

## Compensation Planning & Employee Benefits

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### Related Services

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The Compensation Planning & Employee Benefits Group works with clients to design, draft, implement and maintain all types of benefit programs, including health and welfare programs; flexible benefit or cafeteria plans; executive incentive and nonqualified deferred compensation arrangements; equity incentive and stock option programs; and retirement plans, including defined benefit pension, 401(k), profit sharing, employee stock ownership (ESOPs), 403(b) and 457 plans. We help clients understand and comply with the ever-changing federal tax and pension laws and regulations, and think creatively to find a solution that best fits the client's business needs. Our clients include nonprofit organizations, governmental agencies, public and privately-held corporations, partnerships and sole proprietorships in all business sectors.

We routinely coordinate our services with accountants, actuaries, third-party administrators and other professionals, and work closely with these important service providers to ensure that our clients' benefit programs and plans are properly and legally administered.

We work closely with other practice groups within the firm to provide advice on benefits transitions in corporate transactions, benefits issues in employment matters, fiduciary requirements for employers and investment advisors, and structuring the distribution of retirement plan assets for estate planning purposes.

### Experience

- Advice on the design, implementation and transition to defined contribution plans from defined benefit plans
- Advice on the termination of defined benefit and cash balance plans, including filings with the Pension Benefit Guaranty Corporation and the Internal Revenue Service (IRS), and coordination with the actuary on the termination process, participant communications and purchase of annuities
- Advice on the design and implementation of complex bonus, severance pay, nonqualified deferred compensation and change of control arrangements, including compliance with Code Sections 280G and 409A
- Creative structuring of employee stock ownership plans (ESOPs) to provide business succession planning for owners and to promote employee ownership
- Representation of trustees in the negotiation of ESOP transactions
- Representation and advice regarding the sale of ESOP companies, including coordination of post-closing matters with third-party administrators and IRS filings

- Ongoing advice on administrative and compliance matters for retirement plans, welfare plans, cafeteria plans, 401(k)/profit sharing plans and executive compensation programs
- Advice on compliance with the Affordable Care Act (including design and reporting requirements), HIPAA, COBRA, ERISA, Mental Health Parity and Addiction Equity Act and other federal and state insurance laws for both fully-insured and self-funded health plans
- Advice on withdrawal liability under multiemployer pension plans in corporate transactions
- Advice on the design, drafting, and implementation of equity-based incentive plans, including stock options, restricted stock, restricted stock units, stock appreciation rights, employee stock purchase plans, phantom equity arrangements and profits interests
- Respond to administrative and regulatory inquiries, including audits by the Department of Labor and IRS, and advice regarding filings under the Employee Plans Compliance Resolution System (EPCRS), Delinquent Filer Voluntary Correction Program (DFVCP) and Voluntary Fiduciary Correction Program (VFCP)
- Legal due diligence relating to benefits issues in business transactions and advice on benefit plan transitions