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.