

Nina K. Markey

Shareholder

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Focus Areas

Discrimination and Harassment
Labor Management Relations
Inclusion, Equity and Diversity
Hiring, Performance Management and Termination

Overview

Nina Markey represents and counsels employers in all aspects of employment and labor law, including:

- Discrimination, retaliation and harassment
- Representation elections
- Protected activity under the NLRA
- Unfair labor practice proceedings
- Labor arbitrations
- Wrongful termination

Nina practices before state and federal courts, as well as before the Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board.

Nina has first chaired dozens of jury trials, bench trials and arbitrations. Among her notable litigation successes, Nina has obtained defense verdicts in: a federal jury trial involving discrimination claims under the ADA; a federal jury trial involving race discrimination and retaliation claims under Title VII and the PHRA; a federal jury trial involving customer claims of race discrimination under Section 1981 of the Civil Rights Act; and a state court bench trial involving a claim under the Pennsylvania Whistleblower Act. She has obtained awards of summary judgment in favor of employers in numerous cases, including:

- A Title VII gender and pregnancy discrimination claim

- A New Jersey Conscientious Employee Protection Act claim
- Claims brought under the False Claims Act (upheld by the Third Circuit in a precedential opinion)
- Multiple cases involving Title VII race discrimination claims
- Claims brought under the Family Medical Leave Act

Nina works closely with employers on their labor relations needs, including advising management on NLRA compliance; labor arbitrations; ULP litigation before the NLRB; and collective bargaining.

Nina also regularly conducts EEO, labor and other compliance training sessions for employers.

Nina currently serves on Littler's Diversity and Inclusion Council and co-chairs the firm's Parenting at Littler (PALs) Initiative; she has served on the firm's Board of Directors. Outside of the firm, Nina currently serves as President of The Wardrobe, a Philadelphia based nonprofit with the goal of helping eliminate clothing insecurity; she has also taught courses on employment law at Rutgers University School of Law.

Prior to joining Littler, Nina served as a law clerk to the Hon. Mary L. Cooper of the United States District Court for the District of New Jersey and the Hon. Jane Grall of the New Jersey Superior Court, Appellate Division.

Professional and Community Affiliations

- President, Board of Directors, The Wardrobe
- Member, Forum of Executive Women

Recognition

- Named, The Best Lawyers in America®, 2018-2025

Education

J.D., Rutgers School of Law, *With Honors*

B.A., Dartmouth College

Bar Admissions

Pennsylvania

New Jersey

Courts

U.S. Court of Appeals, 3rd Circuit
U.S. District Court, Eastern District of Pennsylvania
U.S. District Court, Middle District of Pennsylvania
U.S. District Court, District of New Jersey

Publications & Press

'From Robust to Booming': Union Organizing Surge Juices Demand for Labor & Employment Practices

The Legal Intelligencer

May 22, 2023

2021 Diversity Roundtable Discussion

The Legal Intelligencer

October 18, 2021

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Social and Political Issues and the Workplace – Implications for Employers

Littler Report

May 12, 2021

Conversations with Women: Advancing Gender Equity

Littler Podcast

March 24, 2021

Littler Elects Seven New Members to 2021 Board of Directors

Littler Press Release

January 21, 2021

Examining Diversity and Inclusion in the Workplace

American Staffing Association

September 11, 2020

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

Remote School Is Now a Marathon, Not a Sprint. How Will Firms Support Parents?

The American Lawyer

August 19, 2020

Firms Get Creative In Trying To Support Attorneys From Afar

Law360

April 7, 2020

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

Littler Press Release

August 15, 2019

DOL Weighs in on Whether Gig Economy Workers are Employees or Independent Contractors

Littler ASAP

May 6, 2019

Third Circuit Finds FAAAA Does Not Preempt New Jersey ABC Test

Littler Insight

February 6, 2019

Littler Receives Mansfield Certification Plus From Diversity Lab

Littler Press Release

August 20, 2018

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Continuing Uncertainty for Employers Seeking to Navigate Joint Employment Liability

The Legal Intelligencer

November 14, 2017

Diversifying the Pipeline for Law Firm Leadership

The Indiana Lawyer

October 18, 2017

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

Tenth Circuit Affirms Staffing Company Win in Reasonable Accommodation Suit

Littler ASAP

August 3, 2017

Fourth Circuit Decision Establishes New Six-Factor Test for Determining Joint Employment under the FLSA

Littler Insight

February 21, 2017

Littler Appoints New Practice Group Chair

Littler Press Release

February 6, 2017

An NFL Rooney Rule for Law Firms?

Bloomberg BNA Big Law Business

June 24, 2016

Get Your Own Coffee: Advice for Employers Facing Increasing Uncertainty with Respect to the FLSA and Unpaid Internships

33 Hofstra Labor & Employment Law Journal 101

2015

Second Circuit Federal District Court Denies Rule 23 Class Certification and Grants Decertification of FLSA Collective Action

Littler ASAP

March 31, 2015

Requiring Employee Confidentiality in Internal Investigations

Legal Intelligencer

December 9, 2014

Philadelphia Extends Protections to Nursing Mothers in the Workplace

Littler ASAP

September 5, 2014

Littler Elevates 16 Attorneys to Shareholder

Littler Press Release

January 2, 2014

Fourth Circuit Joins Courts Limiting Employers' Use of the Computer Fraud and Abuse Act to Prosecute Disloyal Employees

Littler Insight

August 6, 2012

Pennsylvania Court Concludes that Firing for Use of N-Word May Be Unlawful as Reverse Discrimination

Littler Insight

January 19, 2011

Qualcomm v. Broadcom: Morgan Stanley Redux?

Employment & Labor Relations Law Newsletter

Fall 2008

Smoke Out: Pennsylvania Passes Clean Indoor Air Act

Littler Insight

June 17, 2008

Speaking Engagements

2024 Philadelphia Regional Employer Conference

Philadelphia, PA

October 25, 2024

2023 Philadelphia Regional Employer Conference

Philadelphia, PA

October 27, 2023

Pay Equity Roundtable: What Executives Should Know About Executive Compensation

The Forum of Executive Women

March 15, 2023

2022 Philadelphia Regional Employer Conference

Philadelphia, PA

October 28, 2022

Contingent Labor and Unionization

SIA CWS Summit

September 19, 2022

2022 Carolinas Regional Employer Conference

Charlotte, NC

September 8, 2022

Top-10 Predictions for the Future of Nontraditional Work Relationships

Littler Executive Employer Conference

May 6, 2022

[Virtual] Workplace Sponsorship: Enlisting the C-Suite to Get Diverse Talent to the Top

The Chamber of Commerce for Greater Philadelphia

March 16, 2021

We're (Almost) Open: Obligations Employers Will Need to Consider as Businesses Prepare to Resume

May 27, 2020

Between a Rock and a Hard Shelter-in-Place | Challenges Employers Will Face When Returning to Work

May 12, 2020

Doggy Dilemmas: Accommodating Service Animals for Employees and Customers

Philadelphia, PA

September 6, 2018

Doggy Dilemmas: Accommodating Service Animals for Employees and Customers

Washington, DC

September 5, 2018

How to Recognize and Manage Unconscious Bias in Your Legal Practice

ALI Webinar

August 9, 2018

A ComplianceHR MasterClass: The Workplace Redefined: Navigating Independent Contractor Compliance under the Shifting Legal Landscape

June 26, 2018

Employment Law Update

CWS Council Mid-Year North America Meeting, Philadelphia, PA

May 17, 2018

Keynote Address - Workplace Harassment: Training and Prevention, Investigation and Remediation Measures

ASA Staffing Law Conference, Washington, DC

May 10, 2018

The Future Workplace: From Gig Workers to Virtual Workers - Part 1: Redefining Employment Relationships and Responsibilities in the Gig Economy

Littler Executive Employer, Phoenix, AZ

May 2, 2018

Navigating Joint Employment Liability

PBI Employment Law Institute, Philadelphia, PA

April 26, 2018

Developing Meaningful (and Legal) Strategies That Support Your Diversity and Inclusion Efforts

South Jersey Chamber of Commerce, Voorhees, NJ

March 28, 2018

Equity in Action: A Diversity and Inclusion Program

Chamber of Commerce, Philadelphia, PA

February 23, 2018

Ensuring Compliance with the Global Gig Economy

Bloomberg BNA Webinar

November 15, 2017

The Gig Economy and the Meaning of “Employee”

The Labor & Employment Law Future Forum, The Conference Board, New York, NY

October 27, 2017

Legal Roundup Panel

Collaboration in the Gig Economy Conference, Dallas, TX

September 13, 2017

Legal Update

CWS Council Mid-Year North America in Person Council Meeting, Atlanta, GA

May 18, 2017

Retail Industry Roundtable

The 2017 Executive Employer® Conference, Phoenix, AZ

May 12, 2017

Big Data Summit: What's the Deal with Using Data Analytics in Hiring, Workforce Management and Litigation?

May 10, 2017

NLRB Update for Retailers: Understanding the Reach of the NLRA to the Non-Union Workplace

September 20, 2016

New DOL Guidance on Joint Employment: Navigating Heightened Scrutiny and Minimizing FLSA Liability

Strafford Webinar

June 1, 2016

Retail Industry Roundtable

The 2016 Executive Employer® Conference, Scottsdale, AZ

May 6, 2016

Managing in Accordance with the NLRA in Union and Non-Union Environments

HR Council, Chamber of Commerce Southern New Jersey

April 5, 2016

Confidentiality and Attorney-Client Privilege Issues When Conducting Internal Investigations and Audits

Philadelphia, PA

October 22, 2015

DOL's Proposed Changes to the White Collar Regulations: What Should Employers Do Now?

Philadelphia, PA

July 21, 2015

DOL's Proposed Changes to the White Collar Regulations: What Should Employers Do Now?

Philadelphia, PA

July 14, 2015

"Ambush" Elections Have Arrived: Are You Ready?

April 13, 2015

Labor Update - Littler Webinar

April 8, 2015

EPLI: Risk Management & Avoidance

American Law Institute (ALI) Webinar

September 29, 2014

Confidentiality and Attorney-client Privilege Issues When Conducting Internal Investigations

Ethics & Compliance CLE Institute - Association of Corporate Counsel, Greater Philadelphia Delaware Valley Chapter, Philadelphia, PA

August 7, 2014

Employee Records: What You Don't Have Can Hurt You

Paychex, Norristown, PA

July 23, 2014

Everything Insureds, Counsel, and Insurers Need to Know About Early Case Assessment & Resolution

22nd National Conference on Employment Practices Liability Insurance - American Conference Institute, New York, NY

January 28, 2014

Workplace Privacy and Electronic Media: How Far Can You Go to Get Information on Prospective and Current Employees?

35th Annual Conference - ASAH, Atlantic City, NJ

November 4, 2011