


BARBARA C. DEINHARDT
DEPUTY COMMISSIONER OF LABOR FOR LEGAL AFFAIRS

March 9, 1989

TO: Richard J. Polsinello
FROM: Barbara C. Deinhardt 
SUBJECT: Local 100 v. Food Management Services, Inc.
West Point Military Academy

Your January 30, 1989 memorandum asks whether Article 6 of the Labor Law applies to employees of a private employer operating the food services at West Point under contract with the United States government.

The United States Supreme Court has held that, under the Supremacy Clause of the United States Constitution, State laws may not be enforced upon or applied to federal property unless (1) the statute in question had been enacted before the United States acquired the property, or (2) the United States has specifically agreed to permit the State to enforce the statute in question on its property. James Stewart & Co., Inc. v. Sadrakula, 309 U.S. 94 (1940); Mayo v. U.S., 319 U.S. 441 (1943). In this case, neither of these two conditions holds. Therefore, it is our opinion that we may not enforce Article 6 of the Labor Law to protect employees working on the grounds of the United States Military Academy at West Point.

cc: Blanche Cohen