

WSR 21-15-088
POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 19, 2021, 4:14 p.m.]

Notice of Policy Statements

Under RCW 34.05.230, enclosed are statements regarding one new policy and one amended policy, issued by the department of labor and industries (L&I) fraud prevention and labor standards division.

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

Title: Policy ES.A.14 - *Minimum Wage Act - Employment Relationships*.

Date Issued: July 19, 2021.

Description: The new policy addresses what constitutes an employment relationship for the purposes of Washington's Minimum Wage Act. The policy provides interpretative guidance and clarification beyond the applicable statutes and rules. The guidance in this policy will help employers and employees understand who is an employer and who is liable for providing employees with their entitlements under the Minimum Wage Act.

Contact: Carl Backen, 7273 Linderson Way S.W., Tumwater, WA 98501, Mailstop 4510, 360-902-5552, Carl.Backen@Lni.wa.gov.

Title: Policy ES.C.2 - *Hours Worked*.

Date Issued: July 19, 2021.

Description: The amended policy addresses what time is considered hours worked under state wage and hour law. The updates in this policy include greater clarity on travel time, on-call time, and other specific scenarios. The amended policy also signals that L&I intends to realign with the United States Department of Labor when evaluating internship relationships. The guidance in this policy will help employers understand what time spent by an employee must be considered hours worked and therefore subject to all the rights and protections granted by the state's Minimum Wage Act and Industrial Welfare Act.

Contact: Carl Backen, 7273 Linderson Way S.W., Tumwater, WA 98501, Mailstop 4510, 360-902-5552, Carl.Backen@Lni.wa.gov.

Tracy West
Rules Coordinator