

EPRMA Brief: The Fair Labor Standards Act

Following this week's Supreme Court decision ([Kasten v. Saint-Gobain Performance Plastics Corp.](#)) in which the court sided with employees, ruling that workers can still sue if they suffer retaliation after making an oral, rather than written, complaint, we thought it might be a good time for a quick review of the Fair Labor Standards Act (FLSA).

The Act was first signed into law in 1938, and it regulates wages and hours, how much workers must be paid, the hours they can be required to work, as well as special rules applying to younger workers. Employers regulated by the FLSA include the federal government, state and local governments and companies with annual gross sales of \$500,000 or more.

Major provisions of the law include the following:

- Minimum wage—the FLSA sets the minimum wage for covered employees including special rules for employees who receive tips and for younger workers;
- Hours worked—the FLSA requires employers to pay employees for any time that benefits the employer; this includes such things as travel time during the work day;
- Child labor—the FLSA regulates the employment of workers under 18 years of age. Teenagers at least 16 can do any kind of work that is not designated as hazardous by the Secretary of Labor.

An employee who wishes to file a complaint under the FLSA can take one of two approaches. The employee can make a complaint to the Department of Labor's Wage and Hour Division, or the complainant can file a lawsuit in state or federal district court. The recent Supreme Court decision seems to make clear that an employee also can not be retaliated against for making an oral complaint while still on the job.