



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

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

Practices & Industries

[Academic Institutions & Higher Education](#)

[Employment & Labor](#)

[Employment Contracts](#)

[Employment Counseling & Training](#)

[Employment Litigation](#)

[Healthcare & Life Sciences](#)

[Internal Investigations](#)

[Labor Management Relations](#)

[Litigation](#)

[OSHA Compliance and Litigation](#)

[Wage and Hour Compliance & Employee Compensation](#)

[Workplace Investigations](#)

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

Education and Credentials

Education

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

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

Admissions

U.S. Court of Appeals for the Third Circuit, 1998

U.S. District Court, Southern District of New York, 2000

U.S. District Court, Eastern District of New York, 2000

U.S. District Court, District of New Jersey, 1993

State of New Jersey

Affiliations

American Bar Association, Section of Labor and Employment Law

New Jersey State Bar Association, Labor and Employment Law Section

Society for Human Resource Management

Society for Human Resource Management (SHRM)

Recognition and Community

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome. See Awards Methodology.

Recognitions

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Labor and Employment in New Jersey, 2023-2024

Insights

No Consequential Damages: Third Circuit Refuses to Recognize NLRB's Remedial Authority Beyond Reinstatement and Back Pay

Day Pitney Alert, January 3, 2025

New Jersey's New Pay Transparency Law Is on the Horizon

November 20, 2024

In a Blow to Employers' Ability to Defend Against Union Organizing Drives, NLRB Outlaws Mandatory Captive Audience Meetings

November 15, 2024

NLRB GC Proposes Significant Penalties for Employers' Use of Non-Compete and Stay-or-Pay Agreements

October 11, 2024

Supreme Court's Clarified Standard Makes It Harder for NLRB to Obtain Injunctions

June 18, 2024

Cos. Must Stay On Alert With Joint Employer Rule In Flux

May 29, 2024

New York Employment Law Developments: Paid Lactation Breaks, Posting Requirements and More

May 22, 2024

EEOC's New Guidance on Workplace Harassment Being Challenged

May 21, 2024

Updated: U.S. Department of Labor Increases Exempt Salary Thresholds

May 20, 2024

Union Officials and Other Non-Employees Now Allowed in OSHA Inspections

May 14, 2024

Updated: NLRB's Proposed Joint Employer Rule Is Still in Flux

May 8, 2024

New Protections for Domestic Workers Under the New Jersey Domestic Workers' Bill of Rights

April 11, 2024

Connecticut Employee's Claims That She Was Terminated Based on Medical Marijuana Use Go Up in Smoke

March 26, 2024

Key Labor Law Developments Affecting All Employers

January 30, 2024

2023 New Jersey Employment Law Recap and Looking Ahead in 2024

January 29, 2024

U.S. Department of Labor Finalizes Independent Contractor Rule

January 26, 2024

U.S. Department of Labor Proposes Increases to Exempt Salary Thresholds

December 4, 2023

District of New Jersey Reiterates What Is Just Not Reasonable

September 18, 2023

Supreme Court Reexamines Undue Hardship Standard for Title VII Religious Accommodation

August 4, 2023

New Jersey Employers Face New Reporting Requirements Under Unemployment Insurance Law

July 28, 2023

NLRB Overhauls Independent Contractor Test for the Third Time in Less Than a Decade

June 20, 2023

Updated: New York Legislature Passes Noncompete Ban

June 13, 2023

"2023 Annual Employment and Labor Conference," Day Pitney

June 7, 2023

NLRB General Counsel Clarifies Limits on Broad Confidentiality and Non-Disparagement Provisions in Employment Documents

May 23, 2023

UPDATED: New York City Makes Moves to Expand Protections Against Appearance-Based Discrimination

May 18, 2023

New York Updates Sexual Harassment Prevention Model Policy and Training Materials

May 3, 2023

New York State and City Pay Transparency Laws Continue to Evolve

March 24, 2023

NLRB Limits Use of Confidentiality and Non-Disparagement Provisions

March 7, 2023

UPDATED: Groundbreaking Changes to Temporary Workers' Rights in New Jersey

March 2, 2023

2022 New Jersey Employment Law Recap and Looking Ahead in 2023

February 24, 2023

Omnibus Spending Bill Includes New Workplace Protections for Pregnant and Nursing Employees

January 19, 2023

After COVID-19 Delay, New Jersey WARN Act Amendments Set to Take Effect in 90 Days

January 12, 2023

2023 New York Employment Law Updates

January 11, 2023

Congress Tells Victims to Speak Out!

January 6, 2023

New York Law Prohibits Employers From Disciplining Employees for Lawful Absences

December 20, 2022

Labor Law Updates of Concern to All Employers

November 28, 2022

Have You Told Your Employees About Their Rights? New Workplace Posting and Distribution Requirements

November 17, 2022

The "STOP WOKE Act" – Florida's Attempt to Prohibit Mandatory Employee Diversity Training Put on Hold for Now
October 21, 2022

Connecticut Expands Anti-Discrimination Protections
October 20, 2022

DOL Shakes Up Employee/Independent Contractor Distinction Again
October 17, 2022

Don't Fall Behind: Stay Up to Date With the Changes to New York's Employment Laws
October 3, 2022

Weeding Out Impaired Employees: NJ Commission Issues Guidance on Adverse Employment Action for Cannabis Use
September 20, 2022

When Less Isn't More: An Overview of East Bay's Impact on Employee Misclassification
August 8, 2022

EEOC'S Updated COVID-19 Guidance Places Additional Restrictions on Employers
July 20, 2022

Day Pitney's Annual Employment and Labor Conference Session 1
June 9, 2022

NJ Court Holds First Amendment Does Not Prohibit Employee Discharge for Racially Insensitive Post
June 8, 2022

New York City Council Votes to Amend Pay Transparency Law and Extend Effective Date to November 1, 2022
May 2, 2022

The 'Other' ADA Claim - Website Accessibility Under Title III
April 28, 2022

UPDATED: 2022 Brings More Employment Law Updates for New York Employers
April 14, 2022

Do You Know Where Your Employees Are? The Risks of Remote Work
April 11, 2022

Don't Be Late on Wage Payments to Terminated Employees in Massachusetts
April 7, 2022

Employers Are Required to Provide Written Notice of Tracking Devices in Vehicles Used by Their Employees
March 21, 2022

EEOC's Advice to Employers on Accommodating Religion and COVID-19 Vaccines in the Workplace
March 16, 2022

Massachusetts Ends COVID-19 Emergency Paid Sick Leave Program
March 11, 2022

Biden Signs Act Restricting Forced Arbitration of Sexual Harassment or Assault Claims
March 4, 2022

Does the Recent Supreme Court Decision On Mandatory Vaccines Apply to All Healthcare Providers?
January 21, 2022

2021 Recap and What's New for 2022: Updates to New Jersey Employment Law
January 19, 2022

Updated: The Supreme Court Has Spoken: OSHA ETS Stayed
January 14, 2022

New Year, New(ish) Connecticut Employment Laws

January 13, 2022

Keeping Up With New York's New Employment Laws in the New Year

January 11, 2022

UPDATED: OSHA Issues COVID-19 Emergency Temporary Standard Requiring Vaccination or Testing

November 9, 2021

Biden DOL Rescinds Trump-Era FLSA Joint Employment Rule

October 28, 2021

New York City Mandates Private Employers to Provide Retirement Savings Plans for Employees; Similar Statewide Law Not Far Behind

October 28, 2021

New York Amends Labor Law and Expands Coverage for Wage Theft

October 27, 2021

New Jersey Amends Law Against Discrimination to Expand Protections Against Age Discrimination

October 8, 2021

New York Revises Model Workplace Safety Plan Under HERO Act

October 4, 2021

NY Designates COVID-19 a Highly Contagious Communicable Disease, Triggering HERO Act Workplace Safety Plans

September 13, 2021

What to Know About Workers, Unions, and COVID-19 Safety Issues

September 10, 2021

New Jersey Supreme Court Makes Clear That No Adverse Action Is Required for Failure-to-Accommodate Claims

July 29, 2021

New York Issues HERO Act Airborne Infectious Disease Exposure Prevention Standard and Model Plan

July 8, 2021

New Jersey Supreme Court Weighs In on Pregnant Workers Fairness Act: Undue Hardship Is Not What You Thought It Was

July 6, 2021

A WARNING to New Jersey Employers Contemplating Mass Layoffs or Other Business Change

June 28, 2021

New York Amends HERO Act Mandating Workplace Safety Plan for Airborne Infectious Diseases

June 25, 2021

Amendment to Connecticut Law Requires Salary Range Disclosures to Applicants and Employees

June 17, 2021

OSHA Issues COVID-19 Emergency Temporary Standard for Employers in the Healthcare Industry and Updates Guidance for All Employers

June 16, 2021

EEOC OKs Employer COVID-19 Vaccine Mandates and Incentives

June 11, 2021

New Jersey Executive Orders 242 and 243 Reduce COVID-19 Workplace Restrictions

May 28, 2021

New York Passes 'HERO' Act Mandating Workplace Safety Plan for Airborne Infectious Diseases

May 11, 2021

New Jersey Guidance Supports Mandatory Vaccination Policies

April 12, 2021

Not So Fast: New York City Ordinance Ends At-Will Employment for Fast Food Workers

March 25, 2021

What the American Rescue Plan Means for Employers

March 19, 2021

Connecticut Follows Growing Trend in Proscribing Workplace Hair Discrimination

March 18, 2021

Out With the Old, In With the New: President Biden Shakes Up Federal Labor Law

March 3, 2021

EEOC Updates: Conciliation Program Changes, Guidance on Systemic Discrimination, EEO-1 Data Collection Resumes and New Leadership

February 17, 2021

New Guidance Indicates Employees Entitled to Multiple Leaves Under the New York COVID-19 Sick Leave Law

February 1, 2021

A New Year Means New Changes to NY and NJ Wage and Hour Laws

January 20, 2021

Massachusetts Paid Family and Medical Leave Act Provisions Go Into Effect on January 1, 2021

December 29, 2020

Congress Declines to Extend Paid Sick and Emergency Family Leave but Incentivizes Employers To Continue Voluntarily Providing Leaves

December 28, 2020

EEOC Issues Guidance for Employers on COVID-19 Vaccines, But Should Employers Mandate Vaccination?

December 22, 2020

New DOL Rule Expands Religious Employers' Exemption From Federal Contracting Anti-Discrimination Requirement

December 17, 2020

As Deadlines for New Connecticut Laws Approach, Employers Must Be Sure To Comply

December 15, 2020

CDC Updates Guidance on Quarantine After COVID-19 Exposure, But State Guidance May Differ

December 7, 2020

Florida Votes to Increase Minimum Wage to \$15 per Hour Over Six Years

November 30, 2020

Negotiating a Successor Collective Bargaining Agreement During a Pandemic

November 5, 2020

Employers No Longer Forced to Choose Whether to Comply with the NLRA or Anti-Harassment/Discrimination Law When Addressing Employees' Improper Conduct

October 30, 2020

Sick Time in New York: What Employers Need to Do Now Under New and Amended Laws

October 30, 2020

Workplace Safety During the Pandemic: What Employers May Not Know About Their OSHA Obligations

October 30, 2020

New Jersey Employees' Children Not Going Back to In-Person School - Now What?

September 2, 2020

Ruling Invalidates Portions of the Families First Coronavirus Response Act Regulations

August 5, 2020

New Jersey's Earned Sick Leave Law: Final Regulations and COVID-19 Amendments

July 30, 2020

Trio of Cases Limit Union Activity

July 30, 2020

In Landmark Ruling, the United States Supreme Court Holds that Title VII Prohibits Discrimination Based on Sexual Orientation and Gender Identity

July 30, 2020

OSHA Reverses Course and Reinstates Employers' Obligation to Determine Whether COVID-19 Cases Are Work-Related

May 28, 2020

The Road Back' from COVID-19 - Reopening NJ Businesses

May 22, 2020

NLRA Issues for All Employers To Be Aware of During the COVID-19 Pandemic

April 21, 2020

New COVID-19 Amendments to New Jersey's WARN Act Provide Some Relief for Employers

April 16, 2020

New Jersey Expands Protections and Paid Leave Benefits for Employees Impacted by COVID-19

March 30, 2020

Department of Labor Wage and Hour Division Issues Employment Law Guidance Relating to COVID-19

March 26, 2020

COVID-19 - Answers to Questions on Every Employer's Mind

March 18, 2020

New Jersey Becomes First State in the Country To Require Severance in Mass Layoffs

January 28, 2020

Just When You Thought You Knew What Constituted FMLA Leave

December 12, 2019

NLRB Clarifies Standard for Determining Legality of Employer Rules and Approves Confidentiality and Media Rules

December 12, 2019

What the New January 1, 2020 Overtime Rule Means for Employers

December 12, 2019

Marijuana Update: Must New Jersey Employers Accommodate Medical Use?

November 20, 2019

Major Changes to New Jersey's Wage and Hour Law Pose Greater Risks for Employers

September 11, 2019

September 30 EEO-1 New 'Component 2' Data Submission Deadline Is Quickly Approaching

September 11, 2019

New Jersey Law Now Provides Protections to Medical Marijuana Users

September 11, 2019

NLRB Update: Proposed Election Rules Encouraging Employee Free Choice

September 11, 2019

Connecticut's New Paid Family and Medical Leave Act Applies to Almost All Employers

July 1, 2019

Marijuana Update: Must New Jersey Employers Accommodate Medical Use?

June 28, 2019

In Another NLRB Shift, an Employee's Complaint Was a Mere Gripe and Not Protected Concerted Activity Under NLRA

March 28, 2019

New Jersey Becomes First State to Ban Employers From Using Arbitration, Nondisclosure and Confidential Settlement Agreements for All Claims of Discrimination, Harassment or Retaliation

March 19, 2019

NJ Leave Law Amendments: More Employers Affected, More Leave, More Covered Family Members and More Paid Benefits

February 26, 2019

NYC Commission on Human Rights Declares a Ban on 'Hair' Discrimination

February 22, 2019

New York Enacts Gender Expression Non-Discrimination Act

February 1, 2019

Labor Law: A Year in Review

December 31, 2018

The Year Past and Future: A Myriad of New York Employment Law Updates

December 31, 2018

We're Pregnant: New State Law Protections for Pregnant Employees

March 29, 2018

What's on the Horizon? Important Proposed Legislation in New Jersey

September 26, 2018

NJ Employers Beware: Federal and State Departments of Labor Team Up to Address Independent Contractor Misclassification

September 26, 2018

Despite Contrary Law in Other States, New Jersey Employers Not Required to Accommodate Medical Marijuana Use

September 26, 2018

New Massachusetts Noncompetition Law Effective October 1

September 26, 2018

Massachusetts "Grand Bargain" Creates Paid Family and Medical Leave, Increases the Minimum Wage and Eliminates Retail Premium Pay Obligations

September 26, 2018

NYC Releases Guidance and Notice Posting For New Temporary Work Schedule Changes Law

September 26, 2018

NYS Issues Draft Model Sexual Harassment Policy and Training: Employers Must Act to Ensure Compliance With Both State and City Laws

September 4, 2018

New York City Releases Required Sexual Harassment Poster and Information Sheet

August 8, 2018

New Jersey Joins a String of States Cracking Down on Employee Misclassification

June 27, 2018

NYS and NYC Crack Down on Sexual Harassment, Imposing New Requirements on Employers

June 27, 2018

Enforcing Arbitration Agreements in New Jersey

June 27, 2018

Still Using Unpaid Interns? Be Sure to Comply With Federal and Applicable State Law

June 27, 2018

As the Fraternity of States With Earned Sick Leave Adds a New Chapter, New Jersey Employers Can Expect Big Changes

June 27, 2018

New Jersey Enacts Statewide Earned Sick Leave Law

May 2, 2018

New Jersey Enacts a Broad and All-Encompassing Equal Pay Act

April 30, 2018

How Long and Where Can Employees Breastfeed or Pump Milk? States Continue to Weigh In

March 29, 2018

New Year Brings Even More Leave Requirements for New York City Employers

March 29, 2018

Supreme Court Recently Limited the Scope of Whistleblower Protection Under Dodd-Frank, But State Laws Continue to Provide Broader Protections

March 29, 2018

New IRS Code Section 45S - Employer Credit for Paid Family and Medical Leave

March 29, 2018

Reorienting Title VII - Although The Second Circuit Expands Sexual Orientation Protections Under Federal Law, State Laws Remain More Favorable to Plaintiffs

March 29, 2018

Do Your Severance Agreements Adequately Protect You?

March 29, 2018

Now Put It in Writing: New York City's New Employer Requirements for Workplace Accommodations

March 29, 2018

NLRB Reverses Significant Precedents Impacting Employers

December 19, 2017

What Employers Need to Know About New York's New Paid Family Leave Law

October 4, 2017

Francine Esposito to Present Full-Day Family Medical Leave Act Master Class

September 13, 2017

Federal Contractors Must Provide Paid Sick Time in the Future

September 18, 2015

NLRB Adopts New Joint-Employer Standard

September 1, 2015

Annual Labor and Employment Conference - NY

June 15, 2011

Annual Labor and Employment Conference - New Jersey
June 8, 2011

News

Chambers Recognizes Day Pitney with Elevated Rankings Across Practices and Attorneys
June 6, 2024

Chambers USA 2023 Ranks 35 Day Pitney Attorneys and 13 Practices
June 1, 2023

Day Pitney Partner Francine Esposito Made Honorary Alumna at St. Benedict's Prep School in Newark for Pro Bono Work
March 27, 2022

In The Media

Labor Law: "NLRB Developments: Stay-or-Pay, Non-Competition and Moonlighting Provisions, Employer Communications During Union Organizing and What to Expect During the Trump Presidency"
January 2, 2025

Labor Law: Employees' Protected Activity Under the NLRA in the U.S.
February 16, 2024

Appeals Court Tosses Lawsuit over Trump-Era Joint Employer Rule
SHRM's HR Daily, November 8, 2021

The Changing Landscape of Labor Law Under the Biden Administration
Employment and Law Alliance, July 19, 2021

Employment Law Update | October 12, 2017
October 12, 2017

Federal and State Law Updates
June 16, 2017

Navigating the Ongoing Challenges of Employees' Social Media Use | June 9, 2016
June 9, 2016

Navigating the Ongoing Challenges of Employees' Social Media Use | June 2, 2016
June 2, 2016

Federal Contractors Will Have To Provide Paid Sick Time
Pratt's Government Contracting Law, January 20, 2016

What Employees Can Legally Say on Facebook-and Get Away With
Corporate Counsel, December 21, 2015

New Bill Would 'Ban the Box' for Federal Contractors
Staffing Industry Analysts, September 25, 2015

Francine Esposito published in Business & Legal Resources "5 Tips for Navigating FMLA Certification Process"
Business & Legal Resources, February 1, 2012