Press Release

WASHINGTON LEGAL FOUNDATION
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WLF Urges California Supreme Court to Review Territorial Reach of California Employment Law

(*Civil Rights Department v. Space Exploration Technologies Corp.*)

"*California shouldn't be allowed to regulate employment relationships occurring across the country and around the word.*"

— Jay DeSanto, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the California Supreme Court to grant review in a case concerning the territorial reach of California's Fair Employment and Housing Act. In an amicus letter supporting SpaceX's petition for review, WLF argues that the lower court's ruling breaks from past decisions of the California Supreme Court, which has repeatedly anchored the territorial reach of the State's employment laws to whether an employee works in California.

The case stems from allegations involving a SpaceX employee who worked at the company's facility in Redmond, Washington. Although the employee lived and worked outside California, the Court of Appeal concluded that the FEHA still may apply whenever an employment relationship has "sufficient connections" to California, while leaving those connections undefined.

WLF argues that the decision below creates serious constitutional concerns under the Commerce Clause by allowing California law to regulate employment relationships beyond the State's borders. WLF also warns that, if allowed to stand, the ruling could create conflicts not only with other States but with foreign nations whose employment laws differ substantially from California's. WLF urges the California Supreme Court to grant review before the decision below becomes a recurring source of constitutional, interstate, and international friction.

Celebrating its 49th year, WLF is America's premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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