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Wage & Hour Developments

# The Ninth Circuit Clarifies When California Law Applies to Employees With Remote Workplaces

In *Bernstein v. Virgin America, Inc.*, \_\_\_ F.3d \_\_\_, 2021 WL 686281 (9th Cir. 2021), the U.S. Court of Appeals for the Ninth Circuit affirmed the application of California wage-and-hour laws to employees who worked both within and outside of the state. Prior case law established that California's wage-and-hour laws apply to non-California residents when they perform work in the state of California. In *Bernstein*, the Ninth Circuit addressed the converse question. Specifically, the decision addressed whether certain California wage-and-hour laws applied to employees who spent the majority of their working hours outside of California.

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## Wage & Hour Developments

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