

## 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®, 2018-2024

## 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**

**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