

**WAC 296-17-31016 Classification by analogy. How do you determine what classification(s) to assign to a business if the type of business is not specifically noted in the classification plan?**

Because technologies and processes continually evolve, sometimes new types of businesses are not yet specifically identified in our classification plan. Under these circumstances, we continue to classify by the nature of an employer's business.

Department staff review the combined overall operations and occupations of the business to determine the nature of the business. Once we have determined the nature of business, we look for other businesses that have similar processes, use similar equipment, and whose operations are likely to produce the same level of risk as the new business. This is called classifying by analogy.

**Example:** When indoor simulated golf was first introduced as a business model in Washington state, this type of business was not yet identified by our classification plan. Because the operations of indoor simulated golf take place indoors and rely on computer regulated screens operating within individual cubicles, the nature of business was determined to be significantly different than that of golf courses, driving ranges, and miniature golf. By analogy, the department determined the combined overall operations of indoor simulated golf aligned more closely to those of casinos and billiard halls than to any other golfing enterprise, and classified accordingly.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 16-14-085, § 296-17-31016, filed 7/5/16, effective 1/1/17. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-31016, filed 8/28/98, effective 10/1/98.]