

SNIFFEN & SPELLMAN, P.A.

LABOR AND EMPLOYMENT ALERT

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United States Supreme Court Addresses Oral Complaints Under the FLSA

On March 22, 2011, the United States Supreme Court issued a significant opinion that will impact employers. In Kasten v. Saint-Gobain Performance Plastics Corp. (Case No. 09-834), the Supreme Court held that the FLSA's language "filed any complaint" includes internal oral complaints. Plaintiff had claimed his termination was in retaliation for his repeated complaints about the location of the time clock, which allegedly prevented employees from being paid for the time they spent putting on and taking off work-related protective clothing. The employer received summary judgment because Plaintiff had only made oral complaints, and the District Court and 7th Circuit agreed with employer. The Supreme Court reversed, finding that oral complaints provide an employer with fair notice of an employee's claims. The Supreme Court also noted that its ruling comports with the interpretations of the language by the Secretary of Labor and the EEOC. Two justices dissented, believing the phrase "filed any complaint" was limited to the filing of complaints with a court or agency, and not to internal complaints.

The full opinion can be found at the following link: [Kasten v. Saint-Gobain Performance Plastics Corp.](#)

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