

Potential future rulemaking: tutoring services

Under consideration

Amend classification 5301, so that subclassification 5301-21, *Word processing or secretarial services*, includes tutoring services.

Reasons for rulemaking

Tutoring services was reviewed due to a concern that there is some inconsistency in classifying tutoring services.

Findings include:

- Most tutoring firms are classified with the standard exception classifications 4904 and 6303; others are classified as schools with paired classifications 6103 and 6104, and a small number are already classified in risk classification 5301, professional services.
- What data there is suggests tutoring is low hazard work, and site visits found that there is little physical activity associated with tutoring; most tutors just sit at a table with one to three students.
- Tutors sometimes have exposure to the operative hazards of the business. This may include stocking supplies, cleaning the facility, and doing outreach. These exposures preclude reporting the tutors in either special exception classification 4904 or 6303.
- Risk classification 5301 is a low rated classification that allows exposure to the operative hazards. It is also administratively simple for employers, since it requires no tracking or division of worker hours.

Background

From 1995 to 1998, tutoring was classified in standard exception subclassifications 4904-19, if at a single location, and 6303-22 for tutors with travel requirements. In 1998, these subclassifications were consolidated into office workers, 4904-00, and outside sales workers, 6303-00. Both classifications 4904 and 6303 are standard exception (restricted) classifications that do not allow any exposure to general hazards associated with a business. These classifications are supposed to be limited to working in a business office or meeting clients away from the business. See WAC 296-17-31018, Exception classifications, for more detail.

Businesses affected by the rule change

The only firms significantly impacted by the changes considered here will be the tutoring services. All of the risk classifications currently assigned include many hours, and will not likely register any overall change in base rates because tutoring firms are reclassified.

For tutoring firms:

- We expect that close to half of all tutoring services firms, those that report only in classification 4904, will see about an increase of about three cents per hour, or 20 percent (estimated using the 2016 base rating) if tutoring services are classified 5301.

- The other half of tutoring reporting (classifications 6303, 6103, or 6104) will have at least an eight cent an hour (estimated using the 2016 base rating) reduction in rates.

Classification	2016 Base Rate
4904	\$0.1449 per hour
5301	\$0.1755 per hour
6303	\$0.2560 per hour
6103	\$0.3132 per hour
6104	\$1.2077 per hour

Rulemaking Timeline

If the agency decides to proceed with rulemaking, the changes will become effective January 1, 2018.

Staff contact

Richard Bredeson (360)902-4985
Richard.Bredeson@Lni.wa.gov