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Fast Times At The NLRB: The Labor Board Targets Spicoli

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As the iconic movie character Jeff Spicoli would say, “no way!” In an interesting development, the National Labor Relations Board (NLRB) has issued a complaint against a nonprofit organization led by Sean Penn – the famous actor who played Spicoli in “Fast Times at Ridgemont High” – based on some comments he made to his workers.

According to a [report from the New York Times](#), the issue started when workers at the nonprofit posted anonymous comments criticizing the long days (18 hours) and food options made available to them (doughnuts and sub sandwiches) by the organization. In response to those comments, Penn sent a letter to the workers that thanked them for their service but also remarked: “Any of us who might find themselves predisposed to a culture of complaint, have a much simpler avenue than broad-based cyber whining. It’s called quitting.” In other words, he effectively told any employee who had problems with his organization that they should leave.

The [Los Angeles Times published Penn’s letter](#) and reported on the incident. A labor lawyer saw Penn’s comments and took it upon himself to file charges with the NLRB alleging the remarks violated labor law. Apparently, the NLRB agreed, as it has issued a complaint against Penn and his organization for making “implied” threats against his employees with reprisals or discharge. The matter is set for trial in 2022 and Penn’s team has indicated it will not

settle the case.

Were Penn's comments unlawful? That's for the labor board to decide. The agency historically has [taken a hard line](#) against policies or actions by companies that could "chill" employees from speaking out about working conditions. The NLRB has held that employees are privileged to protest or criticize things like long work hours. The fact the Board now has a [pro-labor majority](#) may present even more of a challenge for Penn's legal team. We'll see if Spicoli can get himself out of this one. Stay tuned.