



## Spencer Wilson

### Senior Counsel

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#### Practice Areas

- Labor and Employment
- Litigation

#### Bar Admission

- California
- Northern District of California
- Central District of California
- Eastern District of California
- United States Court of Appeals for the Ninth Circuit
- United States Supreme Court

#### Education

- University of Texas School of Law, J.D., with honors
- Pomona College, B.A.

#### Experience

Spencer is a multifaceted attorney who represents public agencies in all aspects of labor and employment law. Public agencies entrust Spencer to advise them on a variety of matters, including the discipline of high-ranking managers, police officers and firefighters; administration of leave laws; reasonable accommodations and the interactive process under the ADA and FEHA; wage and hour compliance; pension matters; and labor relations. He also conducts workplace investigations involving highly sensitive matters, represents agencies in disciplinary arbitration, conducts payroll audits for FLSA compliance, drafts employment policies and employee handbooks.

Spencer has extensive litigation experience in a variety of areas, with a current focus on Fair Labor Standards Act litigation in federal court. He has successfully briefed and argued multiple summary judgment motions in federal court and has authored or co-authored appellate briefs in matters before numerous courts throughout the Country, including multiple briefs at the certiorari stage in the U.S. Supreme Court. He has argued appeals in California state court and before the Ninth Circuit Court of Appeals and the Alaska Supreme Court.

Prior to joining the firm in 2018, Spencer worked at the Labor and Employment Group at Meyers Nave; at Public Justice where he represented individuals and groups of individuals in civil rights, consumer and employment law matters; and at Bay Area Legal Aid, where he secured funding to administer a two-year self-designed project to mitigate the impact of the Great Recession's foreclosure crisis on low-income tenants. Prior to attending law school, Spencer worked for several years as a legislative assistant to a U.S. Congressman on Capitol Hill.

## PRESENTATIONS

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- *Navigating the FLSA's Salary Basis Test*, California Public Employers Labor Relations Association, Annual Training Conference, November 13, 2024.
- *Wait... I Was Supposed To Do What? Navigating the Complexities and Aftermath of Emergency Personnel Decisions During a Pandemic*, California Public Employers Labor Relations Association, Annual Training Conference, November 2020.
- *Wage and Hour Pitfalls: Targeted Issues Under the Fair Labor Standards Act*, California Public Employers Labor Relations Association, December 2018.
- *The Future of the Regular Rate: Emerging Changes to the FLSA Post-Flores*, Public Employer Labor Relations Association of California, October 2018.

## REPRESENTATIVE EXPERIENCE

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- **Litvinova v. City and County of San Francisco and Silloway v. City and County of San Francisco**, 615 F.Supp.3d 1061 (2022) Represented the City and County of San Francisco in two Fair Labor Standards Act collective actions consisting of more than 300 highly compensated registered nurses who alleged they were misclassified as exempt employees and unlawfully deprived of overtime. Spencer was the principal author of the City's Summary Judgment Cross-Motion papers, which resulted in a judgment for the City. Spencer is currently representing the City on appeal before the Ninth Circuit.
- **Hittle v. City of Stockton**, No. 2:12-cv-00766 (E.D. Cal.), No. 22-15485 (9th Cir.) This case was brought by Stockton's former Fire Chief, Ron Hittle, whom the City terminated for mismanaging the Fire Department and engaging in other misconduct in the years leading up to the City's bankruptcy. Hittle alleges his termination constitutes religious discrimination under Title VII because one of several examples of his misconduct involved his use of taxpayer dollars to fund his and three subordinates' attendance at a religious leadership conference that did not benefit the City. Spencer co-authored the City's successful motion for summary judgment and was the principal author of the City's Answering Brief in Hittle's appeal to the Ninth Circuit. Spencer recently argued the appeal before a Ninth Circuit panel and is awaiting a decision.
- **Estorga v. Santa Clara Valley Transp. Authority**, No. 516-CV02668. This case was a Fair Labor Standards Act collective action brought by bus drivers who alleged the City failed to provide them overtime for pre-shift, post-shift, and mid-shift travel time. Spencer was the principal author of the VTA's summary judgment cross-motion papers, which resulted in partial summary judgment for VTA on the lion's share of Plaintiffs' claims, including a finding that any damages for split-shift travel would be substantially offset by other compensation VTA provided the drivers. This ruling ultimately resulted in a highly favorable settlement agreement for VTA.