

## Employee Benefits and Executive Compensation

### Overview

**Bond's employee benefits and executive compensation attorneys counsel employers on all aspects of these complex and constantly-changing fields of law, helping employers design and maintain benefit plans and executive compensation arrangements that meet business needs and satisfy legal requirements.**

Our clients include public and private for-profit employers; colleges, universities, hospitals and other non-profit organizations; financial institutions; governmental entities (including school districts and municipalities); boards of directors; boards of trustees; individual fiduciaries and fiduciary committees; and individual executives.

Bond's employee benefits and executive compensation practice group includes twelve experienced attorneys whose practices are focused on benefits and compensation matters. The group also includes attorneys from Bond's labor, litigation and tax practices, providing additional resources to draw upon when appropriate. We have the depth and experience to provide assistance in a cost-effective and timely manner, no matter what the circumstances.

### Areas of Experience

- **Retirement Plans:** We assist employers in designing, implementing, amending and terminating all types of tax-favored retirement plans, including 401(k), 403(b), 457(b), profit sharing, cash balance, traditional defined benefit, and employee stock ownership plans (ESOPs). We often assist with on-going administrative matters such as Internal Revenue Service and Department of Labor audits, voluntary corrections of operational errors, and QDRO determinations.
- **Non-Qualified Deferred Compensation Arrangements:** Our practice group members assist employers and executives in the design and maintenance of non-qualified deferred compensation arrangements that satisfy the strict rules of Internal Revenue Code Sections 83, 409A and 457(f). Such arrangements include individual and group voluntary deferral plans, supplement executive retirement plans (SERPs), change in control or golden parachute plans, and equity-based compensation arrangements (including stock option, restricted stock, restricted stock unit and phantom stock plans).
- **Health and Other Welfare Plans:** We assist employers in designing, implementing, administering, amending and terminating all types of welfare benefit arrangements, including health, dental, vision, life, disability, cafeteria and severance plans. Our practice group members have extensive experience helping employers understand and comply with the requirements of COBRA, HIPAA and the Affordable Care Act.
- **Collectively-Bargained and Multiemployer Plans:** For employers that contribute to multiemployer pension and/or health and welfare funds, our assistance can include help with complete and partial withdrawal liability issues, delinquent employer contribution actions, employer trustee representation, trustee deadlocks, and fiduciary and compliance issues.
- **Mergers, Acquisitions and Divestitures:** Our practice group members have extensive experience helping employers with the benefits and compensation

### Primary Office Contacts

#### Buffalo, NY

John C. Godsoe

#### New York, NY

Louis P. DiLorenzo

#### Syracuse, NY

Stephen C. Daley

Thaddeus J. Lewkowicz

Aaron M. Pierce

issues that can arise when an employer is part of a merger, acquisition or other business transaction. Our help can include due diligence, transaction document drafting, benefit comparisons, and assessment and mitigation of Internal Revenue Code Section 280G, 409A and 4999 implications.

- Fiduciary Duties: We help individual fiduciaries and fiduciary committees understand and fulfill the duties and responsibilities imposed on fiduciaries by ERISA and applicable plan documents. Our help can include guidance in the selection and on-going monitoring of plan investments and plan service providers, the establishment and maintenance of appropriate plan governance structures, and other measures designed to reduce fiduciary risk.
- ERISA Litigation: Our group has represented individuals and employers in litigation involving claims for plan benefits, claims alleging breaches of fiduciary duty, claims for withdrawal liability, PBGC and other plan-related claims in bankruptcy, and other claims related to employee benefit plans and individual compensation arrangements.