

Paul M. Ostroff

Shareholder
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Areas of Practice

Paul Ostroff provides advice and counsel to employers in all phases of labor and employment law, including collective bargaining, labor arbitration, union organizing campaigns, employment discrimination, discipline and discharge, wage and hour, employee benefits, drafting of policies and handbooks, ADA, FMLA, employment contracts, covenants not to compete and occupational safety. He represents Fortune 500 companies and other major employers in a variety of industries, such as retail, manufacturing, software, computer technology, transportation, energy, financial services and apparel. Mr. Ostroff regularly represents employers before federal and state courts and administrative agencies, including the National Labor Relations Board, the Equal Employment Opportunity Commission, the Oregon Bureau of Labor and Industries, the California Fair Employment and Housing Commission, the California Division of Labor Standards Enforcement and the U.S. Department of Labor.

Admitted to Practice

Oregon
California
Ninth Circuit Court of Appeals
U.S. Supreme Court

Academics

University of Chicago (MBA)
University of California, Hastings College of Law (J.D.)
University of California, Berkeley (B.A., Political Science)

Practice Group and Specialty Team Memberships

Business Crisis Management and Emergency Remedies
Labor and Employment
Long Term Care and Seniors Housing Client Service Team
Public and Private Partnerships
Wage and Hour

Representative Matters and Clients

Wal-Mart Stores, Inc., 343 NLRB 1287 (2005)
Teamsters Local 174 (Airborne Express), 340 NLRB 137 (2003)
City of Huntington Beach v. Board of Administration of the Public Employees Retirement System, 4 Cal 4th 462, 841 P2d 514 (1992)
Oregon Laborers-Employers Health & Welfare Trust Fund v. Philip Morris, Inc., 17 F.Supp.2d 1170 (D. Or 1998)

ATI Wah Chang
Oremet - Allvac
NuStar Energy LP
United Rentals, Inc.
Orchard Brands
Weyerhaeuser
Extendicare Health Services, Inc.
Nordstrom
Iberdrola Renewables
Ventura Foods LLC

Publications

“Subcontractor Liability: Are You Your Brother’s Keeper?” *BUILDERnews* magazine, December, 2010
(Co-author)

Paul is a frequent contributor and author for the *Portland Business Journal’s* labor and employment law column titled “Ask the Legal Professionals”

“Telecommuting: The Legal Landscape and Best Practices For Employers,” *Human Resources 2008: Answers to Your Top 25 Questions*, *Thompson West*, 2008
Thompson’s HR Employment Forms, Revised 3rd Ed., 2007 (Contributing author)

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The Developing Labor Law, 5th Ed., (Bureau of National Affairs, 2006), 4th Ed., (Bureau of National Affairs, 2001), 3rd Ed., (Bureau of National Affairs, 1992) (Contributing editor, chapters on secondary boycotts, hot cargo agreements, and labor law issues in antitrust and bankruptcy.)

Cumulative Supplements - The Developing Labor Law, 5th Ed., 4th Ed., 3rd Ed. (Bureau of National Affairs, 1993 - 2007) (Contributing editor)

Basic Wage and Hour Law in Oregon, National Business Institute, 1998 and *Oregon Wage and Hour Update*, National Business Institute, 2005 (Co-author)

“Oregon Legislative Developments,” Vol. IV, No. 9, *The Oregon Labor Letter*, September 1997

“A Summary of Oregon Legislative Developments,” Vol. II, No. 8, *The Oregon Labor Letter*, August 1995

California Labor and Employment Law Quarterly, Labor and Employment Law Section, State Bar of California, 1987-1989 (Editor)

“The Binding Effect of Negotiated Changes in the Master Agreement on Short Form Signatories: New Uncertainties in the Ninth Circuit,” Vol. 4, No. 4, *California Labor and Employment Law Quarterly*, Winter 1986

“The Defense of Laches in Public Employee Discharge Litigation Under CCP Section 1094.5,” Vol. 4, No. 1, *California Labor and Employment Law Quarterly*, Spring 1985

Speaking Engagements

- “Status of Unionization Efforts and the National Labor Relations Board (NLRB),” The Seminar Group’s Third Annual Labor and Employment Seminar, October 20, 2011
- “The New Climate for Unionization in the Health Care Industry — What Employers Can and Should Do To Maintain A Union Free Workplace,” Washington Health Care Association Fall Conference, September 27, 2011
- “Telecommuting: The Next Wave of Wage and Hour Litigation,” Lorman Education Services Audio Conference, February 9, 2011 and August 2, 2011
- “Upcoming Developments at the NLRB and What Employers Can do to Prepare for Them,” Associated Oregon Industries Annual Meeting, December 9, 2010
- “Documents Employees Should Sign – Protecting Company Assets and Limiting Liability” Oregon State Bar, Business Law Section CLE, December 2009
- “Employee Compensation - What Are Companies Doing in 2010?” and “Avoiding Legal Minefields in Employee Compensation in the Economic Downturn,” Tech-America, November 2009
- “The Nuts and Bolts of Wage and Hour Law,” Oregon State Bar annual Labor and Employment seminar, September 2009
- “Obama’s Labor and Employment Law Agenda- Responding to the Challenges to Corporate Growth,” Association for Corporate Growth, Portland Chapter, July 2009
- Changes to Non-Compete Laws - Implications for Technology Companies, AeA Oregon, Portland, OR, November 2007
- Immigration Issues in the Workplace, Labor and Employment Relations Association, Portland, OR, April 2006
- When Things Go Sour: Unfair Labor Practice Charges and Procedures, American Bar Association, Region 19 of the National Labor Relations Board and King County Bar Association, Seattle Wash, October 2004
- The ADA Interactive Process, Oregon State Bar, Disability Law Section, Portland, OR, February 2003
- Wage and Hour Update, National Business Institute, Portland, OR, July 2003
- The Effective Manager’s Guide to Avoiding Claims of Wrongful Discharge, Oregon Bureau of Labor and Industries, Portland, OR, 2002
- Responding to a Union Organizing Campaign, Lane Powell PC Labor Law Seminar, 2003
- Hot Topics in Employment Law, Lorman Education Services, Portland, OR, 2002, 2001, 2000, 1999
- Labor and Employment Law in Oregon, Lorman Education Services, Portland, OR, 2001, 2000, 1999
- Family Medical Leave, Oregon Bureau of Labor and Industries, Portland, OR, 2001
- Unemployment Insurance: What Employment Law Practitioners Should Know, Oregon Law Institute, Northwestern School of Law, Lewis and Clark College, 1999

Understanding Employment Law, Council on Education in Management, Portland, OR, 1999
Basic Wage and Hour Law in Oregon, National Business Institute, Portland, OR, 1997, 1998
How to Handle an Internal Investigation, Council on Education in Management, Bellevue, Wash,
1998
Labor and Employment Issues in the Sale or Transfer of a Business, Multnomah Bar
Association, Portland, OR, 1997
Managing Disability, Leave and Absence Issues, Council on Education in Management, Seattle,
Wash, 1996, 1995
Practical Strategies for Complying with the Older Workers Benefit Protection Act,
International Personnel Management Association, Central California Chapter, 1994

Awards and Honors

Named one of *The Best Lawyers in America*[®], Employment Law - Management, Labor Law -
Management, Litigation - Labor & Employment, 2011-2012

Professional and Community Activities

Board of Directors, NAA Amerley Palm Education Foundation (NAPE)
Tech-America (formerly known as American Electronics Association), Oregon Council, Human
Resource Committee (2007 - present)
Associated Oregon Industries, Employment Policy Committee (2005 - present)
Member, Oregon State Bar, Labor and Employment Section
Executive Committee (2008 - present)
Member, California State Bar Association, Labor and Employment Law Section
Executive Committee (1985-1989)
Member, American Bar Association
Labor and Employment Law Section
Committee on the Development of the Law Under the National Labor Relations Act
Committee on Practice and Procedure Before the National Labor Relations Board
Torts and Insurance Practice Section
Employee Benefits Committee
Litigation Section
Member, Labor and Employment Relations Association (formerly known as the Industrial Relations
Research Association)
Member, Multnomah Bar Association
Continuing Legal Education Committee (1997-1999)
Pro Se Civil Rights Panel, U. S. District Court, District of Oregon (2001- present)