

Allison C. Williams

Shareholder

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Focus Areas

Litigation and Trials
Investigations
Class Action
Wage and Hour
Arbitration
Staffing, Independent Contractors and Contingent Workers

Overview

Allison C. Williams represents and advises employers on all matters of labor and employment law in state and federal court as well as in investigations and audits conducted by governmental agencies. Her practice focuses on class and collective action wage and hour disputes as well as single-plaintiff discrimination, harassment, and retaliation claims.

Allison represents clients against claims including:

- Misclassification as independent contractors
- Misclassification as exempt from overtime
- Failure to pay overtime and/or minimum wage under the Fair Labor Standards Act (FLSA)
- Discrimination, harassment, and retaliation claims under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination in Employment Act
- Employment-related common law claims under Texas law, including breach of contract, fraud and fraud in the inducement, promissory estoppel, unjust enrichment
- Failure to comply with wage and hour obligations under California state law
- Violation of the Uniformed Services Employment and Reemployment Rights Act (USERRA)

In addition to representing clients in litigation, Allison represents clients during investigations conducted by the U.S. Department of Labor, the Equal Employment Opportunity Commission, the Texas Workforce Commission, the California Department of Fair Employment and Housing, and the California Division of Labor Standards Enforcement.

Before joining Littler, Allison interned with the Hon. Magistrate Judge Calvin Botley of the U.S. District Court, Southern District of Texas. After graduating from law school, she was a litigation associate at another national law firm in Texas where she represented state employers against Section 1983 claims, wrongful termination, failure to protect, failure to train, and negligent hiring claims. She also represented employers in various maritime disputes, including claims for maintenance and cure.

Selected Matters

- Fifth Circuit Court of Appeals order affirming the district court's order compelling arbitration of wage and hour claims based on alleged misclassification and confirming that a district court must consider and determine arbitration issue before entertaining arguments on conditional certification in collective action.
- Fifth Circuit Court of Appeals order affirming the district court's order granting complete summary judgment of employee's claims for discrimination, harassment, and retaliation on behalf of healthcare and education industry client.
- Fifth Circuit Court of Appeals order affirming the district court's order granting complete summary judgment of employee's claim for breach of contract and denying plaintiff's motion to file amended complaint for gig economy / platform industry client.
- Fifth Circuit Court of Appeals order affirming the district court's order granting motion for judgment on the pleadings dismissing former employee's claim for discrimination, harassment, retaliation, stalking, and tortious liability for alleged physical injury against national retail industry client.
- Obtained complete defense verdict in bench trial of plaintiff's allegations for discrimination and failure to pay "deemed compensation" under USERRA for aviation industry client.
- Obtained complete defense verdicts in eight individual arbitrations that each went to final hearing alleging misclassification (IC) resulting in failure to pay minimum wage and overtime as well as failure to reimburse for business expenses for a gig economy / platform economy client.
- Obtained complete dismissal of claims for breach of contract, failure to pay wages under the FLSA, and various theories of breach of contract against client, with prejudice.
- Obtained complete summary judgment on claims for disability discrimination and failure to accommodate for waste disposal industry client.
- Obtained complete summary judgment on an assault, negligent hiring, negligent retention, negligent supervision, conspiracy, and fraud case for construction industry client.
- Numerous district court orders dismissing state law causes of action pled with claims under the Fair Labor Standards Act, whereby the court declined to exercise supplemental jurisdiction.
- Obtained complete dismissal by the Texas Workforce Commission of claims for failure to pay commissions on behalf of retail industry client.

- Obtained complete dismissal and finding that worker was an independent contractor under the Texas Administrative Code following tax audit by the Texas Workforce Commission for gig economy client.
- Obtained first finding by the Texas Workforce Commission that a marketplace platform qualified for the Marketplace Platform Exception since its inception in 2019. The Commissioners found that users of the Marketplace Platform were properly classified as independent contractors.
- Numerous successes in defending against motions for Rule 23 class certification, including obtaining complete denials of certification for contentious wage and hour claims against national beverage client and transportation client.
- Successfully narrowed scope of putative class from alleged nationwide collective to statewide collective, thereby significantly reducing potential exposure.
- Successfully negotiated collective action settlements on behalf of clients in a variety of industries including, the oil and gas industry, energy industry, automotive technology and digitization industry, gig economy industry, and waste disposal industry.
- Multiple successful results following investigations from the Department of Labor – Wage and Hour Division, OSHA, Texas Workforce Commission, and the Equal Employment Opportunity Commission

Professional and Community Affiliations

- Member, Houston Bar Association
- Member, Association of Women Attorneys
- Member, San Diego County Bar Association

Education

J.D., University of Houston Law Center, 2010

B.A., Southwestern University, 2007

Bar Admissions

California

Texas

Courts

U.S. Supreme Court
U.S. Court of Appeals, 5th Circuit
U.S. Court of Appeals, 9th Circuit
U.S. District Court, Central District of California
U.S. District Court, Southern District of California
U.S. District Court, Northern District of Texas
U.S. District Court, Southern District of Texas
U.S. District Court, Eastern District of Texas
U.S. District Court, Western District of Texas

Publications & Press

Supreme Court Holds Day Rate Pay Cannot Satisfy the Salary Basis Test

Littler ASAP

February 23, 2023

Fifth Circuit Holds Directional Driller is an Independent Contractor Rather than an Employee for FLSA Purposes

Littler ASAP

May 31, 2022

Guidelines for Counsel's Duty of Inquiry Before Joining an FLSA Collective Action

Bloomberg Law

April 22, 2022

Case-by-Case Analysis for the Creative Professional Exemption Applies to All Journalists, Regardless of Employer Size

Littler ASAP

January 21, 2021

Fifth Circuit Announces More Rigorous Standard for Certification of Collective Actions

Littler ASAP

January 13, 2021

Navigating the ADA in the Time of COVID-19: A look at compliance during the pandemic

State Bar of Texas

October 2, 2020

Littler Elevates 28 Attorneys to Shareholder

Littler Press Release

January 6, 2020

Fifth Circuit Finds Directional Drillers Are Independent Contractors

Littler ASAP

March 12, 2019

The #MeToo Movement: What we have learned and where we need to go

Texas Bar Journal

December 2018

Speaking Engagements

Employee or Independent Contractor? Classification Under the FLSA

Association of Corporate Counsel – Financial Services Network

March 27, 2024

Employee or Independent Contractor? Classification Under the FLSA: Common Mistakes and Tips

Houston Bar Association – Labor & Employment, Houston, TX

March 19, 2024

2023 Houston Regional Employer Conference

Houston, TX

October 18, 2023

Workplace Investigations: The Dos, the Don'ts, and the What Have You Done?

April 18, 2023

2022 Houston Regional Employer Conference

Houston, TX

October 6, 2022

2021 Houston Employer Conference

Houston, TX

October 26, 2021

Employer Actions in a Post-Pandemic Climate

Texas City – La Marque Chamber of Commerce

August 6, 2020

Employer Actions in a Prolonged Pandemic Climate

Norwegian-American Chamber of Commerce

July 30, 2020

Effectively Navigating Employment Laws When Operating in Texas and California

Webinar

October 16, 2019

Timely Talk About Wage and Hour Law: Applying Tests and Avoiding Pitfalls When Using a Contingent Workforce

August 29, 2019

DOL's PAID Program

Texas City - La Marque Chamber of Commerce

March 19, 2019

Insider Education Series – DOL's PAID Program

Greater Houston Restaurant Association

October 10, 2018

Timely Talk About Wage and Hour Law: Day Rate Issues Impacting Employers

August 28, 2018

Redefining Employment Relationships And Responsibilities In The Gig Economy

2018 Littler Houston Employer Conference

August 8, 2018

Wage and Hour Class Action Avoidance

2017 Littler Houston Employer Conference

August 10, 2017