

## ADMINISTRATIVE POLICY



### STATE OF WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES EMPLOYMENT STANDARDS

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<b>TITLE:</b>	<b>EXAMPLES OF RETAIL SALES AND SERVICE ESTABLISHMENTS</b>	<b>NUMBER:</b>	<b>ES.A.10.3</b>
		<b>SEE ALSO:</b>	<a href="#"><u>ES.A.10.1</u></a> <a href="#"><u>ES.A.10.2</u></a>
<b>CHAPTER:</b>	<a href="#"><u>RCW 49.46.130</u></a> (3)	<b>ISSUED:</b>	<b>1/2/2002</b>

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#### 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 This document will remain in effect until rescinded, modified, or withdrawn by the Director or his or her designee.

#### **Partial list of establishments whose sales or service may be recognized as retail:**

- Antique shops
- Automobile dealers'
- Automobile repair shops
- Barber shops
- Beauty shops
- Bicycle shops
- Billiard parlors
- Book stores
- Bowling alleys
- Butcher shops
- Cafeterias
- Cemeteries
- China and glassware stores
- Cigar stores
- Clothing stores
- Confectionery stores
- Delicatessens
- Department stores
- Drapery stores
- Dress-suit rental

Drug stores  
Dry goods stores  
Farm implement dealers  
Filling stations  
Floor covering stores  
Florists  
Funeral homes  
Furniture stores  
Gift, novelty and souvenir shops  
Grocery stores  
Hardware stores  
Hotels  
Household appliance stores  
Household furniture storage and moving  
Infants' wear shops  
Jewelry stores  
Luggage stores  
Lumber yards  
Musical instrument stores and repair shops  
Newsstands  
Paint stores  
Public parking lots  
Photographic supply and camera shops  
Public garages  
Reducing establishments  
Restaurants  
Shoe repair shops  
Sporting goods stores  
Stationery stores  
Taxidermists  
Theatres  
Variety shops  
Watch, clock and jewelry repair

There are types of establishments in industries where it is not readily apparent whether a retail concept exists and whether or not the exemption can apply. It, therefore, is not possible to give a complete list of the types of establishments that have no retail concept. It is possible, however, to give a partial list of establishments to which the retail concept does not apply.

**Partial list of establishments lacking retail sales or service concept:**

Accounting firms.  
Adjustment and credit bureaus and collection agencies.  
Advertising agencies including billboard advertising.  
Air-conditioning and heating systems contractors.  
Aircraft and aeronautical equipment

Airplane crop dusting, spraying and seeding firms.  
Airports, airport servicing firms and fixed base operators.  
Ambulance service companies.  
Apartment houses.  
Armored car companies.  
Art; commercial art firms.  
Auction houses  
Auto-wreckers' and junk dealers' (these typically sell for resale.)  
Automatic vending machinery;  
Banks (both commercial and savings).  
Barber and beauty parlor equipment;  
Blacksmiths; industrial.  
Blue printing and photostating.  
Booking agencies for actors and concert artists.  
Bottling and bottling equipment and canning machinery  
Broadcasting companies.  
Brokers, custom house; freight brokers; insurance brokers, stock or commodity brokers.  
Building and loan associations.  
Building contractors.  
Burglar alarms; furnishing, installing and repairing for commercial establishments.  
Burial associations.  
Butchers' equipment.  
Chambers of Commerce.  
Chemical equipment.  
Clubs and fraternal organizations with a select or restricted membership.  
Common and contract carriers; providing services, fuel, equipment, or other goods or facilities for the operation of such carriers.  
Common carrier stations and terminals.  
Construction contractors.  
Contract Post Offices.  
Credit companies, including small loan and personal loan companies.  
Credit rating agencies.  
Dentists' offices.  
Dentists supply and equipment.  
Detective agencies.  
Doctors' offices.  
Dry cleaners.  
Drydock companies.  
Drydock.  
Dye houses, commercial.  
Duplicating, addressing, mailing, mail listings, and letter stuffing.  
Educational institutions.  
Electric and gas utilities.  
Electric signs; making, installing and servicing.  
Elevators; repairing.  
Employment Agencies.

Engineering firms.

Filling station equipment.

Finance companies.

Flying schools.

Gambling establishments.

Geological surveys.

Heating and air conditioning systems contractors.

Hospital equipment, e.g., surgical instruments, x-ray machines.

Insurance; mutual, stock, including insurance brokers, agents, and claims adjustment offices.

Income tax return preparers.

Investment counseling firms.

Jewelers' equipment.

Job efficiency checking and rating.

Labor unions.

Laboratory equipment.

Landscaping contractors.

Laundries.

Laundry equipment.

Lawyers' offices.

Legal firms engaged in compiling and distributing information regarding legal developments.

License and legal document service firms.

Loan offices (see credit companies).

Loft buildings or office buildings; renting and maintenance of.

Machinery and equipment, including tools--selling or servicing of construction, mining, manufacturing and industrial machinery, equipment and tools.

Medical and dental clinics.

Medical and dental laboratories.

Medical and dental laboratory supplies.

Messenger; firms engaged in furnishing commercial messenger service.

Newspaper and magazine publishers.

Oil well drilling; companies engaged in contract oil well drilling.

Oil well surveying firms.

Packing companies engaged in slaughtering livestock.

Painting contractors.

Pharmacists' supplies.

Photography, commercial.

Plumbers' equipment.

Plumbing contractors.

Press clipping bureaus.

Printers' and lithographers' supplies.

Printing and binding establishments.

Protection and shopping services for industry; supplying services.

Radio and television broadcasting stations and studios.

Ready-mix concrete suppliers.  
Real estate companies.  
Roofing contractors.  
Schools (all excluded) .  
School supply distributors.  
Security dealers.  
Sheet metal contractors.  
Ship equipment, commercial.  
Shopping analysts services.  
Siding and insulation contractors.  
Sign-painting shops.  
Special trade contractors (construction industry).  
Stamp and coupon redemption stores.  
Statistical reporting, business and financial data; furnishing.  
Store equipment.  
Tax services.  
Telegraph and cable companies.  
Telephone companies.  
Telephone answer service.  
Title and abstract companies.  
Toll bridge companies.  
Trade associations.  
Transportation equipment, commercial.  
Transportation companies.  
Travel agencies.  
Tree removal firms.  
Truck stop establishments.  
Trust companies.  
Undertakers' supplies.  
Warehouse companies; commercial or industrial.  
Warehouses equipment and supplies.  
Waste removal contractors.  
Watchmen, guards and detectives for industries.  
Water supply companies.  
Water well drilling contractors.  
Window displays.  
Wrecking contractors.