

## **William F. Allen**

Littler CaseSmart Counsel

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## **Focus Areas**

Littler CaseSmart

Class Action

Wage and Hour

Litigation and Trials

Discrimination and Harassment

Arbitration

## **Overview**

As a brief writer for Littler CaseSmart – Litigation™, Bill Allen formulates and executes briefing strategy for cases. He evaluates and selects legal authority that supports the facts and circumstances of each case and prepares substantive briefs and motions, including complex dispositive motions, oppositions to collective and class treatment, decertification motions, motions to compel arbitration, appeals, and mediation statements. Bill is based in Colorado.

Previously a Littler Shareholder, Bill is an experienced employment litigator with a focus on complex matters in the wage and hour, employment discrimination, and arbitration areas. He regularly represented clients in collective and class actions under the Fair Labor Standards Act and state wage and hour laws, including matters involving off-the-clock work, employee misclassification, joint employer status, meal and rest periods, termination pay, preliminary and postliminary activities, and the fluctuating workweek method for overtime compensation. Bill also conducted outside fact investigations for clients involving claims of discrimination and harassment. He has briefed appeals in the District of Columbia, Sixth, Seventh, and Ninth Circuits, and before the United States Supreme Court.

In his more than 25 years of practice, Bill has experience in a wide variety of industries, including small- and large-box retail, grocery, food production and distribution, restaurants, inventory, construction, recycling, armored services, law enforcement, promotional marketing, software sales, technology, hospitals, home care, women's care, and managed care.

As part of his complex wage and hour practice, Bill has helped clients secure multi-district litigation (MDL) treatment, obtain decertification of a nationwide collective action, limit or defeat conditional certification of proposed nationwide collective actions, and obtain dismissal and summary judgment. He also has experience with litigating individual and class action employment discrimination claims, participating in mediation and settlement negotiations, preparing jury research exercises, and working with damages experts.

Prior to joining Littler, Bill was senior counsel with a prominent labor and employment practice group at another firm. Bill also worked for four years as an associate counsel at the Office of House Employment Counsel of the United States of House of Representatives, where he provided training and counseling to Congressional members and committees, House Officers, and the U.S. Capitol Police, participated in mediation and administrative hearings, litigated individual and class action employment discrimination cases in the U. S. District Court for the District of Columbia, and argued a constitutional immunity issue before an en banc panel of the D.C. Circuit.

While at the University of Virginia, Bill served three terms on the university's Honor Committee.

## Professional and Community Affiliations

- Member, Labor and Employment Section, District of Columbia Bar

## Recognition

- Named, Super Lawyer, Washington, DC, *Super Lawyers*, 2013 and 2015
- Order of the Coif
- Recipient, William Michael Shermet Award, *University of Virginia Darden School of Business*
- Member, University of Virginia, *Raven Society*
- Tau Beta Pi Engineering Honor Society

## Education

J.D., University of Virginia School of Law, 1996

M.B.A., University of Virginia Darden School of Business, 1992

B.S., University of Virginia, 1988

## Bar Admissions

Colorado

District of Columbia

Connecticut

Maryland

Montana

Idaho

## **Courts**

U.S. Court of Appeals, 6th Circuit  
U.S. Court of Appeals, 7th Circuit  
U.S. District Court, District of Columbia  
U.S. District Court, District of Idaho  
U.S. District Court, District of Maryland  
Colorado Supreme Court  
District of Columbia Court of Appeals  
Idaho Supreme Court  
Maryland Supreme Court  
Montana Supreme Court  
Superior Court of Connecticut, Hartford County

## **Publications & Press**

### **Ninth Circuit: “Transportation Exemption” Does Not Apply to Arbitration Clauses Between Corporate Entities or in Commercial Contracts**

*Littler ASAP*

April 23, 2024

### **Littler Lightbulb: Wage and Hour Developments During the First 100 Days of the Biden Administration**

*Littler Insight*

May 4, 2021

### **Littler Lightbulb: Wage and Hour Developments During the First Month of the Biden Administration**

*Littler Insight*

February 22, 2021

### **What To Know About DOL's Revamped Virus Paid Leave Rule**

*Law360*

September 16, 2020

### **DOL Revises FFCRA Regulations to Clarify Paid Leave Rules in Wake of New York Federal Court’s Decision**

*Littler Insight*

September 13, 2020

### **NY Federal Court Strikes Down Key Provisions of DOL Rule Regarding FFCRA Paid Sick and Expanded FMLA Leave**

*Littler Insight*

August 4, 2020

**Fifth Circuit Holds District Courts in FLSA Actions May Not Send Notice to Employees with Valid Arbitration Agreements that Prohibit Participation in a Collective Action**

*Littler Insight*

February 26, 2019

**Managing the Employment Relationship in District of Columbia**

*Lexology*

March 29, 2016

**Inclement Weather Poses FLSA Challenges**

*Society for Human Resource Management (SHRM)*

January 28, 2015

**Sharply Divided Seventh Circuit Denies En Banc Review of Dismissal of Donning and Doffing Suit by Unionized Workers**

*Littler ASAP*

June 12, 2014

**California District Court Re-Certifies Chinese Daily News Wage and Hour Class Action After Second Trip To Ninth Circuit**

*Littler ASAP*

April 23, 2014

**Unionized Poultry Workers Not Entitled to Pay for Meal-Break Changing Time**

*Society for Human Resource Management (SHRM)*

April 9, 2014

**Seventh Circuit Affirms Dismissal of Donning and Doffing Suit by Unionized Workers**

*Littler ASAP*

March 26, 2014

**Seventh Circuit Affirms Dismissal of Donning and Doffing Suit by Unionized Workers**

*Littler ASAP*

March 26, 2014

**High Court Finds Middle Ground On 'Clothes' Under FLSA**

*Law360.com*

January 29, 2014

**Supreme Court Finds Middle Ground on Definition of "Clothes" Under the FLSA**

*Littler Insight*

January 28, 2014

**Inclement-Weather Policies Help Employers in Stormy Seasons**

*Society for Human Resource Management (SHRM)*

January 28, 2014

**High Court Brings Clarity To 'Changing Clothes' Under FLSA**

*Law360.com*

January 27, 2014

**Divided Seventh Circuit Panel Reverses Summary Judgment in Showering and Clothes Changing FLSA Case**

*Littler ASAP*

November 8, 2013

**Sandifer Oral Arguments Reveal New Middle Ground**

*Law360.com*

November 5, 2013

**Supreme Court Hears Oral Argument and Appears to Seek Middle Ground on Definition of "Clothes" Under the FLSA**

*Littler Insight*

November 5, 2013

**Clothes Encounters of the Supreme Kind**

*Workforce Management*

October 14, 2013

**Second Circuit Clarifies Application of the Highly Compensated Employee Exemption**

*Littler ASAP*

October 10, 2013

**Eighth Circuit: Donning and Doffing Not a "Principal Activity" that Triggers Compensation**

*Littler ASAP*

September 6, 2013

**DOL Changes Course: Supports Employer in Supreme Court Donning and Doffing Case**

*Littler ASAP*

July 31, 2013

**Second Circuit Vacates and Remands Certification in Misclassification Class Action**

*Littler ASAP*

June 5, 2013

**New York District Court Enforces Arbitration Agreement Waiving Right to Proceed Collectively on FLSA Claims**

*Littler ASAP*

June 3, 2013

**Failed Unpaid Intern Class Action Hints at Impact of Comcast V. Behrend - Bill Allen**

*The Lexblog Network (LXBN)*

May 23, 2013

**Court expands Concepcion's reach in employment case**

*InsideCounsel*

May 22, 2013

**New York Federal Court Denies Class Certification to Unpaid Interns**

*Littler ASAP*

May 13, 2013

**Citizens Financial wins overtime case in Pittsburgh**

*Thomson Reuters News & Insight*

April 23, 2013

**Supreme Court Vacates Key Seventh Circuit Wage and Hour Class Certification Decision For Further Consideration in Light of Comcast**

*Littler ASAP*

April 3, 2013

**Pennsylvania Federal Court Decertifies FLSA Off-the-Clock Collective Action Against Citizens Bank**

*Littler ASAP*

April 1, 2013

**Littler's Washington, D.C. and Tysons Corner Offices Land Two New Shareholders Strengthening Firm's National Class Action Practice**

*Littler Press Release*

December 19, 2011

## **Speaking Engagements**

**Common Employer Questions: Paycheck Protection Program and Emergency Disaster Injury Loans**

Client Webinar

April 23, 2019

**The Rise of Independent Contractors – Meet the New Boss, Same as the Old Boss?**

2018 Mid-Atlantic Employer Conference, Washington, D.C.

June 5, 2018

**Pay Equity: Planning for Change**

2017 Mid-Atlantic Employer

June 6, 2017

**Pay Equity**

2017 Mid-Atlantic Employer Conference, Washington, D.C.

June 6, 2017

**Donning and Doffing and Other Pre/Post-Shift Activities and the Continuous Work Day**

National Forum on Wage and Hour Claims and Class Actions, American Conference Institute (ACI)

January 30, 2014

**Litigation Armoring – Building Advance Defenses to Common Wage and Hour Class and Individual Claims**

Washington, DC

October 16, 2013

**Avoiding Costly Litigation through the Proven Methods of Settlement and Mediation of Wage and Hour Claims**

National Forum on Wage and Hour Claims and Class Actions - American Conference Institute (ACI)

January 25, 2013

**A Defense Perspective: Mediating FLSA Cases and Administering Settlement Agreements**

2012 Wage and Hour Seminar - Ohio Association for Justice

June 12, 2012

**FLSA: Current Issues**

Brown Bag Lunch Series - District of Columbia Bar

April 17, 2012

**Books & Book Chapters**

- Looking Forward to 2014: Wage and Hour Collective and Class Actions, Employment Law 2014, *Aspatore Books*, 2014
- District of Columbia, The Mid-Atlantic Employer, *LexisNexis*, 2012-2013
- Class Certification Under Rule 23, Littler Mendelson on Employment Law Class Actions, Chapter 9, 2nd Ed., chapter co-editor, *LexisNexis*, 2012

- Defending Employers in Complex Wage and Hour Litigation, Strategies for Employment Class and Collective Actions, *Aspatore Books*, 2012