

Nicholas W. McKinney

Associate

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Focus Areas

Discrimination and Harassment
Leaves of Absence and Disability Accommodation
Wage and Hour
Class Action
Occupational Safety and Health

Overview

Nicholas W. McKinney focuses his practice on litigation and counseling clients on labor and employment law matters.

Nick has a robust litigation practice where he represents employers before agencies, such as the California Department of Fair Employment and Housing, the California Department of Labor, the National Labor Relations Board, and in state and federal courts. Specifically, Nick represents employers in claims related to:

- Discrimination
- Harassment
- Retaliation
- Unfair competition
- Disability accommodation and leave issues
- Whistleblowing
- Wage and hour
- Unfair Labor Practice Charges

Nick's recent work includes several large class action and collective PAGA matters in which Nick has analyzed and helped enforce arbitration agreements, review complex sets of data, and work with clients to satisfactorily resolve these complex issues.

During the COVID-19 pandemic Nick worked directly with clients, providing advice and counsel related to the complex employment law issues presented by the COVID-19 coronavirus pandemic, including:

- Complying with Cal/OSHA's COVID-19 related Emergency Temporary Standard including implementing COVID-19 Prevention Plans, Outbreak reporting and exclusion, and exclusion pay;
- COVID-19 vaccination issues in the workplace;
- Preparation and implementation of COVID-19 vaccination policies and mandates;
- Reviewing, processing, and analyzing ADA and Title VII requests for accommodation from COVID-19 vaccine mandates; and
- State and local supplemental paid sick leave laws and ordinances.

While Nick continues to assist clients with lingering issues resulting from the pandemic, he has turned his focus to advising clients on relevant issues related to wage and hour compliance, leaves and accommodations, and navigation of the ever changing expectations of employers in California.

Nick has also spent a significant amount of time representing clients in workplace safety related issues including managing OSHA inspections, analyzing citations, and appealing citations. When workplace violence and heat illness regulations were released in 2024, Nick was on the forefront in advising clients on compliance with these new requirements.

Prior to joining Littler, Nick worked at a regional law firm where he focused on representation of public entities in state and federal courts.

During law school, Nick served on the editorial board of the *University of the Pacific Law Review* and was president of the Employment and Labor Law Association.

Professional and Community Affiliations

- Member, Civil Air Patrol

Recognition

- Recipient, Witkin Award for Academic Excellence in Employment Law, *University of the Pacific McGeorge School of Law*, 2016

Education

J.D., University of the Pacific McGeorge School of Law, 2018, *With Distinction*

B.S., University of Montana, 2015, *with honors*

Bar Admissions

California

Courts

U.S. District Court, Northern District of California

U.S. District Court, Eastern District of California

U.S. District Court, Central District of California

U.S. District Court, Southern District of California

Publications & Press

Can an employer require that employees attending a company holiday party be vaccinated?

Littler 2 the Point Video

December 7, 2021

California and Washington Issue Vaccine Mandates — Frontrunners in What Appears to Be a Growing Trend

Littler Insight

August 12, 2021

Santa Clara County Phases Out Vaccination Benchmarking Mandate

Littler ASAP

June 23, 2021

Cal/OSHA Standards Board Passes Revised Emergency Standard Regulation for COVID-19

Littler ASAP

June 17, 2021

California County Requires Employers to Ascertain Vaccination Status

SHRM Online

May 21, 2021

Have You Been Vaccinated? Santa Clara County, California Issues Health Order Requiring Employers to Ascertain Employees' Vaccine Status

Littler ASAP

May 20, 2021

Cal/OSHA Standards Board Holds Stakeholders Meeting on COVID-19 ETS

Littler Insight

December 21, 2020

Speaking Engagements

Protecting Your Workplace: Drug Testing, Naloxone, and Impairment in the Workplace

Oakland, CA

October 1, 2024

Compensation Conundrums, Pot Pitfalls, NLRB FAQs and Other Post-Pandemic Predicaments - Chico

Sacramento, CA

June 15, 2023

Compensation Conundrums, Pot Pitfalls, NLRB FAQs and Other Post-Pandemic Predicaments - Redding

Sacramento, CA

June 9, 2023

Compensation Conundrums, Pot Pitfalls, NLRB FAQs and Other Post-Pandemic Predicaments - Sacramento

Sacramento, CA

June 8, 2023

Compensation Conundrums, Pot Pitfalls, NLRB FAQs and Other Post-Pandemic Predicaments - Stockton

Sacramento, CA

May 24, 2023

COVID-19 in the Workplace: Recent Developments and Compliance Challenges - Session 24

March 4, 2022

COVID-19 in the Workplace: Recent Developments and Compliance Challenges - Session 23

February 4, 2022

COVID-19 in the Workplace: Recent Developments and Compliance Challenges - Session 21

Sacramento, CA

December 3, 2021

COVID-19 in the Workplace: Recent Developments and Compliance Challenges - Session 20

Sacramento, CA

November 5, 2021

COVID-19 in the Workplace: Recent Developments and Compliance Challenges - Session 19

October 1, 2021

COVID-19 in the Workplace: Recent Developments and Compliance Challenges - Session 18

September 10, 2021

Giving It Your Best Shot! The Legal and Practical Implications of Vaccinating a Home Care Workforce

September 7, 2021

The U.S. Labor Shortage: Employer Responses, Employment Law Challenges

July 29, 2021