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Chad Wishchuk is a highly experienced litigator and advisor who works with business owners and principals, executive management, human resources managers, and in-house counsel on a wide range of labor and employment matters. Chad's construction industry clients include general contractors, subcontractors, and sureties. Beyond the construction field, clients include companies in banking and finance, food and beverage, hospitality and tourism, manufacturing, transportation, healthcare, and technology.

Mr. Wishchuk began his career in 1996 with a Philadelphia-based law firm specializing in labor and employment and construction law, where he gained significant experience representing management in a predominantly union construction arena. Since joining Finch, Thornton & Baird, LLP in 2001, Chad has been on the legal forefront of fast-changing California's labor and employment laws.

Chad serves as in-house counsel for Finch, Thornton & Baird, LLP employment matters.

#### **WAGE AND HOUR DEFENSE AND LITIGATION**

The complex state and federal regulatory environment defining employer wage payment responsibilities presents challenges to knowledgeable and unknowing business owners and managers alike. Failure to properly pay all wages, inadequate meal and rest period provisions, non-compliant reimbursement policies, and other missteps often result in fines and penalties – sometimes significant. Class action suits that may evolve from these cases can destroy companies entirely. Chad's experience with the California Private Attorneys General Act, the application of arbitration remedies, and preparing protective policies and other legal strategies is invaluable. If your business policies and practices have proven insufficient to keep your company out of a lawsuit, Chad may be able to enhance your ability for a strong defense.

#### **PRACTICES**

- Labor & Employment
- Construction Law
  - Labor & Employment

#### **ADMISSIONS**

- California: State Courts
- California: State Courts
- Hawaii: State Courts
- Pennsylvania: State Courts
- U.S. Court of Appeals: Third, Ninth, and District of Columbia Circuits
- U.S. District Courts of California: Central, Eastern, Northern, Southern
- U.S. District Court for the District of Hawaii
- U.S. District Court of New Jersey
- U.S. District Court of Pennsylvania: Eastern

Finch, Thornton & Baird, LLP  
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## CALIFORNIA AND FEDERAL PREVAILING WAGE DEFENSE

The California Prevailing Wage Law and federal Davis-Bacon Act have proven perilous to construction companies. The labyrinth of complex, often obscure, regulations pertaining to proper payment procedures, wage determinations, record keeping, and apprenticeship frequently result in massive penalty assessments. With over two decades of specialized expertise and practical knowledge, Chad provides unsurpassed legal counsel regarding these matters. In fact, Chad has helped to amend the California Labor Code to benefit employers.

## EMPLOYMENT DISCRIMINATION AND HARASSMENT DEFENSE

Faithful adherence by employers to current anti-discrimination and anti-harassment policies in employee-friendly California is imperative. The ramifications of discrimination missteps, wrongful discharge, or improper terminations can devastate a business. Chad's extensive knowledge in this area has produced positive legal outcomes for clients dealing with employee claims brought before the California Department of Fair Employment and Housing (DFEH), the U.S. Equal Employment Opportunity Commission (EEOC), and in state and federal courtrooms.

## TRAINING, COUNSELING, POLICY REVIEW, AND EMPLOYEE AGREEMENTS

The state and federal laws that exist to protect employees are abundant; the need to comply with these laws critical. Enforcement by public agencies and private claimants costs U.S. businesses millions of dollars and damaged reputations each year. For companies that seek to minimize risk and manage their exposure to costly, time-consuming litigation, an ounce of prevention goes a long way. Put the right policies, employee agreements, training, and counseling procedures in place to protect your business. Contact Chad today to schedule a review.

## CALIFORNIA AND FEDERAL OSHA DEFENSE AND COMPLIANCE

Given the many construction contractors and other businesses represented by the firm, Chad's expertise and success in defending Cal/OSHA and federal OSHA cases – and providing expert pre-litigation counsel – is beyond reproach. Proactive clients routinely turn to his business advice and legal counsel to ensure that their workplace health and safety documentation and training procedures are fully compliant. Chad also has a long and successful record in assisting with the defense of citations brought by Cal/OSHA and federal OSHA.

## NEGOTIATE AND ADMINISTER UNION COLLECTIVE BARGAINING AGREEMENTS AND PROJECT LABOR AGREEMENTS

Chad is experienced and skilled in handling grievances alleged under union agreements, as well as representing clients in unfair labor practice charges. When the need arises to negotiate and administer union collective bargaining or project labor agreements, the prudent legal advice Chad brings to the table is sure to strengthen your position.

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### EDUCATION

- Temple University, J.D., *cum laude*
- University of Notre Dame, B.A., Government

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### MEMBERSHIPS

- State Bar of California
- Hawaii State Bar Association
- State Bar of Pennsylvania
- American Bar Association

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### RECOGNITION

- San Diego Super Lawyer for Employment & Labor Law by *Super Lawyers Magazine* in 2015, 2016, 2017, and 2018
- Top 25 San Diego Labor and Employment Attorney by the *San Diego Daily Transcript* in 2007 and 2008

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### COMMUNITY

- Chapter Attorney, Associated Builders and Contractors, Inc. (ABC), San Diego Chapter
- Former member, Board of Directors, Associated Builders and Contractors, Inc., San Diego Chapter
- Past member, Board of Directors, St. Gregory The Great Catholic School

**EXPERIENCE**

- Employment discrimination, harassment, retaliation, and wrongful discharge litigation
- Wage and hour litigation, including meal and rest break, overtime, class action, Private Attorneys General Act (PAGA), California Labor Code, and Fair Labor Standards Act (FLSA) claims
- State and federal prevailing wage cases, including Davis-Bacon and apprenticeship matters
- Cal/OSHA and Federal OSHA cases
- Misappropriation of trade secret cases
- Employment agreements, employee handbooks, and policies
- United States Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) compliance audits
- Employment tax audits by the California Employment Development Department (EDD)
- Section 132a, and serious and willful misconduct cases before the California Workers' Compensation Appeals Board (WCAB)
- Representing management in the administration of collective bargaining and project labor agreements, union election campaigns, and unfair labor practice proceedings before the federal National Labor Relations Board (NLRB)
- Other state, federal, and local compliance matters
- Significant experience with the California Department of Industrial Relations, the Division of Labor Standards Enforcement, and state approved labor compliance programs, as well as the federal Department of Labor, including administrative hearings, arbitrations, and trials
- Litigation prevention

**LEADERSHIP**

Mr. Wishchuk is an accomplished public speaker and regularly addresses both construction and general business communities on a range of legal, training and educational topics:

**The Nuts & Bolts of Project Labor Agreements (PLAs)**

**Skilled & Trained Workforce Requirements for 2022**

**Prevailing Wage, Apprenticeship and Skilled Workforce Requirements**

**California Prevailing Wage and Apprentice Laws Basics & Latest Trends & Developments**

**Mid-Year Legal Human Resources Updates Seminar**

**Latest On Obamacare: The Employer Mandate Finally Arrives**

**California Wage And Hour Laws Best Practices & Latest Trends**

**Lessons in Wage & Hour Laws: Parts I and II**

**Prevailing Wage Law: Basics & Latest Trends & Developments**

**AB1522 - How To Comply With The New Sick Leave Law & Other Legal Updates**

**Prevailing Wage Laws, Including Apprenticeship on Federal, State & Local Projects Prevailing Wage Law: Basics & Latest Trends/Developments**

**O.T. Laws: Eliminating Confusion and Ensuring Compliance**

**Employment Law Update**

**Sexual Harassment Training & Education**