

Employee Benefits

We help businesses take care of their greatest assets—their people.

An integrated benefits plan can make your company an employer of choice instead of a runner-up. Howard & Howard's Employee Benefits Practice Group lawyers understand the importance of a mindfully created and comprehensive plan for your employees. We have the technical skill and practical experience to guide clients through the benefits plan design and implementation process. From compliance to correction, we cover all bases while managing costs and risks and maximizing profitability and growth.

We assist with a range of traditional and hybrid plans, including:

- Qualified retirement plans including 401(k) plans and defined benefit pension plans
- Executive compensation plans and employment agreements (including change in control agreements)
- Nonqualified deferred compensation arrangements
- 403(b) plans for tax-exempt employers
- 457 plans for tax-exempt and governmental employers
- Health and other welfare benefit plans
- Cafeteria plans
- Fringe benefits
- Employee stock ownership plans (ESOPs)
- Equity-based compensation arrangements including:
 - Incentive and non-qualified stock options
 - Restricted stock awards
 - Profits interest plans
 - Appreciation rights and phantom equity plans
- Multiemployer benefit trust funds and pension plans

Once plans are in place, we counsel clients over the life of the plan regarding design changes, operational compliance, required plan amendments, and plan termination, including with respect to defined benefit pension plan terminations, allocation of liabilities, selection of annuity providers, and annuitization of benefit payments. When errors and failures occur, we help employers self-correct or apply for relief under available agency correction programs, including the Internal Revenue Service Employee Plans Compliance Resolution System (EPCRS), the U.S. Department of Labor Delinquent Filer Voluntary Compliance Program, and Voluntary Fiduciary Correction Program.

In anticipation of corporate transactions, our employee benefits attorneys consult with clients on tax

planning regarding executive benefits, equity compensation plans, and change in control agreements to help prevent unwanted tax surprises in the event of a company sale. Failing to anticipate these issues can be very costly to business owners and their executive management teams.

Complex tax and healthcare regulations place significant documentation, disclosure, and reporting burdens on employers. We work closely with human resources and benefits administration departments to comply with requirements imposed by:

- ERISA
- COBRA
- HIPAA
- The Patient Protection and Affordable Care Act (Obamacare)
- Internal Revenue Code Section 409A (taxation of deferred compensation)
- Internal Revenue Code Section 280G (golden parachute payments)
- Internal Revenue Code Section 162(m) (limits on deductible compensation)

When necessary, we represent clients before the IRS, DOL, Pension Benefit Guaranty Corporation, and other government agencies, and defend employers in benefit plan litigation in federal and state courts.

Despite the technical nature of employee benefits plans, there is certainly room for innovation and creativity. It is because of our attorneys' deep knowledge and understanding that we can offer tailored, creative solutions to our clients' employee benefits needs.