

ADMINISTRATIVE POLICY



STATE OF WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES EMPLOYMENT STANDARDS

**TITLE: COMMISSIONS, PIECEWORK AND
MINIMUM WAGE REQUIREMENTS**

NUMBER: ES.C.3

REPLACES: ES-018

CHAPTER: [WAC 296-126-021](#)

ISSUED: 1/2/2002

ADMINISTRATIVE POLICY DISCLAIMER

This policy is designed to provide general information in regard to the current opinions of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Employment Standards should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Director or his or her designee.

Workers paid on a commission or piecework basis, unless otherwise exempt, i.e., outside salespersons, must receive wages at least equivalent to the applicable minimum wage. To determine whether commission or piecework employees have received minimum wage, the following rules are applied:

1. [WAC 296-126-021\(1\)](#): Wages earned in each workweek period may be credited as part of the total wage for the period.
2. [WAC 296-126-021\(2\)](#): To obtain the regular rate of pay, the total earnings for the pay period are to be divided by the total hours worked in that period.
3. If the regular rate for the pay period is less than the minimum hourly wage, the employer must pay the difference to comply with the Minimum Wage Act. [See ES.A.1](#) for discussion on minimum wage requirements.