Nina K. Markey

Shareholder

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Practice Areas

Discrimination and Harassment
Labor Management Relations
Inclusion, Equity and Diversity
HR Advice and Counsel
Litigation and Trials

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 and Medical Leave Act

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

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

Nina currently serves on Littler's Inclusion, Equity & Diversity Council and co-chairs the firm's Parenting and Caregiving (PAC) Affinity Group. She has served on the firm's Board of Directors and has been elected by her Littler colleagues to the firm's Nominating Committee for the Board of Directors. Outside of the firm, Nina served ten years, including three as president, on the Board of Directors for The Wardrobe, a Philadelphia based nonprofit with the goal of helping eliminate clothing insecurity; served on the Board of Directors for the Forum of Executive Women; and she has also taught courses on employment law and legal writing 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®, 2018-2027

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
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
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
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
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 ASAP
February 6, 2019

Littler Receives Mansfield Certification Plus From Diversity Lab
Press Release
August 20, 2018

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

February 21, 2017

Littler Appoints New Practice Group Chair
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
Press Release
January 2, 2014

Fourth Circuit Joins Courts Limiting Employers' Use of the Computer Fraud and Abuse Act to Prosecute Disloyal Employees
Littler ASAP
August 6, 2012

Pennsylvania Court Concludes that Firing for Use of N-Word May Be Unlawful as Reverse Discrimination
Littler ASAP
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 ASAP
June 17, 2008

Events & Speaking Engagements

2025 Philadelphia Regional Employer Conference
Philadelphia, PA
October 24, 2025

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