

Joshua D. Kienitz

Shareholder

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Focus Areas

Class Action
Labor Management Relations
Healthcare
Wage and Hour
Leaves of Absence and Disability Accommodation
Discrimination and Harassment
Litigation and Trials

Overview

Joshua D. Kienitz represents and counsels management in all aspects of labor and employment law. He appears in state and federal courts and before the National Labor Relations Board, the Department of Labor, the California Public Employment Relations Board, and the Division of Labor Standards Enforcement and has specific knowledge of claims arising under:

- The California Labor Code, including the Private Attorneys General Act (PAGA)
- The Fair Labor Standards Act
- The National Labor Relations Act
- The Fair Employment and Housing Act (FEHA) and Title VII
- California's public sector labor relations statutes (including HEERA, EERA and the MMBA)

Among his notable successes, Josh obtained favorable outcomes in a class action trial involving a wage and hour commute time issue, a published California Court of Appeal decision favorably construing the Labor Code meal period/collective bargaining agreement exemption available in certain industries, and a significant decision by the California Public Employment Relations Board regarding the agency's authority to make public employers whole for damages caused by unlawful strike activity.

Additionally, Josh assists clients with contract grievance dispute resolution, arbitration, mediation and the early and cost-effective resolution of single-plaintiff and complex wage and hour and discrimination class actions. He also handles collective bargaining, with the majority of his experience being in the healthcare sector.

Most often Josh works with large California and national employers, including retail establishments, government/public entity employers, healthcare employers, utilities, and construction industry employers. Josh also assists start-ups in FinTech and several gig economy clients.

Previously, Josh taught high school physics in San Jose, California.

Professional and Community Affiliations

- Member, Labor and Employment Section, Bar Association of San Francisco
- Member, Contra Costa County Bar Association

Education

J.D., University of California, Berkeley, School of Law, 2006

M.A., Stanford University, 2002

B.A., Stanford University, 2002

Bar Admissions

California

Courts

U.S. Court of Appeals, 9th Circuit

U.S. District Court, Northern District of California

U.S. District Court, Eastern District of California

U.S. District Court, Central District of California

Publications & Press

When the Scrubs Come Off: Legal Options to Maintain Patient Safety When Nurses Walk Off the Job

44th Semi-Annual ASHHRA/IRI Labor Activity in Health Care Report

March 2015

California Employers Need Not Relieve Employees of all Duties During Rest Breaks, According to Court of Appeal

Littler ASAP

February 9, 2015

Relying on Duran, California Court of Appeal Upholds Denial Of Certification In Alleged Misclassification Action

Littler ASAP

February 9, 2015

Inconsistent Application of Policy Dooms Meal and Rest Break Class Claims in California

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January 8, 2015

California Employers Catch a Break From Unmanageable Wage and Hour Class Actions

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August 25, 2014

A Sunny "Off-The-Clock" Result For Golden State Employers

Littler ASAP

June 3, 2014

The De Minimis Doctrine Is Alive and Well in California

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March 18, 2014

Coleman v. Jenny Craig: California District Court Weighs in on Class Certification Post-Brinker

Littler ASAP

March 6, 2014

Calif. Meal And Rest Class Actions Alive Despite Brinker

Law360.com

November 14, 2013

California Meal and Rest Break Class Actions Regain Momentum After Brinker

Littler ASAP

October 28, 2013

Littler Elevates 13 Associates To Shareholder Status

Littler Press Release

January 9, 2013

Books & Book Chapters

- The Developing Labor Law: The Board, the Courts, and the National Labor Relations Act, *Bloomberg BNA*, Cumulative Supplement, 5th and 6th Eds., Contributing Editor, 2013 and 2014