

EMPLOYEE BENEFITS



We counsel clients across the full range of employee benefits matters on both a per-matter and ongoing basis. Many of our clients rely on us as an extension of their in-house legal teams.

Related Services

- COVID-19 Rapid Response Team

QUALIFIED PLANS

We regularly establish, amend, terminate, and service pension, profit sharing, 401 (k), employee stock ownership plans, and other qualified retirement plans. As part of this practice, we advise clients as to the availability of various plan alternatives and counsel them with respect to plan design issues.

The team also provides tax advice, addresses ERISA fiduciary issues, and, with respect to plans that invest in employer securities, provides advice on securities law issues. We regularly interact and seek determinations and rulings from the IRS and other governmental agencies, including the U.S. Department of Labor, the U.S. Securities and Exchange Commission, and various state regulatory agencies.

EQUITY COMPENSATION PLANS

We frequently design and implement equity compensation arrangements for executives and employees. These arrangements include both incentive and non-qualified stock options, restricted stock, stock appreciation rights, and phantom stock arrangements, along with other types of arrangements that are designed to incentivize employees and align their interests with that of the business' owners.

ERISA LITIGATION

Working closely with the firm's deep bench of seasoned litigators, we represent companies in litigation involving significant ERISA claims.

DISTRIBUTION PLANNING

Together with our trusts and estates practitioners, we provide advice to individuals who have significant account balances in qualified plans, ensuring that account owners can receive distributions in a manner that best achieves their individual and estate planning goals while maximizing tax efficiencies.

BONUS AND DEFERRED COMPENSATION ARRANGEMENTS

Our lawyers provide advice and prepare various forms of bonus and deferred compensation arrangements. While these types of arrangements may be adopted in the normal course, they are frequently put in place to motivate employees during a particular phase of a company's operations.

BENEFITS IN MERGERS AND ACQUISITIONS

In conjunction with the firm's M&A Practice Group, we provide counsel to both buyers and sellers of businesses regarding employee benefits aspects of merger and acquisition transactions.

Our work in this area includes due diligence review of benefits programs, advice regarding employee benefit plans impact on deal structure, negotiation of terms of the acquisition agreement as it relates to benefits, and post-closing implementation of acquisition and merger agreements (including termination and merger of existing benefit plans and programs). In conjunction with our M&A practice, we also provide counsel with respect to golden parachute and other tax issues and address securities law issues.

FLEXIBLE BENEFITS AND WELFARE BENEFITS

The firm guides employers in insured and uninsured group health and other welfare benefit programs – including flexible benefit and cafeteria plans – and addresses COBRA and related issues.

EMPLOYMENT AND SEVERANCE AGREEMENTS

We represent both senior executives and companies in negotiating and crafting employment agreements together with the firm's Corporate Practice Group. Issues we handle include equity compensation, fringe benefits, salary, bonus and expense reimbursement, death and disability, change in control, and termination of employment with and without cause. In conjunction with our Labor and Employment Practice Group, we represent companies that are downsizing or that terminate the employment of particular executives and employees, and frequently represent companies defending against various forms of discrimination claims.