



D. Zachary Wiseman

Shareholder

801-323-3349

Practice Areas

- Employment and Labor Law and Litigation
- Litigation
- Direct Selling

Mr. Wiseman is a Shareholder in the Firm's Employment and Labor Section. Mr. Wiseman's practice includes labor relations, employment litigation, representation of clients before administrative agencies and commercial litigation.

Mr. Wiseman is an experienced labor and employment attorney whose practice is primarily focused on assisting both private and public employers as well as Service Contract Act employers with a wide range of labor and employment issues. Mr. Wiseman's labor experience includes the representation of management in collective bargaining, labor arbitrations, unfair labor practice charges and representation elections. Mr. Wiseman's employment experience includes, among other things, the representation of employers in matters involving employment discrimination, wrongful termination, wage disputes, breach of employment agreements, employment-related tort actions (such as defamation claims and claims of intentional infliction of emotional distress), sexual harassment, OSHA citations and employee theft. Mr. Wiseman has significant experience protecting employer assets and human resources through the creation and enforcement of post-employment, restrictive covenants, including non-competition, non-solicitation and non-disclosure agreements. Mr. Wiseman has obtained court orders enjoining former employees from violating such agreements in courts throughout the state of Utah and in Nevada and Idaho.

Mr. Wiseman works closely with his clients to create and update policy and procedure manuals and ensure compliance with, among other things, National Labor Relations Act, Family and Medical Leave Act, Fair Labor Standards Act, Office of Federal Contract Compliance Programs, and various state and federal anti-discrimination laws. Mr. Wiseman is a frequent lecturer and speaker on employment law topics.

Mr. Wiseman maintains an AV Preeminent (4.5) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics. He has also been recognized as a



"Rising Star" by *Mountain States Super Lawyers* (2008) in the category of Employment and Labor Law. He has been named as one of *The Best Lawyers in America* in Commercial Litigation, Employment Law - Individuals, and Labor Law - Union and was selected by *Best Lawyers* as "Lawyer of the Year" in Employment Law – Individuals (2013). He has also been voted by his peers throughout the state as one of Utah's "Legal Elite," as published in *Utah Business Magazine* (2005-2006, 2009-2018). He currently serves as Chair of RQ&N's Recruiting Committee and was Chair of the firm's Associates' Committee (2008-2014).

RECENT REPRESENTATIVE MATTERS

- Led successful campaign effort of employer in defeating representation election involving over 1000 employees.
- Successfully negotiated collective bargaining agreements on behalf of firm clients.
- Obtained complete defense verdict in wrongful termination jury trial, *Beckmann v. C.R. England*.
- Obtained a complete jury verdict and a judgment of \$286,379.60 in an employee theft case, *O.C. Tanner Manufacturing Company v. Lam Am Doan*.

Education

Northwestern University School of Law, J.D., 1998

- Member Northwestern National Trial Team

University of Utah, B.A., English, 1995

- *cum laude*
- Phi Kappa Phi
- Member University of Utah Honors Program



Prior Professional Experience

- Summer Clerk, Ray Quinney & Nebeker, Summer 1997
 - Assistant to General Counsel, Cotter and Company, 1996-1997
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Admitted to Practice

- Utah
 - Arizona
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Affiliations / Memberships

- Utah State Bar Association, Labor and Employment Section
 - American Bar Association, Labor and Employment Section
 - Utah Trial Lawyers Association
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Professional and Civic Activities

- Chair, University of Utah Crimson Club Board of Directors (2012-present)
 - Member, Board of Directors, Healing Hands for Haiti (charitable foundation)
 - Co-Moderator, Family and Medical Leave Act Update, Council on Education in Management, November 1999
 - Co-Moderator, Personnel Law Update, Council on Education in Management, November 1999 and May 2000
 - Co-Moderator, Progressive Discipline Coaching and Termination Law, Council on Education in Management, February 2000
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Publications / Presentations

- Presenter, "Enforceability and Use of Restrictive Covenants: Non-Compete, Non-Solicity, and Non-Disclosure Agreements," 2013 Salt Lake SHRM Employment Law Seminar
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RAY QUINNEY & NEBEKER

- Presenter, “Employee Use of Social Media and At-Will Employment: Recent Key Issues Under the NLRA,” 2013 Salt Lake SHRM Employment Law Seminar