



Paul R. Lynd

COUNSEL

Paul advises a variety of clients in a broad range of employment law matters.



Practices

Complex Litigation
Labor & Employment

Education

University of California, Los Angeles, School of Law
JD
University of California, Berkeley BA

Offices

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Paul also represents clients in individual and class action litigation matters before federal and state courts on the trial and appellate levels, as well as in matters before administrative agencies, including the California Labor Commissioner, Cal/OSHA, the US Department of Labor, the California Department of Fair Employment and Housing, and the US Equal Employment Opportunity Commission.

Client Work

Paul's practice focuses on employment matters in general, with an emphasis on wage and hour issues. He provides advice and strategy, development and revisions of policies, and defends employers in individual and class action matters. He also advises on discrimination, harassment, and retaliation issues, arbitration agreements and matters, investigations, best practices, and litigation prevention.

Paul also has extensive experience advising and representing employers in matters involving various leaves, employee protected activities, and reasonable accommodation of disability.

In addition to his employment and wage and hour practice, Paul has defended and advised employers on various occupational safety and health matters, including in cases involving Cal/OSHA, federal OSHA, and the Alaska Occupational Safety and Health Section. Paul's experience in occupational health and safety dates to his service as a Special Assistant to the Director of the California Department of Industrial Relations, which includes Cal/OSHA.

Paul has worked on various matters involving such issues as the general duty clause, the lockout/tagout standard, the bloodborne pathogen standard, ergonomics issues, hazard communication, confined spaces, and recordkeeping. He has defended employers on citations involving various issues, including required notification to Cal/OSHA, employee notices of hazards, employee exposure to potentially dangerous materials, and matters related to employee fatalities. In related matters, Paul has defended employers against complaints by employees alleging retaliation for making safety and health complaints. He won a summary judgment in a case where an employee alleged that the employer terminated her for making several purported complaints about safety issues, as well as defeating claims under California law seeking civil penalties for dozens of alleged

safety violations.

Previous Work

Before joining Arent Fox, Paul was part of the labor and employment group of an international law firm. He clerked as a Research Attorney for Justice Norman Epstein at the California Court of Appeal in Los Angeles. Previously, Paul also served as a Special Assistant to the Director of the California Department of Industrial Relations and worked in the California Governor's Office.

Paul has performed extensive pro bono work in a variety of areas, including on asylum and immigration, guardianship, civil appeals, and clemency petition issues. In 2015, he received recognition for representing a veteran in a medical malpractice lawsuit against the Department of Veterans Affairs through the federal pro bono project.

Published Cases

Paul has been counsel in major cases, including several with published court opinions:

- *Cruz v. Sun World International, LLC*, 243 Cal.App.4th 367 (2015)(upholding denial of class certification in wage and hour case)
- *Gunawan v. Kforce Inc.*, 997 F.Supp.2d (C.D. Cal. 2014)(staffing firm did not owe wages for interview time, and rejecting private right of action on several Labor Code claims, including paycard claims)
- *In re Mims*, 203 Cal.App.4th 478 (2012)(pro bono matter for inmate pursuing intimate partner battering claims)
- *Maddock v. KB Homes, Inc.*, 631 F.Supp.2d 1226 (C.D. Cal. 2007)(dismissing employee's wage lawsuit for incorrectly suing parent company, with no joint employment shown)
- *Maddock v. KB Homes, Inc.*, 248 F.R.D. 229 (C.D. Cal. 2007)(class certification denied in wage and hour case)
- *Neisendorf v. Levi Strauss & Co.*, 143 Cal.App.4th 509 (2006)(California Family Rights Act does not require reasonable accommodation, and bonus was contractual and not due when employer fired employee for cause before payout date)

Publications, Presentations & Recognitions

Paul's publications include:

- "Clarifying 'Show-Up' and Split-Shift Wage Orders," *Employment Law 360*, January 30, 2012
- Co-author, "DOL Reverses Course on Mortgage Loan Officers," *Employment Law 360*, April 22, 2010
- Co-author, "From the Experts: Time to Pay Attention to Reporting Time Pay," *California Employment Law Reporter*, June 2008 (Part 1) and July 2008 (Part 2)
- Co-author, "Labor Commissioner Adopts New Policies for Exempt Employees, Individual Liability, Discrimination Claims, Meal and Rest Periods," *California Employment Law Reporter*, October 2002
- Co-author, "Working Overtime: The Industrial Welfare Commission's New Wage Orders Implementing AB 60 Impose Many Significant Changes in Regulation of Wages, Hours, and

Working Conditions,” *California Employment Law Reporter*, January 2001

- “Domestic Partner Benefits Limited to Same-Sex Couples: Sex Discrimination Under Title VII,” *6 William & Mary Journal of Women and the Law* 561 (2000).
- “Juror Sexual Orientation: The Fair Cross-Section Requirement, Privacy, Challenges for Cause, and Peremptories,” *46 UCLA Law Review* 231 (1998).

Some Paul’s more recent speaking engagements include:

- “Still Not Feeling Well? An Overview of California Paid Sick Leave Law and Other Leaves,” AgSafe Annual State Safety Summit, Monterey, March 2016.
- “Wage and Hour, 2015,” American Payroll Association, California State Payroll Conference, Santa Clara, October 2015.
- Webinar: California Family Leave Act’s new regulations take effect July 1: Are you prepared? June 2015.
- Webinar: California’s Paid Sick Leave Law: It’s No Get-Well Card for Employers, April 2015.
- Presentations on California wage and hour requirements and paid sick leave law for agricultural employers, AgSafe Safety Summit, Fresno, May 2015.
- Updates on California paid sick leave law and piece rate pay issues, AgWISE Symposium, Napa, January 2015.
- Webinar series for AgSafe on California’s paid sick leave law for agricultural industry employers, December 2014 and January 2015.
- Minding the Store: Legal Roundtable for Retailers, San Francisco, March 2014.
- “In It to Win It – The Realities of Joint Liability,” AgWISE Symposium, Napa, January 2014.
- “The Piece Rate Puzzle,” AgWISE Symposium, Napa, January 2014.
- “New Laws and Wage & Hour Update,” American Payroll Association, San Francisco, January 2013.

Paul’s recognitions include:

- Speaker of the Year, American Payroll Association, San Francisco chapter.

Life Beyond the Law

Paul enjoys cycling and traveling, as well as adventures with his adopted rescue beagle. Paul also serves as a commissioner for the Livermore Area Recreation and Parks District.

Bar Admissions

California

Court Admissions

US District Court, Northern District of California

US District Court, Eastern District of California

US District Court, Central District of California

US District Court, Southern District of California

US Court of Appeals, 9th Circuit