

## Employee Benefit Plans/ERISA

Employee Benefits (ERISA) can be an extremely complicated task for many Human Resource professionals. Tucker Arensberg's Employee Benefits lawyers have significant experience representing a diverse group of clients in all facets of employee benefit plan compliance and administration. Examples of the types of clients represented include Taft-Hartley benefit funds, privately-held companies, publicly-traded companies, physician groups, tax-exempt organizations, municipalities, and financial institutions.

We are dedicated to working with our clients to resolve complicated legal issues in a practical, common-sense and cost-efficient manner. In doing so, we routinely work with our clients to design, establish, implement, administer, and terminate the following types of employee benefit plans:

- Taft-Hartley Retirement and Welfare Funds
  - Withdrawal Liability Claims
  - Delinquent Monthly Contributions Claims
  - Controlled Group Claims
  - Alter Ego and Successor Claims
  - Class-Action Defense
- Insured and Self-Insured Health and Welfare Plans (e.g., medical, dental, disability, life insurance and retiree medical)
- Cafeteria Plans and Flexible Spending Accounts
- Qualified Retirement Plans (e.g., 401(k) plans / profit sharing plans, Employee Stock Ownership Plans (ESOPs), stock bonus plans, money purchase pension plans, traditional defined benefit plans, and cash balance pension plans)
- 403(b) Municipal and Other Governmental Retirement Plans
- Nonqualified Deferred Compensation Plans (e.g., Supplemental Executive Retirement Plans (SERPs), excess benefit plans / wrap 401(k) plans, 457(f) plans, and other plans subject to Section 409A of the Internal Revenue Code)
- Equity-Based Compensation Plans (e.g., incentive and nonqualified stock option plans, restricted stock awards, Stock Appreciation Rights (SARs), and phantom stock plans)
- Short-Term and Long-Term Incentive Plans
- Split-Dollar Arrangements
- Health Savings Accounts (HSAs) and Health Reimbursement Accounts (HRAs)
- Severance Plans
- Fringe Benefit Plans (e.g., transportation and education assistance)

We also provide counsel to our clients in the following areas:

- ERISA Fiduciary Consulting
- Pre-acquisition due diligence and post-acquisition integration
- HIPAA privacy and security compliance
- Federal government collection programs for plans
- RFPs for qualified plan vendor services

Our lawyers advise clients on day-to-day administrative issues related to their employee benefit plans including:

- Review of Qualified Domestic Relations Orders (QDROs), Qualified Medical Child Support Orders (QMCSOs)
- Preparation of summary plan descriptions
- Summary of material modifications, and other participant and beneficiary communications
- Prepare determination letters and other governmental filings
- Assist with plan audits

- Review and negotiate administrative services and trust agreements

We also represent our clients before the:

- Internal Revenue Service (IRS)
- Obtain favorable determination letters for their qualified retirement plans
- Correct qualification failures through the IRS's Employee Compliance Resolution System
- Delinquent IRS Form 5500 filings
- Audits and investigations
- S. Department of Labor (DOL)
- Address certain fiduciary violations through the DOL's Voluntary Fiduciary Correction Program
- Pension Benefit Guaranty Corporation (PBGC)

Our Employee Benefits lawyers has a wide range of employee benefits experience and are well-positioned to serve any of our client's legal needs.