

R. Brian Dixon

Senior Counsel

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Practice Areas

Wage and Hour
Class Action
Audit Services
HR Advice and Counsel
Handbooks and Policies

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

Events & 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

Littler Executive Employer, Phoenix, AZ

May 4, 2018

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

Littler 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 - Healthcare Industry

February 8, 2012

Preparing for Brinker - Hospitality 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

Recognition

- Named, The Best Lawyers in America® , 2017-2025

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

Littler ASAP

June 26, 2023

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

Press Release

August 19, 2021

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

Press Release

August 20, 2020

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

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

Littler ASAP

March 18, 2019

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

Press Release

August 15, 2018

Paying Commissions? Mind Wage-Hour Rules to Prevent Problems

In the News

October 20, 2017

OT Rule Comments Show Sharp Divide On Salary Threshold

In the News

September 26, 2017

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

Press Release

August 17, 2017

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

Press Release

August 16, 2016

Employers Brace for New Overtime Rules

In the News

May 17, 2016

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

Littler ASAP

December 11, 2015

The Future of the Minimum Wage – 2015 and Beyond

External Publication

November 18, 2014

The Future of the Minimum Wage – 2015 and Beyond

Littler ASAP

November 13, 2014

Questions remain about new labor law

External Publication

October 9, 2014

New Wearable Devices Offer Unprecedented Employee Information, Raise Privacy Issues

In the News

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 ASAP

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

Littler ASAP

April 18, 2012

Employers Fear Calif. Wage Theft Law May Spur Suits

In the News

February 16, 2012

New wage protection law remains murky to employers

In the News

January 13, 2012

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

Littler ASAP

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!

Littler ASAP

December 29, 2011

California Supreme Court Will Not Review Fixed Salary Contracts Case

Littler ASAP

May 20, 2011

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

Littler ASAP

March 3, 2011

Mitigate or Litigate: Flexible Working and Legal Exposure

Littler Report

February 1, 2011

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

Littler ASAP

March 29, 2010

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

Littler ASAP

March 22, 2010

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

Littler 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

Littler ASAP

November 11, 2009

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

In the News

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

Littler ASAP

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

Littler Report

April 21, 2008

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

Littler ASAP

August 29, 2007

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

Littler ASAP

April 18, 2007

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

Littler ASAP

October 2, 2006

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

In the News

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

Littler ASAP

August 18, 2005

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

Littler ASAP

February 1, 2005

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

Littler ASAP

May 30, 2004