

COURT OF APPEALS OF OREGON

Mirkovic v. Tenasys Corp.

348 Or. App. 70 (2026) · No. A185106 · Decided April 1, 2026

SUMMARY

The Oregon Court of Appeals held that ORS 659A.355 protects an employee from adverse employment actions when the employee inquires about or requests an increase in their own wages. The court rejected arguments that the statute applies only to wage discussions among employees or to discussions concerning discriminatory pay inequity. It reversed the grant of summary judgment to Tenasys Corporation and remanded for further proceedings concerning the reason for the employee’s termination.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Shorr, P. J.; Shorr, Presiding Judge; Lagesen, Chief Judge; Powers, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	April 1, 2026
DOCKET	A185106
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from a Washington County Circuit Court judgment granting defendant's motion for summary judgment and dismissing her statutory employment claim.
STANDARD OF REVIEW	The court reviewed the grant of summary judgment for errors of law and reviewed the trial court's statutory interpretation for legal error.
PRECEDENTIAL VALUE	Published Oregon Court of Appeals opinion
PARTIES	Ana Mirkovic v. Tenasys Corporation

TOPICS

- retaliation
- wage and hour
- statutory interpretation
- summary judgment
- appellate procedure

PRACTICE AREAS

- employment law
- wage and hour
- retaliation
- statutory interpretation
- civil procedure

QUESTIONS PRESENTED

1. Whether ORS 659A.355 protects an employee from adverse employment action when the employee asks the employer for a raise.
2. Whether ORS 659A.355 is limited to wage discussions among employees or to discussions concerning discriminatory pay inequity.
3. Whether the trial court properly granted summary judgment on the ground that Mirkovic's conduct was not protected activity.

HOLDINGS

1. ORS 659A.355 protects an employee from discharge, demotion, suspension, discrimination, or retaliation when the employee inquires about the employee's own wages, including by requesting a raise from the employer.
2. The trial court erred by granting summary judgment on the ground that Mirkovic's request for a raise was not protected activity under ORS 659A.355.

KEY QUOTATIONS

“Thus, the clear statutory text protects an employee from certain adverse actions by their employer when the employee inquires about, discusses, or discloses in any manner their own wages, which necessarily covers an employee’s inquiry to their employer about a wage increase.” (75)

“In sum, the text, context, and legislative history all point in the same direction. ORS 659A.335 protects an employee from certain adverse employment actions by their employer when the employee requests a raise.” (77)

FACTUAL BACKGROUND

Ana Mirkovic worked for Tenasys as a software engineer. After requesting a promotion and salary increase, she attempted to negotiate an additional \$5,000 raise and future consideration for a director position. Several days later, Tenasys informed her that it was terminating her employment, and she alleged that the termination was retaliation for requesting a raise.

PROCEDURAL HISTORY

Mirkovic sued Tenasys under ORS 659A.355, alleging that Tenasys terminated her because she inquired about a salary increase. The trial court initially denied summary judgment, finding that requesting a raise was protected activity and that factual disputes existed. Before trial, the court vacated that ruling and granted summary judgment for Tenasys after concluding that ORS 659A.355 did not protect a raise request unrelated to discriminatory pay disparity. The Court of Appeals reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct further proceedings, including resolving the factual issue whether Tenasys terminated Mirkovic because she requested a wage increase or for other reasons.

CASES CITED

- Beneficial Oregon, Inc. v. Bivins, 313 Or. App. 275, 277, 496 P.3d 1104 (2021)
- Fields v. City of Newport, 326 Or. App. 764, 767, 533 P.3d 384, rev. denied, 371 Or. 476 (2023)
- O'Donnell v. Ameresco, Inc., 716 F. Supp. 3d 1035, 1040, 1043-44 (D. Or. 2024)
- Seater v. Klamath Irrigation Dist., 336 Or. App. 195, 198, 560 P.3d 731 (2024)
- State v. Gaines, 346 Or. 160, 171-72, 206 P.3d 1042 (2009)
- Burley v. Clackamas County, 298 Or. App. 462, 467, 446 P.3d 564, rev. denied, 365 Or. 721 (2019)
- State v. Rainey, 294 Or. App. 284, 290-91, 431 P.3d 98 (2018)