

# Nicole Foley

PARTNER



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## Practice Areas

- ▶ Employment & Labor
  - ▶ Executive Compensation & Employee Benefits
  - ▶ Litigation & Dispute Resolution
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- ▶ Wayne State University Law School  
J.D.  
Cum Laude  
National Moot Court
  - ▶ Michigan State University  
Bachelor of Arts with high honors

## Bar Admission

- ▶ Michigan

## Court Admissions

- ▶ U.S. District Court for the Eastern District of Michigan
- ▶ U.S. District Court for the Western District of Michigan

## Overview

Nicole Foley is an attorney in our Employment & Labor and Litigation & Dispute Resolution practice groups. She specializes in all areas of employment counseling and litigation and partners with her corporate clients to find solutions to everyday employment questions, complicated legal disputes and everything in between.

Nikki understands the complex employment laws that govern so many different aspects of the employment relationship and how those laws should be applied to build a successful business while maintaining strong employee relations. She is dedicated to gaining insight into all aspects of her clients' businesses because understanding their people and personalities, their history and structure, their concerns, and their goals is the key to building a trusting relationship and providing effective legal services. Her clients include employers in a wide range of industries, from large public companies with thousands of employees to small, family-owned businesses with a handful of employees.

In her everyday practice, Nikki provides these and other services that are essential to employers and business owners:

- ▶ Counseling clients on all facets of the employment relationship from interviewing and hiring to discipline and termination.
- ▶ Partnering with clients to understand their business needs and drafting all documents related to employees and service providers, such as employment applications, offer letters, employment agreements, commission and bonus plans, confidentiality and non-disclosure agreements, non-competition and non-solicitation agreements, employee handbooks, independent contractor and consulting agreements, disciplinary action forms, performance review forms, and severance agreements.
- ▶ Advising clients on navigating complicated issues such as exemption classifications, independent contractor status, investigations into harassment or discrimination, proper documentation of employment concerns, answering claims made to government and administrative agencies, agency investigations and compliance, family medical leave, disability accommodation, reductions in force, and hiring potential employees who are subject to restrictive covenants.
- ▶ Counseling clients through the process of conducting investigations into employee allegations of harassment, discrimination, retaliation, and workplace violence while instilling the importance of maintaining proper documentation, follow-up discussions, and resolution of claims.
- ▶ Conducting corporate training on all areas of employment law and drafting training materials, policies, and procedures.
- ▶ Focusing on strategies that avoid the cost and hardship of litigation. However, if litigation cannot be avoided, Nicole is an experienced, aggressive advocate in state and federal court and in handling claims before governmental agencies, such as the Equal Employment Opportunity Commission, the Department of Labor, and administrative tribunals.

- ▶ Working closely with and defending clients faced with litigation involving discrimination, harassment and retaliation covered under state and federal laws such Title VII, the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA); wage and hour disputes; public policy; whistleblower; employment-related tort claims; and breach of contract.
- ▶ Guiding clients through every step of the litigation process, from answering the complaint to discovery, trial, and strategic options for alternative dispute resolution, settlement, and successful dismissal of claims through summary judgment.
- ▶ Collaborating on employment-related matters with other Jaffe attorneys to provide clients with the most comprehensive resources available in areas such as tax, bankruptcy, mergers and acquisitions, copyright and patent, insurance and employee benefits, immigration, privacy, and data security, and appellate, just to name a few.

## Publications

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- ▶ Co-author, "Employment Issues Abound Even in the Wake of Economic Turnaround," National Trends in Employment Law; An Immediate Look at Tackling Challenging Claims and Practices in the Digital Age, Aspatore Special Report, 2015

## Speaking Engagements

- ▶ "[Legal Aspects of Returning High-Risk Employees to Work in Michigan](#)", Michigan Lawyers Weekly, December 2020
- ▶ Key Note Speaker, Sun Communities, Inc., 'Promoting Inclusion & Combatting Discrimination and Harassment', September & November 2019
- ▶ Key Note Speaker, Council of Michigan Foundations, 'Best Practices in Working with Youth Volunteers', May 2019
- ▶ Presenter, Jaffe Law Lunch and Learn Employment Law Presentation to Elite Success Partners, 'Hot Topics Employers Should Know to Protect Themselves', May 2019
- ▶ Key Note Speaker, Goldman Sachs Small Business Initiative on "Employment Law Primer: Select Issues for Small Business Owners" and "Avoiding Legal Pitfalls in the Interview Process", March 2018
- ▶ Participant, Michigan Council of the Society for Human Resource Management Conference, October 2016
- ▶ Key Note Speaker, American Academy of Ophthalmology (AAO), Savvy Practice, "Tips to Successfully Manage Your Workforce", April 2015
- ▶ Presenter, Employment Law Series presentation to Construction Association of Michigan (CAM), "Compliance with Wage and Hour Laws", December 2007

## Affiliations

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- ▶ State Bar of Michigan, Labor and Employment Section
- ▶ Oakland County Bar Association, Labor and Employment Section
- ▶ Former President of Board of Trustees of Chapel Day Preschool
- ▶ Parent Teacher Association, Member and Committee Chair