

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 has substantial experience in defending California wage and hour class and Private Attorneys' General Act (PAGA) actions. He represents hospitals, utilities, public employers, construction employers, retail and technology companies in California wage and hour actions. Among his notable successes, Josh obtained favorable outcomes in a class action trial involving a wage and hour commute time issue and a California Court of Appeal decision favorably construing the Labor Code meal period/collective bargaining agreement exemption available in certain industries.

Josh represents clients in single- or multi-plaintiff litigation in California state and federal courts, in a range of cases, including those involving alleged discrimination, harassment or retaliation based on race, gender, disability, national origin, religion and whistleblower status.

Josh also has an active labor relations practice. He has handled many arbitrations under a collective bargaining agreement, administrative charges at the National Labor Relations Board and the Public Employment Relations Board, and has served as chief negotiator for many contracts (including first contracts and successor agreements). Josh has substantial experience with many unions, including the California Nurses Association, the California Federation of

Teacher, the International Union of Operating Engineers (IUOE), the International Brotherhood of Electric Workers (IBEW), the Teamsters, the Service Employees International Union (SEIU) and the National Union of Healthcare Workers (NUHW). He has substantial experience in current employer-employee relations practices, trends and major problems, principles of labor negotiations, applicable federal and state labor laws, public and private sector labor practices, and negotiated employee benefit programs.

Josh began his legal career with Littler in 2006 after serving as a summer associate in 2005.

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

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

Littler ASAP

February 9, 2015

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

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

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June 3, 2014

The De Minimis Doctrine Is Alive and Well in California

Littler ASAP

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