

Employee Benefits

Employee benefits present unique and complex challenges as organizations try to keep up with the regulatory landscape while simultaneously designing benefits and compensation strategies that allow them to maximize talent and compete in today's rapidly changing economy.

Overview

Our Employee Benefits Practice Group handles a full spectrum of benefit law matters for a diverse mix of business clients on a nationwide basis. In keeping with the firm's overall philosophy, we approach even the most technical and complex benefit law questions with an eye toward preventive strategies — minimizing the likelihood of liabilities associated with benefit claims, litigation and enforcement matters — and practical solutions.

We provide comprehensive legal advice, counseling and representation to plan sponsors, plan fiduciaries and benefit plans relating to:

- Employee benefits issues arising in the design, administration, and operation of all benefit and compensation arrangements, including compliance with ERISA and the Internal Revenue Code; and
- The defense of benefit, fiduciary and other claims relating to plan administration, and compliance with the terms of the plan and all applicable laws.

Some of the specific services we offer include:

- Providing representation for a wide range of private, public and not-for-profit employers in virtually all aspects of tax-qualified defined contribution plans and defined benefit pension plans (including cash balance and other hybrid pension plan formulas);
- Advising clients regarding all types of executive compensation arrangements;
- Defending employers, plan sponsors, corporate officers and directors and employee benefit plans in examinations, summons proceedings, and adversary proceedings and appeals initiated under internal agency procedures by federal or state agencies and courts of specialized jurisdiction;
- Counseling on the employee benefits issues arising in corporate transactions and workforce reorganizations, as well as the range of issues involved in multiemployer pension and welfare plan liabilities;
- Advising shareholders, public and private/family-held corporations, bank holding corporations, institutional and individual trustees, officers, directors, and other parties and investors (i.e., private equity groups) on designing, implementing and using ESOPs in various types of transactions, including mergers and acquisitions,

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estate and succession planning, hostile takeover bids, tender offers, shareholder liquidity/Section 1042 of the Internal Revenue Code tax-deferred transactions, stock re-purchases by issuers, redemptions and recapitalizations, management and leveraged buyouts, and the use of ESOPs as an acquisition strategy.

In addition, the experienced litigators in our [ERISA Complex Litigation Practice Group](#) represent employers, plans, insurers, plan administrators, institutional and individual trustees, officers and directors, selling shareholders and third-party administrators in ERISA and related benefits litigation in virtually all 50 states. This litigation involves both mainstream ERISA litigation as well as complex benefits litigation and class actions.

The Employee Benefits Practice Group also works closely with the firm's [Privacy, Data and Cybersecurity Practice Group](#) on compliance with the HIPAA/HITECH Privacy and Security regulations with regard to group health plans and health care providers, as well as with our [Disability, Leave and Health Management Practice Group](#) with respect to benefits-related considerations for [Wellness Programs](#) in the workplace. Benefits are an integral consideration in any employment action and the Employee Benefits Practice Group works collaboratively with the Disability, Leave and Health Management Practice Group, as well as other working groups, in addressing COVID-19 related employment actions, including, but not limited to, furloughs, decreases in compensation and other resultant changes in the workplace.

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*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.