



Chengzhuo He

ASSOCIATE

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OVERVIEW

Chengzhuo is a trusted counselor who helps businesses navigate the ever-evolving labor and employment landscape.

He advises and represents multistate employers in a wide range of labor and employment law matters, including recruitment and hiring, background checks, employment agreements, restrictive covenants, incentive compensation arrangements, employee leave and reasonable accommodation issues, wage and hour matters, employee/independent contractor classification, FLSA exemption issues, performance management, employee discipline and termination, mass layoffs, and retirement. He routinely partners with legal, human resources, and benefits departments to implement and maintain legal compliance with ever-changing employment laws, including the design, implementation, and administration of handbooks, policies, procedures for multistate employers.

He regularly advises employers on labor and employment issues in M&A transactions, such as conducting pre-acquisition due diligence; preparing diligence memoranda and disclosure schedules; developing strategies for addressing any issues that are discovered; reviewing and revising employment-related representations and warranties in stock and asset purchase agreements, deal-related executive employment, and separation agreements; and implementing reductions-in-force, mass transfers of employees to different entities, dissolutions, compliance with the federal WARN Act, state and local mini-WARN and notice statutes, the OWBPA, and state and local laws impacting severance agreements.

Industries

Education
Healthcare
Life Sciences

Services

Employment Class & Collective Actions
Employment Litigation Defense
Healthcare Labor & Employment and Immigration
HR Consultation & Training
Labor & Employment
Non-Competes & Restrictive Covenants

He frequently advises employers on compliance with various laws affecting the workplace, including Title VII, ADA, ADEA, FMLA, PWFA, USERRA, FLSA, FCRA, COBRA, and similar state and local laws. He designs risk-based and client-practical solutions to enable senior management and boards to take informed, proactive and effective action, minimizing litigation risk and reducing future exposure.

While Chengzhuo focuses his practice on litigation avoidance, he also litigates employment disputes of all types, including claims of employment discrimination, harassment, retaliation, whistleblowing, theft of trade secrets, breach of restrictive covenants, employment-related torts, and claims under federal and state wage-and-hour laws.

Experience

HIS ADVICE AND COUNSELING EXPERIENCE INCLUDES THE FOLLOWING:

- Analyze novel and complex legal issues; help design risk-based and client-practical solutions; provide multistate employment and labor law compliance and avoidance advice to multistate employers; identify various problem-solving options, including the pros and cons of each option, so that clients can choose the practical and legal solution that works best for them.
- Advise and represent multistate employers in a wide range of labor and employment law matters, including recruitment and hiring, background checks, employee leave and reasonable accommodation issues, wage and hour matters, employee/independent contractor classification, FLSA exemption issues, performance management, employee discipline and termination, and retirement.
- Design and implement handbooks, policies, procedures, and other employee communication documents for multistate employers.
- Draft vacation/PTO policies and advise on multi-state paid sick and safe leave laws and paid family and medical leave laws.
- Draft and negotiate employment agreements, offer letters, employment agreements, senior executive agreements, retirement agreements, commission and bonus plans, incentive compensation documents, consultancy agreements, separation agreements, and settlement arrangements.

Experience

- Draft, negotiate, and implement multistate restrictive covenant agreements, including non-competition, non-solicitation, and confidentiality agreements and other business protection measures.
- Implement furloughs, reductions-in-force, and mass layoffs.
- Handle the labor and employment aspects of M&A transactions, including conducting pre-acquisition due diligence, preparing diligence memoranda and disclosure schedules, developing strategies for addressing any issues that are discovered, and reviewing and revising employment-related representations and warranties in stock and asset purchase agreements.
- Represent employers in responding to investigations and audits conducted by administrative agencies, including the U.S. Department of Labor.
- Advise clients on Employee Retention Credit matters, analyze the CARES Act, IRS notices, and relevant governmental orders, and represent employers in responding to audits conducted by the IRS with respect to the Employee Retention Credit.

HIS LITIGATION EXPERIENCE INCLUDES THE FOLLOWING:

- Defend employers against claims alleging all forms of discrimination, accommodation, harassment, retaliation, wrongful termination, and wage and hour, including preparing and responding to discovery, drafting position statements and mediation statements, and drafting dispositive motions (such as MSJs).
- Enforce or defend against allegations of breaches of restrictive covenants, theft of trade secrets and raiding of employees, including preparing for or responding to emergency applications for injunctive relief in restrictive covenant litigation.
- Defend employers in California wage & hour class actions, PAGA representative actions, and single-plaintiff cases, including responding to pleadings, preparing and responding to discovery, drafting mediation statements, and drafting dispositive motions (such as MSJs).

Education

- J.D., Emory University School of Law
 - with honors
 - *Emory Law Journal*, managing editor
- Bachelor of Laws and B.S., Nankai University

Admissions

- District of Columbia
- Missouri



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