



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES  
EMPLOYMENT STANDARDS

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<b>TITLE:</b>	<b>MORE FAVORABLE LAWS</b>	<b>NUMBER:</b>	<b>ES.A.7</b>
<b>CHAPTER:</b>	<a href="#">RCW 49.46.120</a>	<b>REPLACES:</b>	<b>ES-012</b>
		<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 This document will remain in effect until rescinded, modified, or withdrawn by the Director or his or her designee.

## **When is federal law applied over state law?**

If there are differences between federal and state laws or rules governing wages, hours and working conditions, the standard more favorable or more protective to the employee is applied. Individuals with questions regarding whether federal labor law provides more favorable standards must obtain clarification of the [Fair Labor Standards Act \(FLSA\)](#) from the United States Department of Labor.

Examples of more protective standards in federal law include compensatory time agreements and overtime for workers who reside or sleep on the employer's premises. For example, under federal law, compensatory time agreements in lieu of premium pay are not allowed in private sector businesses. Employees must be paid in wages for all overtime work. Additionally, under federal law, individuals who are required to sleep or reside at their place of business may be subject to minimum wages and overtime pay.