STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
GOLDEN GATE AVENUE
FRANCISCO, CALIFORNIA 94102

GEORGE DEUKMEJIAN, Governor

1985.02.14

ADDRESS REPLY TO:
P.O. BOX 603
San Francisco, CA 94102

IN REPLY REFER TO

February 14, 1985

INFORMATION COPY

Donald G. Walters
Regional Accounting Manager
Play Mate Resort Marinas
10300 Bridge Bay Road
Redding, CA 96003

Re: Applicability of IWC Orders
on Federal Property

Dear Sir:

Mr. Albert Reyff, Chief Deputy Labor Commissioner, has asked me to respond to your correspondence of February 6, 1985, which asks for a ruling on whether or not your firm must meet the requirements of the California Industrial Welfare Commission Orders.

The answer is yes.

In the first place, the Fair Labor Standards Act provides that an employer must meet the obligations of that Act or any state law on the subject, whichever is the more strict. The California IWC Orders provide far more benefits to the employee than does the FLSA. For that reason, the overtime requirements of the IWC Orders must be followed. The excerpt you attach would only be applicable in states which have not adopted minimum wage and overtime requirements as strict as the FLSA.

I attach hereto a copy of 16 USC §480 which is self-explanatory. The fact that you have a business situated on Federal National Forest land does not deprive the State of California of jurisdiction to enforce its laws, nor absolve your firm of its obligations under those laws.

The United States Supreme Court in the case of United States v. County of Fresno (1977) 97 S.Ct. 699, stated:

> "Pursuant to 16 USC § 480, the States retain civil and criminal jurisdiction over the national forests notwithstanding the fact that the national forests are owned by the Federal Government."

I hope this adequately sets out the laws on the subject. If you have any further questions, please feel free to call.

Very truly yours,

H. THOMAS CADELL, JR.
Senior Counsel

c.c. Al Reyff
plymt