

Nicole L. Faulkner

PARTNER

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Office: Minneapolis



Nicole's experience allows her to grasp the "big picture" issues employers face every day, and her legal advice incorporates those practical realities.

Nicole advises clients on the full range of labor and employment issues, including collective bargaining negotiations, labor organizing campaigns and elections, labor arbitration, wage and hour, disability/family leave management and reasonable accommodations, discrimination and harassment, and complex internal investigations, among others.

She works with both unionized and nonunionized employers on traditional labor issues, emphasizing positive employee relations with her clients and drawing on her own prior management experience to give practical day-to-day guidance.

Nicole also counsels and litigates on behalf of clients facing issues involving the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act and the Minnesota Human Rights Act. In her counseling work, due to her prior management experience, she is known for her ability to identify quickly with clients, gain their confidence and put them at ease as they work through difficult problems.

PRACTICES & INDUSTRIES

Employment Investigations & Compliance
Employment Litigation
Labor Relations
Labor, Employment & Benefits
Railroads

ADMISSIONS

Minnesota, 2015
U.S. District Court for the District of Minnesota, 2015
U.S. Court of Appeals, Eighth Circuit, 2018
U.S. Court of Appeals, Seventh Circuit, 2018

EDUCATION

William Mitchell College of Law (Mitchell Hamline School of Law), J.D., *summa cum laude*, 2015

- William Mitchell Law Review, Executive Editor, (2014-15), Staff Writer, (2013-14)
- Research Assistant for Professors Ted Sampsell-Jones and Daniel S. Kleinberger

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EXPERIENCE

Nicole assists employers, union and nonunion, to address the needs of their workforce and respond to issues that arise under the National Labor Relations Act, including responding to grievances, defending employers facing charges and assisting with CBA interpretation and application of rules. Nicole also assists her unionized employers with contract negotiations, both at the table and behind the scenes.

Nicole regularly travels to deliver anti-harassment and anti-discrimination training for employers of all sizes across various industries, and she conducts internal investigations of workplace complaints (both as a company advisor and as a neutral investigator). She also trains employers across a wide variety of industries on positive employee relations, preparing for negotiations, and general labor relations topics.

As part of her pro bono work, Nicole has written amicus curiae briefs on behalf of the ACLU of Minnesota and the Electronic Frontier Foundation in cases seeking greater government transparency and accountability. She also regularly works with the firm's Deinard Legal Clinic on pro bono family law matters.

In her practice, Nicole has successfully obtained summary judgment dismissal of a reverse-gender discrimination claim and OSHA whistleblower (FRSA) claim against railroad client (Federal District Court, Northern District of Illinois). Obtained affirmance of the same on appeal to the Seventh Circuit.

She has negotiated favorable settlements of state age discrimination claims against a national network of health & human services providers and a distributor of construction/mining equipment throughout the Upper Midwest (Minnesota and Iowa, respectively).

Nicole has also obtained numerous no-probable-cause findings for clients across various industries for claims of discrimination and retaliation before the EEOC, Minnesota Department of Human Rights, Minneapolis Department of Civil Rights, Iowa

- Kirwin Award for Professionalism
University of Florida, B.A., 2001

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Civil Rights Commission, and the Department of Labor (OSHA).

RECOGNITIONS

Selected to the 2024 edition of *Best Lawyers in America*®

MSBA Labor & Employment Section Excellence in Employment Law award winner representing William Mitchell College of Law, 2015

PROFESSIONAL & CIVIC ACTIVITIES

Minnesota State Bar Association

Hennepin County Bar Association

American Bar Association

Federal Bar Association

Member of NACUA, National Association of College and University Attorneys

Midwest Gymnastics Booster Club, President of the Board, 2019 to Present

Minnesota Coalition for the Homeless, Board Member, 2019 to 2020

NEWS

Labor Relations, Employment Litigation Attorney Nicole Faulkner Returns to Stinson
06.28.2023

SPEAKING ENGAGEMENTS

2023 Upper Midwest Employment Law Institute, "Pay Transparency is Trending"
05.18.2023

New Challenges for HR in 2022
02.03.2022

New Challenges for HR in 2021
02.04.2021

New Challenges for HR in 2020 - Minneapolis
Stinson LLP, 01.23.2020

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PUBLICATIONS

NLRB Announces a New Standard for Requiring Employers to Recognize and Bargain with Unions

08.28.2023

NLRB Increases Scrutiny of Workplace Rules

08.09.2023

NLRB Modifies the "Quickie" Election Rules

01.14.2020