

## Overview

Step toe & Johnson's Employee Benefits Team designs creative, timely, and cost-effective solutions to align with each client's legal needs in all facets of employee benefits and compensation law. Our seasoned ERISA attorneys have extensive experience in tax and non-tax compliance issues; fiduciary issues; Internal Revenue Service (IRS), Department of Labor (DOL), and Pension Benefit Guaranty Corporation (PBGC) administrative proceedings; and litigation.

Our attorneys are ideally suited to assist with every phase in the life cycle of our clients' benefits, including ensuring compliance, contemplating plan changes, planning for succession, and transitioning ownership.

Team members are located throughout the country, and they collaborate with other Steptoe & Johnson attorneys to best serve our clients through individualized employee benefits counseling concerning benefits-related matters such as retirement and health plans, corporate transactions, executive compensation, litigation, reductions in force, and settlement of IRS and DOL audits.

## Representative Experience

- Assisted a manufacturing client with navigating an Affordable Care Act (ACA) notice with a proposed multimillion-dollar penalty, resulting in a final penalty of less than \$10,000
- Successfully kept a client out of a threatened action in federal court in a contentious DOL health plan audit
- Advised on cybersecurity and data privacy for ERISA plans
- Represented clients with underfunded retirement plans in early negotiations with the PBGC to facilitate successful transactions without government interference
- Assisted with compliance advice related to the Mental Health Parity and Addiction Equity Act (MHPAEA) related to the Consolidated Appropriations Act of 2020
- Advised clients on recommended corrective actions for retirement plans, including filing voluntary corrections under the IRS's Voluntary Correction Program to reduce exposure to sanctions

- Represented a large international transportation company in connection with a divestiture of its U.S.-based operations
- Redesigned and assisted with the implementation of the organizationwide employee benefits structure of an international not-for-profit organization
- Advised higher education clients on the employee benefits impacts of reductions in force, including voluntary and involuntary severance arrangements
- Counseled clients on American Rescue Plan Act of 2021 subsidies for Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage due to unemployment or reduction in hours during the COVID-19 pandemic
- Developed nonqualified deferred compensation plans and other executive compensation arrangements, including stock options (both incentive and nonqualified), restricted stock, and other equity-based and performance-based incentive plans
- Participated in labor negotiations for clients regarding benefits issues, including ACA matters
- Advised clients regarding employee benefits issues in tax-qualified plans, employee stock option plans, welfare benefit plans, nonqualified deferred compensation plans, Internal Revenue Code Section 409A requirements, and ERISA Title I issues
- Participated in appellate practice regarding ERISA-related cases in state and federal courts of appeal

## Highlights

- Plain talk and value. We don't just cite code; we listen to our clients and then craft real-world solutions to advance their goals — all in plain English
- Our pragmatic approach and cost structure allow Steptoe & Johnson's ERISA Team to provide exemplary service at a reasonable price
- Proactively teach and train clients to support best practices and minimize exposure

## Statutory Compliance

Provided guidance to clients under the following statutes:

- Affordable Care Act (ACA)
- Health Insurance Portability and Accountability Act (HIPAA)
- Consolidated Omnibus Budget Reconciliation Act (COBRA)

- Voluntary Employee Beneficiary Association (VEBA)
- Mental Health Parity and Addiction Equity Act (MHPAEA)
- Internal Revenue Code
- Employee Retirement Income Security Act of 1974 (ERISA)



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