



## Francine Esposito

*Partner*

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### OVERVIEW

For over 30 years, Francine Esposito has represented employers nationwide at labor arbitrations, before various administrative agencies (including but not limited to the NLRB, OSHA and EEOC) and in employment-related litigation. Francine has extensive experience in assisting employers to avoid legal disputes by conducting compliance audits and workplace investigations, designing and presenting training, and advising on a wide array of labor and employment-related issues, including but not limited to:

- Discrimination, harassment and retaliation
- Leave and accommodation issues
- Compliance with labor law and the negotiation and administration of collective bargaining agreements
- Effective employee relations and union organizing drives
- Workforce impact of purchases, sales and relocations of businesses
- Discipline, discharge and reductions-in-force
- Effective and legally-compliant employment policies
- Separation, employment and non-compete agreements
- Background checking
- Wage and hour compliance
- Employee safety and health

Francine has assisted employers in effecting business change and cost savings during collective bargaining, and advised employers in various labor disputes.

Francine has represented employers in various industries, including hospitality, banking, logistics, technology, media, healthcare, retail, casino, accounting, real estate, engineering and construction,

utility and higher education.

Prior to becoming an attorney, Francine worked as a human resources/labor relations professional for two Fortune 100 companies.

## EXPERIENCE

***Prior results do not guarantee a similar outcome.***

Handled hundreds of labor arbitrations, including discharge and contract interpretation cases

Represented clients in numerous unfair labor practice proceedings before the National Labor Relations Board (NLRB)

Advised employers regarding administration of collective bargaining agreements and bargaining obligations with unions under the NLRA, while planning and implementing business change

Served as lead negotiator or legal advisor to company negotiators during negotiations of collective bargaining agreements in industries, such as healthcare, hospitality, maintenance, utilities and automotive, resulting in significant cost savings and/or operational flexibility

Regularly conducted employment-related training for clients nationally and internationally, resulting in decreased manager mistakes that result in employer liability, and one-on-one counseling for executives as prompt remedial action of various complaints

Represented employers before the EEOC and various state anti-discrimination agencies and in litigation, but also successfully resolved numerous harassment and discrimination claims in such agencies and court for minimal amounts and without adverse publicity to the defendant employers

Successfully devised or negotiated resolution of various employment-related disputes prior to litigation or soon after complaint

## SERVICES

EMPLOYMENT AND LABOR

LABOR REGULATION AND UNION RELATIONS

INTERNAL INVESTIGATIONS

LITIGATION

## INDUSTRIES

HEALTHCARE AND LIFE SCIENCES

ACADEMIC INSTITUTIONS AND HIGHER EDUCATION

CONSTRUCTION

FINANCIAL SERVICES

## INSIGHTS

**UNION OFFICIALS AND OTHER NON-EMPLOYEES NOW ALLOWED IN OSHA INSPECTIONS**

Co-author, May 14, 2024, *Day Pitney Alert*

**NLRB'S PROPOSED JOINT EMPLOYER RULE IS STILL IN FLUX**

Co-author, May 8, 2024, *Day Pitney Alert*

**LABOR LAW: EMPLOYEES' PROTECTED ACTIVITY UNDER THE NLRA IN THE U.S.**

Speaker, February 16, 2024, *Employment Matters* Podcast, Employment Law Alliance (ELA)

**KEY LABOR LAW DEVELOPMENTS AFFECTING ALL EMPLOYERS**

Co-author, January 30, 2024, *Day Pitney Alert*

**NLRB OVERHAULS INDEPENDENT CONTRACTOR TEST FOR THE THIRD TIME IN LESS THAN A DECADE**

Co-author, June 20, 2023, *Day Pitney Alert*

## NEWS

**CHAMBERS USA 2023 RANKS 35 DAY PITNEY ATTORNEYS AND 13 PRACTICES**

Featured, June 1, 2023, *Day Pitney Press Release*

**DAY PITNEY PARTNER FRANCINE ESPOSITO MADE HONORARY ALUMNA AT ST.**

## **BENEDICT'S PREP SCHOOL IN NEWARK FOR PRO BONO WORK**

Featured, March 27, 2022, *Day Pitney Press Release*

## **APPEALS COURT TOSSES LAWSUIT OVER TRUMP-ERA JOINT EMPLOYER RULE**

Quoted, November 8, 2021, *SHRM's HR Daily*

## **THE CHANGING LANDSCAPE OF LABOR LAW UNDER THE BIDEN ADMINISTRATION**

Featured, July 19, 2021, *Employment and Law Alliance*

## **WHAT EMPLOYEES CAN LEGALLY SAY ON FACEBOOK-AND GET AWAY WITH**

Quoted, December 21, 2015, *Corporate Counsel*

# **EDUCATION AND CREDENTIALS**

## **EDUCATION**

Rutgers School of Law-Newark, J.D., 1993

Cornell University, School of Industrial and Labor Relations, B.S., 1987

## **ADMISSIONS**

State of New Jersey

## **AFFILIATIONS**

American Bar Association

New Jersey State Bar Association

Society for Human Resource Management

Society for Human Resource Management (SHRM)

# **RECOGNITION AND COMMUNITY**

## **RECOGNITION**

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Labor and Employment in New Jersey, 2023

*No aspect of these advertisements has been approved by the highest court of any state. See [Awards Methodology](#).*