

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

Administrative and Public Law

Industries

Financial Institutions

Education

Insurance

Technology and Telecoms

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*, 2019-2020

Latest thinking and events

- News
 - New York to require private employers to notify employees of electronic monitoring
- News
 - COVID-19 designated as an "airborne infectious disease"; NY Hero Act plans must be implemented
- News
 - Getting The Deal Through: Automotive 2021
- News
 - New York issues guidance on paid vaccination leave law
- Hogan Lovells Publications

Employment

Education and admissions

Education

LL.M., New York University, 1981

J.D., New York University, 1978

B.S., Cornell University, 1975

Bar admissions and qualifications

New York

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

- Paid vaccination leave likely coming to New York
All in a Day's Work: The Employer's Legal Guide
- Published Works
 - Plaintiff's duty to mitigate damages in the COVID-19 era *Labor Law Journal*