

## Paul E. Cirner

Associate

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## Focus Areas

Litigation and Trials  
Discrimination and Harassment  
Arbitration  
Wage and Hour  
Staffing, Independent Contractors and Contingent Workers  
Healthcare  
Higher Education

## Overview

Paul Cirner's practice focuses primarily on employment-related litigation in the federal and state courts of Oregon, Washington, Idaho, and New York. Paul also represents clients in private arbitration and before the various federal and state agencies charged with the enforcement of employment laws, including the Equal Employment Opportunity Commission, the Oregon Bureau of Labor and Industries, Idaho Human Rights Commission, Washington State Human Rights Commission, and New York State Division of Human Rights.

Paul is a strategic advisor to public and private employers on all aspects of the employer-employee relationship from hire to separation. He has particular experience in multijurisdictional compliance issues that arise from employing remote workers located across multiple states and/or countries. Paul regularly counsels employers on joint employment issues, reductions in force, and compliance with various leave laws. Paul also advises employers to develop compliant independent contractor programs and mitigate the risk of misclassification under various wage and hour and employment laws.

As a litigator, Paul is skilled at defending his clients through trial and working with opposing counsel to reach favorable resolutions when warranted. With tenacity, strategic planning, and diligent preparation at the center of each case,

Paul's clients feel safeguarded with him in their corner when a legal dispute arises. Throughout his practice, Paul has successfully represented many public and private employers in discrimination, wrongful discharge, harassment, retaliation, and wage and hour cases brought under various federal and state statutes and under the common law. Paul relishes the opportunity to zealously advocate for his clients in the courtroom before judge and jury.

Prior to joining Littler, Paul was an associate at a national employment firm in Portland focusing his practice exclusively on management-side employment litigation and counsel throughout the Pacific Northwest. Paul began his career as a hard-nosed litigator in the courts of New York City where he defended New York City's most prominent building owners and constructors throughout all five boroughs against New York Labor Law claims brought by members of some of the largest unionized trades in the country.

## Selected Matters

- Complete defense verdict in 14-day trial on behalf of hospital defending against defamation claim related to termination of respiratory therapist for disclosing PHI.
- Summary judgment affirmed in Ninth Circuit Court of Appeals on behalf of hospital defeating high-level management employee's Title VII retaliation claim.
- Secured summary judgment dismissal in favor of timber company against staffing company employee's claims of joint employment, discrimination, and failure to accommodate.
- Secured summary judgment dismissal in favor of manufacturing company against machinist's claims of disability discrimination/retaliation.
- Secured dismissal of individual defendant's pay discrimination claim at pleading stage.
- Secured dismissal of various administrative agency charges alleging claims of independent contractor misclassification, discrimination, harassment, leave law violations, and retaliation.
- Secured summary judgment dismissal of former employee's breach of contract and estoppel claims in favor of hospital.
- Secured summary judgment dismissal of customer's negligently trained employee claim against recreational vehicle company in traumatic brain injury case.
- Secured summary judgment dismissal of construction worker's New York Labor Law claim against contractor arising from alleged defective safety equipment.

## Professional and Community Affiliations

- CLE Committee Member, Multnomah County Bar Association
- Member, American Bar Association
- Member, New York State Bar Association
- Member, Portland Human Resources Management Association
- Member, Society for Human Resources Management

## Recognition

- Named, Rising Star, *Super Lawyers*, 2023
- Named, Charles H. Revson Public Interest Fellow, 2014

## Education

J.D., Pace University Law School, 2016, *cum laude*

B.S., St. Thomas Aquinas College, 2013, *magna cum laude*

## Bar Admissions

Oregon

Washington

New York

Idaho

## Courts

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, District of Oregon

U.S. District Court, Eastern District of Washington

U.S. District Court, Western District of Washington

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

U.S. District Court, District of Idaho

## Publications & Press

### **Oregon DOJ Ramps up Child Support Reporting Requirements for Payments to Independent Contractors**

*Littler ASAP*

May 6, 2024

### **Joint Employment and the Cat's Paw: Oregon Court of Appeals Sets Precedent**

*Littler Insight*

April 23, 2024

### **New Oregon Law (Mostly) Aligns OFLA and Paid Leave Oregon to Prevent Employees from Stacking Leave Benefits**

*Littler Insight*

March 18, 2024

**Key Considerations for Employers as the Public Sector Grapples with Return to Office**

*Littler ASAP*

January 2, 2024

**Oregon Enacts Protections for Registered Apprentices and On-The-Job Training Program Participants**

*Littler ASAP*

August 15, 2023

**How Oregon Employers Can Prepare for Wildfire Season**

*Littler Insight*

June 12, 2023

**Remote Workforce Management: Complying with Multistate Tax and Employment Laws**

*Multnomah Bar Association*

November 2022

**Oregon Equal Pay Act's Bonus Provisions Set to Expire**

*SHRM Online*

August 25, 2022

**Beware The Risks in Laying Off Out-Of-State Remote Workers**

*Law360*

July 13, 2022

**The Hazards of Remote Employee Layoffs**

*SHRM Online*

June 30, 2022

**Update on Oregon's COVID-19 Vaccination and Masking Rules**

*SHRM Online*

February 22, 2022

**Oregon OSHA Announces Stance on Federal Vaccine-or-Testing Standard**

*SHRM Online*

January 28, 2022

**Oregon OSHA Delays Adopting COVID-19 Vaccine-or-Test Rule**

*SHRM Online*

December 6, 2021

**Multistate Compliance for Employers With Out-of-State Remote Employees**

*JD Supra*

April 26, 2021

**Oregon Decriminalizes Certain Narcotics and Legalizes Psilocybin Therapy**

*SHRM Online*

November 30, 2020

**Oregon Modifies Noncompete Law for 2020**

*Portland Business Journal*

June 4, 2019

## **Speaking Engagements**

**Navigating Oregon's Evolving Leave Laws**

Oregon Council For Behavioral Health Spring Webinar Series

April 9, 2024

**PDX Breakfast Briefing: Paid Leave Oregon and 2023 Oregon Employment Law Legislative Update**

Portland, OR

September 13, 2023

**Exception Making Hiring Bonuses Easier to Give Has Now Expired in Oregon**

KATU 2

October 5, 2022

**Multistate Compliance for Employers with Out-of-State Remote Employees**

Multnomah Bar Association Webinar

September 21, 2022

**Oregon OSHA Aims To Prevent Heat Illness, Death With New Requirements For Employers**

KGW8-TV

July 27, 2022

**New Oregon OSHA Heat Rules Put To The Test With Rising Temperatures**

KOIN 6 News

July 25, 2022

**Multistate Compliance for Employers with Out-of-State Remote Employees**

CUPA-HR Spring Conference

April 7, 2022

**Oregon Employment Law Changes in 2022: New Year, New Laws**

MyLawCLE

February 16, 2022

**Oregon Employment Law: COVID-19 Vaccine Mandates – What Oregon Employers Need to Know**

MyLawCLE

December 2, 2021