar patient appliances;
- Motorized exercise equipment; weight sets.

Stores that primarily sell items listed above often also sell or rent other goods such as:

- Lamps;
- Bedding and pillows;
- Floor and window coverings;
- Framed pictures;

- Art pieces and sculptures;
- Counter top appliances, such as mixers, blenders, microwave ovens, toasters and espresso machines.

**Employee duties include:**

- Cashiering;
- Fitting and demonstration;
- Delivery and setup of merchandise described by classification **6306**;
- Most simple setup and installation and assembly work, such as connecting stereo components together, installing software, assembling a furniture kit for in-store display, or plugging in appliances;
- Incidental repair of furniture and equipment sold or rented by the store;
- Incidental repair and/or tuning of instruments sold by the store;
- Inventorying;
- Merchandising and stocking of store;
- Piano tuning;
- Packaging, addressing, and mailing articles for shipment;
- Receiving and shipping merchandise at store's loading ramp;
- Sales work inside store;
- Store security and surveillance.

**Excluded activities requiring additional classifications:** See **WAC 296-17-31017** Multiple classifications, for reporting and recordkeeping requirements. Classification **6306** excludes the following activities or operations:

- Worker hours engaged in out-of-store appliance or equipment repair, which are reported separately in classification **0607**.
- Worker hours engaged in carpet installation, which are reported separately in classification **0502**.
- Worker hours engaged in installation requiring low voltage wiring, which are reported separately in classification **0608**.
- Worker hours engaged in installation requiring electrical wiring within buildings, which are reported separately in classification **0601**.
- Worker hours engaged in installation requiring plumbing licenses, which are reported separately in classification **0306**.
- Worker hours engaged in pharmacy activities, which are reported separately in classification **6406**.
- Worker hours engaged in installation and assembly of modular office furniture and cubicle dividers, which are reported separately in classification **2002**.

**Excluded operations:** Classification **6306** excludes:

- Stores selling any type of motorized boats or vehicles (other than durable medical goods), which are assigned to the applicable classification.
- Stores selling tires or parts for motorized vehicles, which are assigned to the applicable classification.
- Stores primarily selling merchandise included in classification **6406**, but also selling some merchandise belonging in classification **6306**, which are classified in **6309**.
- Stores primarily selling merchandise belonging in a higher rated classification, which are assigned the applicable classification.
- Firms whose principal operations are installing low voltage electrical wiring for audio visual equipment or home theaters, which are classified in **0608** (even if they also sell the equipment or maintain a minimal inventory).

- Firms engaged in furniture refurbishing and subsequent sales, which are classified in **3603** and **3808**.
- Firms engaged in medical oxygen tank rental and delivery, which are classified in **6406** and **1101**.
- Piano tuning businesses not also engaged in the sale of pianos, which are classified in **4107**.
- Stores renting a variety of equipment, party goods, inflatable tents, games, or other party supplies, which are classified in **1106**.
- Stores that sell wind, string, brass, and percussion musical instruments and no pianos or organs, which are classified in **6411**.
- Firms engaged in reconditioning of organs and pianos and subsequent sales, which are classified in **2906**.

For administrative purposes, classification **6306** is divided into the following subclassification(s):

**6306-00 Furniture stores**

**6306-01 Rental and rent-to-own furniture stores, and durable medical stores**

**6306-02 Household appliances, entertainment and home theater systems, big screen television stores**

**6306-03 Piano and organ stores**

~~((6306-04))~~ **6306-06 Office furniture stores**

~~((6306-05 Entertainment and home theater systems, big screen television stores))~~

**6306-07 Audio/visual equipment rental and services**

[Statutory Authority: RCW 51.16.035. WSR 18-05-080, § 296-17A-6306, filed 2/20/18, effective 1/1/19. Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-6306, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 51.16.035, 51.16.100, and Title 51 RCW. WSR 09-20-039, § 296-17A-6306, filed 9/30/09, effective 1/1/10. WSR 07-01-014, recodified as § 296-17A-6306, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-701, filed 6/6/06, effective 7/7/06; WSR 05-12-031, § 296-17-701, filed 5/24/05, effective 7/1/05. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-701, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-701, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-701, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-701, filed 2/28/85, effective 4/1/85; WSR 83-24-017 (Order 83-36), § 296-17-701, filed 11/30/83, effective 1/1/84; Order 76-36, § 296-17-701, filed 11/30/76; Order 75-38, § 296-17-701, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-701, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 18-05-080, filed 2/20/18, effective 1/1/19)

**WAC 296-17A-6504 Classification 6504.** ~~((Classification 6504 applies to stores primarily selling used merchandise that has been donated. Items for sale include:~~

- ~~• Clothing;~~
- ~~• Household appliances;~~
- ~~• Toys;~~
- ~~• Housewares;~~
- ~~• Furniture;~~
- ~~• Tools.~~



~~Work contemplated by this classification includes, but is not limited to:~~

- ~~• Collection of items from locations away from the store;~~
- ~~• Conditioning used merchandise (conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture);~~
- ~~• Stocking and cleaning the store;~~
- ~~• Cashiering.~~

~~**Excluded activities requiring additional classifications.** See WAC 296-17-31017 Multiple classifications, for reporting and recordkeeping requirements. Classification 6504 excludes the following activities or operations:~~

~~• Nonstore employees of a charitable organization, are classified according to the overall nature and operations of the organization.~~

~~**Excluded operations:** Classification 6504 excludes:~~

~~• Firms engaged in repairing and selling used appliances, which are classified in 0607;~~

~~• Stores selling antiques, which are classified in 6309.~~

~~For administrative purposes, this classification is divided into the following subclassifications:~~

~~**6504-00 Thrift stores operated by charitable or other not-for-profit organizations**~~

~~**6504-01 For-profit thrift stores**))~~

~~**6504-00 Thrift stores operated by charitable or other nonprofit organizations**~~

~~**Applies to:**~~

~~Nonprofit businesses operating stores primarily selling used merchandise that has been donated.~~

~~**Items for sale include, but are not limited to:**~~

- ~~• Clothing;~~
- ~~• Furniture;~~
- ~~• Household appliances;~~
- ~~• Housewares;~~
- ~~• Tools; and~~
- ~~• Toys.~~

~~**Work activities include, but are not limited to:**~~

- ~~• Cashiering;~~
- ~~• Collection of items from locations away from the store;~~
- ~~• Conditioning used merchandise (conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture); and~~
- ~~• Stocking and cleaning the store.~~

~~**Exclusions:**~~

~~• Nonstore employees of a charitable organization, are classified according to the overall nature and operations of the organization.~~

~~• Businesses repairing and selling used appliances are classified in 0607.~~

~~• Stores selling antiques are classified in 6309.~~

~~**6504-01 For-profit thrift stores**~~

~~For-profit businesses operating stores primarily selling used merchandise that has been donated.~~

~~**Items for sale include, but are not limited to:**~~

- ~~• Clothing;~~

- Furniture;
- Household appliances;
- Housewares;
- Tools; and
- Toys.

**Work activities include, but are not limited to:**

- Cashiering;
- Collection of items from locations away from the store;
- Conditioning used merchandise (conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture); and
- Stocking and cleaning the store.

**Exclusions:**

- Nonstore employees of a charitable organization, are classified according to the overall nature and operations of the organization.
- Businesses repairing and selling used appliances are classified in 0607.
- Stores selling antiques are classified in 6309.

[Statutory Authority: RCW 51.16.035. WSR 18-05-080, § 296-17A-6504, filed 2/20/18, effective 1/1/19. WSR 07-01-014, recodified as § 296-17A-6504, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-717, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-717, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-717, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-717, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-717, filed 2/28/85, effective 4/1/85; WSR 81-24-042 (Order 81-30), § 296-17-717, filed 11/30/81, effective 1/1/82; Order 73-22, § 296-17-717, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 17-10-059, filed 5/2/17, effective 1/1/18)

**WAC 296-17A-6509 Classification 6509.**

**~~((6509 Assisted living and group homes~~**

~~Classification 6509 applies to facilities with residents who do not require 24-hour nursing care, but often need some degree of medical monitoring and oversight, personal care, treatment, training, or supervision. Residents may need assistance due to illness, advanced age, physical or mental disabilities, dementia, homelessness or youth at risk, mental health concerns, or chemical dependency. Facilities in this classification generally provide residents a meal plan, but may also provide laundry, housekeeping, van or bus service, life or work skills training, therapy, recreational activities, social services, or even amenities such as barbers or beauticians. Most facilities in this classification are inspected and licensed by the department of social and health services (DSHS), or the department of health (DOH).~~

~~Examples of facilities in classification 6509 include:~~

- ~~• Adult family homes;~~
- ~~• Assisted living facilities;~~
- ~~• Continuing care retirement communities;~~
- ~~• Enhanced services facilities;~~

- ~~• Homeless shelters;~~
- ~~• Independent living centers;~~
- ~~• Intermediate care facilities;~~
- ~~• Hospice care centers;~~
- ~~• Residential treatment facilities;~~
- ~~• Retirement communities;~~
- ~~• Safe houses for victims of domestic violence;~~
- ~~• Transitional housing (halfway houses) for persons previously in a treatment facility or incarcerated.~~

~~**Note:** Some residences included in classification **6509**, such as a retirement community, may not require any special facilities license from DSHS or DOH.~~

~~Types of workers employed in assisted living and group homes often include, but are not limited to:~~

- ~~• Activity directors;~~
- ~~• Caregivers;~~
- ~~• Cooks and chefs;~~
- ~~• Counselors;~~
- ~~• Dietary aides;~~
- ~~• Dietitians;~~
- ~~• Dishwashers;~~
- ~~• Drivers;~~
- ~~• Janitors;~~
- ~~• Housekeepers;~~
- ~~• Laundry workers;~~
- ~~• Lawn care workers;~~
- ~~• Maintenance personnel;~~
- ~~• Nurses;~~
- ~~• Nurses' aides and assistants;~~
- ~~• Resident assistants;~~
- ~~• Social workers;~~
- ~~• Therapists and therapists' assistants;~~
- ~~• Wait staff.~~

~~Medical services provided to residents in classification **6509** may include:~~

- ~~• Assessments for mental health, chemical abuse, or basic skills;~~
- ~~• Checking and monitoring for wellness;~~
- ~~• Dispensing medicine;~~
- ~~• Rehabilitative therapies;~~
- ~~• Physical examinations.~~

~~Personal care provided to residents may include assistance with:~~

- ~~• Bathing;~~
- ~~• Brushing teeth or hair;~~
- ~~• Dressing;~~
- ~~• Feeding;~~
- ~~• Shaving.~~

~~**Note:** Some residences may offer additional services such as haircuts, pedicures, manicures, hairstyling, eye and hearing exams, and other services not normally associated with care facilities. These services are often performed by independent contractors.~~

~~This classification excludes:~~

- ~~• DSHS licensed nursing homes and skilled nursing facilities that are reported in classification **6108**.~~
- ~~• Fraternity or sorority houses that are reported in classification **6205**.~~
- ~~• Home care providers working in their clients' homes who are to be reported in classification **6511** or **6512**.~~

- ~~• Home health and nursing providers working in their clients' homes who are reported in classification **6110**.~~
- ~~• Retirement communities without any services or meal plans. Generally these are apartment buildings or condominiums that simply restrict the occupants to age fifty-five or above, and are classified in **4910**.~~

~~For administrative purposes, classification **6509** is divided into the following subclassification(s):~~

~~**6509-04 Adult family homes, group homes, treatment centers, safe houses, shelters, halfway houses, and similar facilities not specifically assigned to another subclassification, N.O.C.**~~

~~**6509-07 Assisted living facilities, and retirement and continuing care communities.**)~~

**6509-04 Adult family homes, group homes, treatment centers, safe houses, shelters, halfway houses, and similar facilities not specifically assigned to another subclassification, N.O.C.**

**Applies to:**

Businesses and facilities with residents who do not require 24-hour nursing care, but often need some degree of medical monitoring and oversight, personal care, treatment, training, or supervision. Residents may need assistance due to illness, advanced age, physical or mental disabilities, dementia, homelessness or youth at risk, mental health concerns, or chemical dependency.

Most facilities in this classification are inspected and licensed by the department of social and health services (DSHS), or the department of health (DOH).

**Note:** Some facilities included in classification 6509, such as a retirement community, may not require any special facilities license from DSHS or DOH.

**Facilities include, but are not limited to:**

- Adult family homes;
- Enhanced services facilities;
- Homeless shelters;
- Hospice care centers;
- Independent living centers;
- Intermediate care facilities;
- Residential treatment facilities;
- Safe houses for victims of domestic violence;
- Transitional housing (halfway houses) for persons previously in a treatment facility or incarcerated; and
- Similar facilities not specifically assigned to another classification.

**Occupations include, but are not limited to:**

- Activity directors;
- Caregivers;
- Cooks and chefs;
- Counselors;
- Dietary aides;
- Dieticians;
- Dishwashers;
- Drivers;
- Housekeepers;
- Janitors;
- Laundry workers;
- Lawn care workers;
- Maintenance personnel;

- Nurses;
- Nurses' aides and assistants;
- Resident assistants;
- Social workers;
- Therapists and therapists' assistants; and
- Wait staff.

**Medical services provided to residents may include, but are not limited to:**

- Assessments for mental health, chemical abuse, or basic skills;
- Checking and monitoring for wellness;
- Dispensing medicine;
- Physical examinations; and
- Rehabilitative therapies.

**Services may include assistance with:**

- Bathing;
- Brushing teeth or hair;
- Dressing;
- Feeding; and
- Shaving.

**Note:** Some facilities may offer additional services such as haircuts, pedicures, manicures, hairstyling, eye and hearing exams, and other services not normally associated with care facilities. These services are often performed by independent contractors.

**Exclusions:**

- DSHS licensed nursing homes and skilled nursing facilities are classified in 6108.
- Fraternity or sorority houses are classified in 6205.
- Home care providers working in their clients' homes are classified in 6511 or 6512.
- Home health and nursing providers working in their clients' homes are classified in 6110.
- Retirement communities without any services or meal plans, such as apartment buildings or condominiums that simply restrict the occupants to age 55 or above, are classified in 4910.

**6509-07 Assisted living facilities, and retirement and continuing care communities**

**Applies to:**

Businesses and facilities with residents who do not require 24-hour nursing care, but often need some degree of medical monitoring and oversight, personal care, treatment, training, or supervision. Residents may need assistance due to illness, advanced age, physical or mental disabilities, dementia, homelessness or youth at risk, mental health concerns, or chemical dependency.

Most facilities in this classification are inspected and licensed by the department of social and health services (DSHS), or the department of health (DOH).

**Note:** Some facilities included in classification 6509, such as a retirement community, may not require any special facilities license from DSHS or DOH.

**Facilities include, but are not limited to:**

- Assisted living facilities;
- Continuing care communities; and
- Retirement communities.

**Occupations include, but are not limited to:**

- Activity directors;
- Caregivers;

- Cooks and chefs;
- Counselors;
- Dietary aides;
- Dietitians;
- Dishwashers;
- Drivers;
- Housekeepers;
- Janitors;
- Laundry workers;
- Lawn care workers;
- Maintenance personnel;
- Nurses;
- Nurses' aides and assistants;
- Resident assistants;
- Social workers;
- Therapists and therapists' assistants; and
- Wait staff.

**Medical services provided to residents may include, but are not limited to:**

- Assessments for mental health, chemical abuse, or basic skills;
- Checking and monitoring for wellness;
- Dispensing medicine;
- Physical examination; and
- Rehabilitative therapies.

**Services may include assistance with:**

- Bathing;
- Brushing teeth or hair;
- Dressing;
- Feeding; and
- Shaving.

**Note:** Some facilities may offer additional services such as haircuts, pedicures, manicures, hairstyling, eye and hearing exams, and other services not normally associated with care facilities. These services are often performed by independent contractors.

**Exclusions:**

- DSHS licensed nursing homes and skilled nursing facilities are classified in 6108.
- Fraternity or sorority houses are classified in 6205.
- Home care providers working in their clients' homes are classified in 6511 or 6512.
- Home health and nursing providers working in their clients' homes are classified in 6110.
- Retirement communities without any services or meal plans, such as apartment buildings or condominiums that simply restrict the occupants to age 55 or above, are classified in 4910.

[Statutory Authority: RCW 51.16.035 and WAC 296-17-31029. WSR 17-10-059, § 296-17A-6509, filed 5/2/17, effective 1/1/18. Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 14-17-085, § 296-17A-6509, filed 8/19/14, effective 9/19/14. WSR 07-01-014, recodified as § 296-17A-6509, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-722, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. WSR 91-12-014, § 296-17-722, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 51.16.035. WSR 85-24-032 (Order 85-33), § 296-17-722, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), §

296-17-722, filed 2/28/85, effective 4/1/85; Order 73-22, §  
296-17-722, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 19-11-109, filed 5/21/19, effective 7/1/19)

**WAC 296-17A-6511 Classification 6511.**

~~((Chore services/home care assistants~~

~~**Applies to:**~~

~~Entities providing chore services/home care assistants to private individuals.~~

~~**Chore services performed by the chore workers/home care assistants include,** but are not limited to:~~

- ~~• General household chores;~~
- ~~• Meal planning and preparation;~~
- ~~• Shopping and errands, either with or without the client;~~
- ~~• Personal care, such as bathing, body care, dressing, and help with ambulating;~~
- ~~• Companionship.~~

**Note:** Some common terms to describe these types of services include supported living, tenant support, and intensive tenant support services.

~~**Also included in this classification are:**~~

- ~~• Supervising visits between children and parents, including transporting the child;~~
- ~~• Packing up senior homes;~~
- ~~• Organizing homes prior to customers putting a home on the market;~~
- ~~• Organizing homes prior to customers having an estate auction;~~
- ~~• Pet sitting;~~
- ~~• House sitting.~~

~~**Excluded activities in this classification:**~~

- ~~• Firms involved in organizing homes and also conducting estate auctions (report in 6603).~~
- ~~• Social workers and dieticians employed by home health care service establishments (report in 6303-21). Workers in classification 6303-21 are teaching people living with physical or developmental disabilities living in their own home to manage daily living skills such as caring for themselves, dressing, cooking, etc. Workers in classification 6511 are performing this work as a service to individuals.~~
- ~~• Individuals working under a welfare special works training program (report in classification 6505).~~
- ~~• Residential cleaning or janitorial services (report in classification 6602).~~
- ~~• Skilled or semi-skilled nursing care (report in classification 6110).~~
- ~~• Home health care providers covered under the consumer directed employer program (report in classification 6512).~~
- ~~• Household furnishings moving and storage (report in classification 6907).~~
- ~~• Staging services (report in classification 0607).~~
- ~~• Any construction related work. Example: If a business builds shelving as part of organizing homeowner's personal belongings, this employer would not be eligible to report in classification 6511.~~

For administrative purposes, classification ~~6511~~ is divided into the following subclassification(s):

~~6511-00 Chore services/home care assistants~~

~~6511-20 Community action organizations -- Chore services/home care assistants~~

~~Applies to organizations providing two or more services to support the local community and people in need. See subclassifications 1501-20, 4904-20, and 5308-20 for other community action organization classifications. If the entity provides only chore services, then 6511-00 applies.)~~

6511-00 Chore services/home care assistants

Applies to:

Businesses providing chore services/home care assistants to private individuals.

Some common terms to describe these types of services include supported living, tenant support, and intensive tenant support services.

Chore services performed by the chore workers/home care assistants include, but are not limited to:

- Companionship;
- General household chores;
- Meal planning and preparation;
- Personal care, such as bathing, body care, dressing, and help with ambulating; and
- Shopping and errands, either with or without the client.

Additional work activities included in this classification are:

- House sitting;
- Organizing homes prior to customers having an estate auction or putting a home on the market;
- Packing up senior homes;
- Pet sitting; and
- Supervising visits between children and parents, including transporting the child.

Exclusions:

- Businesses organizing homes and also conducting estate auctions are classified in 6603.
- Social workers and dieticians employed by home health care service businesses are classified in 6303-21. Workers for businesses in classification 6303-21 are **teaching** people living with physical or developmental disabilities living in their own home how to manage daily living skills, such as caring for themselves, dressing, cooking, etc. Workers for businesses in classification 6511 are performing this work as a service to individuals.
- Worker hours for individuals working under a welfare special works training program are reported separately in classification 6505.
- Businesses engaged in residential cleaning or janitorial services are classified in 6602.
- Skilled or semiskilled nursing care is classified in 6110.
- Home health care providers covered under the consumer directed employer program are classified in 6512.
- Businesses engaged in the moving and storage of household furnishings are classified in 6907.
- Businesses engaged in staging services are classified in 0607.



• Any construction related work is classified in the applicable construction classification.

**6511-20 Community action organizations - Chore services/home care assistants**

**Applies to:**

Community action organizations providing two or more services to support the local community and people in need. Chore services/home care assistants provide services to private individuals. See subclassifications 1501-20, 4904-20, and 5308-20 for other community action organization classifications. If the organization provides only chore services, then 6511-00 applies.

Some common terms to describe these types of services include supported living, tenant support, and intensive tenant support services.

**Chore services performed by the chore workers/home care assistants of community action organizations include, but are not limited to:**

- Companionship;
- General household chores;
- Meal planning and preparation;
- Personal care, such as bathing, body care, dressing, and help with ambulating; and
- Shopping and errands, either with or without the client.

**Additional work activities included in this classification are:**

- House sitting;
- Organizing homes prior to customers having an estate auction or putting a home on the market;
- Packing up senior homes;
- Pet sitting; and
- Supervising visits between children and parents, including transporting the child.

**Exclusions:**

- Businesses organizing homes and also conducting estate auctions are classified in 6603.
- Social workers and dieticians employed by home health care service businesses are classified in 6303-21. Workers for businesses in classification 6303-21 are **teaching** people living with physical or developmental disabilities living in their own home how to manage daily living skills, such as caring for themselves, dressing, cooking, etc. Workers for businesses in classification 6511 are performing this as a service to individuals.
- Worker hours for individuals working under a welfare special works training program are reported separately in classification 6505.
- Businesses engaged in residential cleaning or janitorial services are classified in 6602.
- Skilled or semiskilled nursing care is classified in 6110.
- Home health care providers covered under the consumer directed employer program are classified in 6512.
- Businesses engaged in the moving and storage of household furnishings are classified in 6907.
- Businesses engaged in staging services are classified in 0607.
- Any construction related work is classified in the applicable construction classification.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 19-11-109, § 296-17A-6511, filed 5/21/19, effective 7/1/19; WSR 17-11-120, § 296-17A-6511, filed 5/23/17, effective 7/1/17; WSR 14-17-085, § 296-17A-6511, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 51.16.035, 51.16.100, and 51.04.020(1). WSR 10-16-121, § 296-17A-6511, filed 8/3/10, effective 10/1/10. Statutory Authority: RCW 51.16.035 and 51.16.100. WSR 07-12-047, § 296-17A-6511, filed 5/31/07, effective 7/1/07. WSR 07-01-014, recodified as § 296-17A-6511, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-72202, filed 6/6/06, effective 1/1/07. Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 04-18-025, § 296-17-72202, filed 8/24/04, effective 10/1/04. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-72202, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. WSR 99-18-068, § 296-17-72202, filed 8/31/99, effective 10/1/99; WSR 98-18-042, § 296-17-72202, filed 8/28/98, effective 10/1/98.]

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

**WAC 296-17A-6607 Classification 6607.**

~~((6607-00 Card rooms; bingo parlors or casinos~~

~~Applies to establishments engaged in operating card rooms, bingo parlors, or casinos. To qualify for this classification, card rooms must be run as a separate operation when located in a tavern or restaurant that has a license to sell spirits or hard liquor. Bingo parlors and casinos are usually operated by Native American tribal organizations or by nonprofit organizations to raise funds for charity. This classification applies to any workers these organizations employ to operate bingo or casino games.~~

~~This classification includes employment such as:~~

- ~~• Callers;~~
- ~~• Card dealers;~~
- ~~• Food and beverage operations;~~
- ~~• Game attendants and helpers;~~
- ~~• Janitorial and maintenance staff;~~
- ~~• Money collectors;~~
- ~~• Security floor managers.~~

~~**Special note:** Coverage for Native American tribes conducting a bingo operation is subject to jurisdictional policy.~~

**6607-01 Billiard or pool halls**

~~Applies to establishments engaged in operating billiard or pool halls. This classification could apply to the operation of a billiard or pool hall in connection with another enterprise, such as a bowling alley or skating rink, but only if it is conducted as a separate and distinct operation.~~

~~This classification includes employment such as:~~

- ~~• Counter personnel who collect money for the rental of billiard and pool equipment;~~
- ~~• Food and beverage operations;~~
- ~~• Janitorial and maintenance staff;~~
- ~~• Rackers.~~

**~~This classification excludes:~~**

~~• Billiard or pool tables that are provided as part of a bowling center, tavern, or restaurant operation which are to be reported separately in the applicable classification.~~

**~~6607-02 Recreational, social or community centers, N.O.C.~~**

~~Applies to establishments engaged in operating recreational, social or community centers not covered by another classification (N.O.C.) such as:~~

- ~~• Adult social establishments;~~
- ~~• Community centers for minors;~~
- ~~• Senior centers.~~

~~These organizations may target a particular age or cultural group. Organizations may provide educational workshops, social interaction, drug prevention programs, crafts and limited physical recreational activities. This classification includes food or beverage operations provided by the center. Organizations in classification 6607 do not require membership fees as opposed to clubs in classification 6205 that charge a fee for membership.~~

~~This classification excludes:~~

- ~~• YMCAs and boys/girls clubs which are to be reported separately in classification 6203;~~
- ~~• Fitness centers and gymnasiums which are to be reported separately in classification 6204;~~
- ~~• Clubs, N.O.C., such as fraternal organizations, which are to be reported separately in classification 6205; and~~
- ~~• Municipal community centers which are to be reported separately in the applicable classification.~~

~~**Special note:** While subclassification 6607-02 also applies to adult day care services, it should not be added to any account with classifications 6509 (adult family homes and assisted living facilities) or 6108 (nursing homes), unless the adult day care is operated as an independent enterprise as described in WAC 296-17-31017. Adult day care services are considered incidental and included in the basic classification for employers providing care services that include overnight stays.~~

**~~6607-03 Indoor playgrounds~~**

~~Applies to establishments that provide indoor entertainment centers for children. Generally these operations include a playground area consisting of play toys and equipment that may include:~~

- ~~• Ball bins;~~
- ~~• Interconnecting tubes;~~
- ~~• Ladders;~~
- ~~• Slides;~~
- ~~• Roller slides;~~
- ~~• Water and/or air beds.~~

~~The equipment is typically made of plastic, rubber, and/or plexiglass. Video games may also be available on the premises but generally they are maintained by the game vendor.~~

~~This classification includes employment such as:~~

- ~~• Child day care service where parents can leave children at the playground for a specific period of time;~~
- ~~• Facilitating parties;~~
- ~~• Light cleaning such as dusting tubes, vacuuming and cleaning the snack area;~~
- ~~• Selling tickets;~~
- ~~• Snack bar operations;~~

- ~~Supervising the playground area.~~

~~The more involved janitorial duties are usually contracted out to a private janitorial firm.~~

**~~This classification excludes:~~**

- ~~Child day care services not part of an indoor playground operations which are to be reported separately in classifications 6103 and 6104;~~
- ~~Amusement parks, permanently located kiddie rides, and establishments which provide adult or family sports entertainment, which may include batting cages and miniature golf, which are to be reported separately in classification 6208; and~~
- ~~Establishments engaged in providing gymnastic training to children which are to be reported separately in classification 6204.~~

**~~6607-04 Indoor simulated golfing~~**

~~Applies to establishments engaged in providing computer simulated indoor golf facilities to the public. The operation consists of separate cubicles which house a computer simulated screen and a play area. Customers select a particular course from a list of available courses which are generally exact replicas of famous courses throughout the world. The player hits a golf ball against a canvas screen inside the cubicle; a computer measures the speed and direction of the ball and simulates the shot so the player can view the results on the screen. Facilities may provide a small putting area, a snack area with limited seating, and/or the sale of golf shirts and memorabilia.~~

~~This classification includes employment such as:~~

- ~~Food and beverage operations;~~
- ~~Light janitorial work;~~
- ~~Monitoring facilities;~~
- ~~Selling memorabilia;~~
- ~~Setting up computers and collecting the admission price.~~

~~This classification excludes miniature golf courses and driving ranges which are reported separately in classification 6208.)~~

**6607-00 Bingo parlors, card rooms, casinos, indoor simulated golf, pool halls**

**Applies to:**

- Billiard halls;
- Bingo parlors;
- Card rooms;
- Casinos;
- Indoor simulated golf; and
- Pool halls.

Businesses providing indoor simulated golf may also have a small putting area in addition to computer simulated golf screens and playing area.

**Note:** This classification may only be assigned to businesses such as restaurants, taverns, and bowling alleys if they are operated as a separate enterprise. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**Special note:** Coverage for Native American tribes operating casinos or other businesses is subject to jurisdictional policy.

**Occupations include, but are not limited to:**

- Callers;
- Card dealers;
- Cashiers;
- Food and beverage operations;
- Game attendants and helpers;
- Janitorial and maintenance staff;

- Rackers; and
- Security.

**Exclusion:**

• Miniature golf courses and driving ranges are classified in 6208.

**6607-02 Recreational, social, or community centers, N.O.C.****Applies to:**

Businesses engaged in operating recreational, social, or community centers not covered by another classification (N.O.C.) such as:

- Adult day cares;
- Community centers for minors; and
- Senior centers.

Businesses in classification 6607 do not require membership fees as opposed to clubs in classification 6205 that charge a fee for membership.

**Note:** This classification may only be assigned to businesses such as adult family homes and assisted living facilities if they are operated as a separate enterprise. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**Services provided include, but are not limited to:**

- Age-specific activities;
- Crafts;
- Culturally specific activities;
- Drug prevention programs;
- Educational workshops;
- Food or beverage operations;
- Limited physical recreational activities; and
- Social interaction.

**Exclusions:**

- Adult family homes and assisted living facilities are classified in 6509.
- Clubs, N.O.C., such as fraternal organizations, are classified in 6205.
- Fitness centers and gymnasiums are classified in 6204.
- Municipal community centers are classified in the applicable municipal classification.
- Nursing homes are classified in 6108.
- YMCAs and boys/girls clubs are classified in 6203.

**6607-03 Indoor playgrounds****Applies to:**

Indoor playgrounds for children.

**Playground areas include, but are not limited to:**

- Ball bins;
- Interconnecting tubes;
- Ladders;
- Slides;
- Trampolines; and
- Water and/or air beds.

Video games may also be available on the premises but are often maintained by the game vendor.

**Duties include, but are not limited to:**

- Child day care service where parents can leave children at the playground for a specific period of time;
- Facilitating parties;

- Food or beverage operations;
- Janitorial cleaning and maintenance;
- Selling tickets; and
- Supervising the playground area.

**Exclusions:**

- Amusement parks, permanently located kiddie rides, and businesses which provide adult or family sports entertainment, which may include batting cages and miniature golf, are classified in 6208.
- Businesses providing gymnastic training to children, gyms, fitness and martial arts centers are classified in 6204.
- Child daycares not part of indoor playground operations are classified in 6103 and 6104.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17A-6607, filed 7/5/16, effective 1/1/17. WSR 07-01-014, recodified as § 296-17A-6607, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. WSR 03-23-025, § 296-17-729, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. WSR 00-14-052, § 296-17-729, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-729, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-729, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-729, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-729, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

**WAC 296-17A-6707 Classification 6707.**

~~((Classification 6707 professional and semiprofessional sports teams; contact sports~~

~~Applies to professional and semiprofessional athletes engaged in contact sports. It also includes:~~

- ~~• Coaches;~~
- ~~• Managers;~~
- ~~• Officials, such as referees.~~

~~It excludes:~~

~~• Employees of athletic teams who care for the team, its equipment, and operate its facilities, who are reported in classification 6706;~~

~~• Athletes, coaches, managers, and officials engaged in professional **noncontact** sports who are reported in classification 6809;~~

- ~~• Coaches, managers, and officials for amateur sports.~~

~~For administrative purposes, classification 6707 is separated into the following subclassifications:~~

~~**6707-00 Football teams and other contact sports, N.O.C., such as wrestling, roller derbies, and the martial arts**~~

~~**6707-01 Hockey teams.**) )~~

**6707-00 Football teams and other contact sports, N.O.C., such as wrestling, roller derbies, and the martial arts**

Applies to:

Professional and semiprofessional football teams and other **contact** sports not covered by another classification (N.O.C.).

**Contact sports include, but are not limited to:**

- Football;
- Martial arts;
- Roller derbies; and
- Wrestling.

**Occupations in this classification include:**

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

**Exclusions:**

- Worker hours caring for the team, its equipment, and operating its facility are reported separately in classification 6706.
- Athletes, coaches, managers, and officials of professional **non-contact** sports are classified in 6809.
- Coaches and managers for amateur sports teams are classified in 6706.
- Officials for amateur sports events are classified in 6103.

**6707-01 Hockey teams**

**Applies to:**

Professional and semiprofessional **contact hockey teams.**

**Occupations in this classification include:**

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

**Exclusions:**

- Worker hours caring for the team, its equipment, and operating its facility are reported separately in classification 6706.
- Athletes, coaches, managers, and officials of professional **non-contact** sports are classified in 6809.
- Coaches and managers for amateur sports teams are classified in 6706.
- Officials for amateur sports events are classified in 6103.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-02-060, § 296-17A-6707, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-6707, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 06-12-075, § 296-17-738, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-738, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-738, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-738, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035. WSR 79-12-086 (Order 79-18), § 296-17-738, filed 11/30/79, effective 1/1/80; Order 74-40, § 296-17-738, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-738, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-6801 Classification 6801.**

~~((6801-00 Scheduled airlines -- Flight crews~~

~~Applies to members of flight crews employed by establishments operating scheduled airlines. A scheduled airline will have published fares, definite dates, routes, and times for plane departures and arrivals. Flight crews include, but are not limited to, pilots, copilots, navigators and flight attendants.~~

~~This classification excludes ground crew operations and ticket sellers who handle baggage who are to be reported separately in classification 6802 and clerical, information, reservation clerks and ticket sellers with no other duties who may be reported separately in classification 4904.~~

~~6801-01 Hot air balloon -- Flight crew~~

~~Applies to members of flight crews employed by establishments operating hot air balloon rides.~~

~~This classification excludes ground crew operations which are to be reported separately in classification 6802.)~~ **6801-00 Airlines, scheduled - Flight crews**

**Applies to:**

Members of flight crews employed by businesses operating scheduled airlines.

**Scheduled airlines will have:**

- Published fares;
- Definite dates;
- Routes; and
- Time for departure and arrivals.

**Flight crews include, but are not limited to:**

- Pilots;
- Co-pilots;
- Navigators; and
- Flight attendants.

**Exclusions:**

• Worker hours for ground crews and ticket sellers who handle baggage are reported separately in 6802.

Ticket sellers, information and reservation clerks, and clerical personnel with duties and exposures to hazards limited to those described in classification 4904 may be reported separately in classification 4904.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017, Multiple classifications.

**6801-01 Hot air balloon - Flight crew**

**Applies to:**

Members of flight crews employed by businesses operating hot air balloon rides.

**Exclusions:**

- Worker hours for ground crews are reported separately in 6802.

[WSR 07-01-014, recodified as § 296-17A-6801, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-741, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-741, filed 5/31/96, effective 7/1/96; WSR 87-24-060 (Order 87-26), § 296-17-741, filed 12/1/87, effective 1/1/88; WSR 85-24-032



(Order 85-33), § 296-17-741, filed 11/27/85, effective 1/1/86; Order 73-22, § 296-17-741, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-6802 Classification 6802.**

~~((6802-00 Airlines, scheduled - Ground crew operations~~

~~Applies to all ground crew employees of establishments operating scheduled airlines. A scheduled airline will have published fares, definite dates, routes, and times for plane departures and arrivals. Ground crew operations include, but are not limited to, all baggage handlers, ticket sellers who handle baggage and maintenance of the aircraft.~~

~~This classification excludes members of the flight crew who are to be reported separately in classification 6801 and ticket sellers, information and reservation clerks and clerical personnel with no other duties who may be reported separately in classification 4904.~~

**6802-01 Hot air balloon - Ground crew operations**

~~Applies to ground crew operations of establishments operating hot air balloon rides. Duties include but are not limited to preparing the balloon for flight, hooking the gondola to the balloon and handling the tether lines.~~

~~This classification excludes members of the flying crew who are to be reported separately in classification 6801.)~~ **6802-00 Airlines, scheduled - Ground crew operations**

**Applies to:**

Members of ground crews employed by businesses operating scheduled airlines.

**Scheduled airlines will have:**

- Published fares;
- Definite dates;
- Routes; and
- Time for departure and arrivals.

**Ground crews include, but are not limited to:**

- Baggage handlers;
- Ticket sellers who handle baggage; and
- Maintenance of the aircraft.

**Exclusions:**

• Worker hours for flight crews are reported separately in 6801. Ticket sellers, information and reservation clerks, and clerical personnel with duties and exposures to hazards limited to those described in classification 4904 may be reported separately in classification 4904.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017, Multiple classifications.

**6802-01 Hot air balloon - Ground crew operations**

**Applies to:**

Ground crew operations of businesses operating hot air balloon rides.

**Duties include, but are not limited to:**

- Preparing the balloon for flight;
- Hooking the gondola to the balloon;

- Handling the tether lines; and
- Driving pick-up vehicle to landing site.

**Exclusions:**

- Worker hours for flight crews are reported separately in 6801.

[WSR 07-01-014, recodified as § 296-17A-6802, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-742, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-742, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-742, filed 11/27/85, effective 1/1/86; WSR 85-06-026 (Order 85-7), § 296-17-742, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-742, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

**WAC 296-17A-6809 Classification 6809.**

~~((Classification 6809 professional and semiprofessional sports teams; noncontact sports~~

~~Applies to professional and semiprofessional athletes engaged in noncontact sports. It also includes:~~

- ~~• Coaches;~~
- ~~• Managers;~~
- ~~• Officials, such as referees.~~

~~It excludes:~~

~~• Employees of athletic teams who care for the team, its equipment, and operate its facilities, who are reported in classification 6706;~~

- ~~• Athletes, coaches, managers, and officials engaged in professional **contact** sports who are reported in classification 6707;~~
- ~~• Coaches, managers, and officials for amateur sports.~~

~~For administrative purposes, classification 6809 is separated into the following subclassifications:~~

~~6809-00 Professional and semiprofessional baseball teams~~

~~6809-01 Professional and semiprofessional basketball teams~~

~~6809-02 Professional and semiprofessional soccer teams and other non-contact sports, N.O.C., such as lacrosse, skiing, and curling.))~~

**6809-00 Baseball teams; professional and semiprofessional****Applies to:**

Professional and semiprofessional baseball teams.

**Occupations in this classification include:**

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

**Exclusions:**

• Worker hours caring for the team, its equipment, and facility operations are reported separately in classification 6706.

• Athletes, coaches, managers, and officials of professional **contact** sports are classified in 6707.

• Coaches and managers for amateur sports teams are classified in 6706.

- Officials for amateur sports events are classified in 6103.

**6809-01 Basketball teams; professional and semiprofessional**

**Applies to:**

Professional and semiprofessional basketball teams.

**Occupations in this classification includes:**

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

**Exclusions:**

- Worker hours caring for the team, its equipment, and facility operations are reported separately in classification 6706.
- Athletes, coaches, managers, and officials of professional **contact** sports are classified in 6707.
- Coaches and managers for amateur sports teams are classified in 6706.
- Officials for amateur sports events are classified in 6103.

**6809-02 Soccer teams and other noncontact sports teams N.O.C.; professional and semiprofessional**

**Applies to:**

Professional and semiprofessional soccer teams and other **noncontact** sports teams not covered by another classification (N.O.C.).

**Noncontact sports include, but are not limited to:**

- Curling;
- Field hockey;
- Lacrosse;
- Skiing; and
- Soccer.

**Occupations in this classification includes:**

- Athletes;
- Coaches;
- Managers; and
- Officials, such as referees.

**Exclusions:**

- Worker hours caring for the team, its equipment, and facility operations are reported separately in classification 6706.
- Athletes, coaches, managers, and officials of professional **contact** sports are classified in 6707.
- Coaches and managers for amateur sports teams are classified in 6706.
- Officials for amateur sports events are classified in 6103.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 15-02-060, § 296-17A-6809, filed 1/6/15, effective 7/1/15. WSR 07-01-014, recodified as § 296-17A-6809, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-745, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-745, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-745, filed 11/30/83, effective 1/1/84; Order 77-10, § 296-17-745, filed 5/31/77; Order 74-40, § 296-17-745, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-745, filed 11/9/73, effective 1/1/74.]

AMENDATORY SECTION (Amending WSR 16-18-085, filed 9/6/16, effective 10/7/16)

**WAC 296-17A-6901 Classification 6901.**

**(Volunteers**

~~Applies to the medical aid coverage for volunteers of state agencies, municipal corporations, political subdivisions, private nonprofit charitable organizations, and student volunteers and/or unpaid students as defined in chapter 51.12 RCW.~~

~~• Medical aid coverage is mandatory for volunteers of state agencies.~~

~~• Medical aid coverage is optional for volunteers of cities, counties, towns, special districts, municipal corporations, political subdivisions, private nonprofit charitable organizations, and for qualifying student volunteers and/or unpaid students as defined in chapter 51.12 RCW.~~

~~This classification excludes:~~

~~• Volunteer law enforcement officers of cities, towns, counties and taxing districts for whom medical aid only coverage has been elected who are to be reported separately in classification 6906; and~~

~~• Volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils for whom full coverage has been elected who are to be reported separately in classification 6905.~~

~~**Special note:** See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements. To elect coverage for qualified volunteers, employers or charitable organizations must submit a completed Application for Elective Coverage of Excluded Employment form to the department. State Fund workers' compensation is not provided to volunteer firefighters covered by chapter 41.24 RCW, nor to emergency services workers covered by chapter 38.52 RCW.~~

~~**For administrative purposes, classification 6901 is divided into the following subclassifications:**~~

~~**6901-00 Volunteers of state agencies, cities, counties, towns, municipal corporations, political subdivisions, or private nonprofit charitable organizations**~~

~~**6901-01 Student volunteers, unpaid students**~~

~~A student volunteer is defined as a student who is:~~

~~• Currently enrolled in a public or private K-12 school or state public or private institution of higher education; and~~

~~• Participating as a student volunteer in a program authorized by the school; and~~

~~• Performing duties for the employer without receiving wages for their volunteer services. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages.~~

~~An unpaid student is defined as a student who is:~~

~~• Currently enrolled in a state public or private institution of higher education; and~~

~~• Participating in an unpaid work-based learning program (including cooperative education, clinical experience, and internship programs) authorized by the school; and~~

~~• Performing duties for the employer without receiving wages for their services; and~~

~~• Receiving credit towards completing the school program, certification, or degree from an institution of higher education. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages. Credit towards completing the school program, certification, or degree are not considered wages.))~~

**6901-00 Volunteers of state agencies, cities, counties, towns, municipal corporations, political subdivisions, or private nonprofit charitable organizations**

**Applies to:**

~~• Volunteers of cities, counties, towns, municipal corporations, political subdivisions, or private nonprofit charitable organizations with medical aid coverage. Medical aid coverage is **optional** for volunteers of cities, counties, towns, special districts, municipal corporations, political subdivisions, and private nonprofit charitable organizations.~~

~~• Volunteers of state agencies with medical aid coverage. Medical aid coverage is **mandatory** for volunteers of state agencies.~~

**Exclusions:**

~~• Volunteer law enforcement officers of cities, towns, counties and taxing districts that have elected medical aid only coverage are classified in 6906.~~

~~• Volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils that have elected full coverage are classified in 6905.~~

~~**Special note:** See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements. To elect coverage for qualified volunteers, employers or charitable organizations must submit a completed Application for Elective Coverage of Excluded Employments form to the department. State Fund workers' compensation is not provided to volunteer firefighters covered by chapter 41.24 RCW, nor to emergency services workers covered by chapter 38.52 RCW.~~

**6901-01 Student volunteers, unpaid students**

**Applies to:**

~~Student volunteers and/or unpaid students of employers that have elected medical aid coverage. Medical aid coverage is **optional** for student volunteers and/or unpaid students as defined in chapter 51.12 RCW.~~

**A student volunteer is defined as a student who is:**

~~• Currently enrolled in a public or private K-12 school or state public or private institution of higher education;~~

~~• Participating as a student volunteer in a program authorized by the school; and~~

~~• Performing duties for the employer without receiving wages for their volunteer services. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages.~~

**An unpaid student is defined as a student who is:**

~~• Currently enrolled in a state public or private institution of higher education;~~

- Participating in an unpaid work-based learning program (including cooperative education, clinical experience, and internship programs) authorized by the school;
- Performing duties for the employer without receiving wages for their services; and
- Receiving credit towards completing the school program, certification, or degree from an institution of higher education. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages. Credit towards completing the school program, certification, or degree are not considered wages.

**Exclusions:**

- Volunteer law enforcement officers of cities, towns, counties and taxing districts that have elected medical aid only coverage are classified in 6906.
- Volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils that have elected full coverage are classified in 6905.

**Special note:** See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements. To elect coverage for qualified volunteers, employers must submit a completed Application for Elective Coverage of Excluded Employments form to the department. State Fund workers' compensation is not provided to volunteer firefighters covered by chapter 41.24 RCW, nor to emergency services workers covered by chapter 38.52 RCW.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-18-085, § 296-17A-6901, filed 9/6/16, effective 10/7/16. WSR 07-01-014, recodified as § 296-17A-6901, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-746, filed 8/28/98, effective 10/1/98; WSR 96-12-039, § 296-17-746, filed 5/31/96, effective 7/1/96; WSR 85-24-032 (Order 85-33), § 296-17-746, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-746, filed 11/30/83, effective 1/1/84; Order 77-27, § 296-17-746, filed 11/30/77, effective 1/1/78; Emergency Order 77-25, § 296-17-746, filed 12/1/77; Order 75-28, § 296-17-746, filed 8/29/75, effective 10/1/75.]

AMENDATORY SECTION (Amending WSR 17-11-120, filed 5/23/17, effective 7/1/17)

**WAC 296-17A-6906 Classification 6906.**

**(~~Volunteer law enforcement officers~~)**

~~Applies to medical aid coverage for volunteer law enforcement officers of cities, towns, counties, taxing districts, Native American tribal councils, and state agencies for whom these entities have elected coverage for medical aid only. Duties of law enforcement officers include, but are not limited to:~~

- ~~• Directing traffic;~~
- ~~• Patrolling by motor vehicle, motorcycle, bicycle, on foot or horseback;~~
- ~~• Preventing crimes;~~
- ~~• Investigating disturbances of the peace;~~
- ~~• Arresting violators;~~

~~• Conducting criminal investigations;~~  
~~• Giving first aid;~~  
~~• Guarding persons detained at the police station; and~~  
~~• Other similar activity conducted within the course of official duties.~~

~~This classification excludes:~~

~~• Salaried law enforcement officers;~~  
~~• Volunteer law enforcement officers for whom the cities, towns, counties, taxing districts or Native American tribal councils have elected full coverage, who are to be reported separately in classification 6905;~~  
~~• Volunteer law enforcement officers for whom the state agencies have elected full coverage who are to be reported separately in classification 7103;~~  
~~• Student volunteers and/or unpaid students as defined in chapter 51.12 RCW for whom the cities, towns, counties, taxing districts, or Native American tribal councils have elected medical aid coverage, or for whom state agencies must provide coverage, who are to be reported separately in classification 6901.~~

~~For other operations of cities, towns, counties, taxing districts, or state government, see chapter 296-17A WAC classifications: 0803, 1301, 1501, 1507, 4902, 4906, 5305, 5306, 5307, 6901, 6904, 6905, 7103, and 7201.~~

~~**Special note:** This coverage is required for volunteer law enforcement officers of state agencies. This coverage is optional for volunteer law enforcement officers of cities, towns, counties, taxing districts, and Native American tribal councils; to elect coverage for volunteer law enforcement officers, the city, town, county, taxing district, or Native American tribal council must submit a completed Application for Elective Coverage of Excluded Employments to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included. See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements.~~

~~For administrative purposes, classification 6906 is divided into the following subclassifications:~~

~~**6906-00 Volunteer law enforcement officers of cities and towns – Medical aid only**~~

~~**6906-01 Volunteer law enforcement officers of counties, taxing districts and Native American tribal councils – Medical aid only**~~

~~**6906-02 Volunteer law enforcement officers of state agencies – Medical aid only**~~ ) )

~~**6906-00 Volunteer law enforcement officers of cities and towns – Medical aid only**~~

~~**Applies to:**~~

~~Volunteer law enforcement officers of cities and towns that have elected coverage for medical aid only.~~

~~**Work activities include, but are not limited to:**~~

- ~~• Arresting violators;~~
- ~~• Conducting criminal investigations;~~
- ~~• Directing traffic;~~
- ~~• Giving first aid;~~
- ~~• Guarding persons detained at the police station;~~
- ~~• Investigating disturbances of the peace;~~

- Patrolling by motor vehicle, motorcycle, bicycle, on foot or horseback;
- Preventing crimes; and
- Other similar activity conducted within the course of official duties.

**Exclusions:**

- Salaried law enforcement officers of cities and towns are classified in 6905.
- Volunteer law enforcement officers of cities, towns, counties, taxing districts or Native American tribal councils that have elected full coverage, are classified in 6905.
- Volunteer law enforcement officers of state agencies that have elected full coverage are classified in 7103.
- Student volunteers and/or unpaid students, as defined in chapter 51.12 RCW, of cities, towns, counties, taxing districts, or Native American tribal councils that have elected medical aid coverage are classified in 6901.
- Student volunteers and/or unpaid students, as defined in chapter 51.12 RCW, of state agencies that must provide medical aid coverage are classified in 6901.

For other operations of cities, towns, counties, taxing districts, or state government, see chapter 296-17A WAC classifications: 0803, 1301, 1501, 1507, 4902, 4906, 5305, 5306, 5307, 6901, 6904, 6905, 7103, and 7201.

**Special note:** Medical aid coverage is required for volunteer law enforcement officers of state agencies. This coverage is optional for volunteer law enforcement officers of cities, towns, counties, taxing districts, and Native American tribal councils. To elect coverage for volunteer law enforcement officers, the city, town, county, taxing district, or Native American tribal council must submit a completed Application for Elective Coverage of Excluded Employments form to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included. See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements.

**6906-01 Volunteer law enforcement officers of counties, taxing districts and Native American tribal councils - Medical aid only**

**Applies to:**

Volunteer law enforcement officers of counties, taxing districts, and Native American tribal councils that have elected coverage for medical aid only.

**Work activities include, but are not limited to:**

- Arresting violators;
- Conducting criminal investigations;
- Directing traffic;
- Giving first aid;
- Guarding persons detained at the police station;
- Investigating disturbances of the peace;
- Patrolling by motor vehicle, motorcycle, bicycle, on foot or horseback;
- Preventing crimes; and
- Other similar activity conducted within the course of official duties.



**Exclusions:**

- Salaried law enforcement officers of counties, taxing districts, and Native American tribal councils are classified in 6905.
- Salaried law enforcement officers of state agencies are classified in 7103.
- Volunteer law enforcement officers of cities, towns, counties, taxing districts or Native American tribal councils that have elected full coverage are classified in 6905.
- Volunteer law enforcement officers of state agencies that have elected full coverage are classified in 7103.
- Student volunteers and/or unpaid students, as defined in chapter 51.12 RCW, of cities, towns, counties, taxing districts, or Native American tribal councils that have elected medical aid coverage are classified in 6901.
- Student volunteers and/or unpaid students, as defined in chapter 51.12 RCW, of state agencies that must provide medical aid coverage are classified in 6901.

For other operations of cities, towns, counties, taxing districts, or state government, see chapter 296-17A WAC classifications: 0803, 1301, 1501, 1507, 4902, 4906, 5305, 5306, 5307, 6901, 6904, 6905, 7103, and 7201.

**Special note:** Medical aid coverage is required for volunteer law enforcement officers of state agencies. This coverage is optional for volunteer law enforcement officers of cities, towns, counties, taxing districts, and Native American tribal councils. To elect coverage for volunteer law enforcement officers, the city, town, county, taxing district, or Native American tribal council must submit a completed Application for Elective Coverage of Excluded Employments form to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included. See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements.

**6906-02 Volunteer law enforcement officers of state agencies - Medical aid only**

**Applies to:**

Volunteer law enforcement officers of state agencies that have not elected full coverage.

**Work activities include, but are not limited to:**

- Arresting violators;
- Conducting criminal investigations;
- Directing traffic;
- Giving first aid;
- Guarding persons detained at the police station;
- Investigating disturbances of the peace;
- Patrolling by motor vehicle, motorcycle, bicycle, on foot or horseback;
- Preventing crimes; and
- Other similar activity conducted within the course of official duties.

**Exclusions:**

- Salaried law enforcement officers.

• Volunteer law enforcement officers of cities, towns, counties, taxing districts or Native American tribal councils that have elected full coverage are classified in 6905.

• Volunteer law enforcement officers of state agencies that have elected full coverage are classified in 7103.

• Student volunteers and/or unpaid students as defined in chapter 51.12 RCW of cities, towns, counties, taxing districts, or Native American tribal councils that have elected medical aid coverage, or for whom state agencies must provide coverage, are classified in 6901.

For other operations of cities, towns, counties, taxing districts, or state government, see chapter 296-17A WAC classifications: 0803, 1301, 1501, 1507, 4902, 4906, 5305, 5306, 5307, 6901, 6904, 6905, 7103, and 7201.

**Special note:** This coverage is required for volunteer law enforcement officers of state agencies. This coverage is optional for volunteer law enforcement officers of cities, towns, counties, taxing districts, and Native American tribal councils. To elect coverage for volunteer law enforcement officers, the city, town, county, taxing district, or Native American tribal council must submit a completed Application for Elective Coverage of Excluded Employments form to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included. See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 17-11-120, § 296-17A-6906, filed 5/23/17, effective 7/1/17; WSR 16-18-085, § 296-17A-6906, filed 9/6/16, effective 10/7/16. WSR 07-01-014, recodified as § 296-17A-6906, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035, 51.04.020. WSR 00-14-052, § 296-17-751, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-751, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-751, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-751, filed 11/30/83, effective 1/1/84; Order 77-27, § 296-17-751, filed 11/30/77, effective 1/1/78; Emergency Order 77-25, § 296-17-751, filed 12/1/77.]

WSR 22-16-095  
PROPOSED RULES  
PUGET SOUND  
CLEAN AIR AGENCY

[Filed August 2, 2022, 12:55 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Sections 3.11 (Civil Penalties) and 3.25 (Federal Regulation Reference Date).

Hearing Location(s): On September 22, 2022, at 8:30 a.m. The public hearing will be conducted using Zoom, and can be accessed using the following information: Join Zoom meeting, <https://us06web.zoom.us/j/88097893929?pwd=ZmdSam9aY2c3UWRsemtWemdmRGpPQT09>, Meeting ID 880 9789 3929, Passcode 218906, Call-in 833 548 0276 US Toll-free.

The meeting can also be attended in person at the agency's office at 1904 3rd Avenue, Suite 105, Seattle.

Date of Intended Adoption: September 22, 2022.

Submit Written Comments to: Betsy Wheelock, Puget Sound Clean Air Agency, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, email [betsyw@psccleanair.gov](mailto:betsyw@psccleanair.gov), fax 206-343-7522, by September 21, 2022.

Assistance for Persons with Disabilities: Contact agency receptionist, phone 206-689-4010, fax 206-343-7522, TTY 800-833-6388 or 800-833-6385 (Braille), email [betsyw@psccleanair.gov](mailto:betsyw@psccleanair.gov), by September 15, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Section 3.11:** The agency's practice for many years has been to annually adjust the maximum civil penalty amount as allowed by law. The proposed adjustment to the maximum civil penalty amount accounts for inflation, as authorized by RCW 70A.15.3160 (formerly RCW 70.94.431) and as determined by the state office of the economic and revenue forecast council. Without this adjustment, the maximum penalty amount would effectively decrease each year. The consumer price index (CPI) for the Seattle/Tacoma/Bellevue area increased by 7.81 percent for the 2021 calendar year, which amounts to an increase of \$1,631.00 in the maximum civil penalty amount. The agency has used the CPI for wage earners (CPI-W) in the Puget Sound region for many years to make this inflation-based adjustment because it reflects the data of what happened (i.e. not a forecast) and it represents local economic information.

The proposed amendment does not affect the way the agency determines actual civil penalty amounts in individual cases. This continues to be done following civil penalty worksheets previously approved by the board.

**Section 3.25:** This section currently provides that, whenever federal rules are referenced in agency regulations, the effective date of the federal regulations referred to is July 1, 2021. This provides certainty so that persons affected by the regulations and agency staff know which version of a federal regulation to reference. For many years, the agency's practice has been to update this date annually to stay current with federal regulations. Following this practice, the proposed amendments would change the reference date to July 1, 2022.

Reasons Supporting Proposal: There are no benefits or costs associated with the proposed amendments.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Statute Being Implemented: Chapter 70A.15 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Van Slyke, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, 206-689-4052.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70A.15.2040.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Is exempt under RCW 19.85.011.

Explanation of exemptions: Chapter 19.85 RCW does not appear to apply to local air agencies.

August 1, 2022  
Christine Cooley  
Executive Director

#### AMENDATORY SECTION

##### SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed \$((20,866.00)) 22,497.00, per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Clean Air Agency shall be liable for a civil penalty of not more than \$((20,866.00)) 22,497.00, for each day of continued noncompliance.

(c) Within 30 days of the date of receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. To be considered timely, a mitigation request must be actually received by the Agency, during regular office hours, within 30 days of the date of receipt of a Notice and Order of Civil Penalty. This time period shall be calculated by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or legal holiday, and then it is excluded and the next succeeding day that is not a Saturday, Sunday, or legal holiday is included. The date stamped by the Agency on the mitigation request is prima facie evidence of the date the Agency received the request.

(d) A mitigation request must contain the following:

- (1) The name, mailing address, telephone number, and telefacsimile number (if available) of the party requesting mitigation;
  - (2) A copy of the Notice and Order of Civil Penalty involved;
  - (3) A short and plain statement showing the grounds upon which the party requesting mitigation considers such order to be unjust or unlawful;
  - (4) A clear and concise statement of facts upon which the party requesting mitigation relies to sustain his or her grounds for mitigation;
  - (5) The relief sought, including the specific nature and extent; and
  - (6) A statement that the party requesting mitigation has read the mitigation request and believes the contents to be true, followed by the party's signature. The Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.
- (e) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. An appeal must be filed with the Hearings Board and served on the Agency within 30 days of the date of receipt of the Notice and Order of Civil Penalty or the notice of disposition on the application for relief from penalty.
- (f) A civil penalty shall become due and payable on the later of:
- (1) 30 days after receipt of the notice imposing the penalty;
  - (2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or
  - (3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.
- (g) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.
- (h) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.
- (i) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

**AMENDATORY SECTION****SECTION 3.25 FEDERAL REGULATION REFERENCE DATE**

Whenever federal regulations are referenced in Regulation I, II, or III, the effective date shall be July 1, ((2021)) 2022.

**WSR 22-16-109**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**

[Filed August 3, 2022, 7:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-08-086.

Title of Rule and Other Identifying Information: Chapter 200-100 WAC, Self-insurance transactions as to local governments.

Hearing Location(s): On September 6, 2022, at 2:00 p.m., virtual public hearing via Zoom. Join Zoom meeting online <https://des-wa.zoom.us/j/99668881760?pwd=RTRTdTlYNUplMUZBbFZ3S3BOa1BNZz09>; or call-in. Dial by your location 877 853 5247 US Toll-free, 888 788 0099 US Toll-free, Meeting ID 996 6888 1760, Password 870039.

Date of Intended Adoption: September 16, 2022.

Submit Written Comments to: Jack Zeigler, online at <https://des.wa.gov/about/policies-laws-rules/rulemaking>, local government self-insurance health and welfare program rules, by September 9, 2022.

Assistance for Persons with Disabilities: Contact Jack Zeigler, by September 1, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal aligns the rules with statutory changes, including but not limited to, allowing the state board of pilotage commissioners to participate in a local government self-insurance program covering liability risks. Other content changes align the rules with recent changes to other self-insurance rules addressing purchasing requirements and independent audit requirements.

Reasons Supporting Proposal: The office of risk management is the regulator for local government risk pools. In 2019, the legislature passed HB 1431 Concerning joint self-insurance programs for property and liability. This bill amends state law under chapter 48.62 RCW to allow the state board of pilotage commissioners (the board), a Washington state agency, to participate in a local government joint self-insurance program covering liability risks. Previously, no state agency was allowed to join a local government self-insurance pool.

During review of the current rules, it became clear that other language may need to be amended to align with the statute to accommodate a state agency such as the board. Some language applicable to local government members of a self-insurance pool does not necessarily apply to the board.

Statutory Authority for Adoption: RCW 48.62.061 Rule making by state risk manager—Standards.

Statute Being Implemented: Chapter 48.62 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of enterprise services, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Shannon Stuber, 1500 Jefferson [Street], Olympia, WA, 360-407-8153; Enforcement: Jason Siems, 1500 Jefferson [Street], Olympia, WA, 360-742-6348.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This proposed change only relates to internal governmental operations that are not subject to violation by a nongovernment party.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4) (does not affect small businesses).

August 3, 2022

Jack Zeigler

Policy and Rules Manager

## OTS-4001.1

AMENDATORY SECTION (Amending WSR 15-22-011, filed 10/22/15, effective 11/22/15)

**WAC 200-100-020 Definitions.** (1) "Actuary" means any person who is a fellow of the Casualty Actuarial Society and a member of the American Academy of Actuaries.

(2) "Assessment" means the moneys paid by the members to a joint self-insurance program, excluding member claim deductibles and fees for supplementary services.

(3) "Broker of record" means the insurance producer licensed in the state of Washington who, through a contractual agreement with the joint self-insurance program, procures insurance on behalf of the joint self-insurance program.

(4) "Case reserves" means the total of all claims and claims adjustment expenses for covered events which have occurred and have been reported to the joint and individual self-insurance programs as of the date of the financial statement. Case reserves include an estimate for each reported claim based on the undiscounted jury verdict value of said claim.

(5) "Claim adjustment expense" means expenses, other than claim payments, incurred in the course of investigating and settling claims.

(6) "Claim" means a demand for payment for damages or policy benefit because of the occurrence of an event that includes, but is not limited to, the destruction or damage of property or reputation, bodily injury or death and alleged civil rights violations.

(7) "Claims auditor" means a person who has the following qualifications:

(a) A minimum of five years in claims management and investigative experience;

(b) A minimum of three years of experience in auditing the same manner of claims filed against the program being audited;

(c) Proof of professional liability insurance; and

(d) Provides a statement that the auditor is independent from the program being audited, its vendors, insurers, brokers, and third-party administrators.

(8) "Competitive process" means a formal sealed, electronic, or web-based bid procedure used for all nonclaims related purchases for

goods and services over (~~(fifty thousand dollars)~~) \$50,000. For purchases between (~~(five thousand dollars and fifty thousand dollars)~~) \$5,000 and \$50,000, competitive process means quotations obtained from at least three vendors by telephone or written quotations, or both, and supported by evidence of competition. Purchases up to (~~(five thousand dollars)~~) \$5,000 are exempt from competitive bids providing procurement is based on obtaining maximum quality at minimum cost.

(9) "Competitive solicitation" means a documented formal process requiring sealed bids, providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(10) "Consultant" means an independent individual or firm contracting with a joint self-insurance program to perform actuarial, claims auditing or third-party administration services, represent the program as broker of record, or render an opinion or recommendation according to the consultant's methods, all without being subject to the control of the program, except as to satisfaction of the contracted deliverables.

(11) "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

(12) "Incurred but not reported, or IBNR" means claims and claim adjustment expenses for covered events which have occurred but have not yet been reported to the self-insurance program as of the date of the financial statement. IBNR claims include (a) known loss events that are expected to be presented later as claims, (b) unknown loss events that are expected to become claims, and (c) future development on claims already reported.

(13) "Individual self-insurance program" means a formal program established and maintained by a local government entity to provide advance funding to self-insure for property and liability risks on its own behalf as opposed to risk assumption, which means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(14) "Interlocal agreement" means an agreement established under the Interlocal Cooperation Act defined in chapter 39.34 RCW.

(15) "Joint self-insurance program" means any two or more local government entities which have entered into a cooperative risk sharing agreement subject to regulation under chapter 48.62 RCW.

(16) "Jury verdict value" means the claim value established on an individual case basis by the entity's analysis of the jury verdict results within a jurisdiction in addition to other factors including, but not limited to, severity of injury or damage, length of recovery, credibility of parties and witnesses, ability of attorney, sympathy factors, degree of negligence of the parties and contribution or recovery from other sources.

(17) "Member" means:

(a) A local government entity that:

~~((a))~~ (i) Is a signatory to a joint insurance program's interlocal agreement;



~~((b))~~ (ii) Agrees to future assessments or reassessments as part of the program's joint self-insurance program; and

~~((e))~~ (iii) Is a past or present participant in the excess or self-insured retention portion of the pool's insurance program subject to regulation under chapter 48.62 RCW; and

(b) The board of pilotage commissioners that:

(i) Is a signatory to a joint insurance program's interlocal agreement;

(ii) Agrees to future assessments or reassessments as part of the program's joint self-insurance program; and

(iii) Is a past or present participant in the excess or self-insured retention portion of the pool's insurance program subject to regulation under chapter 48.62 RCW; and

(iv) Participates in the liability coverage offered by the program, but may not participate in property or other coverages as authorized in RCW 48.62.011(2).

(18) "Primary assets" means cash, short-term investments, and long-term investments (~~((less any nonclaims liabilities))~~). Primary assets may not include member receivables billed in advance of the coming year. The amount of the primary assets must be reduced by all nonclaims liabilities. At fiscal year ending 2025 and from thereon, both primary assets and secondary assets will also include all pension-related assets and liabilities.

(19) "Reassessment" means additional moneys paid by the members to a joint self-insurance program for previous years in which annual member assessments were not sufficient to cover costs.

(20) "Risk sharing" means a decision by the members of a joint self-insurance program to jointly absorb certain or specified financial exposures to risks of loss through the creation of a formal program of advance funding of actuarially determined anticipated losses; and/or joint purchase of insurance or reinsurance as a member of a joint self-insurance program formed under chapter 48.62 RCW.

(21) "Secondary assets" means insurance and member receivables, real estate or other assets (~~((less any nonclaims liabilities))~~) the value of which can be independently verified by the state risk manager. Secondary assets may not include member receivables billed in advance of the coming year. At fiscal year ending 2025 and from thereon, both primary assets and secondary assets will also include all pension-related assets and liabilities.

(22) "Self-insurance program" means any individual or joint self-insurance program required by chapter 48.62 RCW to comply with this chapter.

(23) "Services" means administrative, electronic, management, loss prevention, training or other support services which do not include the participation in or purchase of the pools excess or self-insured insurance programs.

(24) "Stop-loss insurance" means a promise by an insurance company that it will cover losses of the entity it insures over and above an agreed-upon aggregated amount.

(25) "Third-party administrator" means an independent association, agency, entity or enterprise which, through a contractual agreement, provides one or more of the following ongoing services: Pool management or administration services, claims administration services, risk management services, or services for the design, implementation, or termination of an individual or joint self-insurance program.

(26) "Unallocated loss adjustment expense (ULAE)" means costs that cannot be associated with specific claims but are related to the

claims adjustment process, such as administrative and internal expenses related to settlement of claims at the termination of the program.

(27) "Unpaid claims" means the obligations for future payment resulting from claims due to past events. This liability includes loss and adjustments expenses, incurred but not reported claims (IBNR), case reserves, and unallocated loss adjustment expenses (ULAE).

[Statutory Authority: 2015 c 109. WSR 15-22-011, § 200-100-020, filed 10/22/15, effective 11/22/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-100-020, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 48.62.061. WSR 10-01-072, § 82-60-020, filed 12/14/09, effective 1/14/10; WSR 05-04-072, amended and recodified as § 82-60-020, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. WSR 93-16-079, § 236-22-020, filed 8/3/93, effective 9/3/93.]

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-100-02009 Standards for operation—Communication with members—Annual membership report.** The joint self-insurance program shall make available to each member a copy of the program's annual membership report. The annual membership report shall include, at a minimum, financial information which includes the (~~comparative~~) balance sheet and statement of revenues, expenses and net assets. The reports shall be delivered to each member by electronic or regular mail. Programs may meet the delivery requirement by publishing and maintaining the membership report on the official website of the program for a minimum of three years from the date of publication.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-100-02009, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 48.62.061. WSR 10-01-072, § 82-60-02009, filed 12/14/09, effective 1/14/10.]

AMENDATORY SECTION (Amending WSR 15-22-011, filed 10/22/15, effective 11/22/15)

**WAC 200-100-050 Standards for claims management—Claims administration.** (1) All joint self-insurance programs shall adopt a written claims administration program which includes, as a minimum, the following procedures:

- (a) Claims filing procedures and forms.
- (b) Standards requiring case reserves for each claim be established in the amount of the jury verdict value.
- (c) Standards requiring case reserves be reviewed every (~~nine~~~~ty~~) 90 days or when reasonably practicable and such review is documented in the claims diary.
- (d) Standards requiring appropriate adjuster work loads.
- (e) Standards requiring claims payment procedures include sufficient internal controls to ensure adequate review and approval by claims management staff.

(f) Standards requiring file documentation be complete and up-to-date.

(g) Standards requiring timely and appropriate claim resolution practices.

(h) Standards requiring opportunities for recoveries be reviewed and documented for each claim.

(i) Standards requiring compliance with Internal Revenue Service (IRS) rules for 1099MISC regulations.

(j) Standards requiring claims files be audited on the following categories: Staffing, caseloads, supervision, diary, coverage, reserves, promptness of contacts, field investigations, file documentation, settlements, litigation management and subrogation.

(2) All joint self-insurance programs may perform claims administration services on their own behalf or may contract for claims administration services with a qualified third-party administrator, provided all of the specific requirements under subsection (1) of this section are included in the contract.

(3) All joint self-insurance programs shall have a written member coverage appeal procedure that contains, as a minimum, procedures for a member filing an appeal with the joint self-insurance program, including the time limit for filing, a time limit for response, and a provision for an additional level of review.

(4) All joint self-insurance programs shall maintain a financial system that identifies claim and claim adjustment expenses.

(5) All joint self-insurance programs shall provide for the purchase of goods and services to replace or repair property in a manner which will, in the judgment of the governing body of the joint self-insurance program, avoid further damage, injury, or loss of use to a member or third-party claimant.

(6) All joint self-insurance programs shall maintain claim expense reports for all claims made against the joint self-insurance program and its members.

(7) All joint self-insurance programs shall obtain an independent audit of claim reserving, adjusting and payment procedures every three years at a minimum. The audit shall be conducted by an independent qualified claims auditor not affiliated with the program, its insurers, its broker of record, or its third-party administrator. Such review shall be in writing and identify strengths, areas of improvement, findings, conclusions and recommendations. Such review shall be provided to the governing body and retained for a period not less than six years. The scope of the claims audit shall include claims administration procedures listed in subsection (1) of this section. The number, date, and scope of claims audited will be determined by the auditor based upon level of error and risk assessed by the auditor.

(8) The state risk manager may require more frequent claims audits for programs that, in the state risk manager's opinion, are not operationally or financially sound. Failure to obtain the requested independent claims audit when required may result in the procurement of such audit by the state risk manager on behalf of the program. Costs of these services shall be the responsibility of the joint self-insurance program.

[Statutory Authority: 2015 c 109. WSR 15-22-011, § 200-100-050, filed 10/22/15, effective 11/22/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-100-050, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 48.62.061. WSR 10-01-072, § 82-60-050, filed 12/14/09, effective 1/14/10; WSR 05-04-072, amended

and recodified as § 82-60-050, filed 2/1/05, effective 3/4/05. Statutory Authority: Chapter 48.62 RCW. WSR 93-16-079, § 236-22-050, filed 8/3/93, effective 9/3/93.]

AMENDATORY SECTION (Amending WSR 15-22-011, filed 10/22/15, effective 11/22/15)

**WAC 200-100-220 Standards for contracts—Standards for operation—Purchases of goods and services not related to claims.** Joint self-insurance programs comprised of one common entity type must comply with bidding and purchasing requirements as prescribed by law or regulation for that entity type. Joint self-insurance programs comprised of multiple entity types (~~(shall use a competitive process for the purchase of goods and services not described in WAC 200-100-215)~~) must comply with bidding and purchasing requirements as prescribed by law or regulation for multiple entity types joined by interlocal agreements. Vendor selection shall be based on fees or costs, ability, capacity, experience, reputation, and responsiveness to time limitations. These regulations do not apply to the purchase of goods and services described in WAC 200-100-050(5).

[Statutory Authority: 2015 c 109. WSR 15-22-011, § 200-100-220, filed 10/22/15, effective 11/22/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-100-220, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 48.62.061. WSR 10-01-072, § 82-60-220, filed 12/14/09, effective 1/14/10.]

## WSR 22-16-111

## PROPOSED RULES

## EMPLOYMENT SECURITY DEPARTMENT

[Filed August 3, 2022, 8:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-22-107 and 22-08-039.

Title of Rule and Other Identifying Information: Long-term services and supports trust program (WA Cares).

Amending WAC 192-905-005 Eligibility requirements for an employee to receive a permanent exemption from the long-term services and supports trust program, 192-905-010 How and when can an employee apply for an exemption from the long-term services and supports trust program?, 192-910-015 What are the employer's responsibilities for premium deductions?, 192-915-005 Election of coverage for self-employed persons, and 192-915-015 How will the department determine the wages earned and hours worked for self-employed persons electing coverage?

Adding WAC 192-905-006 Eligibility requirements for an employee to receive a conditional exemption from the long-term services and supports trust program, 192-905-007 Notification requirements and penalties for discontinuing conditional exemptions, 192-930-005 Audit procedures, and 192-930-010 What happens if an employer fails to provide requested information to the department for an audit?

Hearing Location(s): On September 6, 2022, at 9:00 a.m., Microsoft Teams. Join online, link available at [esd.wa.gov/newsroom/rulemaking/ltss](https://esd.wa.gov/newsroom/rulemaking/ltss); join by phone 564-999-2000, PIN 810 809 213#. Hearing will be held remotely due to COVID-19.

Date of Intended Adoption: On or after September 13, 2022.

Submit Written Comments to: Janette Benham, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, email [rules@esd.wa.gov](mailto:rules@esd.wa.gov), by September 6, 2022.

Assistance for Persons with Disabilities: Contact Teresa Eckstein, state EO officer, phone 360-480-5708, TTY 711, email [Teckstein@esd.wa.gov](mailto:Teckstein@esd.wa.gov), by August 30, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed new and amended rules implement portions of SHB 1732, ESHB 1733, and the third phase of the employment security department's (department) initial program implementation. SHB 1732 delayed the WA Cares program by 18 months and created a partial benefit for near retirees. ESHB 1733 added four new voluntary exemptions to include veterans who have service-connected disability ratings of 70 percent or greater, spouses or registered domestic partners of active-duty United States armed forces service members, individuals who hold temporary worker visas, and individuals who maintain permanent residence outside of Washington. ESHB 1733 also outlines circumstances under which three of the new voluntary exemptions must be discontinued. Proposed new rules also address employer audit procedures.

Reasons Supporting Proposal: The proposed rules are necessary to implement portions of the WA Cares program related to changes made when SHB 1732 and ESHB 1733 passed and to complete the third phase of the department's initial program implementation. The proposed rules provide guidance to employees, employers, self-employed individuals, and the general public regarding the delay of the program, criteria and application procedures for new voluntary exemptions, and employer audit procedures.

Statutory Authority for Adoption: RCW 50B.04.020, 50B.04.055, 50B.04.080, 50B.04.085, 50B.04.090.

Statute Being Implemented: RCW 50B.04.020, 50B.04.055, 50B.04.080, 50B.04.085, 50B.04.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Employment security department, leave and care division, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: April Amundson, Lacey, Washington, 360-485-2816.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The following rules are exempt under RCW 34.05.328 (5)(b)(v) and (5)(c)(i)(C): WAC 192-905-005 Eligibility requirements for an employee to receive a permanent exemption from the long-term services and supports trust program, and 192-905-010 How and when can an employee apply for an exemption from the long-term services and supports trust program? The rules are explicitly and specifically dictated by RCW 50B.04.055 and RCW 50B.04.085 and are procedural rules that adopt a policy pertaining to the internal operations of the department. Procedural rules are not significant legislative rules under RCW 34.05.328 (5)(c)(iii).

The following rules are exempt under RCW 34.05.328 (5)(b)(v) and (5)(c)(i)(C): WAC 192-905-006 Eligibility requirements for an employee to receive a conditional exemption from the long-term services and supports trust program, and 192-905-007 Notification requirements and penalties for discontinuing conditional exemptions.

The rules are explicitly and specifically dictated by RCW 50B.04.055 and are procedural rules that adopt a policy pertaining to the internal operations of the department. Procedural rules are not significant legislative rules under RCW 34.05.328 (5)(c)(iii).

The following rule is exempt under RCW 34.05.328 (5)(b)(v) and (5)(c)(i)(C): WAC 192-910-015 What are the employer's responsibilities for premium deductions?

The rule is explicitly and specifically dictated by RCW 50B.04.080 and is a procedural rule that adopts a policy pertaining to the internal operations of the department. Procedural rules are not significant legislative rules under RCW 34.05.328 (5)(c)(iii).

The following rules are exempt under RCW 34.05.328 (5)(b)(v) and (5)(c)(i)(C): WAC 192-915-005 Election of coverage for self-employed persons, and 192-915-015 How will the department determine the wages earned and hours worked for self-employed persons electing coverage?

The rules are explicitly and specifically dictated by RCW 50B.04.090 and are procedural rules that adopt a policy pertaining to the internal operations of the department. Procedural rules are not significant legislative rules under RCW 34.05.328 (5)(c)(iii).

The following rules are exempt under RCW 34.05.328 (5)(b)(v) and (5)(c)(i)(C): WAC 192-930-005 Audit procedures, and 192-930-010 What happens if an employer fails to provide requested information to the department for an audit?

The rules are explicitly and specifically dictated by RCW 50B.04.020 (4)(c). The rules ensure that standards and procedures for employer audits are coordinated with the same activities conducted under Title 50A RCW. The rules are also procedural rules that adopt a policy pertaining to the internal operations of the department. Proce-

dural rules are not significant legislative rules under RCW 34.05.328 (5) (c) (iii).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rule content is explicitly and specifically dictated by statute.

Explanation of exemptions: The following rules are exempt under RCW 34.05.310 (4) (b) and (e) because the rules relate to internal operations of the department and are dictated by statute (RCW 50B.04.055 and 50B.04.085): WAC 192-905-005 Eligibility requirements for an employee to receive a permanent exemption from the long-term services and supports trust program, and 192-905-010 How and when can an employee apply for an exemption from the long-term services and supports trust program?

The following rules are exempt under RCW 34.05.310 (4) (b) and (e) because the rules relate to internal operations of the department and are dictated by statute (RCW 50B.04.055): WAC 192-905-006 Eligibility requirements for an employee to receive a conditional exemption from the long-term services and supports trust program, and 192-905-007 Notification requirements and penalties for discontinuing conditional exemptions.

The following rule is exempt under RCW 34.05.310 (4) (b) and (e) because the rule relates to internal operations of the department and is dictated by statute (RCW 50B.04.080): WAC 192-910-015 What are the employer's responsibilities for premium deductions?

The following rules are exempt under RCW 34.05.310 (4) (b) and (e) because the rules relate to internal operations of the department and are dictated by statute (RCW 50B.04.090): WAC 192-915-005 Election of coverage for self-employed persons, and 192-915-015 How will the department determine the wages earned and hours worked for self-employed persons electing coverage?

The following rule is exempt under RCW 34.05.310 (4) (b) and (e) because the rule relates to internal operations of the department and is dictated by statute (RCW 50B.04.020 (4) (c)): WAC 192-930-005 Audit procedures, and 192-930-010 What happens if an employer fails to provide requested information to the department for an audit?

August 3, 2022

April Amundson

Policy and Rules Manager

Leave and Care Division

## OTS-3995.1

AMENDATORY SECTION (Amending WSR 21-11-013, filed 5/7/21, effective 6/7/21)

**WAC 192-905-005 Eligibility requirements for an employee to receive ((an)) a permanent exemption from the long-term services and supports trust program.** (1) An employee who has long-term care insurance as outlined in RCW 50B.04.085 and attests to this, may apply

through December 31, 2022, for ((a)) a permanent exemption from the premium assessment under RCW 50B.04.080. "Long-term care insurance" has the meaning provided in RCW 48.83.020.

((2)) (a) Only an employee who is eighteen years of age or older on the date of application may apply for an exemption.

((3)) (b) The employee must provide identification that verifies their age at the time of application.

((4)) (c) The department may verify an employee's long-term care insurance coverage and may request additional information from the employee.

(2) Beginning January 1, 2023, an employee who is a veteran of the United States military and has a service-connected disability rating by the United States department of veterans affairs of 70 percent or greater may apply for a permanent exemption from the premium assessment under RCW 50B.04.080.

(a) The employee must provide information sufficient for the department to verify their identity.

(b) The employee must provide documentation of their service-connected disability rating at the time of application.

(c) The department may verify an employee's service-connected disability rating and may request additional information from the employee.

[Statutory Authority: RCW 50B.04.020 and 50B.04.085. WSR 21-11-013, § 192-905-005, filed 5/7/21, effective 6/7/21.]

#### NEW SECTION

**WAC 192-905-006 Eligibility requirements for an employee to receive a conditional exemption from the long-term services and supports trust program.** (1) An employee may apply for a conditional exemption from the premium assessment under RCW 50B.04.080 if:

(a) The employee is a spouse or registered domestic partner of an active duty service member in the United States armed forces whether or not deployed or stationed within or outside of Washington;

(b) The employee holds a nonimmigrant visa for temporary workers, as recognized by federal law; or

(c) The employee maintains a permanent primary residence outside of Washington.

(2) The employee must provide information sufficient for the department to verify their identity.

(3) The employee must provide documentation sufficient to verify or substantiate the exemption under RCW 50B.04.055 at the time of application.

(4) The department may request additional information from the employee at any time.

(5) The employee must notify their employer(s) and the department within 90 days of no longer meeting exemption criteria. Requirements for notification and penalties for failing to provide notification to discontinue the exemption are outlined in WAC 192-905-007.

[ ]



NEW SECTION

**WAC 192-905-007 Notification requirements and penalties for discontinuing conditional exemptions.** (1) The employee must notify their employer(s) and the department within 90 days of no longer qualifying for an exemption outlined in WAC 192-905-006.

(2) A discontinued exemption will take effect the quarter immediately following notification and premiums will be assessed.

(3) Employees who fail to provide notifications as described in this section and have premiums assessed will owe any unpaid premiums to the department. Unpaid premiums will be assessed interest of one percent, compounded monthly, until payment is made in full.

[]

AMENDATORY SECTION (Amending WSR 21-11-013, filed 5/7/21, effective 6/7/21)

**WAC 192-905-010 How and when can an employee apply for an exemption from the long-term services and supports trust program?** (1) Applications for exemption from the long-term services and supports trust program for individuals who have long-term care insurance purchased before November 1, 2021, will be accepted by the department only from October 1, 2021, through December 31, 2022, per RCW 50B.04.085.

(2) Applications for exemption from the long-term services and supports trust program for veterans who are 70 percent disabled and individuals who apply under WAC 192-905-006 will be accepted beginning January 1, 2023, and will be ongoing.

(3) If approved by the department, an employee's exemption will be effective the quarter immediately following approval.

~~((3))~~ (4) Applications for exemption will be available ~~((on the department's website))~~ online or in another format approved by the department.

[Statutory Authority: RCW 50B.04.020 and 50B.04.085. WSR 21-11-013, § 192-905-010, filed 5/7/21, effective 6/7/21.]

**OTS-3996.1**

AMENDATORY SECTION (Amending WSR 21-17-140, filed 8/18/21, effective 9/18/21)

**WAC 192-910-015 What are the employer's responsibilities for premium deductions?** (1) Employers must deduct premiums for each pay period in which the employee receives wages.

(2) When an employer is found by the department to be noncompliant with collecting premiums from an employee, the employer must file an amended report and pay the past due premiums.

(3) Subsection (1) of this section does not apply if:

(a) An employer was unable to deduct the premium for a pay period due to a lack of sufficient employee wages for that pay period; or

(b) The employee has an approved exemption (~~under RCW 50B.04.085~~) and has provided the required proof of the exemption to the employer.

(4) Once an employer is notified that an employee no longer qualifies for an exemption, the employer must abide by all premium assessment requirements under chapter 50B.04 RCW for that employee.

[Statutory Authority: RCW 50B.04.020, 50B.04.080, 50B.04.090 and 50B.04.120. WSR 21-17-140, § 192-910-015, filed 8/18/21, effective 9/18/21.]

### OTS-3997.1

AMENDATORY SECTION (Amending WSR 21-17-140, filed 8/18/21, effective 9/18/21)

#### **WAC 192-915-005 Election of coverage for self-employed persons.**

(1) Self-employed persons as defined in RCW 50B.04.090 may elect coverage under Title 50B RCW.

(2) Coverage may only be elected beginning (~~(January 1, 2022)~~) July 1, 2023, and before (~~(January 1, 2025)~~) July 1, 2026, or within three years of becoming self-employed for the first time.

(3) Notice of election of coverage must be submitted to the department online or in another format approved by the department.

(4) Elective coverage begins on the first day of the quarter immediately following the notice of election.

(5) A self-employed person who elects coverage must continue to pay premiums until such time that the individual retires from the workforce or is no longer self-employed.

(6) The self-employed person must file a notice with the department if the individual retires from the workforce or is no longer self-employed.

[Statutory Authority: RCW 50B.04.020, 50B.04.080, 50B.04.090 and 50B.04.120. WSR 21-17-140, § 192-915-005, filed 8/18/21, effective 9/18/21.]

AMENDATORY SECTION (Amending WSR 21-17-140, filed 8/18/21, effective 9/18/21)

#### **WAC 192-915-015 How will the department determine the wages earned and hours worked for self-employed persons electing coverage?**

The department will determine the wages earned and hours worked for self-employed individuals as described in WAC 192-510-030 (1), (2), and (4).

[Statutory Authority: RCW 50B.04.020, 50B.04.080, 50B.04.090 and 50B.04.120. WSR 21-17-140, § 192-915-015, filed 8/18/21, effective 9/18/21.]

OTS-3998.1

**Chapter 192-930 WAC**  
**AUDITS**

NEW SECTION

**WAC 192-930-005 Audit procedures.** (1) The department may inspect and audit employer files and records as needed to ensure compliance with Title 50B RCW. Audits may take place at the discretion of the department.

(2) Employers must provide all requested information to the department within 10 business days or a time frame agreed to by the department.

(3) If the department discovers violations for the time frame being audited, the department may expand the audit to include prior and subsequent quarters, up to the most recently completed calendar quarter.

[]

NEW SECTION

**WAC 192-930-010 What happens if an employer fails to provide requested information to the department for an audit?** Employers must provide all requested documentation as it pertains to the long-term services and supports trust program under Title 50B RCW. If an employer fails or refuses to provide necessary payroll or other wage information during an audit, the department may determine payroll and wage information for the purposes of premium assessment based on information otherwise available to the department. This may include information from the same employer, similar employers, labor market information, information provided to other state or local agencies, or the best information otherwise available to the department.

[]

**WSR 22-16-112**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed August 3, 2022, 8:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-11-072.

Title of Rule and Other Identifying Information: Chapter 16-306 WAC, Hemp program. In response to changes in federal law that occurred when the United States Department of Agriculture (USDA) published its final rule for the domestic production of hemp (final rule) in January of 2021, the Washington state department of agriculture (the department) is proposing amendments to various sections of this chapter to align with USDA's final rule. The department is also proposing updates to multiple sections throughout the chapter to provide clarity and transparency to hemp producers in regard to testing, the appeals process, and enforcement, as well as revising some of the fees that are currently listed in rule.

Hearing Location(s): On September 7, 2022, at 10:00 a.m., Microsoft Teams conference line: Click here to join the meeting [contact agency for link]; or join by phone +1 564-999-2000, Phone Conference ID 229 530 375#. Due to the ongoing COVID-19 pandemic, the public hearing will be held solely over video and teleconference.

Date of Intended Adoption: September 14, 2022.

Submit Written Comments to: Gloriann Robinson, Agency Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), fax 360-902-2092, by September 7, 2022.

Assistance for Persons with Disabilities: Contact Reanna McNamara, phone 360-902-2085, fax 360-902-2085, TTY 800-833-6388, email [rmcnamara@agr.wa.gov](mailto:rmcnamara@agr.wa.gov), by August 31, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing the following amendments to align with USDA's final rule.

- Adding the definitions for "Microgreen" and "Remediation" to WAC 16-306-030.
- Replacing "destruction" with "disposal" throughout the entire chapter.
- Creating WAC 16-306-075 setting the certification process for immature nonflowering hemp plants.
- Updating WAC 16-306-080 to increase the inspection window from 15 days to 30 days.
- Clarifying language in WAC 16-306-090 by adding "mature" to clarify that it is mature hemp that will be tested for THC concentration, in order to distinguish between the immature and nonflowering hemp plants that are now allowed to be certified and harvested.
- Clarifying language in WAC 16-306-120 to include "visually inspected" for immature, nonflowering hemp plants.
- Adding a new subsection (3) to WAC 16-306-170 (changing current subsection (3) to subsection (4)) to include an option for remediation of hemp that tests higher than the allowed 0.3 percent but less than 0.7 percent for THC concentration.
- Clarifying WAC 16-306-200:
  - Increasing the "negligent violation" threshold for THC concentration from 0.5 to one percent.
  - Removing the department's reporting requirements on the production of hemp without a license to the USDA and United

States Attorney General as these requirements were removed in the USDA hemp final rule.

- Clarifying 16-306-210 to specify that culpable violations will be reported to the "US Attorney General," instead of just "Attorney General."

Additionally, the department is proposing the following amendments to other sections throughout the chapter to provide clarity and transparency to hemp producers in regard to testing, the appeals process, and enforcement:

- Replacing the word "marijuana" with "cannabis" in WAC 16-306-020 and 16-306-030 due to HB 1210 which passed during the 21-22 legislative session.
- Clarifying language in WAC 16-306-080 (replacing "shall" with "may"). This change will clarify that the program retains the right to inspect a licensee on an annual basis, but the program does not always inspect every license holder annually.
- Clarifying language in WAC 16-306-100 to remove the references to hemp being certified for human consumption from the language. The department has not created a human consumption standard for hemp. Therefore, the department cannot certify a crop to the standards of human consumption. By removing the references to being certified for human consumption from this section, producers are still able to request testing for pesticides and heavy metals without assuming that they are being certified for a human consumption standard that does not currently exist. The department is also clarifying the language in this section regarding the list of pesticides that is available on the department's website.
- Expanding WAC 16-306-180 to include recipients of negligent or culpable violations amongst those who may request an adjudicative proceeding. This change will clarify that anyone violating this chapter has the right to an adjudicative proceeding.
- Amending WAC 16-306-200:
  - Including unlicensed hemp producers as those who are subject to a corrective action plan. This change will clarify that unlicensed hemp producers are also subject to corrective action plans.
  - Clarifying that producers cannot receive more than one negligent violation per growing season. This change adds the language to clarify our existing policy that wasn't in rule, and reflects changes in USDA hemp final rule.

Lastly, the department is proposing the following amendments to reduce fees for hemp producers:

- Removing the reference to a late license fee for applications received after March 31 from WAC 16-306-040(b) to reduce the cost to licensees.
- Removing late license fee and license modification fee from WAC 16-306-140 to reduce the cost to licenses [licensees].

Reasons Supporting Proposal: Subsequent to the passage of the 2018 Farm Bill, USDA provided the interim final rule (IFR) on the Establishment of a Domestic Hemp Production Program (84 F.R. 58522), on October 31, 2019. The department hemp program created a plan in alignment with the IFR, and submitted that plan to USDA, while finalizing state rules for the hemp program. As the legalization of hemp is a recent development, the federal government provided a comment period on

IFR so that states and those subject to the regulatory requirements of IFR during the 2020 production cycle could provide feedback about how IFR was being operationalized in their jurisdictions.

IFR presented several challenges to the department and its stakeholders, as the 15-day window for inspection and sampling prior to harvest made it challenging for the hemp program to schedule inspections throughout the state. A lack of options for remediation meant that farmers with noncompliant hemp plants had to destroy their crops, despite processes available to reduce the THC concentration of their plant materials. Finally, IFR did not provide options or opportunities for farmers producing nonflowering hemp plants, including microgreens, seedlings, and clones to receive certification within the program. USDA addressed these challenges by incorporating less restrictive components in the final rule, which was published on January 19, 2021, and effective on March 22, 2021.

Since September 21, 2021, the hemp producers have been able to comply with the changes in federal standards to the 15-day window for inspection and for producing nonflowering hemp plants under the department's Policy Statement CI-21-0002 (WSR 21-20-061). These amendments will incorporate those changes into the rule.

Additionally, updating other sections throughout the chapter will provide clarity and transparency to hemp producers in regard to testing, the appeals process, and enforcement. The current rule was written when hemp production became federally legal and the program and stakeholders have since identified areas of the language that are unclear. These amendments will provide clarity and transparency for hemp producers now that the program understands the needs of its stakeholders.

Lastly, the removal of the late application fee and the license modification fee will reduce overall costs to hemp producers and make it easier for them to do business with the program.

Statutory Authority for Adoption: RCW 15.140.030.

Statute Being Implemented: Chapter 15.140 RCW.

Rule is necessary because of federal law, 7 C.F.R. 990.

Name of Proponent: WSDA, governmental.

Name of Agency Personnel Responsible for Drafting: Reanna McNamara, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1931; Implementation and Enforcement: Trecia Ehrlich, 1111 Washington Street S.E., Olympia, WA 98504, 360-584-3711.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5) (a) (i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Is exempt under RCW 34.05.310 (4) (c).

Explanation of exemptions: All of the amendments in relation to aligning with USDA's final rule on the Establishment of a Domestic Hemp Production Program (7 C.F.R. 990), as well as changing the word "marijuana" to "cannabis" in alignment with HB [2SHB] 1210, are exempt from a small business economic impact statement under RCW 19.85.025(3)/34.05.310 (4) (c) because they are adopting or incorporating by reference, without material change, federal regulations and Washington state laws.

August 1, 2022  
Jessica Allenton  
Assistant Director

### OTS-3910.3

AMENDATORY SECTION (Amending WSR 20-03-174, filed 1/22/20, effective 2/22/20)

**WAC 16-306-020 Activities outside the scope of the hemp program.**

The following activities are not subject to regulatory sanctions or penalties under this chapter, except for the limitation of THC content under chapter 15.140 RCW:

- (1) Possessing, transporting, marketing or exchanging legally obtained hemp and hemp products;
- (2) Growing, producing, possessing, processing, marketing or exchanging ((marijuana)) cannabis as defined in RCW 69.50.101.

[Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-020, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 22-01-137, filed 12/14/21, effective 1/14/22)

**WAC 16-306-030 Definitions.** "Acceptable hemp THC level" means the application of the measurement of uncertainty to the reported THC concentration level on a dry weight basis producing a distribution or range that includes 0.3 percent or less.

"Agricultural Improvement Act of 2018" means sections 7605, 10113, 10114, and 12619 of the Agricultural Improvement Act of 2018, P.L. 115-334.

"Applicant" means a person who submits an application for a hemp producer license to participate in the hemp program as required under this chapter.

"Contiguous land area" means a specific field with designated boundaries that is planted with hemp. Separate parcels connected only by thin or narrow plantings of hemp or separated by physical barriers such as ditches or roads are not considered contiguous for the purposes of this rule.

"Continuous licensing" means the hemp producer licensee renews their license annually prior to expiration, such that the licensee is continuously operating under a valid license.

"Corrective action plan" means a plan by the department for a licensed hemp producer to correct a negligent violation of, or noncompliance with, a hemp production plan, its terms, or any other regulation set forth under this chapter.

"Department" means the Washington state department of agriculture.

"Destroyed" means incinerated, tilled under the soil, made into compost, or rendered nonretrievable in another manner approved by the department.

"Disposal" means the material is collected for destruction by a person authorized to handle (~~marijuana~~) cannabis such as a Drug Enforcement Agency (DEA)-registered reverse distributor, or in another manner approved by the department.

"Hemp" means the plant *Cannabis sativa* L. and any part of the plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

"Hemp processor" means a person who takes possession of raw hemp material with the intent to modify, package, or sell a transitional or finished hemp product.

"Key participant" means a person or persons who have a direct or indirect financial interest in the entity producing hemp, such as an owner or partner in a partnership. A key participant also includes persons in a corporate entity at executive levels including chief executive officer, chief operating officer and chief financial officer. This does not include such management as farm, field, or shift managers.

"Legal description" means a method of locating or describing land in relation to the public land survey system such as section, township, and range.

"Licensee" means any person who holds a license from the department to grow or produce hemp in Washington state.

"Lot" refers to a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. In addition, "lot" is a common term in agriculture that refers to the batch or contiguous, homogeneous whole of a product being sold to a single buyer at a single time. Under the terms of this chapter, "lot" is to be defined by the producer in terms of farm location, field acreage, and variety.

"Measurement of uncertainty" means the parameter, associated with the result of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement. The measurement of uncertainty is similar to a margin of error. When the measurement of uncertainty, normally expressed as a +/- with a number, (e.g., +/- 0.05) is combined with the reported measurement, it produces a range and the actual measurement has a known probability of falling within that range.

"Microgreen" means an immature nonflowering hemp plant harvested for sale or distribution at fewer than 12 inches in height.

"Process" means the processing, compounding, or conversion of hemp into hemp commodities or products.

"Produce" or "production" means the planting, cultivation, growing, or harvesting of hemp, including hemp seed.

"Registered land area" means a contiguous land area, including greenhouses and storage areas registered with the department as a condition of licensing, on which a licensee will conduct licensed activi-



ties. A registered land area may include more than one field, greenhouse, or storage area so long as those fields, greenhouses, or storage areas are at the same physical address.

"Remediation" means the process by which a licensed hemp producer transforms noncompliant plants into useful and compliant material.

"Storage area" means any area, building, plant or facility registered with the department in which a licensee plans to store hemp.

"THC concentration" means the percent of total delta-9 tetrahydrocannabinol, which is the conversion of delta-9 tetrahydrocannabinolic acid into THC.

[Statutory Authority: RCW 15.140.030, 15.140.060 and 2021 c 104. WSR 22-01-137, § 16-306-030, filed 12/14/21, effective 1/14/22. Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-030, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 22-01-137, filed 12/14/21, effective 1/14/22)

**WAC 16-306-040 Hemp producer license application.** (1) An applicant for a hemp producer license must:

(a) Provide the information required for a hemp producer license on a form provided by the department that at a minimum includes the following:

(i) The name and business address of the applicant;

(ii) For corporate applicants, the type of business entity, such as corporation, LLC, or partnership, the state or country where the business is incorporated, and the name and address of the entity's agent in Washington state;

(iii) The legal description (section, township, and range) in which any proposed registered land area is located; and

(iv) Geospatial location coordinates of any proposed field, greenhouse, or other site where hemp is produced.

(b) Apply to the department for participation in the program between January 1st and March 31st. Applications may be received after March 31st but ((are subject to a late license fee)) will remain subject to the same expiration date;

(c) Pay fees as required under this chapter;

(d) Consent to entrance of their property by the department to inspect their registered land area with or without prior notice; and

(e) Report hemp crop acreage to USDA Farm Service Agency (FSA). A link to FSA information on how to report hemp crop acreage to FSA is available on the United States Department of Agriculture (USDA) hemp production program website.

(2) Licenses will expire on the last day of April following the year the license is issued.

(3) All applications must be accompanied by a criminal history report completed within 60 days of the application date. If the application is for a business entity, a completed criminal history report must be provided for each key participant.

(a) The criminal history report must indicate the applicant has not been convicted of a state or federal felony related to a controlled substance for the 10 years prior to the date of when the report was completed. An exception applies to a person who was lawfully grow-

ing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date.

(b) A person with a prior felony related to controlled substances within 10 years of applying for a producer license is not eligible for the license. Key participants of associations, corporations, and other business entities with a prior felony related to a controlled substance within 10 years of applying for a producer license are not eligible for the license under this felony drug conviction limitation. Business entities may still be eligible if the key participant with a prior felony is discharged.

(4) Any person who materially falsifies information in the application shall be ineligible to participate in the program.

[Statutory Authority: RCW 15.140.030, 15.140.060 and 2021 c 104. WSR 22-01-137, § 16-306-040, filed 12/14/21, effective 1/14/22. Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-040, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 20-03-174, filed 1/22/20, effective 2/22/20)

**WAC 16-306-050 Hemp producer license.** (1) A person must obtain a hemp producer license prior to planting or growing hemp in this state, including growing hemp seed crop.

(2) A licensed producer may sell or exchange hemp produced under the license once the department has issued documentation declaring the hemp to meet the THC concentration requirements.

(3) The department may inspect and sample a producer's licensed operations. The producer must permit unrestricted access to all hemp plants, plant parts, grain and seeds within a registered land area whether growing or not, and all land and facilities used by the producer for the growing and storage of hemp, pesticide storage or housing, and all documents and records pertaining to the licensee's hemp business operations during business hours.

(4) The licensee must pay all applicable fees adopted under this chapter for any required inspections and testing. Samples may be taken at the department's discretion for testing.

(5) No registered land area may contain cannabis plants or parts thereof that the licensee knows or has reason to know are of a variety that will produce a plant that when tested will produce more than 0.3 percent THC concentration on a dry weight basis. No licensee shall use any such variety for any purpose associated with the growing of hemp.

(6) Licenses will expire on the last day of April following the year the license is issued. This date is not tied to the harvest and planting season. Rather it is tied to the window for applications (January 1st - March 31st) and the (~~thirty~~) 30 days for the department to make a decision. For example, if a producer applies for a license February 1, 2020, and is granted a license on March 1, 2020, the license would expire April 30, 2021.

(7) Unless the license is renewed, the licensee must dispose of any plant material that is not harvested prior to expiration of the license (~~(must be destroyed)~~).

(8) Upon any change to the registered land area(s) after issuance of the license, the licensee must submit to the department for appro-

val an updated legal description, geospatial location, and a description of the changes to the registered land area(s) and required fees.

(9) At a minimum, licensees are required to post a sign on each side of every registered land area listed on the application including the following information:

- (a) The department-issued license number;
- (b) Crop type; and
- (c) The department contact phone number.

(10) Licensees growing hemp for seed certification must also follow the requirements in chapter 16-302 WAC.

[Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-050, filed 1/22/20, effective 2/22/20.]

#### NEW SECTION

**WAC 16-306-075 Immature nonflowering hemp plants.** Licensed hemp producers that grow hemp for certain purposes that do not bring plants to their flowering stage, like clones and microgreens, are not required to meet the same sampling and testing requirements as operations that grow flowering hemp, as these immature, nonflowering plants do not exceed 0.3 percent THC when the plants are harvested before reaching 12 inches in height. Immature plants must meet the following requirements for THC certification:

- (1) The hemp producer licensee must notify the department of their intent to grow microgreens, lettuces, or cut immature plants in their license application, or email [hemp@agr.wa.gov](mailto:hemp@agr.wa.gov) with their intent to grow upon the start of their first planting.
- (2) At least seven days prior to a hemp producer licensee's immature hemp plant harvest, the licensee must notify the department and may be subject to inspection. An inspection may include:
  - (a) Visual inspection of all the hemp plants to be harvested to ensure they are immature plants of less than 12 inches; and
  - (b) Licensee compliance with chapter 15.140 RCW, Hemp Production, and this chapter.
- (3) After visual inspection, the department may issue a THC certification required by WAC 16-306-120. This certification is specifically for immature cut hemp plants, and will expire one month after inspection. Certification permits the transport of immature hemp plants under WAC 16-306-130 for the time period of the certification.

[ ]

AMENDATORY SECTION (Amending WSR 22-01-137, filed 12/14/21, effective 1/14/22)

**WAC 16-306-080 Hemp inspection and sampling criteria.** (1) All hemp producer licensees are subject to inspection by the department. The department (~~shall~~) may inspect registered land areas under a producer license at least once during each license period. The department's inspections of the registered land area may include the following:

- (a) Inspections for unauthorized plant growth;

(b) Inspections for hemp in any form on the registered land area;  
 (c) Inspections for rogue, volunteer, or off-type hemp plants;  
 (d) Audits of existing business data and reports related to hemp;  
 (e) Identifying compliance with required signage as specified in WAC 16-306-050; and

(f) Assessing compliance with other applicable licensing terms and conditions.

(2) The department shall take hemp samples from registered land areas licensed under a producer license within ~~((15))~~ 30 days prior to the anticipated harvest of cannabis plants to test for THC concentration.

(3) The licensee or designated employee shall accompany the sampling agent throughout the sampling process.

(4) Registered land areas may be inspected by the department for a period of 365 days from the end of the license period to check for unauthorized plant growth such as, but not limited to, volunteer plants.

[Statutory Authority: RCW 15.140.030, 15.140.060 and 2021 c 104). WSR 22-01-137, § 16-306-080, filed 12/14/21, effective 1/14/22. Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-080, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 20-03-174, filed 1/22/20, effective 2/22/20)

**WAC 16-306-090 Hemp THC testing criteria.** (1) Mature hemp will be tested for THC concentration in a department-run or approved laboratory as determined by the department using post-decarboxylation or other testing methods approved by the department.

(2) Hemp testing will take place at times and on dates determined by the department.

(3) The department will apply the measurement of uncertainty to the reported THC concentration to determine if hemp material is in compliance under this chapter.

[Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-090, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 20-03-174, filed 1/22/20, effective 2/22/20)

**WAC 16-306-100 Voluntary (~~((certification))~~) testing for ((hemp intended for human consumption)) pesticides and heavy metals.** (1) In addition to testing required under WAC 16-306-090, producers may ~~((obtain certification that hemp meets the department's standards for human consumption if tested))~~ request voluntary testing for the following:

(a) ~~((Nonapproved pesticide or herbicide use.))~~ A link to the list of ((approved)) pesticides ((and herbicides)) that are allowed for use on hemp is available on the department website ~~((; and))~~.

(b) Approved limits of mycotoxin. The sample and related lot fail testing for mycotoxin if the results exceed the following limits:

- (i) Total of Aflatoxin B1, B2, G1, G2: 20 µg/kg of substance;
- (ii) Ochratoxin A: 20 µg/kg of substance.
- (c) Approved limits for heavy metals. The sample and related lot fail testing for heavy metals if the results exceed the following limits:

Metal	µ/daily dose (5 grams)
Inorganic arsenic	10.0
Cadmium	4.1
Lead	6.0
Mercury	2.0

(2) The producer must inform the department if they wish to ~~((participate in the voluntary certification for human consumption))~~ receive voluntary testing for pesticides and heavy metals at the time of sampling ((as specified under WAC 16-306-080)) and in their harvest report.

(3) The licensee will be required to reimburse the department or the approved laboratory for the actual costs incurred for conducting such tests.

[Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-100, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 20-03-174, filed 1/22/20, effective 2/22/20)

**WAC 16-306-120 THC certification.** (1) If the hemp meets THC concentration requirements in this chapter, the department will issue a document of certification attesting that hemp has been tested or visually inspected for THC concentration and is in compliance with this chapter.

(2) No hemp may leave a registered land area identified on a license without being issued THC certification by the department.

(3) Hemp plant material from different registered land areas or lots may not be combined until the department issues certification for each field, lot, or registered land area. Hemp seeds and grain are excluded from this restriction.

[Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-120, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 22-01-137, filed 12/14/21, effective 1/14/22)

**WAC 16-306-140 Hemp producer license fees.** ~~((+1))~~ Hemp producer annual license fee ~~((s are as follows:))~~ is \$1,200.

<del>((Annual License Fee</del>	License Modification Fee	Late License Fee (After March 31)
\$1,200	\$200	\$200

~~(2) The license modification fee is required when a licensee submits changes to the registered land area(s) as specified in WAC 16-306-050(8).~~

~~(3) The late license fee is added to any application submitted after March 31st and is in addition to the annual license fee.)~~

[Statutory Authority: RCW 15.140.030, 15.140.060 and 2021 c 104). WSR 22-01-137, § 16-306-140, filed 12/14/21, effective 1/14/22. Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-140, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 22-01-137, filed 12/14/21, effective 1/14/22)

**WAC 16-306-170 Hemp noncompliance for THC concentration.** (1) (a) If a hemp producer licensee's hemp tests higher than the acceptable hemp THC level, the licensee may be subject to suspension or revocation of their license. The lot must be ~~((destroyed or))~~ disposed of in a manner approved by the department. If determined to be appropriate, the department may give notice of noncompliance to appropriate law enforcement agencies and the Washington state liquor and cannabis board, with a summary of the actions taken to ~~((destroy))~~ dispose of the non-compliant hemp.

(b) Producers must document the ~~((destruction or))~~ disposal of all noncompliant hemp. This documentation must be submitted to the department following the completion of the ~~((destruction or))~~ disposal process.

(2) If a licensee's hemp tests higher than 0.3 percent but less than 0.5 percent THC concentration, the licensee may either request a THC retest within 30 days or resampling of the same lot, at their own expense.

(3) If a licensee's hemp tests higher than 0.3 percent but less than 0.7 percent THC concentration, the licensee may remediate their crop using methods approved by the department. The remediated crop then must be resampled and retested within 30 days, at the licensee's own expense.

(4) If at any time a licensee's hemp tests higher than the acceptable hemp THC level, the licensee may be subject to revocation or suspension of their license.

[Statutory Authority: RCW 15.140.030, 15.140.060 and 2021 c 104. WSR 22-01-137, § 16-306-170, filed 12/14/21, effective 1/14/22. Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-170, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 22-01-137, filed 12/14/21, effective 1/14/22)

**WAC 16-306-180 License denial, suspension or revocation, and right to adjudicative proceeding.** Upon notice of intent by the department to an applicant to deny a hemp producer license, notice of intent to a licensee to suspend or revoke a license, ~~((or))~~ notice of ~~((intent for destruction of a hemp material or crop))~~ disposal of non-

compliant hemp, or notice of a department finding that the licensee has committed a negligent or culpable violation, a person may request an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act, and chapter 16-08 WAC.

[Statutory Authority: RCW 15.140.030, 15.140.060 and 2021 c 104. WSR 22-01-137, § 16-306-180, filed 12/14/21, effective 1/14/22. Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-180, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 22-01-137, filed 12/14/21, effective 1/14/22)

**WAC 16-306-200 Corrective action plans.** (1) ~~((A hemp producer licensee may be subject to a corrective action plan established by the department to correct negligent violations of this chapter including))~~ When the department determines that a hemp producer has committed a negligent violation, the department will issue a notice of violation. This notice will include a corrective action plan. Producers shall not receive more than one negligent violation per calendar year. Negligent violations include, but are not limited to:

(a) Failing to provide ~~((a))~~ an accurate legal description of land on which the producer produces hemp;

(b) Failing to obtain a license or other required authorization from the department; or

(c) Producing Cannabis sativa L. with delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

(2) A hemp producer ~~((licensee))~~ shall comply with a corrective action plan established by the department to correct the negligent violation ~~((, including))~~. The corrective action plan will include:

(a) A reasonable date by which the hemp producer shall correct the negligent violation;

(b) A requirement that the hemp producer ~~((shall))~~ periodically report to the department, as applicable, on the compliance of the hemp producer with the regulations under this chapter for a period of at least two calendar years.

(3) Licensees may be subject to license suspension or revocation for violations of chapter 15.140 RCW ~~((or)),~~ this chapter, or for failing to comply with a corrective action plan.

(4) A hemp producer ~~((licensee))~~ that negligently fails to comply with the regulations under this chapter three times in a five-year period shall be ineligible to produce hemp for a period of five years beginning on the date of the third violation.

(5) The department will not consider hemp producers as committing a negligent violation by producing plants exceeding the acceptable hemp THC level if they use reasonable efforts to grow hemp and the plant does not have a THC concentration of more than ~~((0.5))~~ 1.0 percent on a dry weight basis. For sampling and testing violations, the department will consider the entire harvest from a distinct lot in determining whether a violation occurred. This means that if testing determines that each sample of five plants from distinct lots has a THC concentration exceeding the acceptable hemp THC level (or ~~((0.5))~~ 1.0 percent if the hemp producer has made reasonable efforts to grow hemp), ~~((USDA considers this as))~~ this is considered one negligent vi-

olation. If an individual produces hemp without a license, this will be considered one violation.

~~(6) ((Negligent violations are not subject to criminal enforcement. However, the department will report the production of hemp without a license issued by the department to the United States Department of Agriculture (USDA) and the Attorney General.~~

~~(7))~~ Hemp found to be produced in violation of this chapter such as hemp produced on a property not disclosed by the licensed producer, or without a license, ~~((would be))~~ is subject to the same disposal ~~((or destruction))~~ requirements as for hemp above the acceptable hemp THC level.

[Statutory Authority: RCW 15.140.030, 15.140.060 and 2021 c 104. WSR 22-01-137, § 16-306-200, filed 12/14/21, effective 1/14/22. Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-200, filed 1/22/20, effective 2/22/20.]

AMENDATORY SECTION (Amending WSR 22-01-137, filed 12/14/21, effective 1/14/22)

**WAC 16-306-210 Culpable violations.** If ~~((it is determined))~~ the department determines a violation was committed with a culpable mental state greater than negligence, meaning, acts made intentionally, knowingly or with recklessness, the department will report the violation to USDA, the U.S. Attorney General, and the local law enforcement officer as applicable.

[Statutory Authority: RCW 15.140.030, 15.140.060 and 2021 c 104. WSR 22-01-137, § 16-306-210, filed 12/14/21, effective 1/14/22. Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-210, filed 1/22/20, effective 2/22/20.]



**WSR 22-16-113**  
**PROPOSED RULES**  
**BOARD OF INDUSTRIAL**  
**INSURANCE APPEALS**

[Filed August 3, 2022, 9:22 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Chapter 263-12 WAC, Practice and procedure (before the board of industrial insurance appeals (BIIA)).

Hearing Location(s): On September 6, 2022, 9:00 a.m., videoconference or telephonic hearing only. Please use your computer browser or mobile app to join on Zoom <https://us06web.zoom.us/j/87434266933>; Or call in (for audio only) 253-215-8782, Meeting ID 874 3426 6933.

Date of Intended Adoption: September 7, 2022.

Submit Written Comments to: Brian Watkins, P.O. Box 42401, Olympia, WA 98501, email [brian.watkins@biia.wa.gov](mailto:brian.watkins@biia.wa.gov), fax 855-586-5611, by August 31, 2022.

Assistance for Persons with Disabilities: Contact Kylee Redman, phone 360-753-6823, fax 855-586-5611, TTY 800-833-6388, email [kylee.redman@biia.wa.gov](mailto:kylee.redman@biia.wa.gov). BIIA website for reasonable accommodation is [www.biia.wa.gov/Accommodation.html](http://www.biia.wa.gov/Accommodation.html), by August 31, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 263-12-050 Contents of notice of appeal. Amendment refers readers to new WAC 263-12-05901 for what must be contained in a Washington Industrial Safety and Health Act (WISHA) discrimination appeal. Also requires appellant to provide their phone number and email address for all types of notices of appeal. The specific provisions requiring phone numbers and email addresses for WISHA safety and health, and WISHA discrimination appeals are included in those specific rules, WAC 263-12-059, and new proposed WAC 263-12-05901.

New WAC 263-12-05901 Discrimination appeals arising under RCW 49.17.160 of the Washington Industrial Safety and Health Act—Contents of notice of appeal. The procedure for discrimination appeals is different from the procedure for safety and health violation appeals (no posting requirement, no stay of abatement provision, no union certification requirement). For clarity, we propose a separate rule for WISHA discrimination appeals. The new section contains the requirements for what must be in a WISHA discrimination notice of appeal, which are different and less burdensome than a safety and health violation appeal.

WAC 263-12-059 Appeals arising under the safety and health provisions of the Washington Industrial Safety and Health Act—Contents of notice of appeal—Notice to affected employees—Request for stay of abatement pending appeal. Amended to clarify that WAC 263-12-059 (posting, certification, and abatement) applies to only safety and health violation appeals. Also requires phone numbers and email addresses in notices of appeal.

WAC 263-12-093 Conferences—Disposition of appeals by agreement. Amended to clarify that discrimination appeals can be resolved between employer and employees (just like industrial insurance appeals) if the department of labor and industries (L&I) interposes no objection.

WAC 263-12-060 Filing appeals—Limitation of time. This amendment is a housekeeping correction to reflect the 2018 statutory reassump-

tion period for WISHA appeals that is set forth in RCW 49.17.140 and in the department's rules.

Reasons Supporting Proposal: The board needs to amend our rules regarding appeals arising under WISHA to prepare for the new WISHA discrimination caseload. The discrimination appeals are different in some ways from WISHA safety and health appeals. The procedural requirements are less burdensome. Without these changes, the existing rules regarding WISHA appeals would appear nonsensical when appellants seek review of a discrimination citation issued by L&I under RCW 49.17.160.

Also, while we were examining what should be in the notices of appeal for the discrimination appeals, we saw that our rules for notices of appeal didn't require phone numbers and email addresses. Phone numbers and email addresses are usually provided in notices of appeal, are included in our standard forms for appeal, and are helpful when we need to email courtesy copies of documents to parties. So, we should take this opportunity to update the rules on what must be in a notice of appeal.

Statutory Authority for Adoption: RCW 51.52.020.

Statute Being Implemented: RCW 49.17.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brian Watkins, Olympia, 360-753-6823.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These are procedural rules relating to procedures, practices, or requirements relating to agency rules. There are no significant legislative rules proposed.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

The rule proposal is fully exempt. Exemptions identified above apply to all portions of the rule proposal.

August 3, 2022  
Brian O. Watkins  
Chief Legal Officer

## OTS-4014.1

AMENDATORY SECTION (Amending WSR 14-24-105, filed 12/2/14, effective 1/2/15)

**WAC 263-12-050 Contents of notice of appeal.** The board's jurisdiction shall be invoked by filing a written notice of appeal.

(1) **General rule.** In all appeals, the notice of appeal should contain where applicable:

(a) The name, mailing address, telephone number, and email address of the appealing party and of the party's representative, if any;

(b) A statement identifying the date and content of the department order, decision or award being appealed. This requirement may be satisfied by attaching a copy of the order, decision or award;

(c) The reason why the appealing party considers such order, decision or award to be unjust or unlawful;

(d) A statement of facts in full detail in support of each stated reason;

(e) The specific nature and extent of the relief sought;

(f) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held;

(g) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true;

(h) The signature of the appealing party or the party's representative.

(2) **Industrial insurance appeals.** In appeals arising under the Industrial Insurance Act (Title 51 RCW), the notice of appeal should also contain:

(a) The name and address of the injured worker;

(b) The name and address of the worker's employer at the time the injury occurred;

(c) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;

(d) The nature of the injury or occupational disease;

(e) The time when and the place where the injury occurred or the occupational disease arose.

(3) **Crime Victims' Compensation Act.** In appeals arising under the Crime Victims' Compensation Act (chapter 7.68 RCW), the notice of appeal should also contain:

(a) The time when and the place where the criminal act occurred;

(b) The name and address of the alleged perpetrator of the crime; and

(c) The nature of the injury.

(4) **Assessment appeals.** In appeals from a notice of assessment arising under chapter 51.48 RCW or in cases arising from an assessment under the Worker and Community Right to Know Act (chapter 49.70 RCW), the notice of appeal should also contain:

(a) A statement setting forth with particularity the reason for the appeal; and

(b) The amounts, if any, that the party admits are due.

(5) **LEOFF and public employee death benefit appeals.** In appeals arising under the special death benefit provision of the Law Enforcement Officers' and Firefighters' Retirement System (chapter 41.26 RCW), the notice of appeal should also contain:

(a) The time when and the place where the death occurred; and

(b) The name and address of the decedent's employer at the time the injury occurred.

(6) **Asbestos certification appeals.** In appeals arising under chapter 49.26 RCW concerning the denial, suspension or revocation of certificates involving asbestos projects, the notice of appeal should also contain:

(a) A statement identifying the certification decision appealed from;

(b) The reason why the appealing party considers such certification decision to be incorrect.

(7) **WISHA appeals.** For appeals arising under the safety and health provisions of the Washington Industrial Safety and Health Act, refer to WAC 263-12-059.

(8) **WISHA discrimination appeals.** For appeals arising under the discrimination provisions of the Washington Industrial Safety and Health Act, refer to WAC 263-12-05901.

(9) **Other safety appeals.** In appeals arising under chapter 49.22 RCW concerning alleged violations of safety procedures in late night retail establishments, chapter 70.74 RCW concerning alleged violations of the Washington State Explosives Act, or chapter 88.04 RCW concerning alleged violations of the Charter Boat Safety Act, the notice of appeal should also contain:

(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation or violations;

(c) If applicable, a statement certifying compliance with WAC 263-12-059.

[Statutory Authority: RCW 51.52.020. WSR 14-24-105, § 263-12-050, filed 12/2/14, effective 1/2/15; WSR 11-20-003, § 263-12-050, filed 9/21/11, effective 10/22/11; WSR 04-16-009, § 263-12-050, filed 7/22/04, effective 8/22/04; WSR 03-02-038, § 263-12-050, filed 12/24/02, effective 1/24/03; WSR 01-09-031, § 263-12-050, filed 4/11/01, effective 5/12/01; WSR 00-23-021, § 263-12-050, filed 11/7/00, effective 12/8/00; WSR 91-13-038, § 263-12-050, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 51.52.104, 51.52.020 and chapters 51.48 and 42.17 RCW. WSR 86-03-021 (Order 20), § 263-12-050, filed 1/10/86. Statutory Authority: RCW 51.52.020. WSR 82-03-031 (Order 11), § 263-12-050, filed 1/18/82; Order 7, § 263-12-050, filed 4/4/75; Order 4, § 263-12-050, filed 6/9/72; Rule 5.1, filed 6/12/63; Rules 3.1 - 3.2, filed 3/23/60, amended by General Order 3, Rule 5.1, filed 10/29/65. Formerly WAC 296-12-050.]

AMENDATORY SECTION (Amending WSR 17-24-121, filed 12/6/17, effective 1/6/18)

**WAC 263-12-059 Appeals arising under the safety and health provisions of the Washington Industrial Safety and Health Act; contents of notice of appeal; notice to affected employees; request for stay of abatement pending appeal.** (1) **Contents of notice of appeal in WISHA appeals.** In all appeals arising under the safety and health provisions of the Washington Industrial Safety and Health Act, the notice of appeal should contain where applicable:

(a) The name, mailing address, telephone number, and email address of the appealing party and of the party's representative, if any.

(b) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from. This requirement may be satisfied by attaching a copy of the citation, penalty assessment, or notice of abatement date.

(c) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s). If the employer has no affected employees who are members of a union, the employer shall affirmatively certify that no union employees are affected by the appeal.

(d) The reason why the appealing party considers such order or decision, to be unjust or unlawful.

(e) A statement of facts in full detail in support of each stated reason.

(f) The specific nature and extent of the relief sought.

(g) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held.

(h) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true.

(i) The signature of the appealing party or the party's representative.

In all appeals where a stay of abatement of alleged violation(s) pending appeal is requested, the notice of appeal must comply with additional requirements set forth in subsection (3) of this section.

**(2) Employer duty to notify affected employees.**

(a) In the case of any appeal by an employer concerning an alleged violation of the safety and health provisions of the Washington Industrial Safety and Health Act, the employer shall give notice of such appeal to its employees by either:

(i) Providing copies of the appeal and applicable division of safety and health citation and notice or corrective notice of redetermination to each employee member of the employer's safety committee; or

(ii) By posting a copy of the appeal and applicable division of safety and health citation and notice or corrective notice of redetermination in a conspicuous place at the work site at which the alleged violation occurred. Any posting shall remain during the pendency of the appeal.

(b) The employer shall also provide notice advising interested employees that an appeal has been filed with the board and that any employee or group of employees who wish to participate in the appeal may do so by contacting the board. Such notice shall include the address of the board.

(c) The employer shall file with the board a certificate of proof of compliance with this section within (~~fourteen~~) 14 days of issuance of the board's notice of filing of appeal. A certification form is provided on the board's website.

(d) If notice as required by this subsection is not possible or has not been satisfied, the employer shall notify the board in writing of the reasons for noncompliance or impossibility. If the board, or its designee, determines that it is not possible for the employer to provide the required notice to employees, it will prescribe the terms and conditions of a substitute procedure reasonably calculated to give notice to affected employees, or may waive the affected-employee-notice requirement. If the employer requests a stay of abatement pending appeal, and desires to assert the claim of impossibility of notice to employees, the employer must include its claim of impossibility, together with facts showing impossibility, in its notice of appeal.

**(3) Request for a stay of abatement in WISHA appeals.**

(a) **How made.** Any request for stay of abatement pending appeal must be included in the notice of appeal. An employer may request a

stay of abatement pending appeal by placing "STAY OF ABATEMENT REQUESTED" prominently on the first page of the notice of appeal in bold print. The board will issue a final decision on such requests within (~~forty-five~~) 45 working days of the board's notice of filing of appeal.

(b) **Union information.**

(i) **Appeals from corrective notice of redetermination.** In appeals where the employer has requested a stay of abatement of the violation(s) alleged in the corrective notice of redetermination, the employer shall include in the notice of appeal the names and addresses of any unions representing workers for the employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall affirmatively inform the board that no union employees are affected by the appeal.

(ii) **Appeals from citation and notice.** Where an employer files an appeal from a citation and notice and the department of labor and industries chooses to forward the appeal to the board to be treated as an appeal to the board, the employer shall provide the board with the names and addresses of any unions representing workers for the employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall inform the board that no union employees are affected by the appeal. The employer shall provide this information to the board within (~~fourteen~~) 14 days of the date of the board's notice of filing of appeal.

(c) **Supporting and opposing documents.**

(i) **Supporting documents.** In appeals where the employer has requested a stay of abatement pursuant to RCW 49.17.140, the employer shall, within (~~fourteen~~) 14 calendar days of the date of the board's notice of filing of appeal, file with the board supporting declarations, affidavits, and documents it wishes the board to consider in deciding the request. The employer must also simultaneously provide supporting documents to the department and any affected employees' safety committee or union representative. Supporting affidavits or declarations shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(ii) **Opposing documents.** Within (~~twenty-eight~~) 28 calendar days of the date of the board's notice of filing of appeal, the department of labor and industries and any affected employees shall file with the board any declarations, affidavits, and documents they wish the board to consider in deciding the request. The department must also simultaneously serve these opposing documents on the employer and any affected employees' safety committee or representative. The employees must also simultaneously serve the opposing documents on the employer and the department. Supporting and opposing affidavits and declarations shall be made on personal knowledge, shall set forth such facts as

would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(4) **Denial of request to stay abatement.** If any of the following procedural or substantive grounds are present, the board will deny the request for a stay of abatement pending appeal:

(a) The request for stay of abatement is not contained in the employer's notice of appeal as required by RCW 49.17.140 (4) (a).

(b) The employer fails to include union information as required in subsection (3) (b) of this section.

(c) The employer fails to timely file a certification that its employees have been notified about the appeal and the request for stay of abatement as required in subsection (2) of this section.

(d) The employer fails to file supporting documents within ((fourteen)) 14 calendar days of the issuance of the board's notice of filing of appeal as required in subsection (3) (c) (i) of this section.

(e) The request is moot.

(f) The only violation alleged by the department of labor and industries is a general violation.

(g) The employer fails to show good cause for a stay of abatement in its supporting documents.

(h) The preliminary evidence shows it is more likely than not that a stay would result in death or serious physical harm to a worker.

(5) **Expedited nature of requests to stay abatement/requests to enlarge time.** Requests to stay abatement pending appeal must be decided in accordance with a strict statutory timeline. Oral argument will not be permitted. The board will grant requests to enlarge time to file documents or certifications only after receipt of a written motion with supporting affidavit filed with the board and all other parties before the filing deadline and only upon a showing of good cause.

[Statutory Authority: RCW 51.52.020. WSR 17-24-121, § 263-12-059, filed 12/6/17, effective 1/6/18; WSR 16-24-054, § 263-12-059, filed 12/2/16, effective 1/2/17; WSR 14-24-105, § 263-12-059, filed 12/2/14, effective 1/2/15; WSR 11-20-003, § 263-12-059, filed 9/21/11, effective 10/22/11; WSR 03-02-038, § 263-12-059, filed 12/24/02, effective 1/24/03; WSR 01-09-032, § 263-12-059, filed 4/11/01, effective 5/12/01.]

#### NEW SECTION

**WAC 263-12-05901 Discrimination appeals arising under RCW 49.17.160 of the Washington Industrial Safety and Health Act—Contents**

**of notice of appeal.** In all appeals arising under the discrimination provisions of the Washington Industrial Safety and Health Act, RCW 49.17.160, the notice of appeal should contain where applicable:

- (1) The name, mailing address, telephone number, and email address of the employee who filed the complaint with the department and their representative, if any.
- (2) The name, mailing address, telephone number, and email address of the cited employer or business and their representative, if any.
- (3) A statement identifying the citation number, penalty assessment, or appropriate relief order being appealed. This requirement may be satisfied by attaching a copy of the citation, penalty assessment, or order of appropriate relief.
- (4) The reason why the appealing party considers the citation, penalty, or appropriate relief decision to be wrong.
- (5) A statement of facts in full detail in support of each stated reason.
- (6) The specific nature and extent of the relief sought.
- (7) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held.
- (8) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true.
- (9) The signature and date of the appealing party or the party's representative.

[ ]

AMENDATORY SECTION (Amending WSR 03-02-038, filed 12/24/02, effective 1/24/03)

**WAC 263-12-060 Filing appeals—Limitation of time.** (1) In cases arising under the Industrial Insurance Act, or the Worker and Community Right to Know Act, the notice of appeal shall be filed within (~~sixty~~) 60 days from the date the copy of the order, decision or award of the department was received by the appealing party, except an appeal from an order or decision making demand for repayment of sums paid to a provider of medical, dental, vocational or other health services shall be filed within (~~twenty~~) 20 days from the date the order or decision was received by the provider.

(2) In appeals arising under the Crime Victims Compensation Act (chapter 7.68 RCW), the notice of appeal shall be filed within (~~nine-ty~~) 90 days from the date the copy of the order, decision or award of the department was received by the appealing party.

(3) In appeals from a notice of assessment arising under chapter 51.48 RCW, the notice of appeal shall be filed within (~~thirty~~) 30 days from the date the notice of assessment was served.

(4) In appeals arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), the appeal shall be initiated by giving the director of the department of labor and industries notice of intent to appeal within (~~fifteen~~) 15 working days from the date of notification of such citation, abatement period or penalty assessment. If the director does not reassume jurisdiction over the matter to which notice of intent to appeal is given, the department shall



promptly transmit the notice of intent to appeal together with the department's record in the matter to the board, whereupon the matter shall be deemed an appeal before the board. If the director reassumes jurisdiction pursuant to a notice of intent to appeal, there shall be, within (~~thirty~~) 30 working days of such reassumption or within the extended redetermination period up to an additional (~~fifteen~~) 45 working days upon agreement of all parties to the appeal, a further determinative order issued in the matter. Any appeal from such further determinative order must be made directly to the board, with a copy filed with the director of the department, within (~~fifteen~~) 15 working days from the date of notification of such further determinative order.

(5) In appeals arising under chapter 49.26 RCW concerning the denial, suspension or revocation of certificates involving asbestos projects or in appeals arising under chapter 49.22 RCW concerning alleged violations of safety procedures in late night retail establishments, chapter 70.74 RCW concerning alleged violations of the Washington State Explosives Act, or chapter 88.04 RCW concerning alleged violations of the Charter Boat Safety Act, the notice of appeal shall be filed in the manner and within the time allowed for filing appeals under RCW 49.17.140 and WAC 263-12-060(4).

(6) In appeals arising under the special death benefit provision of the law enforcement officers' and firefighters' retirement system (chapter 41.26 RCW), the notice of appeal shall be filed within (~~sixty~~) 60 days from the date the copy of the order, decision or award of the department was received by the appealing party.

(7) The board shall forthwith acknowledge receipt of any appeal filed with the board and the board's stamp placed thereon shall be prima facie evidence of the date of receipt. The board may thereafter require additional copies to be filed.

[Statutory Authority: RCW 51.52.020. WSR 03-02-038, § 263-12-060, filed 12/24/02, effective 1/24/03; WSR 00-23-021, § 263-12-060, filed 11/7/00, effective 12/8/00; WSR 91-13-038, § 263-12-060, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 51.52.104, 51.52.020 and chapters 51.48 and 42.17 RCW. WSR 86-03-021 (Order 20), § 263-12-060, filed 1/10/86. Statutory Authority: RCW 51.41.060(4) and 51.52.020. WSR 83-01-001 (Order 12), § 263-12-060, filed 12/2/82. Statutory Authority: RCW 51.52.020. WSR 82-03-031 (Order 11), § 263-12-060, filed 1/18/82; Order 7, § 263-12-060, filed 4/4/75; Order 4, § 263-12-060, filed 6/9/72; Rule 5.3, filed 6/12/63; Rule 3.3, filed 3/23/60; Rule 5.3, amended by General Order 3, filed 10/29/65. Formerly WAC 296-12-055.]

AMENDATORY SECTION (Amending WSR 18-24-123, filed 12/5/18, effective 1/5/19)

**WAC 263-12-093 Conferences—Disposition of appeals by agreement.**

(1) If an agreement concerning final disposition of any appeal is reached by all the parties present or represented at a conference, an order shall be issued in conformity with their agreement, providing the board finds the agreement is in accordance with the law and the facts.

(a) In industrial insurance cases and cases involving the discrimination provisions of the Washington Industrial Safety and Health Act, if an agreement concerning final disposition of the appeal is reached by the employer and worker or beneficiary at a conference at which the department is represented, and no objection is interposed by the department, an order shall be issued in conformity with their agreement, providing the board finds that the agreement is in accordance with the law and the facts. If an objection is interposed by the department on the ground that the agreement is not in accordance with the law or the facts, a hearing shall be scheduled.

(b) In cases involving safety and health violations of the Washington Industrial Safety and Health Act, an agreement concerning final disposition of the appeal among the parties must include regardless of other substantive provisions covered by the agreement: (i) A statement reciting the abatement date for the violations involved, and (ii) a statement confirming that the penalty assessment for contested and noncontested violations has or will be paid.

(c) Where all parties concur in the disposition of an appeal but the industrial appeals judge is not satisfied that the agreement is in conformity with the facts and the law or that the board has jurisdiction or authority to order the relief sought, the industrial appeals judge may require such evidence or documentation necessary to adequately support the agreement in fact and/or in law.

(2) All agreements reached at a conference concerning final disposition of the appeal shall be stated on the record by the industrial appeals judge and the parties shall indicate their concurrence on the record. The record may either be transcribed by a court reporter or recorded and certified by the industrial appeals judge conducting the conference.

The industrial appeals judge may, in his or her discretion accept an agreement for submission to the board in the absence of one or more of the parties from the conference, or without holding a conference.

(a) In such cases the agreement may be confirmed in writing by the parties to the agreement not in attendance at a conference, except that the written confirmation of a party to the agreement not in attendance at a conference will not be required where the industrial appeals judge is satisfied of the concurrence of the party or that the party received notice of the conference and did not appear.

(b) In cases where no conference has been held but the parties have informed the judge of their agreement, yet no written confirmation has been received, a final order may be issued which encompasses the agreement.

(3) In the event concurrence of all affected employees or employee groups cannot be obtained in cases involving agreements for final disposition of safety and health appeals under the Washington Industrial Safety and Health Act, a copy of the proposed agreement shall be posted by the employer at each establishment to which the agreement applies in a conspicuous place or places where notices to employees are customarily posted. The agreement shall be posted for ~~((ten))~~ 10 days before it is submitted to the board for entry of the final order. The manner of posting shall be in accordance with WAC 263-12-059. If an objection to the agreement is interposed by affected employees or employee groups prior to entry of the final order of the board, further proceedings shall be scheduled.

(4) The parties present at a conference may agree to a vocational evaluation or a further medical examination of a worker or crime victim, including further evaluative or diagnostic tests, except such as

require hospitalization, by medical or vocational experts acceptable to them, or to be selected by the industrial appeals judge. In the event the parties agree that an order on agreement of parties may be issued based on the report of vocational evaluation or medical examination, the industrial appeals judge may arrange for evaluation or examination and the board will pay reasonable and necessary expenses involved. Upon receipt by the board, copies of the report of such examination or evaluation will be distributed to all parties represented at the conference and further appropriate proceedings will be scheduled or an order on agreement of parties issued. If the worker or crime victim fails to appear at the evaluation or examination, the party or their representative may be required to reimburse the board for any fee charged for their failure to attend.

[Statutory Authority: RCW 51.52.020. WSR 18-24-123, § 263-12-093, filed 12/5/18, effective 1/5/19; WSR 06-12-003, § 263-12-093, filed 5/25/06, effective 6/25/06; WSR 03-02-038, § 263-12-093, filed 12/24/02, effective 1/24/03; WSR 00-23-021, § 263-12-093, filed 11/7/00, effective 12/8/00; WSR 91-13-038, § 263-12-093, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 51.41.060(4) and 51.52.020. WSR 83-01-001 (Order 12), § 263-12-093, filed 12/2/82. Statutory Authority: RCW 51.52.020. WSR 82-03-031 (Order 11), § 263-12-093, filed 1/18/82; Order 7, § 263-12-093, filed 4/4/75.]

**WSR 22-16-118**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed August 3, 2022, 11:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-09-052.

Title of Rule and Other Identifying Information: The department is proposing amendments to WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants and 388-310-1450 Pregnancy to employment.

Hearing Location(s): On September 6, 2022, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington [Street S.E.], Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or virtually. Due to the COVID[-19] pandemic, hearings are being held virtually. Please see DSHS website for the most up-to-date information.

Date of Intended Adoption: Not earlier than September 7, 2022.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by 5:00 p.m. on September 6, 2022.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email [tencza@dshs.wa.gov](mailto:tencza@dshs.wa.gov), by 5:00 p.m. on August 23, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed amendments to WAC 388-310-0300 and 388-310-1450 will connect WorkFirst participants with home visiting and parent support providers on a statewide scale and reduce occurrences of adverse action while in the pregnancy to employment pathway.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.270.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jake Deskins, P.O. Box 45470, Olympia, WA 98504-5770, 360-480-3411.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This amendment is exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.["]

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 34.05.328 (5)(b)(vii).

Explanation of exemptions: These amendments do not impact small business. They only impact DSHS clients.

August 1, 2022  
 Katherine I. Vasquez  
 Rules Coordinator

**SHS-4939.1**

AMENDATORY SECTION (Amending WSR 18-03-059, filed 1/10/18, effective 2/10/18)

**WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) When may I be exempted from participating in WorkFirst activities if I am a mandatory participant?**

Either you or the other parent, living in the household, may claim an infant exemption from participating in WorkFirst activities provided you:

- (a) Have a child under two years of age;
- (b) Choose to not fully participate in the WorkFirst program (see WAC 388-310-0400); and
- (c) Have not used up your lifetime (~~(twenty-four)~~) 24 month infant exemption.

**(2) If I choose my infant exemption, may I still be required to participate in the WorkFirst program?**

You are required to participate up to (~~(twenty)~~) 20 hours per week in (~~(parenting education, parenting skills training,)~~) mental health treatment, chemical dependency treatment, or (~~(any)~~) a combination of these, if:

- (a) The comprehensive evaluation or assessment indicates a need; and
- (b) Services are available in your community.

**(3) May I volunteer to participate in WorkFirst while I have a child under two years of age?**

You may choose to fully participate in WorkFirst (see WAC 388-310-0400) while you have a child under two years of age. If you decide later to stop participating and you still qualify for an exemption, you will return to exempt status with no financial penalty provided you meet the conditions of subsections (1) and (2) of this section.

**(4) Does an infant exemption from participation affect my (~~(sixty-ty-)~~) 60 month time limit for receiving temporary assistance for needy families (TANF) or state family assistance (SFA) benefits?**

Even if you are exempt from participation, each month you receive a TANF/SFA grant counts toward your (~~(sixty-ty-)~~) 60 month limit (see WAC 388-484-0005).

[Statutory Authority: RCW 74.08A.270, 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapter 74.12 RCW. WSR 18-03-059, § 388-310-0300, filed 1/10/18, effective 2/10/18. Statutory Authority: RCW 74.08A.270, 74.04.050, 74.08.090, and 74.04.055. WSR 15-09-037, § 388-310-0300, filed 4/9/15, effective 5/10/15. Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.055 and 2007 c 289. WSR 08-02-055, § 388-310-0300, filed 12/28/07, effective 2/1/08. Statutory Authority: RCW 74.08.090, 74.04.050. WSR 02-14-087, § 388-310-0300, filed 6/28/02, effective

7/29/02; WSR 00-06-062, § 388-310-0300, filed 3/1/00, effective 3/1/00; WSR 99-10-027, § 388-310-0300, filed 4/28/99, effective 5/29/99; WSR 97-20-129, § 388-310-0300, filed 10/1/97, effective 11/1/97.]

AMENDATORY SECTION (Amending WSR 18-03-059, filed 1/10/18, effective 2/10/18)

**WAC 388-310-1450 Pregnancy to employment. (1) How do I know if I am eligible to participate in pregnancy to employment?**

If you are on temporary assistance for needy families (TANF) or state family assistance (SFA) and are pregnant or have a child under the age of two years, you are a participant in the pregnancy to employment pathway.

**(2) What services are provided to the pregnancy to employment pathway?**

(a) The pregnancy to employment pathway provides you with services, when available in your community, to ~~((help you learn how to work,))~~ look ~~((for work, or))~~ and prepare for work while ~~((still meeting))~~ supporting your child's needs. You and your WorkFirst worker will decide which variety of services you need ~~((, such as:))~~. Service may include one or more of the items listed in (i) through (vi) of this section:

(i) ~~((Parenting education or parenting skills training))~~ Home visiting or other parent supports;

(ii) Safe and appropriate child care;

(iii) Mental health treatment;

(iv) Chemical dependency treatment;

(v) Domestic violence services; or

(vi) Employment services.

(b) The WorkFirst worker will contact you every three months to offer you services if you are not required to participate and choose to claim the infant exemption.

(c) You will be offered a voluntary referral to either home visiting or other parent supports at various times in the pregnancy to employment pathway.

**(3) What am I required to do while I am in the pregnancy to employment pathway?**

You must participate in an assessment with a DSHS social service specialist and based on the results you will:

(a) Work with your WorkFirst worker to decide which required activities best meet your needs (these activities will depend on where you are in the pregnancy or the age of your child and will be added to your individual responsibility plan (IRP)); and

(b) Be required to participate in ~~((the activities))~~ those activities, as identified in your IRP.

**(4) What am I required to do while I am pregnant?**

Based upon the results of your assessment, your participation:

(a) During your first and second trimester of pregnancy will be full-time work, looking for work, or preparing for work unless you have a good reason to participate fewer hours as described under WAC 388-310-1600.

(b) During your third trimester of pregnancy will be up to ~~((twenty))~~ 20 hours per week in either ~~((parenting education, parent-~~

~~ing skills training,~~) mental health treatment(~~(r)~~) or chemical dependency treatment(~~(r)~~ ~~or any combination of these~~), if:

(i) The comprehensive evaluation or assessment indicates a need; and

(ii) Services are available in your community.

**(5) What am I required to do after my child is born?**

After the birth of your child, you may choose to take the infant exemption under WAC 388-310-0300 or volunteer to participate in Work-First activities to the fullest of your abilities under WAC 388-310-0400.

**(6) What if I have used my (~~twenty-four~~) 24 month lifetime infant exemption?**

If you have another child after using all (~~twenty-four~~) 24 months of the infant exemption, you will be:

(a) Eligible for a (~~twelve~~) 12 week postpartum deferral period to personally take care of an infant less than (~~twelve~~) 12 weeks of age but will be required to participate up to (~~twenty~~) 20 hours per week in (~~parenting education, parenting skills training,~~) mental health (~~treatment,~~) or chemical dependency treatment, or (~~any~~) a combination of these, if the comprehensive evaluation or assessment indicates a need and services are available in your community.

(b) Required to participate full time, unless otherwise exempt or you have good reason to participate fewer hours, once your child turns (~~twelve~~) 12 weeks old in one or more of the following activities:

(i) Work;

(ii) Looking for work;

(iii) Preparing for work by participating in a combination of activities based upon the results of your assessment.

**(7) Will I be sanctioned if I refuse to participate?**

(a) You are required to participate in the WorkFirst program under WAC 388-310-0200 subject to sanction under WAC 388-310-1600 unless you have good reason and you:

(i) Are in your third trimester of pregnancy;

(ii) Have not used up your (~~twenty-four~~) 24 month lifetime infant exemption and have a child under the age of two years old; or

(iii) Have used up your (~~twenty-four~~) 24 month lifetime infant exemption and have a child under (~~twelve~~) 12 weeks.

(b) You may be sanctioned if you stop participating in required (~~parenting education, parenting skills training,~~) mental health or chemical dependency treatment when you are:

(~~±~~) (i) In your third trimester of pregnancy(~~(r)~~);

(~~e~~) (ii) Claiming the infant exemption(~~(r)~~); or

(~~u~~) (iii) Using a (~~twelve~~) 12 week postpartum deferral period.

[Statutory Authority: RCW 74.08A.270, 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapter 74.12 RCW. WSR 18-03-059, § 388-310-1450, filed 1/10/18, effective 2/10/18. Statutory Authority: RCW 74.08A.270, 74.04.050, 74.08.090, and 74.04.055. WSR 15-09-037, § 388-310-1450, filed 4/9/15, effective 5/10/15. Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.055 and 2007 c 289. WSR 08-02-055, § 388-310-1450, filed 12/28/07, effective 2/1/08. Statutory Authority: RCW 74.08.090, 74.04.050. WSR 02-14-087, § 388-310-1450, filed 6/28/02, effective 7/29/02; WSR 00-06-062, § 388-310-1450, filed 3/1/00, effective 3/1/00.]

**WSR 22-16-119**  
**PROPOSED RULES**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed August 3, 2022, 11:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-22-042.

Title of Rule and Other Identifying Information: Chapter 314-55 WAC. The Washington state liquor and cannabis board (board) proposes amendments to modernize existing rule, and proposes a new rule section in response to recommendations of the social equity in cannabis task force, and requirements of RCW 69.50.335. The proposed rule amendments also implement 2SHB 1210, chapter 16, Laws of 2022, effective June 9, 2022, that changes the word "marijuana" to "cannabis" throughout Washington state law.

**Chapter 314-55 WAC, amendments to existing rule:** Amending WAC 314-55-015 General information about marijuana licenses, 314-55-020 Marijuana license qualifications and application process—Licensing change requests, 314-55-040 Marijuana applicant or licensee background checks, 314-55-045 What marijuana law or rule violation history might prevent an applicant from receiving a marijuana license?, 314-55-050 Reasons the WSLCB may seek denial, suspension, or cancellation of a marijuana license application or license, 314-55-055 Marijuana retailer license forfeiture, 314-55-070 Process if the WSLCB denies a marijuana license application, 314-55-079 Marijuana retailer license—Privileges, requirements and fees, 314-55-082 Insurance requirements, 314-55-110 What are my responsibilities as a marijuana licensee?, 314-55-120 Ownership changes, 314-55-125 Change of location, and 314-55-137 Receiverships.

**Chapter 314-55 WAC, new section related to establishing the social equity in cannabis program:** New WAC 314-55-570 Social equity in cannabis program.

Hearing Location(s): On September 14, 2022, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the board will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Board members, presenters, and staff will all participate remotely. The public may log in using a computer or device, or call-in using a phone, to listen to the meeting through the Microsoft Teams application. The public may provide verbal comments during the specified public comment and rules hearing segments. For more information about board meetings, please visit [https://lcb.wa.gov/Boardmeetings/Board\\_meetings](https://lcb.wa.gov/Boardmeetings/Board_meetings).

Date of Intended Adoption: Not earlier than September 28, 2022.

Submit Written Comments to: Katherine Hoffman, Policy and Rules Manager, 1025 Union Avenue, Olympia, WA 98501, email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov), fax 360-704-5027, by September 14, 2022.

Assistance for Persons with Disabilities: Contact Anita Bingham, ADA coordinator, human resources, phone 711 or 1-800-833-6388, fax 360-664-9689, TTY 711 or 1-800-833-6388, email [anita.bingham@lcb.wa.gov](mailto:anita.bingham@lcb.wa.gov), by September 7, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to establish the social equity in cannabis program as described in RCW 69.50.335, concerning cannabis retailer licenses, and to implement RCW



69.50.336. These proposed rules create a regulatory framework for the distribution of licenses that are currently available from cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or cannabis retailer licenses that were not previously issued by the board, but could have been issued without exceeding the limit on the statewide number of cannabis retailer licenses established by the board before January 1, 2020. The proposed rule amendments also implement 2SHB 1210, chapter 16, Laws of 2022, effective June 9, 2022, that changes the word "marijuana" to "cannabis" throughout Washington state law.

Reasons Supporting Proposal: E2SHB 2870, chapter 236, Laws of 2020, codified as RCW 69.50.335 and 69.50.336, found that in the interest of remedying harms resulting from the enforcement of cannabis-related laws in disproportionately impacted areas, creating a social equity in cannabis program would further an equitable cannabis industry by promoting business ownership among individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws. The social equity in cannabis program is authorized by RCW 69.50.335 and 69.50.336 and, consistent with these statutes, offers assistance to individuals most directly and adversely impacted by the enforcement of cannabis related laws, and who are interested in starting cannabis business enterprises.

Statutory Authority for Adoption: RCW 69.50.342, 69.50.335.

Statute Being Implemented: RCW 69.50.335, 69.50.336; 2SHB 1210, chapter 16, Laws of 2022.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

Name of Proponent: Washington state liquor and cannabis board, governmental.

Name of Agency Personnel Responsible for Drafting: Katherine Hoffman, Policy and Rules Manager, 1025 Union Avenue, Olympia, WA 98501, 360-664-1622; Implementation: Rebecca Smith, Licensing and Regulation Director, 1025 Union Avenue, Olympia, WA 98501, 360-664-1615; and Enforcement: Chandra Brady, Enforcement and Education Director, 1025 Union Avenue, Olympia, WA 98501, 360-664-1726.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required under RCW 34.05.328 because the subject of the proposed rule making does not qualify as a significant legislative rule or other rule requiring a cost-benefit analysis under RCW 34.05.328 (5) (c).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 34.05.310 (4) (e).

Explanation of exemptions: This rule proposal implements the social equity in cannabis program as required by RCW 69.50.335 and consistent with the social equity in cannabis task force recommendations as described in RCW 69.50.336. This proposal also implements 2SHB 1210, chapter 16, Laws of 2022, effective June 9, 2022, that changes the word "marijuana" to "cannabis."

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how

costs were calculated. Agencies are required to consider costs imposed on business[es] and costs associated with compliance with proposed rules. Agencies are not required under chapter 19.85 RCW to consider indirect costs not associated with compliance. Here, the agency considered potential administrative costs that a licensee may incur complying with the proposed rules.

The Liquor and cannabis board applied the North American Industry Classification System (NAICS) codes 453998 for marijuana (cannabis) stores. The industry description for this code is presented in the table below, and can be accessed at <https://www.census.gov/library/publications/2017/econ/2017-naics-manual.html>.

The board applied a default estimated compliance cost when analyzing whether the rules would have a disproportionate impact on small businesses as defined in RCW 19.85.020(3). This reflects four hours of administrative time at \$50 per hour, for a total of \$200. The agency assumes this activity would include activities such as completing and submitting forms to LCB, and telephone calls.

2017 Industry NAICS Code	Estimated Cost of Compliance	Industry Description	NAICS Code Title	Minor Cost Estimate	1% of Avg Annual Payroll (Threshold)	0.3% of Avg Annual Gross Business Income (Threshold)
453998	\$200	Marijuana [Cannabis] stores, medicinal and recreational	All other miscellaneous store retailers (except tobacco stores)	\$3,615.53	\$3,024.31 2018 Dataset pulled from ESD	\$3,615.53 2018 Dataset pulled from DOR

As the table demonstrates, the estimated cost of compliance does not exceed the thresholds for any of the license types. Therefore, implementation of these rules are not anticipated to result in more-than-minor costs on businesses as defined in RCW 19.85.020(2).

August 3, 2022  
David Postman  
Chair

**OTS-3706.1**

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

**WAC 314-55-015 General information about ((marijuana)) cannabis licenses.** (1) To be issued and maintain a license to produce, process, or sell cannabis at retail, a person or entity applying for a cannabis license must meet ((certain)) all of the qualifications ((under this chapter to receive a marijuana license, which are continuing qualifications required to maintain the license)) described in this chapter.

(2) All applicants, licensees, and employees working in each licensed establishment must be at least ((twenty-one)) 21 years of age. No one under ((twenty-one)) 21 years of age ((is allowed to)) may enter or remain on a ((marijuana)) cannabis licensed premises except as provided in RCW 69.50.357.

~~(3) ((Minors restricted signs must be posted at all marijuana))~~  
Mandatory signs must be conspicuously posted at all cannabis licensed premises consistent with the requirements in WAC 314-55-086.

~~(4) ((A marijuana license applicant may not exercise any of the privileges of a marijuana license until the WSLCB approves the license application.))~~  
The privileges of a board issued cannabis license may be used only after the board issues official written approval.

~~(5) The ((WSLCB)) board will not approve ((any marijuana license for a location where law enforcement access, without notice or cause, is limited. This includes a personal residence.~~

~~(6) The WSLCB will not approve any marijuana license for a location on federal lands.~~

~~(7) The WSLCB will not approve any marijuana license))~~  
an application for a cannabis license under any of the following circumstances:

(a) The proposed cannabis location would limit law enforcement access without notice or cause, including a personal residence;

(b) The proposed cannabis business would be located on federal lands;

(c) The proposed cannabis business would be located within the exterior boundaries of the reservation of a federally recognized tribe without the express written consent of the tribe consistent with WAC 314-55-020(4). ((If a tribe receives written notice from the WSLCB of a license application or change request under RCW 69.50.331 and the tribe does not respond to the WSLCB within thirty days of the date of that notice, the WSLCB will assume the tribe does not consent to the location of the applicant or licensee and the applicant or licensee must find a different location.

~~(8))~~  
(d) The ((WSLCB will not approve any marijuana retailer license for a location)) application for a cannabis retail license is located within another business ((with the exception of the)) unless that other business is a research license ((consistent with)) as described in WAC 314-55-073. More than one license may be located in the same building if each licensee has their own area separated by full walls with their own entrance, or if the same business entity holds a producer license and a processor license at the same location under a single license number. Product may not be commingled.

~~((9) Every marijuana licensee))~~  
(6) The board may impose special conditions to an approval for a cannabis license. Special conditions include, but are not limited to, involvement of any former licensee in the operations of the licensed business, their former employees, or any person not qualifying for a cannabis license.

(7) All cannabis licensees must conspicuously post and keep posted its license, or licenses, and any additional correspondence ((containing)) issued by the board describing special conditions ((and restrictions imposed by the WSLCB in a conspicuous place on the premises)).

~~((10) In approving a marijuana license, the WSLCB reserves the right to impose special conditions as to the involvement in the operations of the licensed business of any former licensees, their former employees, or any person who does not qualify for a marijuana license.~~

~~(11) A marijuana producer, processor or retailer licensed by the WSLCB must conduct))~~  
(8) A cannabis licensee must use sanitary practices in the production, processing, storage, and sale of ((marijuana-infused products using sanitary practices)) all cannabis products.

~~((12) Marijuana))~~ (9) Cannabis licensees may not allow the consumption of ~~((marijuana or marijuana-infused))~~ cannabis or cannabis-infused products on or within the licensed premises.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-015, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-015, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-015, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-015, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 21-02-096, filed 1/6/21, effective 2/6/21)

**WAC 314-55-020 ((Marijuana)) Cannabis license qualifications and application process—Licensing change requests.** Each ~~((marijuana))~~ cannabis license application is unique and ~~((investigated))~~ evaluated individually. The ~~((WSLCB))~~ board may inquire and request documents regarding all matters in connection with the ~~((marijuana))~~ cannabis license application. ~~((The application requirements for a marijuana license include, but are not limited to, the following:))~~

~~(1) ((Consistent with RCW 69.50.331 (7) and (10)), the WSLCB shall send a notice to cities and counties, tribal governments, and port authorities regarding the marijuana license application within said jurisdiction. The local authority, tribal government, or port authority has twenty days to respond with a recommendation to approve the application or an objection to the applicant, location, or both.~~

~~(2) Consistent with RCW 69.50.331 (8) (f), the WSLCB shall send a notice to tribal governments when an applicant or licensee is proposed to be located within the exterior boundaries of the reservation of a federally recognized Indian tribe. The tribal government will have twenty days to respond with an approval to the application. If written approval is not received within thirty days, the WSLCB will assume the tribe does not consent to the applicant's location and the applicant must find a new location.~~

~~(3) Applicants for a new marijuana producer, processor, retailer, transportation, or research license and those who apply to change their location must display a sign provided by the WSLCB on the outside of the premises to be licensed notifying the public that the premises are subject to an application for a marijuana license. Posting notices must occur within seven days of submitting the location confirmation form for new licenses or the change of location application for existing licensees. The WSLCB may check for compliance with this requirement at its discretion. The sign must:~~

~~(a) Not be altered. The licensee must post the sign sent by the WSLCB without changing, adding, or subtracting from the text;~~

~~(b) Be conspicuously displayed on, or immediately adjacent to, the premises subject to the application and in the location that is most likely to be seen by the public;~~

~~(c) Be of a size sufficient to ensure that it will be readily seen by the public, at a minimum these signs must be eight and one-half by eleven inches;~~

- ~~(d) Be posted within seven business days of the date the notice is sent to the applicant by the WSLCB; and~~
- ~~(e) The notice must be posted for fourteen consecutive days.~~
- ~~(4) All marijuana license applicants must meet the qualifications required by the WSLCB before they will be granted a license.~~
- ~~(5) The WSLCB will verify that the proposed business meets the minimum requirements for the type of marijuana license requested.~~
- ~~(6) Consistent with RCW 69.50.331 (8) (e), the WSLCB will issue a certificate of compliance if the proposed business premises meets the minimum distance requirements as of the date the application was received by the WSLCB. If the physical location changes during the application process, the certificate of compliance will be issued for the date that the premises change was received by the WSLCB. Applicants who were granted licenses prior to adoption of this rule are allowed to operate the business at the location notwithstanding a later occurring, otherwise disqualifying minimum distance factor.~~
- ~~(7) The WSLCB will conduct an investigation of the applicants' criminal history and administrative violation history, per WAC 314-55-040 and 314-55-045.~~
- ~~(a) The criminal history background check will consist of completion of a personal/criminal history form provided by the WSLCB and submission of fingerprints to a vendor approved by the WSLCB. The applicant will be responsible for paying all fees required by the vendor for fingerprinting. These fingerprints will be submitted to the Washington state patrol and the Federal Bureau of Investigation for comparison to their criminal records. The applicant will be responsible for paying all fees required by the Washington state patrol and the Federal Bureau of Investigation.~~
- ~~(b) Financiers will also be subject to criminal history investigations equivalent to that of the license applicant. Financiers will also be responsible for paying all fees required for the criminal history check.~~
- ~~(8) The WSLCB will conduct a financial investigation in order to verify the source of funds used for the acquisition and startup of the business, the applicants' right to the real and personal property, and to verify the true party(ies) of interest.~~
- ~~(9) The WSLCB may require a demonstration by the applicant that they are familiar with marijuana laws and rules.~~
- ~~(10) The WSLCB may conduct an inspection of the proposed or currently licensed business location, to determine if the applicant has complied with all the requirements of the license or change to the license or premises requested.~~
- ~~(11) Under RCW 69.50.331 (1) (c), all applicants applying for a marijuana license must have resided in the state of Washington for at least six months prior to application for a marijuana license. All business entities including, but not limited to, partnerships, employee cooperatives, associations, nonprofit corporations, corporations and limited liability companies, applying for a marijuana license must be formed in Washington. All members, governors, or agents of business entities must also meet the six month residency requirement. Managers or agents who manage a licensee's place of business must also meet the six month residency requirement.~~
- ~~(12) (a) As part of the application process, each applicant must submit an operating plan outlining required elements for the location as provided in this chapter pertaining to the license type being sought. The operating plan must be submitted using an operating plan format supplied by the WSLCB. This operating plan must also include a~~

floor plan or site plan drawn to scale which illustrates the entire operation being proposed.

~~(b) After obtaining a license, the license holder must notify the WSLCB in advance of any change in their operating plan. Prior approval is required before the change may be implemented.~~

~~(13) The WSLCB may place licensing change applications made by a licensee on hold if the change application is reasonably related to an ongoing investigation.~~

~~(a) The WSLCB may withdraw licensing change applications pending the results of an adjudicative proceeding regarding a violation of chapter 314-55 WAC. Depending on the outcome of the adjudicative proceeding, the licensee may reapply for the withdrawn licensing change application(s).~~

~~(b) Examples of licensing change applications that may be affected under this subsection include:~~

~~(i) Application for additional funding;~~

~~(ii) Application for added medical marijuana endorsement;~~

~~(iii) Assumption of a license;~~

~~(iv) Change in governing people, percentage owned, or stock/unit ownership;~~

~~(v) Change of location;~~

~~(vi) Expanding plant canopy to maximum allotted;~~

~~(vii) Request to alter marijuana site or operating plan;~~

~~(viii) Request to add a processor license; and~~

~~(ix) Splitting a producer and processor license.~~

~~(14) (a) To aid the WSLCB in monitoring the industry as it develops, the WSLCB requests that all applicants and licensees seeking renewal provide the following information:~~

~~(b) **Employees compensation and benefits data.**~~

~~(i) Will the applicant/licensee provide a living wage (at least one hundred fifty percent of the state minimum wage) to eighty-five percent or more of its hourly employees?~~

~~(ii) Will the applicant/licensee provide health insurance to at least eighty-five percent of its hourly employees?~~

~~(iii) Will the applicant/licensee provide a defined benefit pension plan to at least eighty-five percent of its hourly employees?~~

~~(iv) Will the applicant/licensee provide five or more paid sick days annually to at least eighty-five percent of its hourly employees?~~

~~(v) Is there a signed labor peace agreement or collective bargaining agreement with a labor organization in place?~~

~~(15) Applicants applying for a marijuana license must be current in any tax obligations to the Washington state department of revenue and other state agencies, as an individual or as part of any entity in which they have an ownership interest. Applicants must sign an attestation that, under penalty of denial or loss of licensure, that representation is correct.~~

~~(16) The issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements.~~

~~(17) Upon failure to respond to the WSLCB licensing and regulation division's requests for information and/or documentation within the timeline provided, the application may be administratively closed or denial of the application will be sought.) **Cannabis license qualification criteria and application process.** To be issued a license, all cannabis license applicants must meet the qualifications required by the board. The board will verify that the proposed business meets the~~

minimum requirements for the type of cannabis license requested. The qualifications and application process for a cannabis license include:

(a) **A background check** to evaluate whether the applicant qualifies for a license, consistent with WAC 314-55-040 and 314-55-045.

(i) The background check includes completion of a personal and criminal history form provided by the board. The applicant is responsible for paying all fees required by the Washington state patrol and the Federal Bureau of Investigation.

(ii) Financiers are subject to background checks equivalent to that of a license applicant. Financiers are responsible for paying all fees required by the Washington state patrol and the Federal Bureau of Investigation.

(b) **Inquiry** to verify the source of funds used to acquire an existing business and start the business, the applicant's right to the real and personal property, and to verify the true party or parties of interest.

(c) **An inspection** of the proposed or currently licensed business location to determine if the applicant has met all of the requirements of the license or proposed changes to the licensed premises.

(d) **A residency check to confirm Washington state residency.** Under RCW 69.50.331 (1)(b), all applicants applying for a cannabis license must have resided in the state of Washington for at least six months prior to applying for a cannabis license.

(i) All business entities including, but not limited to, partnerships, employee cooperatives, associations, nonprofit corporations, corporations and limited liability companies applying for a cannabis license must be formed in Washington state.

(ii) All members, governors, or agents of business entities must also meet the six-month residency requirement. Managers or agents who manage a licensee's place of business must also meet the six-month residency requirement.

(e) **Applicants must be current in any tax obligations** to the Washington state department of revenue and other state agencies, as an individual or as part of any entity in which they have an ownership interest. Applicants must sign an attestation that, under penalty of denial or loss of licensure, statements concerning the status of tax obligations are true and correct.

(f) **Operating plan.** Each cannabis license applicant must submit an operating plan outlining required elements for the location as provided in this chapter pertaining to the type of license being sought. The operating plan must be submitted using an operating plan template supplied by the board. The operating plan must also include a floor plan or site plan drawn to scale that illustrates the entire operation being proposed.

After obtaining a license, the license holder must notify the board's licensing and regulation division and receive prior approval before making any changes in their operating plan, floor plan, or both.

(g) If an applicant does not respond to the board's licensing and regulation division requests for information, documentation, or both within the timelines provided, the application may be administratively withdrawn, closed or denied.

(2) **Certificate of compliance.** Consistent with RCW 69.50.331 (8)(e), the board will issue a certificate of compliance if the proposed business premises meets the minimum distance requirements as of the date the application was received by the board. If the physical location changes during the application process, the certificate of

compliance will be issued for the date that the premises change was received by the board. Applicants who were granted licenses prior to adoption of this rule may operate their business at the location notwithstanding a later occurring, otherwise qualifying minimum distance factor.

(3) **Notice of cannabis license application.** Consistent with RCW 69.50.331 the board will send a notice to cities and counties, tribal governments, and port authorities regarding the cannabis license application within the jurisdiction. The local authority, tribal government, or port authority has 20 days to respond with a recommendation to approve the application or an objection to the applicant, location, or both.

(4) **Notice of cannabis license application to tribal governments.** Consistent with RCW 69.50.331, the board will send a notice to tribal governments when an applicant or licensee proposes to be located within the exterior boundaries of the reservation of a federally recognized Indian tribe. The tribal government has 20 days to respond with an approval to the application. If written approval is not received within 30 days, the board assumes the tribe does not consent to the applicant's location and the applicant must find a new location.

(5) **Displaying notice of new cannabis license application or application for change of location of an existing licensed business.** Applicants for a new cannabis producer, processor, retailer, transportation, or research license or those who apply to change their location must display a notice provided by the board on the outside of the premises to be licensed notifying the public that the premises are subject to an application for a cannabis license. The notice must be posted within seven days of submitting the location confirmation form for new licenses or the change of location application for existing licensees. The board may check for compliance with this requirement at its discretion. The notice must:

(a) Not be changed. The licensee must post the notice sent by the board without changing the text in any way;

(b) Be noticeably displayed on, or immediately next to, the premises subject to the application and in the location that is most likely to be seen by the public;

(c) Be of a size that can be readily seen by the public. At a minimum these notices must be 8 1/2 x 11 inches;

(d) Be posted within seven business days of the date the notice is sent to the applicant by the board; and

(e) The notice must be posted for 14 consecutive days.

(6) **Application holds and withdrawals.** The board may place licensing change applications made by a licensee on hold if the change application is reasonably related to an ongoing investigation.

(a) The board may withdraw licensing change applications pending the results of an adjudicative proceeding regarding a violation of this chapter. Depending on the outcome of the adjudicative proceeding, the licensee may reapply for the withdrawn licensing change application(s).

(b) Examples of licensing change applications that may be affected under this subsection include:

(i) Application for additional funding;

(ii) Application to add a medical cannabis endorsement;

(iii) Assumption of a license;

(iv) Change in governing people, percentage owned, or stock/unit ownership;

(v) Change of location;



- (vi) Expanding plant canopy to maximum allotted;
- (vii) Request to change cannabis site or operating plan;
- (viii) Request to add a processor license; or
- (ix) Splitting a producer or processor license.

**(7) Industry tracking.**

(a) To help the board track employment and personnel trends of the industry as it continues to develop, the board requests that applicants seeking new licensure and licensees seeking license renewal provide the following information:

(b) Employee compensation and benefit data:

- (i) Whether the applicant/licensee provide a living wage (at least 150 percent of the state minimum wage) to 85 percent or more of its hourly employees;
- (ii) Whether the applicant/licensee will provide health insurance to at least 85 percent of its hourly employees;
- (iii) Whether the applicant/licensee will provide a defined benefit pension plan to at least 85 percent of its employees;
- (iv) Whether the applicant/licensee will provide five or more paid sick days annually to at least 85 percent of its employees;
- (v) Whether there is a signed labor peace agreement or collective bargaining agreement with a labor organization in place.

(8) The issuance or approval of a license is not a license for, or an approval of, any violation of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements.

(9) **Social equity applicant.** A person qualifying for the social equity in cannabis program under WAC 314-55-570 may apply for a cannabis license consistent with the provisions of this chapter.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 21-02-096, § 314-55-020, filed 1/6/21, effective 2/6/21. Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-020, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-020, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-020, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-020, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 21-18-125, filed 9/1/21, effective 10/2/21)

**WAC 314-55-040 Cannabis applicant or licensee background checks.**

(1) The board conducts a background check of a new applicant or for license renewals to evaluate whether the applicant or licensee qualifies or requalifies for a license. The background check includes a criminal record check through the Washington state patrol and the Federal Bureau of Investigations database.

(2) **Review and evaluation of information produced by background checks.** The board will review the information produced by background checks to determine whether the applicant or licensee qualifies for a new or renewed license. Information from the background check may not preclude approval, but will be considered in determining the applicant's eligibility for licensure.

(3) The board will conduct a threshold review for the following types of convictions:

Conviction Type	Conviction Class	Time Consideration	Determination
Felonies	Class A and B convictions	10 years	Threshold review if 1 or more
	Class C convictions	7 years	Threshold review if 2 or more
Misdemeanors	Gross misdemeanors and misdemeanors	3 years	Threshold review if 3 or more

(a) Active state supervision and active federal supervision resulting in determination of threshold review.

(b) The board will conduct a threshold review of any license applicant or license renewal if the background check indicates that the applicant or renewing licensee is under active state supervision, active federal supervision, or both.

(4) **Pending criminal charge review and evaluation.** The board will review and evaluate the applicant or renewing licensee's pending criminal charges. Review and evaluation criteria include, but are not limited to:

(a) A determination of whether the convictions of pending charge(s) alone or compiled would put an individual over the conviction allowance above.

(b) The application may be placed on hold for (~~ninety~~) 90 days and if there is no disposition within (~~ninety~~) 90 days, the application will be withdrawn.

(5) **Threshold review evaluation criteria.** When a background check results in a determination for a threshold review, the board will consider the following criteria:

(a) Time since the conviction, or pending offenses;

(b) Nature and specific circumstances of the offense;

(c) Relationship of the offense or incident to the nature of the work performed;

(d) Number of offenses or incidents;

(e) If criminal, any relevant evidence of rehabilitation, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses, and the individuals conduct and experience since the time of the offense; and

(f) Any other relevant information, including information submitted by the applicant or licensee, or requested by the board.

(6) **Continued reporting.** Cannabis licensees must report any criminal convictions to the board within (~~thirty~~) 30 days. New convictions will be considered upon receipt or at the time of renewal.

[Statutory Authority: RCW 69.50.331 and 69.50.342. WSR 21-18-125, § 314-55-040, filed 9/1/21, effective 10/2/21. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-040, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-040, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-040, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

**WAC 314-55-045** (~~What marijuana law or rule violation history might prevent an applicant from receiving a marijuana license?~~) **Cannabis license applicant administrative violation review.** (1) The (WSLCB) board will (conduct an investigation of all applicants' marijuana law or rule administrative violation history. The WSLCB will not normally issue a marijuana license to) determine if a cannabis license applicant has been issued any administrative violations under this chapter.

(2) The presence of administrative violation history will not result in automatic application denial, but will be considered in determining the applicant's eligibility for licensure. The board will not normally issue a cannabis license to a person, or ((to)) an entity with a true party of interest violation, ((who has)) or a person with the following violation history((; or to any person who has demonstrated a pattern of disregard for laws or rules.)) within the following periods of consideration:

<b><u>((Violation Type</u></b> <small>(see WAC 314-55-515)</small>	<b><u>Period of Consideration</u></b>
<ul style="list-style-type: none"> <li>• <u>Three or more public safety violations;</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Violations issued within three years of the date the application is received by the board's licensing and regulation division.</u></li> </ul>
<ul style="list-style-type: none"> <li>• <u>Four or more regulatory violations;</u> or</li> </ul>	
<ul style="list-style-type: none"> <li>• <u>One to four, or more license violations.</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Violations issued within the last three years the true party(ies) of interest were licensed.</u></li> </ul>

  

<b><u>Violation Type</u></b> <small>(See WAC 314-55-509)</small>	<b><u>Period of Consideration</u></b>
<u>Three or more Category II violations (WAC 314-55-521) or Category III violations (WAC 314-55-522)</u>	<u>Violations issued within two years of the date the application is received by the board's licensing and regulation division.</u>
<u>Four or more Category IV violations (WAC 314-55-523)</u>	
<u>One to four or more Category V violations (WAC 314-55-524) or Category VI violations (WAC 314-55-525)</u>	

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-045, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-045, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

**WAC 314-55-050** (~~(Reasons the WSLCB may seek)~~) **Withdrawal, denial, suspension, or cancellation of a ((marijuana)) cannabis license application or license.** ((Following is a list of reasons the WSLCB may)) (1) The board has the discretion to withdraw, deny, suspend, or cancel a ((marijuana)) cannabis license application or license ((Per)) consistent with RCW 69.50.331, ((the WSLCB has broad discretionary authority to approve or deny a marijuana license application)) for reasons including, but not limited to, the following:

((1) Failure to meet qualifications or requirements)) (a) Not meeting the initial or ongoing qualifications, requirements, or both for ((the)) a specific ((marijuana)) cannabis license, as outlined in this chapter and chapter 69.50 RCW ((-

(2) Failure or refusal to submit)) ;

(b) Not submitting information or documentation requested by the ((WSLCB)) board during the application evaluation process ((-

(3) The applicant makes a misrepresentation of)) ;

(c) Misrepresenting fact, or ((fails to disclose)) not disclosing a material fact to the ((WSLCB)) board during the application process or any ((subsequent investigation)) review or follow-up review that may occur after a license has been issued ((-

(4) Failure to meet the criminal history)) ;

(d) Not meeting the background check standards outlined in WAC 314-55-040 ((-

(5) Failure to meet the marijuana)) ;

(e) Not meeting the cannabis law or rule violation history standards outlined in WAC 314-55-045 ((-

(6) The source of funds identified by the applicant to be used)) ;

(f) Using funds that cannot be verified for the acquisition, startup and operation of the business ((is questionable, unverifiable)), or ((determined by the WSLCB to be gained in a manner which is in violation by)) obtained in a way that violates the law ((-

(7) Denies the WSLCB)) ;

(g) Not allowing the board or its authorized representative access to any place where a licensed activity takes place ((or fails to produce)) ;

(h) Not producing any book, record or document required by law or ((WSLCB)) board rule ((-

(8) Has been denied or)) ;

(i) The applicant or licensee has had a ((marijuana)) cannabis license or medical ((marijuana)) cannabis license denied, suspended, or canceled in another state or local jurisdiction ((-

(9) Where)) ;

(j) The city, county, tribal government, or port authority has submitted a substantiated objection ((per the requirements in)) to the application or against the premises for which the new or renewed license is requested, as described in RCW 69.50.331 (7) and (10).

((10)) (k) The applicant or licensee has not paid taxes or fees required under chapter 69.50 RCW or did not provide production, processing, inventory, sales and transportation reports or documentation required under this chapter.

(l) The applicant or licensee did not submit an attestation that they are current in any tax obligations to the Washington state department of revenue.

(m) The applicant or licensee has been denied a liquor or cannabis license or had a liquor license or cannabis license suspended or revoked in this or any other state.

(n) The operating plan submitted with the application does not demonstrate that the applicant meets the criteria for licensure.

(o) The applicant or licensee does not operate their business consistent with the operating plan approved by the board.

(p) The board determines the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.

(2) Except as provided in subsection ((11)) (3) of this section, the ((WSLCB shall)) board will not issue a new ((marijuana)) cannabis license if the proposed licensed business is within ((one thousand)) 1,000 feet of the perimeter of the grounds of any of the ((following entities)) facilities listed in (a) through (h) of this subsection. The distance ((shall)) will be measured as the shortest straight line distance from the property line of the proposed ((building/business)) building or business location to the property line of the entities listed below:

(a) Elementary or secondary school;

(b) Playground;

(c) Recreation center or facility;

(d) Child care center;

(e) Public park;

(f) Public transit center;

(g) Library; or

(h) Any game arcade (where admission is not restricted to persons age ((twenty-one)) 21 or older).

((11)) (3)(a) A city or county may, by local ordinance, permit ((the licensing of marijuana)) cannabis businesses licensing within ((one thousand)) 1,000 feet but not less than ((one hundred)) 100 feet of the facilities listed in subsection ((10)) (2) of this section except elementary and secondary schools, and playgrounds.

(b) If ((a licensee)) an applicant applies for a ((marijuana)) cannabis license at a location less than ((one thousand)) 1,000 feet of a recreation center or facility, child care center, public park, public transit center, library, or game arcade, the ((licensee)) applicant must provide the WSLCB with a copy of the local ordinance that describes the distance required by the city or county where the facility will be located.

~~((12) Has failed to pay taxes or fees required under chapter 69.50 RCW or failed to provide production, processing, inventory, sales and transportation reports to documentation required under this chapter.~~

~~(13) Failure to submit an attestation that they are current in any tax obligations to the Washington state department of revenue.~~

~~(14) Has been denied a liquor or marijuana license or had a liquor license or marijuana license suspended or revoked in this or any other state.~~

~~(15) The operating plan does not demonstrate, to the satisfaction of the WSLCB, the applicant is qualified for a license.~~

~~(16) Failure to operate in accordance with the WSLCB approved operating plan.~~

~~(17) The WSLCB determines the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.))~~

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-050, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-050, filed 5/18/16, effective 6/18/16; WSR 14-06-108, § 314-55-050, filed 3/5/14, effective 4/5/14. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-050, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-12-046, filed 5/30/18, effective 6/30/18)

**WAC 314-55-055 ((Marijuana)) Cannabis retailer license forfeiture.** (1) (a) A ((marijuana)) cannabis retailer's license is subject to forfeiture if the retailer is not fully operational and open to the public after ((twelve)) 12 months of issuance of the license ((or November 1, 2018, whichever is later)). No ((marijuana)) cannabis retailer's license is subject to forfeiture within the first nine months of issuance.

(b) Fully operational means the business meets the following criteria for at least ((twelve)) 12 consecutive weeks within a ((twelve-month)) 12-month period after issuance of the license ((before or after the effective date of this section)):

(i) The business is open to the public for a minimum of five hours a day between the hours of 8:00 a.m. and 12:00 midnight, three days a week;

(ii) The business posts ((business)) hours of operation outside of the premise in the public view; and

(iii) The business reports monthly sales from the sale of ((marijuana)) cannabis products and pays applicable taxes.

(2) ((a)) A ((marijuana)) cannabis retailer's license will not be subject to forfeiture if the licensee ((has been incapable of opening)) is not able to open a fully operational retail ((marijuana)) cannabis business ((due to)) based on actions by the city, town, or county with jurisdiction over the licensed business ((to include)) including:

((i)) (a) The adoption of a ban or moratorium that prohibits the ((opening of a)) retail ((marijuana)) cannabis business from opening; or

((ii)) (b) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed ((marijuana)) cannabis retailer from becoming operational.

((b)) (3) Exceptions to license forfeiture.

(a) The board has the sole discretion to grant exceptions to the license forfeiture process if a ((marijuana)) cannabis retailer licensee ((has had)) experiences circumstances ((occur)) that are out of their control such as a natural disaster.

((c) Adequate)) (b) Sufficient documentation ((will be)) is required to verify any of the exceptions to license forfeiture in this section. ((It is the licensee's responsibility to)) Licensees must inform the ((WSLCB)) board if conditions change, such as an adjustment to zoning requirements, changes to a ban or moratorium, or other circumstances that would allow the licensee to operate.

(c) If the underlying condition exempting a ((marijuana)) canna-bis retail license from forfeiture under subsection (2) ~~((a))~~ of this section or ~~((b))~~ (a) of this ~~((section))~~ subsection is removed, then the ~~((twelve-month))~~ 12-month time frame to become fully operational and open to the public requirement under subsection (1) of this section will begin from the time the condition exempting the retail license from forfeiture is removed.

~~((3))~~ (4) A ~~((retailer that))~~ cannabis retail licensee who receives a notice of license forfeiture under this section from the WSLCB may request an administrative hearing under chapter 34.05 RCW. A request for a hearing must be made in writing and received by the WSLCB no later than ~~((twenty))~~ 20 days after service of the notice. Requests submitted in paper form may be delivered to the WSLCB in person during normal business hours at ~~((3000 Pacific))~~ 1025 Union Avenue S.E., Olympia, WA ((98501)) 98504, or mailed to the WSLCB. Mailed appeal requests must be addressed to: WSLCB, ATTN: Adjudicative Proceedings Coordinator, P.O. Box 43076, Olympia, WA 98504-3076 or, for certified mail, WSLCB, ATTN: Adjudicative Proceedings Coordinator, ~~((3000 Pacific))~~ 1025 Union Avenue S.E., Olympia, WA ((98501)) 98504.

[Statutory Authority: RCW 69.50.325, 69.50.342, and 69.50.345. WSR 18-12-046, § 314-55-055, filed 5/30/18, effective 6/30/18.]

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

**WAC 314-55-070 ((Process if the WSLCB denies a marijuana)) Cannabis license application denial.** If the ((WSLCB)) board denies a ((marijuana)) cannabis license application, ((the)) an applicant or applicants may:

(1) Request an administrative hearing ((per)) consistent with chapter 34.05 RCW, the Administrative Procedure Act.

(2) Reapply for the license ((no sooner)) not earlier than one year from the date ((on)) of the final order of denial.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-070, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-070, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 21-15-124, filed 7/21/21, effective 8/21/21)

**WAC 314-55-079 ((Marijuana)) Cannabis retailer license—Privileges, requirements, and fees.** (1) A ((marijuana)) cannabis retailer license allows the licensee to sell only useable marijuana, ((marijuana)) cannabis concentrates, ((marijuana-infused)) cannabis-infused products, ((marijuana)) cannabis paraphernalia, and lockable boxes to store ((marijuana)) cannabis at retail in licensed retail outlets to persons ~~((twenty-one))~~ 21 years of age and older, except as allowed for persons under ~~((twenty-one))~~ 21 years of age consistent with RCW 69.50.357 and WAC 314-55-080.

(2) The ((WSLCB)) board may accept applications for ((marijuana)) cannabis retail licenses at time frames published on its website at [www.lcb.wa.gov](http://www.lcb.wa.gov). Using estimated consumption data and population data obtained from the office of financial management (OFM) population data, the ((WSLCB)) board will determine the maximum number of ((marijuana)) cannabis retail locations per county.

(a) The number of retail locations will be determined using a method that distributes the number of locations proportionate to the most populous cities within each county and to accommodate the medical needs of qualifying patients and designated providers. Locations not assigned to a specific city will be at large. At large locations can be used for unincorporated areas in the county or in cities within the county that have no retail licenses designated.

Consistent with WAC 314-55-570 (4) (d), social equity licenses that are currently designated to specific cities may be located anywhere within the county in which the city is located. A license may not be transferred outside of that county.

(b) The number of retail licenses determined by the board can be found on the ((WSLCB)) board website at [www.lcb.wa.gov](http://www.lcb.wa.gov).

(3) Any entity and/or principals within any entity are limited to no more than five retail ((marijuana)) cannabis licenses.

**(4) Application and license fees.**

(a) The application fee for a ((marijuana)) cannabis retailer's license is ~~((two hundred fifty dollars))~~ \$250 consistent with RCW 69.50.325 (3) (a). The applicant is responsible for fees required by the approved vendor for fingerprint evaluation.

(b) The annual fee for issuance and renewal of a ((marijuana)) cannabis retailer license is ~~((one thousand three hundred eighty-one dollars))~~ \$1,381 consistent with RCW 69.50.325 (3) (a). The ((WSLCB)) board will conduct random ((~~criminal history~~)) background checks at the time of renewal that will require the licensee to submit fingerprints for evaluation from the approved vendor. The licensee is responsible for all fees required for the ((~~criminal history~~)) background checks.

(5) Internet sales and delivery of product to customers ((are)) is prohibited.

(6) Sales of ((~~marijuana-infused~~)) cannabis-infused products not permissible under WAC 314-55-077 are prohibited.

(7) ((Marijuana)) Cannabis retailers may not sell ((marijuana)) cannabis products below the current acquisition cost.

(8) All ((marijuana)) cannabis products must be stored behind a counter or other barrier to ensure a customer does not have direct access to the product.

(9) A ((marijuana)) cannabis retailer may not sell lockable boxes for less than the cost of acquisition or sell boxes received as a donation. The donation of lockable boxes must come from a person or entity that is not a licensed ((marijuana)) cannabis producer, processor, or retailer.

(10) ((Marijuana)) Cannabis retailer licensees are allowed to have a maximum of four months of their average inventory on their licensed premises at any given time.

(11) A ((marijuana)) cannabis retailer may transport product to other locations operated by the licensee or to return product to a ((marijuana)) cannabis processor as outlined in WAC 314-55-085.

(12) A ((marijuana)) cannabis retailer may accept returns of open ((marijuana)) cannabis products. Products must be returned in their



original packaging with the lot, batch, or inventory ID number fully legible.

(13) A ~~((marijuana))~~ cannabis retailer may dispose of ~~((marijuana))~~ cannabis products as provided in WAC 314-55-097.

(14) The board may take disciplinary action against any ~~((marijuana))~~ cannabis retailer that fails to comply with the provisions of WAC 246-80-021.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 21-15-124, § 314-55-079, filed 7/21/21, effective 8/21/21. Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-079, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342, 69.50.345, 2016 c 170, 2016 c 171, and 2016 c 17. WSR 16-19-102, § 314-55-079, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-079, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-079, filed 5/20/15, effective 6/20/15; WSR 14-10-044, § 314-55-079, filed 4/30/14, effective 5/31/14. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-079, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

**WAC 314-55-082 Insurance requirements.** ~~((Marijuana))~~ Cannabis licensees must obtain insurance coverage ~~((as set out in this section. The intent of the required)).~~ Insurance is required to protect the consumer ~~((should there be))~~ if any claims, suits, actions, costs, damages or expenses ~~((arising))~~ arise from any negligent or intentional act or omission of the ~~((marijuana))~~ cannabis licensees. ~~((Marijuana))~~ Cannabis licensees ~~((shall furnish evidence in the form of))~~ will provide the board with a certificate of insurance ~~((satisfactory to the WSLCB that insurance, in))~~ demonstrating that the following ~~((kinds and minimum amounts, has been secured. Failure to provide proof of insurance, as required, may result in license cancellation.))~~ types and minimum amounts of insurance have been obtained:

(1) Commercial general liability insurance: The licensee ~~((shall at all times))~~ must carry and maintain commercial general liability insurance or commercial umbrella insurance for bodily injury and property damage arising out of licensed activities at all times. The limits of liability insurance ~~((shall))~~ will not be less than ~~((one million dollars))~~ \$1,000,000. Upon board request, a licensee must provide proof of insurance.

(a) This insurance ~~((shall))~~ must cover such claims as may be caused by any act, omission, or negligence of the licensee or its officers, agents, representatives, assigns, or servants.

(b) The insurance ~~((shall))~~ must also cover bodily injury, including disease, illness and death, and property damage arising out of the licensee's premises/operations, products, and personal injury.

(2) Insurance carrier rating: The insurance required in subsection (1) of this section ~~((shall))~~ must be issued by an insurance company authorized to do business within the state of Washington. Insurance is to be placed with a carrier that has a rating of A - Class VII or better in the most recently published edition of *Best's Reports*. If an insurer is not admitted, all insurance policies and procedures for

issuing the insurance policies must comply with chapters 48.15 RCW and 284-15 WAC.

(3) Additional insured. The state and its employees, agents, and volunteers shall be named as an additional insured on insurance policies required under this section. All policies shall be primary over any other valid and collectable insurance.

(4) Failure to maintain or provide proof of insurance as required may result in license cancellation.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-082, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-082, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-082, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

**WAC 314-55-110** (~~(What are my responsibilities as a marijuana licensee?)~~) Licensee responsibilities. (1) ((~~Marijuana~~)) Cannabis licensees are responsible for the operation of their licensed business in compliance with the ((~~marijuana~~)) cannabis laws and rules of the ((~~WSLCB~~)) board, chapters 69.50 and 69.51A RCW, 314-55 WAC, and any other applicable state laws and rules.

(2) The penalties for violations of ((~~marijuana~~)) cannabis laws or rules are in WAC ((~~314-55-515~~)) 314-55-509 through ((~~314-55-535~~)) 314-55-525, as now or hereafter amended. The rules also outline aggravating and mitigating circumstances that may affect what penalty is applied if a licensee or employee ((~~violates a marijuana~~)) does not comply with a cannabis law or rule.

(3) Licensees and their employees must conduct the business and maintain the licensed premises, surrounding area, and vehicles transporting product, in compliance with the following laws, as they now exist or may later be amended:

(a) Titles 9 and 9A RCW, the criminal code;

(b) Title 66 RCW, the liquor laws;

(c) Chapters 70.155, 70.345, 82.24, and 82.26 RCW and RCW 26.28.080, the tobacco laws;

(d) Chapter 69.50 RCW, the uniform controlled substances laws;

and

(e) Chapter 69.51A RCW, the medical ((~~marijuana~~)) cannabis laws.

(4) Licensees ((~~have the responsibility to~~)) must control their conduct and the conduct of employees, customers, and visitors on the licensed premises at all times. Except as otherwise provided by law, licensees or employees may not:

(a) Be disorderly or apparently intoxicated by liquor, marijuana, or controlled substances on the licensed premises;

(b) Permit any disorderly person to remain on the licensed premises;

(c) Engage in or allow behavior on the licensed premises ((~~that provokes conduct which presents~~)) that is a threat to public safety;

(d) Engage, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Title 9, 9A, or 66 RCW, or chapters 69.50 and 69.51A RCW;

(e) Engage in or permit any employee or other person to engage in the consumption of any type of (~~marijuana, usable marijuana, marijuana~~) cannabis, usable cannabis, cannabis concentrate, or (~~marijuana-infused~~) cannabis-infused product on the licensed premises.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-110, filed 5/18/16, effective 6/18/16.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

**WAC 314-55-120 Ownership changes.** (1) Licensees must receive prior board approval before making any of the following ownership changes (see WAC 314-55-035 for the definition of "true party of interest"):

Type of change	Type of application	Fee
Change in the true parties of interest or owners in a: Sole proprietorship, general partnership, limited partnership, or limited liability partnership.	New application.	Application fee and annual fee for current license privilege.
Change in the true parties of interest or owners for a publicly or privately held corporation. The board will waive the fee for a corporate change when the proposed change consists solely of dropping an approved officer.	Application for change in corporate officer and/or stockholder.	\$75
Change in the true parties of interest or owners in a limited liability company.	Application for change of limited liability company member and/or manager.	\$75
Accepting additional funds from a new or previously approved financier.	Added financier.	\$75

(2) Licensees must notify the ((WSLCB)) board if there are any changes to marital status of any true party of interest in the license.

(3) The ((WSLCB)) board may inquire into all matters in connection with any ((such)) sale of stock/units or proposed change in officers/members.

(4) If the ((WSLCB)) board receives an application to change the ownership structure of a licensee, the application will be withdrawn unless one or more of the following is submitted:

- (a) Proof that the party being removed was notified that they were being removed and they did not object within ~~((ninety))~~ 90 days;
- (b) Signed documentation from the true party of interest being removed for the licensed entity that they agree with the removal; or
- (c) A final court document removing them.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-120, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-120, filed 5/18/16, effective 6/18/16. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-120, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

**WAC 314-55-125 Change of location.** (1) Changing a ~~((marijuana))~~ cannabis license to a new location requires a change request application to the ~~((WSLCB, per the process outlined))~~ board and initiated through business licensing services, as described in WAC 314-55-020. ~~((WSLCB))~~ Board approval for change request applications must be obtained prior to any change of location of the licensed business.

(2) A change of location occurs any time a move by the licensee results in any change to the physical location address.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-125, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-125, filed 10/21/13, effective 11/21/13.]

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

**WAC 314-55-137 Receiverships. (1) Service and notice.**

(a) Any person who files any receivership or trustee action involving any ~~((marijuana))~~ cannabis licensee must serve ~~((WSLCB))~~ the board with original notice of the action. Service is accomplished by delivery of the original notice of action to ~~((WSLCB))~~ the board through one of the following methods:

(i) Delivery to the board at~~((: 3000 Pacific))~~ 1025 Union Avenue S.E., Olympia, WA ~~((98501,))~~ 98504; or

(ii) Mailed to the ~~((WSLCB))~~ board. Mailed notice must be addressed to: WSLCB, ATTN: Licensing - Receiverships, P.O. Box 43076, Olympia, WA 98504-3076 or, for certified mail, WSLCB, ATTN: Licensing - Receiverships, ~~((3000 Pacific))~~ 1025 Union Avenue S.E., Olympia, WA ~~((98501))~~ 98504; or

(iii) Electronic delivery to the board at [licensingappeals@lcb.wa.gov](mailto:licensingappeals@lcb.wa.gov).

(b) The board will find a licensee compliant with this section only if ~~((WSLCB))~~ it receives original notice of the action and the receiver is selected ~~((in accordance with WSLCB's requirements will~~

WSLCB treat the licensee as compliant with this section)) consistent with board requirements.

(2) **The role of a receiver when a licensee is placed in receivership.** If a ((marijuana)) cannabis licensee is placed under receivership, the receiver:

(a) Upon compliance with the requirements ((set forth below)) listed in this section, the receiver may operate the licensee's business during the receivership period;

(b) The receiver assumes all licensee reporting responsibilities under this chapter including, but not limited to, full responsibility for maintaining records and entries into the traceability system maintained by the ((WSLCB)) board; and

(c) The receiver is required to comply with all applicable laws under chapter 69.50 RCW and rules in this chapter including, but not limited to, the responsibilities of ((marijuana)) cannabis licensees set forth in WAC 314-55-110.

(d) Failure to abide by the requirements set forth in chapter 69.50 RCW and this chapter as specified in this subsection may result in enforcement action against the license under chapter 69.50 RCW and rules under this chapter and may result in the receiver being disqualified to act as a receiver by the ((WSLCB)) board.

(3) **Who may serve as a receiver.** Any person who meets the requirements of chapter 7.60 RCW and the following additional requirements may serve as a receiver for a cannabis business:

(a) Is currently in ((active status)) good standing on the preapproved receiver list maintained by the ((WSLCB)) board; or

(b) Is approved by the ((WSLCB)) board under the requirements in subsection (5) of this section to serve as a receiver of a ((marijuana)) cannabis licensee.

(4) **Qualifying for the ((WSLCB's)) board's preapproved receiver list.**

(a) The following requirements must be met to qualify for the ((WSLCB's)) board's preapproved receiver list:

(i) Submit a complete receiver application with the ((WSLCB)) board;

(ii) Be a Washington state resident for at least six months prior to the application for preapproval as a receiver and maintain residency throughout the term of the receivership;

(iii) Submit to and pass a criminal background check;

(iv) Provide any financial disclosures requested by the ((WSLCB)) board; and

(v) Disclose any interests the person has in any ((marijuana)) cannabis licensee(s).

(b) Review and qualification requirements in this subsection only apply to persons or entities actively participating in the management of the receivership and do not apply to spouses of those persons or persons involved in a business entity or fellow members of a business entity that are not actively involved in the management of the receivership.

(c) A receiver placed on the preapproved receiver list maintained by the ((WSLCB)) board must annually update all information and disclosures required under this subsection to remain eligible to act as a receiver and be on the preapproved receiver list. Annual updates must be made one calendar year after the date the receiver is approved.

(5) **Appointing a receiver who is not preapproved by the WSLCB.**

(a) Within two days of filing of any action to appoint a receiver, a proposed receiver must:

- (i) Submit a complete application with the ((WSLCB)) board to serve as receiver for the licensee;
- (ii) Be a Washington resident for six months prior to appointment as a receiver and maintain residency throughout the term of the receivership;
- (iii) Submit to and pass a criminal background check;
- (iv) Provide any financial disclosures requested by the WSLCB;
- and
- (v) Disclose any interest the proposed receiver has in any ((~~marijuana~~) cannabis) licensee(s).
- (b) Review and qualification requirements in this subsection only apply to persons or entities actively participating in the management of the receivership and do not apply to spouses of those persons or persons involved in a business entity or fellow members of a business entity that are not actively involved in the management of the receivership.
- (c) If the proposed receiver is denied approval by ((WSLCB)) the board at any time, a substitute receiver may be proposed for ((WSLCB)) board approval. The substitute receiver must provide all information required by this subsection.
- (d) If the proposed receiver is not approved by ((WSLCB)) the board at the time the receiver is appointed by the court, the receiver will not be considered compliant with this section, and may be subject to penalty under chapter 69.50 RCW, or as provided in this chapter and may result in the receiver being disqualified to act as a receiver by the ((WSLCB)) board.

**(6) Limitations on a person's ability to serve as a receiver.**

(a) As operators and controllers of licensed ((~~marijuana~~) cannabis) establishments, receivers are subject to the same limits as licensees or any other person. Those limits include, but are not limited to:

- (i) No person serving as a receiver of a licensed ((~~marijuana~~) cannabis) producer or licensed ((~~marijuana~~) cannabis) processor shall have a financial interest in, or simultaneously serve as a receiver for, a licensed ((~~marijuana~~) cannabis) retailer; and
- (ii) No person shall serve as a receiver for, or be a true party of interest in, more than five ((~~marijuana~~) cannabis) retail licensees or more than three ((~~marijuana~~) cannabis) producer, processor, or producer/processor licensees at the same time.
- (b) If the ((WSLCB)) board determines that a receiver is violating or has violated the restrictions in this subsection, the receiver may be disqualified to act as a receiver by the ((WSLCB)) board.

[Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-137, filed 10/31/18, effective 12/1/18.]

**OTS-3707.3**

NEW SECTION

**WAC 314-55-570 Social equity in cannabis program. (1) Definitions.**

(a) **"Disproportionately impacted area (DIA)"** means a census tract within Washington state where community members were more likely to be impacted by the war on drugs. These areas are determined using a standardized statistical equation to identify areas of high unemployment, low income, and demographic indicators consistent with populations most impacted by the war on drugs, including areas with higher rates of arrest for drug charges. The board will provide maps to identify disproportionately impacted areas. The maps will reflect census tracts from different time periods to account for gentrification.

(b) **"Family member"** means:

(i) A biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the applicant stands in loco parentis (in place of the parent), is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(ii) Grandchild, grandparent, parent, or sibling of a child as defined in (b)(i) of this subsection;

(iii) Spouse or domestic partner;

(iv) Any individual who regularly resides in the applicant's home or where the relationship creates an expectation that the applicant care for the person and that individual depends on the applicant for care, or that the individual care for the applicant and that the applicant depends on the individual for care.

(c) **"Median household income"** means the most recent median household income within the state of Washington as calculated by the United States Census Bureau.

(d) **"Person"** means a real human being, distinguished from a corporation, company, or other business entity.

(e) **"Preliminary letter of approval"** means an approval letter issued to a social equity program applicant for purposes of securing a grant from the department of commerce and a location and other necessities to complete the licensing process.

(f) **"Social equity program applicant"** means a person(s) who meets the requirements of the social equity program.

(g) **"Social equity contractor"** means a third party responsible to review and score social equity program applications.

(h) **"Social equity licensee"** means a person or entity that holds a social equity cannabis license or any person or entity who is a true party of interest in a social equity in cannabis license as described in WAC 314-55-035.

(i) **"Social equity plan"** means a plan that addresses the following elements including, but not limited to:

(i) A description of how issuing a cannabis retail license to the social equity applicant will meet social equity goals as described in statute;

(ii) The social equity applicant's personal or family history with the criminal justice system, including any offenses involving cannabis; and

(iii) Business plans involving partnerships or assistance to organizations or residents with connections or contributions to populations with a history of high rates of enforcement of cannabis prohibition.

(j) **"Social equity title certificate holder"** means a cannabis retail license title certificate holder that meets the requirements of a social equity program applicant as determined by the social equity contractor, and is unable to open for business in the city or county where the cannabis retail license is located.

(2) **Social equity applicant requirements.**

(a) To be considered for the social equity program under this chapter and RCW 69.50.335, the following requirements must be met by each applicant:

(b) At least a 51 percent majority, or controlling interest, in the applicant, must be held by a person, or persons, who has or have resided in Washington state for six months prior to the application date, consistent with RCW 69.50.331, and meets at least two of the following qualifications:

(i) **Qualification 1:** The social equity applicant or applicants have lived in a disproportionately impacted area in Washington state for a minimum of five years between 1980 and 2010; or

(ii) **Qualification 2:** The social equity applicant or a family member of the applicant has been arrested or convicted of a cannabis offense; or

(iii) **Qualification 3:** The social equity applicant's household income in the year prior to submitting the application was less than the median household income within the state of Washington as calculated by the United States Census Bureau.

(3) **Social equity application process.**

(a) **Application window.**

(i) The board will open the application window for an initial period of 30 calendar days.

(ii) At its sole discretion, the board may reopen the application window:

(A) After initial evaluation of applications is received and locations are still available; or

(B) If additional allotments become available after the initial application window has closed pursuant to RCW 69.50.335.

(b) **Initial application requirements.**

(i) The social equity application must be submitted electronically through the department of revenue's business licensing online application system.

(ii) The social equity applicant must apply to the department of revenue's business licensing service within the 30-day application window. All required information must be completed on the application and payment must be submitted within the 30-day application window for the application to be accepted.

(iii) The social equity applicant, whether applying as a person, persons, or entity, may apply for a cannabis license only once during each application window described in subsection (4)(c) of this section.

(iv) An application to reinstate the license of a social equity title certificate holder will not be considered a new social equity license application. The social equity title certificate holder may submit an application for a social equity license and an application to reinstate their existing license through the social equity program.

(v) A location address is not required at the time of application.

(c) **Social equity contractor review.** Once the application window is closed, the social equity contractor will evaluate and prioritize all applications received within the 30-day application window.

(i) The social equity applicant must select one county where they wish to operate their business and notify the social equity contractor of their selection in the form and manner required by the social equity contractor.

(ii) The social equity applicant must submit documentation verifying the eligibility requirements described in (c)(D)(viii) of this



subsection to the social equity contractor in the form and manner required by the social equity contractor.

(iii) Examples of documentation that may verify eligibility requirements include, but are not limited to:

(A) School records, rental agreements, utility bills, mortgage statements, loan documents, bank records, or tax returns that show the applicant's address(es), or a signed declaration that includes the applicant's address(es) indicating that the applicant resided in a DIA; or

(B) The applicant's arrest or conviction records, or family member's arrest or conviction records and an affirmation of the familial relationship signed by the applicant and the family member; or

(C) The applicant's tax returns demonstrating their income for the prior year; or

(D) Any other documentation that verifies the eligibility requirements described in (c)(D)(viii) of this subsection.

(iv) If additional materials are needed, the social equity applicant will receive a letter electronically from the social equity contractor directing the applicant to submit additional application materials directly to the social equity contractor.

(v) The social equity applicant must submit complete and accurate additional application materials directly to the social equity contractor within 15 business days of the date of the letter. It is the responsibility of the social equity applicant to comply with the application requirements in this section and ensure the application is complete, accurate, and successfully submitted to the social equity contractor.

(vi) If the application is determined to be incomplete by the social equity contractor, the social equity applicant will be provided with 14 days to submit a complete application. The social equity contractor will score the application based on the materials submitted within the time frame.

(vii) The social equity contractor will review the application materials, including the social equity plan provided by the social equity applicant to determine if the applicant meets the requirements of a social equity applicant.

(viii) After the social equity contractor determines that the requirements have been met, the social equity contractor will score social equity applications using the following scoring rubric to prioritize social equity applicants:

Social Equity Application Scoring Rubric		
Category	Eligibility Requirements	Point Scale
	1. Lived in a disproportionately impacted area (DIA)	40
	1a. How long have you lived in a DIA? 5y-10y = 10 points 10+ years = 20 points	40
	2. Convicted of a drug offense? (Self)	10
	2a. Convicted of a cannabis offense? (Self)	40
	3. Convicted of a drug offense? (Family)	5
	3a. Convicted of a cannabis offense? (Family)	5
	4. If you were convicted of a cannabis offense, what type of sentence did you receive: Fine = 10 points Served probation = 20 points Confined to home = 40 points Served time in jail or prison = 80 points	80
	5. Did you or your family member's incarceration keep you from getting employment?	5
	6. Did you lose your home or ability to purchase a home or rent a home as a result of your convictions or arrests?	5
	7. Is your household income less than the median household income within the state of Washington as calculated by the United States Census Bureau?	40
	8. Did you own or operate a medical cannabis dispensary or collective garden, licensed as a business, prior to July 1, 2016 (10 points)?  or Did you own and operate a medical cannabis dispensary or collective garden licensed as a business in a DIA (30 points)?	10  30 in a DIA
	9. Have you held or do you currently hold 51 percent majority/controlling interest of a state cannabis (marijuana) retailer license? No = 10 points Yes = 0 points	10
	<b>Total Points</b>	<b>310 points</b>

(ix) The social equity contractor will provide the board with a list of eligible and scored social equity applicants.

(x) Neither the social equity contractor nor its employees shall benefit from any license or licenses granted as a result of their review.

(d) (i) **Board review.** Social equity applicants that are scored highest by the social equity contractor within the county selected by the social equity applicant will be processed by the board.

(ii) In the event of a tie, the board will use a double blind lottery conducted by an independent third party to identify the application(s) that will be processed.

(e) **Preliminary letter of approval.** Once the social equity applications that will be processed are identified as described in this section, eligible social equity applicants will be issued a preliminary letter of approval.

(4) **Additional provisions.**

(a) **Time restrictions.** There are no time restrictions for a social equity applicant to select and secure a location.

(b) **Ownership changes.** Social equity applicants may not make ownership changes to an application after the application has been reviewed, scored, and prioritized by the social equity contractor.

(c) **Social equity applicants may apply for a social equity license once per application window.** If a social equity applicant ap-

plies more than once, the board will accept only the first application.

(d) **License mobility.** Social equity licenses that are currently designated to specific cities may be located anywhere within the county in which the city is located. However, the license may not be transferred outside of that county.

(e) **Qualifying for the social equity program will not result in or guarantee cannabis business license approval.** Social equity applicants must meet all license qualifications in WAC 314-55-077 and this chapter to receive a license.

(f) **License transfer and assumption.** Licenses awarded under this section may not be transferred or assumed within the first year of the license being issued. Licenses awarded under this section may only be transferred to or assumed by individuals or groups of individuals who meet the definition of a social equity program applicant for a period of five years from the date of the initial license was approved.

(5) **Social equity title certificate holders.** A title certificate holder that meets the requirements of a social equity program applicant as determined by the social equity contractor may reinstate their retail cannabis license anywhere within the county that they hold their title certificate.

(6) **Application withdrawal.** The board will withdraw a social equity application if:

(a) The social equity program application or additional materials are determined to be incomplete or incorrect by the social equity contractor;

(b) The social equity program application materials are not timely received by the social equity contractor; or

(c) The social equity applicant(s) requests withdrawal of the social equity program application at any time in the application process. The social equity applicant(s) must request withdrawal in writing. The voluntary withdrawal of a social equity program application does not result in a hearing right.

[]