



## Joseph A. Ernst

**Direct: 808.523.5358****DIRECTOR**[Labor and Employment](#) | [Employment Litigation](#) | [Employment Compliance](#) | [Labor Relations](#)

Joseph A. Ernst is a Director of the firm and a member of the employment law department. His practice involves counseling and defending employers in all aspects of employment law, including defense of wrongful discharge, discrimination, harassment, whistleblower, and retaliation claims. He also assists clients with employer compliance with state and federal employment and labor laws.

Selected to the Hawaii Super Lawyers' from 2014-2017, the 2018 "Rising Stars" list, HONOLULU Magazine's 2021 "Best Lawyers®" list, and the 2022 Edition of The Best Lawyers in America, Mr. Ernst is recognized as a leading employment lawyer in Hawaii. Mr. Ernst has also represented Fortune 100 corporations and other publicly-traded businesses.

### Community Involvement/Professional Memberships

- Hawaii State Bar Association
- American Bar Association, Member - Labor & Employment Law Section
- Society for Human Resource Management (SHRM)
- Society for Human Resource Management Hawaii Chapter
- Hawaii Employers Counsel
- Vice Chairman of the Board for Shriners Children's Hawaii
- Board of Trustees for the Honolulu Scottish Rite
- Board of Trustees for the Blood Bank of Hawaii

### Education

- J.D., 2008, University of Pittsburgh School of Law
- Honors: Editor in Chief of The University of Pittsburgh Journal of Technology Law and Policy
- B.A., 2005, University of Tampa
- Honors: Magna Cum Laude

### Admitted to Practice

- Hawaii State Bar, 2008
- United States District Court, District of Hawaii, 2008
- U.S. Court of Appeals, Ninth Circuit, 2017

### Areas of Practice

- Administrative Law
- Employment Compliance
- Employment Litigation
- Labor Relations



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- Drafted employee handbooks. Drafted personnel policies and advised employers regarding the legal requirements pertaining to family and medical leave, wage and hour laws, alcohol and drug testing, e-mail usage and internet access, employee searches and surveillance.

- Managed and conducted large scale, complex electronic discovery.

### Representative Matters

- Represented employers in claims and civil lawsuits in state and federal court, including the Ninth Circuit Court of Appeals, alleging violations of Title VII, 42 U.S.C. § 1981, the Hawaii Whistleblowers' Protection Act, Hawaii's Fair Employment Practices Act and other discrimination laws, retaliation claims, common law theories of wrongful termination and collateral torts.

- Represented property owners and management companies in state and federal claims alleging housing discrimination.

- Represented clients in the defense of Department of Labor and Industrial Relations, Hawaii Civil Rights Commission, Equal Employment Opportunity Commission, and Department of Labor actions.

- Represented Fortune 100 and other publicly-traded companies.

- Advised employers with regard to the Fair Labor Standards Act, the Family and Medical Leave Act, the Americans with Disabilities Act, and the Uniformed Services Employment and Reemployment Rights Act.

- Assisted employers with legal issues that may arise relating to downsizing, employer successor liability, and dislocated worker notification statutes.

- Assisted employers with conducting Office of Federal Contract Compliance Programs audits.

- Drafted employee handbooks. Drafted personnel policies and advised employers regarding the legal requirements pertaining to family and medical leave, wage and hour laws, alcohol and drug testing, e-mail usage and internet access, employee searches and surveillance.

- Managed and conducted large scale, complex electronic discovery.

### Publications

- Joseph A. Ernst, *Occupancy Discrimination vs The Federal Fair Housing Act*, Haw. Community Ass'n (Cmty. Ass'n Inst., Haw. Chapter), Dec. 2008, at 7-9.

- *Clark v. Goodwill Indus. of Haw., Inc.*, 441 F. App'x 525 (9th Cir. 2011).

- *McMillan v. BSA-Aloha Council*, No. 11-00430 SOM-BMK, 2012 U.S. Dist. LEXIS 83346 (D. Haw. June 15, 2012).

- *Alakai Na Keiki, Inc. v. Hamamoto*, 257 P.3d 213 (Haw. Ct. App. 2011).