

## R. Brian Dixon

Senior Counsel

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## Focus Areas

Wage and Hour  
Class Actions  
Audit Services  
Hiring, Performance Management and Termination  
Policies, Procedures and Handbooks

## Overview

R. Brian Dixon provides employers with a full range of counsel and legal representation with particular expertise in all aspects of employee compensation, including:

- Minimum wage
- Prevailing wage
- Overtime compensation obligations
- Incentive compensation plans

He represents employers before state and federal courts and in compensation disputes and audits involving the Department of Labor, California's Division of Labor Standards Enforcement, and the enforcement agencies of other states and private plaintiffs. He has specific experience with:

- Title VII
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Immigration Reform and Control Act
- The Fair Labor Standards Act
- The Service Contract Act
- The Davis-Bacon Act

- The Wage Orders of California's Industrial Welfare Commission
- The California Labor Code and other state labor codes
- State case laws concerning commission and bonus plans
- State discrimination laws

His practice also includes the resolution of:

- Wrongful termination issues
- Equal employment opportunity matters
- Labor relations concerns
- Individual employee disciplinary concerns
- Class action charges involving the classification of employees as overtime exempt
- Civil penalties under the Private Attorney General Act

Brian works with a broad range of clients, including:

- Technology companies
- Hospitals
- Financial institutions
- Non-profit foundations
- Engineering companies
- Construction companies

Brian has been a shareholder in the Littler Mendelson San Francisco office since 1984 and previously served as the co-chair of the Wage and Hour Practice Group. He has authored compensation guides for many industry associations including the California Trucking Association, the California Association of Children's Homes, the California Hotel and Motel Association and the Outdoor Amusement Business Association.

## **Professional and Community Affiliations**

- Former Member, Wage Board for the Public Housekeeping Industry, California's Industrial Welfare Commission

## **Recognition**

- Named, The Best Lawyers in America®, 2017-2024

## **Education**

J.D., Stanford University, 1977

B.A., University of Rochester, 1973

## **Bar Admissions**

California

## Courts

U.S. Court of Appeals, 9th Circuit  
U.S. District Court, Northern District of California  
U.S. District Court, Eastern District of California  
U.S. District Court, Central District of California  
U.S. District Court, Southern District of California

## Publications & Press

### **California Could Revive the Industrial Welfare Commission**

*Little Insight*

June 26, 2023

### **Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers**

*Littler Press Release*

August 19, 2021

### **Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

### **Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

### **DOL Issues Three Opinion Letters Regarding Employer Designation of FMLA Leave, Bonuses to Employee Volunteers, and Compensation of Residential Janitors**

*Little Insight*

March 18, 2019

### **Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 15, 2018

### **Paying Commissions? Mind Wage-Hour Rules to Prevent Problems**

*Bloomberg BNA*

October 20, 2017

### **OT Rule Comments Show Sharp Divide On Salary Threshold**

*Law360*

September 26, 2017

**Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 17, 2017

**The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition**

*Littler Press Release*

August 16, 2016

**Employers Brace for New Overtime Rules**

*The Recorder*

May 17, 2016

**Minimum Wages, Maximum Challenges in 2016 (2017, 2018 . . .)**

*Littler Insight*

December 11, 2015

**The Future of the Minimum Wage – 2015 and Beyond**

*Today's General Counsel*

November 18, 2014

**The Future of the Minimum Wage – 2015 and Beyond**

*Littler Insight*

November 13, 2014

**Questions remain about new labor law**

*Daily Journal*

October 9, 2014

**New Wearable Devices Offer Unprecedented Employee Information, Raise Privacy Issues**

*Bloomberg BNA Human Resources Report*

May 23, 2014

**Failure to Provide Cal-OSHA-Required Recovery Periods to Avoid Heat Illness Now Results in Premium Pay – And More Class Action Litigation**

*Littler Insight*

October 18, 2013

**New California Bill Clarifies that Non-Exempt Employee Salary Covers Only Regular Non-Overtime Hours**

*Littler ASAP*

October 3, 2012

**Out of the Darkness, into the Shadows: The DLSE Further Modifies Its Interpretation of the California Wage Theft Prevention Act**

*Little Insight*

April 18, 2012

**Employers Fear Calif. Wage Theft Law May Spur Suits**

*Law360.com*

February 16, 2012

**New wage protection law remains murky to employers**

*Daily Journal*

January 13, 2012

**California's New Wage Disclosure Notice and the Wage Theft Prevention Act of 2011**

*Little Insight*

December 30, 2011

**Court Finds One Plaintiff Not Owed Reporting Time or Split Shift Pay For Scheduled Meetings and Finds Second Plaintiff Waived Claims - But Employer Denied Award of Fees!**

*Little ASAP*

December 29, 2011

**California Supreme Court Will Not Review Fixed Salary Contracts Case**

*Little ASAP*

May 20, 2011

**Agreement to Include Overtime in Salary Trumps California Labor Code (Surprise)!**

*Little ASAP*

March 3, 2011

**Mitigate or Litigate: Flexible Working and Legal Exposure**

*Little Report*

February 1, 2011

**Department of Labor Reverses Course: Mortgage Loan Officers Do Not Meet the Administrative Exemption's Requirements**

*Little Insight*

March 29, 2010

**Ninth Circuit Attempts to Navigate Through Commuting Time and Off-the-Clock Work Issues**

*Little Insight*

March 22, 2010

**The Ninth Circuit Issues Subsequent Opinion on Commuting Time and Off-the-Clock Issues**

*Little ASAP*

March 12, 2010

**Take Your Vacation. Please.**

*Corporate Counsel*

February 2010

**The Contractual Basis of Incentive Compensation Re-Emphasized: Restricted Stock in Lieu of Cash Wages Can Be Forfeited By Resignation in California**

*Little Insight*

November 11, 2009

**Brian Dixon, Steven Friedman and Gerald Hathaway Explain Key Aspects of Furlough Implementation**

*Society for Human Resource Management (SHRM)*

June 12, 2009

**California's Final Wage Payment Rules Require Special Attention**

*Legal Report*

April 2009

**Legislative Swiftware on Software Engineers: AB 10 Revises the Overtime Pay Exemption for Some California Computer Software Engineers**

*Little Insight*

October 3, 2008

**Interns: Employees or Not**

*California Lawyer*

August 1, 2008

**Total Wage and Hour Compliance: An Initiative to End the Wage and Hour Class Action War**

*Little Report*

April 21, 2008

**Prachasaisoradej v. Ralphs Grocery Company - Employers and Employees Can Share in Profits**

*Little Insight*

August 29, 2007

**Missed Meal & Rest Periods Will Cost Employers More Following California Supreme Court Decision**

*Little Insight*

April 18, 2007

**Department of Labor Issues Opinion Letter Recognizing Mortgage Loan Officers as Exempt Administrative Employees**

*Little Insight*

October 2, 2006

**Brian Dixon Points Out the Vagueness of California Law When It Comes to Designating What Constitutes as an "Employee Uniform"**

*Inside Counsel*

February 1, 2006

**Then and Now: The California Supreme Court Rules Corporate Officers and Directors Were Not Personally Liable for Non-Payment of Wages, but Individual Defendants Are Now At Risk**

*Little Insight*

August 18, 2005

**Paid Time Off for Partial Day Absences and Maintaining "Exempt" Employee Status**

*Little Insight*

February 1, 2005

**The Department of Labor's Revised White-Collar Regulations A New Focus in an Uncertain Arena**

*Little Insight*

May 30, 2004

## **Speaking Engagements**

**2020 Virtual California Employer**

November 19, 2020

**Timely Talk About Wage and Hour Law: 'Tis the Season for Updating Incentive Plans**

December 11, 2018

**Commission Plans**

Little Executive Employer, Phoenix, AZ

May 4, 2018

**The 2018 Wage and Hour Update: Employers Must Brave the Thicket of Complex Laws**

Little Executive Employer, Phoenix, AZ

May 3, 2018

**Timely Talk About Wage and Hour Law: Sales-Based Incentives (aka Commissions)**

October 12, 2017

**Wage and Hour Update: Retrenching on the Federal Level and Continued Activism on the Local Level**

May 11, 2017

**The Limits of Work Time: What is Compensable Time?**

May 5, 2016

**State-by-State Wage and Hour Headaches: What Every Multistate Employer Needs to Know**

The 2016 Executive Employer® Conference, Scottsdale, AZ

May 5, 2016

**Federal and State Initiatives, Audits, Litigation and Settlements: Preparing For and Responding to New Priorities, Enhanced Enforcement Efforts, and Aggressive Investigations by the U.S. DOL and State Equivalents**

Los Angeles, CA

September 29, 2014

**Employment Law Developments for 2014: What's New and What's Changed in the New Year?**

January 9, 2014

**How to Keep the DOL From Being a Frequent Guest at Your Hotel: Wage and Hour Solutions for Bay Area Hotels**

San Francisco, CA

June 6, 2013

**Problems and Solutions in Identifying and Recording Work Time**

June 5, 2013

**Navigating Wage and Hour Audits by Today's Empowered Department of Labor**

March 21, 2013

**Converting Good Intentions into Compliance: Effective Pay Practices**

Littler Mendelson, Scottsdale, AZ

May 11, 2012

**Wage and Hour Brinker- New Free Lunch**

Littler Mendelson, Scottsdale, AZ

May 10, 2012

**Preparing for Brinker - Hospitality Industry**

February 8, 2012



**Preparing for Brinker - Healthcare Industry**

February 8, 2012

**Northern California Employment Law Breakfast Briefing - San Francisco, CA**

October 1, 2010

**2010 Employment Law Update**

San Francisco, CA

March 25, 2010

**Kenneth Cole Postmortem: 5 Steps to Putting Meal & Rest Break Liability Behind You**

May 22, 2007

**Books & Book Chapters**

- *The Wage and Hour Answer Book, Littler Mendelson Wage and Hour National Practice Group, Aspen, general editor, 2011*
- *"Compensable Work Time and Regulation of Work Time," California Wage and Hour Law and Litigation, California Continuing Education of the Bar, chapter author, 2010*
- *The Fair Labor Standards Act, American Bar Association Federal Labor Standards Legislation Committee and Section of Labor and Employment Law, BNA, 2005*
- *Wage and Hour Laws, A State-by-State Survey, American Bar Association Federal Labor Standards Legislation Committee, BNA, contributing author, 2004*