FORDHARRISON

# NICOLE M. FALCEY

**Partner** / Berkeley Heights, Hartford
nfalcey@fordharrison.com / P: 973-646-7311



**Nicole Falcey represents employers in complex employment litigation, with particular experience in class and collective actions, wage and hour disputes, pay equity matters, and other high exposure employment claims. She defends employers under the Fair Labor Standards Act, state wage and hour and equal pay laws, and a broad range of federal and state employment statutes. Her practice spans New Jersey, New York, and Connecticut and includes employers across a wide range of industries.**

An experienced litigator and trial attorney, Nicole handles matters from initial assessment through trial and appeal in federal and state courts. Her successes include securing judgment as a matter of law following the plaintiff's case in chief in a federal jury trial, obtaining a directed verdict in New Jersey State Court, and successfully defending a favorable judgment on appeal. Nicole's courtroom experience informs her strategy from the outset, positioning matters for trial while continually evaluating opportunities to narrow claims, control costs, and achieve an earlier resolution when doing so advances the client's objectives.

Nicole's litigation practice includes class and collective actions, single plaintiff cases, employment arbitrations, agency proceedings, and complex pay equity disputes. She also represents employers in Department of Labor investigations and audits, including matters involving wage and hour compliance and worker classification.

Beyond litigation, Nicole serves as outside employment counsel to employers that rely on her for both significant employment initiatives and day to day advice. She conducts sensitive workplace investigations and advises on compensation structures, wage and hour compliance, employee relations, accommodations and leave, discipline and termination, workplace policies, and other complex employment issues. She works closely with clients to identify and address potential risks before they become disputes, grounding her advice in both the law and the practical realities of the client's business and workforce.

## EDUCATION

- University of Denver College of Law (J.D., 2011)
- Boston College (B.S., 2006)

## BAR ADMISSIONS

- New Jersey
- New York
- Connecticut

## COURT ADMISSIONS

- U.S. District Court for the District of New Jersey
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- New York State Courts
- New Jersey State Courts
- Connecticut State Courts

Nicole has particular experience representing restaurant and hospitality employers. Her understanding of the industry is informed by firsthand experience: she worked as a server throughout high school, college, and law school, including while studying for the bar exam. That background gives her a practical appreciation for restaurant operations and workforce dynamics and informs her counsel on tip practices, wage and hour compliance, employee relations, and other industry specific challenges. She regularly advises restaurant employers and has defended restaurant groups in class and collective action litigation.

## Representative Experience

- Won a directed verdict in New Jersey State Court defending a national grocery chain in a breach of contract and breach of duty of fair representation lawsuit involving the alleged breach of a collective negotiations agreement by an employee.
- Defended a longstanding New Jersey restaurant group in a hybrid wage and hour class and collective action, identifying significant vulnerabilities in the proposed class and leveraging those issues to achieve a favorable early resolution.
- Defended a restaurant group operating approximately 20 franchised locations in a putative state wage and hour class action involving tip credit and retaliation claims, successfully eliminating the class claims before resolving the remaining individual claims.
- Secured judgment as a matter of law following the plaintiff's case in chief in a federal jury trial involving complex ERISA pension claims and successfully defended the judgment on appeal.
- Defended a national manufacturer in a putative class action arising from the administration of temporary disability benefits. Detailed analysis of the underlying records revealed significant inconsistencies in the alleged classwide practices, contributing to a favorable resolution.
- Represents an Illinois manufacturer in an ongoing hybrid wage and hour class and collective action.
- Defended a higher education employer in an early case under New Jersey's Diane B. Allen Equal Pay Act involving complex compensation and comparator issues across multiple employees, ultimately achieving a favorable resolution.
- Secured a directed verdict following a bench trial in New Jersey State Court for a national grocery chain in litigation

involving contract and duty of fair representation claims arising from a collective bargaining agreement.

- Secured dismissal at the pleading stage of a whistleblower retaliation claim against a Fortune 200 technology company, avoiding protracted discovery and litigation.
- Serves as outside employment counsel to a global consumer products company, handling employment litigation, workplace investigations, day to day counseling, and significant projects involving compensation structures, workplace policies, and contractual obligations.
- Handles a portfolio of employment litigation for a national beverage manufacturer and advises the company on specialized employment issues, developing an in depth understanding of its operations, workforce, and business objectives.
- Represents a national retailer in a portfolio of employment arbitrations involving discrimination, retaliation, and other workplace claims, developing factual and credibility defenses through detailed investigation and resolving matters favorably during the arbitration process.
- Represents a financial services institution in employment litigation, agency proceedings, and sophisticated employment counseling, including complex issues arising under New Jersey employment law.
- Regularly represents employers in New Jersey Department of Labor investigations, audits, and administrative proceedings involving wage and hour compliance, worker classification, and related issues. Representative results include substantially reducing proposed misclassification penalties at the administrative appeal stage.
- Represents employers before the Connecticut Commission on Human Rights and Opportunities in discrimination and other employment proceedings.

## Honors & Awards

- Leadership Council on Legal Diversity (LCLD), 2024 Fellow
- *Best Lawyers in America: Ones to Watch*
- *"New Jersey Rising Star" listed in Super Lawyers magazine*
- **Nicole was selected to the Rising Star list issued by Thomson Reuters. The selection methodology is found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

## News & Insights

- SourceBook - Editor, FordHarrison's Labor & Employment Sourcebook, Pay Equity
- March 06, 2026 - When an "Automatic Gratuity" Is Not a Tip: Wage and Hour Considerations for New Jersey Restaurants
- May 23, 2025 - Noncompete News: New Jersey Introduces New Bill to Kill Noncompete Agreements
- May 21, 2025 - Is Your Company Ready to Disclose Salary Information and Promotional Opportunities Under New Jersey's Pay Transparency Act?
- December 23, 2024 - Nicole Falcey Awarded 2024 Atlas Award by Leadership Council on Legal Diversity

## Events

- December 10, 2026 - New Jersey Employment Law Update 2026: Ensuring Compliance in a Shifting Landscape
- June 24, 2026 - FordHarrison Tri-State Employment Law Update for 2026 — Complimentary Webinar
- March 05, 2026 - New Jersey Employment Restaurant Roadshow (Virtual Program) - Complimentary Webinar
- December 04, 2025 - New Jersey Employment Law Update: Ensuring Compliance in a Shifting Landscape
- June 25, 2025 - Navigating Pay Transparency: A National Approach to Compliance - Complimentary Webinar

## Offices

- *Berkeley Heights:*
  300 Connell Drive
  Berkeley Heights, New Jersey 07922
- *Hartford:*
  CityPlace II, 185 Asylum Street, Suite 820
  Hartford, Connecticut 06103