

## Kenneth Kirschner

Partner

New York

### Biography

Whether it's a wage/hour claim, union campaign, sexual harassment investigation, breach of a non-compete covenant or discrimination suit, Ken Kirschner has handled these and many other employment issues for companies around the world. Ken anticipates clients' concerns, understands their business needs, and helps solve employment-related challenges.

Widely recognized as a leader in many areas of employment and traditional labor law, Ken has won seminal decisions in the areas of discrimination, labor relations, non-profit organizations, and arbitration. Because of his experience across many industries, Ken is often asked to provide management training, conduct labor audits, handle negotiations, or appear before the National Labor Relations Board (NLRB), Equal Employment Opportunity Commission (EEOC), Department of Labor (DOL) or Occupational Safety and Health Administration (OSHA). He also advises on reductions-in-force, human resource policies, mergers and acquisitions, and the extra-territorial effect of U.S. labor laws.

Although Ken has experience in many industries, including manufacturing, health care, transportation, hospitality, technology, real estate, energy, life sciences, automotive, medical devices, insurance, and retail, he has been in the forefront regarding employment litigation involving financial institutions and non-profit organizations. These matters involve individual and class actions and alternative dispute methods.



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### Practices

Employment

Litigation Services

Trade Secrets and Confidential  
Know-how

Corporate Governance and Public  
Company Representation

Administrative and Public Law

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### Industries

Financial Institutions

Education

Insurance

Technology and Telecoms

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### Areas of focus

Because of the proliferation of wage and hour suits, increased litigation over reasonable accommodation, age discrimination and retaliation, and the rise of "quickie union elections," clients need to turn to a proven problem solver to whom they can entrust their employment law concerns. Ken knows how to proactively represent and defend client interests in a cost-efficient and effective manner.

## Representative experience

Been involved in three cases before the U.S. Supreme Court regarding Title VII of the Civil Rights Act, age discrimination, and pensions.

Won numerous summary judgment motions in federal court pertaining to race, national origin, age, sex and disability discrimination cases.

Successfully resolved wage and hour collective and class action claims in various industries.

Won arbitrations on behalf of management involving layoffs, terminations, contract interpretations, and discipline.

## Awards and rankings

- Labor & Employment (New York), *Chambers USA*, 2019-2023

## Latest thinking and events

- News
  - NLRB makes it more likely to deem U.S. companies as joint-employers
- News
  - Employers take note: New I-9 forms required
- News
  - NLRB releases long-awaited employee handbook decision
- News
  - NLRB decision reverts Trump Board independent contractor test to Obama-era multi-factor test
- Insights and Analysis

## Employment

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## Education and admissions

### Education

LL.M., New York University

J.D., New York University

B.S., Cornell University

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### Bar admissions and qualifications

New York

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### Court admissions

U.S. Supreme Court

U.S. Court of Appeals, District of Columbia Circuit

U.S. Court of Appeals, First Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Sixth Circuit

U.S. Court of Appeals, Seventh Circuit

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

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

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

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- Getting The Deal Through: Automotive and Mobility 2023

- News

- NLRB GC clarifies legality of non-disparagement and confidentiality clauses in severance agreements