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NATIONAL LAW REVIEW

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## U.S. Supreme Court Unanimous: No Access to California Wage-and-Hour Laws for OCS Platform Worker

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Monday, June 17, 2019

In a unanimous decision, the U.S. Supreme Court held that an outer continental shelf (OCS) drilling platform worker could not claim under California state wage-and-hour laws. [\*Parker Drilling v. Newton\*](#), No. 18-389 (June 10, 2019).

Newton, the plaintiff, did not receive pay for standby time while an OCS employee, which denial was in accordance with the federal Fair Labor Standards Act. In his class action complaint, Newton alleged that California's wage-and-hour laws entitled him to standby pay, and he filed suit citing to California law. The district court rejected Newton's claim finding that California law did not supplant the FLSA as "surrogate federal law." The Ninth Circuit reversed, finding that the two were not "inconsistent," creating conflict with the Fifth Circuit on the standard for determining when two laws were incompatible on the OCS.

The U.S. Supreme Court reversed and remanded. After "applying familiar tools of statutory interpretation" (text, structure, history and Court precedent), Justice Thomas reasoned that state laws can be "applicable and not inconsistent with" federal law "only if the Federal law does not address the relevant issue." This standard favors application of federal law on the OCS "as an exclusive federal enclave," and rejected a more liberal preemption standard employed by the Ninth Circuit. Because the Court found that the FLSA does address compensation for standby time and minimum-wage issues of drilling platform workers, the federal FLSA applied. The Court's decision in *Parker Drilling* stands with a recently growing line of business-friendly outcomes.

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Article By  
[William K. Enger](#)  
[Wilson Elser Moskowitz Edelman & Dicker LLP](#)  
[Insights Labor & Employment](#)  
[Utilities & Transport](#)  
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[California](#)  
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