

ERISA & Employee Benefits

Professionals

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Maynard Nexsen attorneys who counsel clients regarding ERISA (the Employee Retirement Income Security Act of 1974) and employee benefits possess a unique set of skills and experience. They help clients solve increasingly critical and complex benefits and compensation challenges.

Success often depends on your company's ability to attract, motivate and retain talented people. This creates challenges and opportunities when making decisions about retirement plans and insurance benefits.

The attorneys on our employee benefits team have significant experience with the following types of benefit plans and arrangements:

- Section 401(a) tax-qualified pension, profit sharing, money purchase pension and 401(k) retirement plans
- Employee stock ownership plans (ESOP)
- Section 403(b) tax-deferred annuity and Section 457(b) plans maintained by tax-exempt organizations or governmental entities
- Group insurance plans, including health, dental, prescription drug, vision, disability, life and long-term care insurance
- Section 125 (cafeteria) flexible benefits plans and the available healthcare and dependent care Flexible Spending Accounts (FSA)
- Health Savings Accounts and Health Reimbursement Accounts
- Salary continuation and severance programs

Ongoing support

We regularly counsel clients about the plan design options available to them and help create benefits programs that meet their needs. Once implemented, we advise our clients about ongoing administrative, compliance and sponsorship matters, including:

- Record-keeping, filing, and document maintenance and distribution requirements
- The updating of documents and administrative practices to reflect recent tax or other employee benefits law changes, such as health

care reform

- The timing for employee and employer contributions and the available tax deductions
- The adoption of tax-exempt Section 501(c)(9) Voluntary Employee Benefits Arrangements (VEBA)
- The correction of operational or document failures pursuant to Internal Revenue Service guidelines, and the correction of fiduciary breaches or prohibited transactions under Department of Labor rules
- The filing of IRS determination letter requests and information returns (Form 5500), including the filing of delinquent Form 5500
- COBRA and HIPAA compliance, including HIPAA Privacy and Security matters
- Nondiscrimination testing, compliance, and planning matters
- The implementation of wellness programs
- Contingent workforce planning (e.g. independent contractors, leased employees, PRN)
- The resolution of benefit claims and fiduciary allegations, including litigating such claims in court
- The representation of clients in connection with Internal Revenue Service and Department of Labor audits
- The employee benefits aspects of collective bargaining agreements
- The amendment or termination of plans in changing economic times to meet companies' business needs

Our ERISA and employee benefits attorneys strive to translate this complicated set of taxation laws into simple concepts.

Our goal is to help you tailor a compliant benefits program that best meets your needs and helps your business achieve its goals.

Insights

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Paid Time Off For Vaccinations – A Reason for an Employer Tax Credit