

Employee Benefits

Whether you're starting a new business, purchasing an existing business or responsible for employee benefits matters for a Fortune 500 company, you seek to recruit and retain the very best talent possible and stay competitive. The nationally ranked employee benefits and executive compensation attorneys at Stinson can help you achieve legal compliance that is compatible with your business goals and your industry challenges.

Our attorneys regularly work with businesses, governments, tax-exempt organizations, universities and tribal entities of all sizes to design, implement and maintain employee benefit programs. As part of an employer's compensation strategy, these programs can help align employee interests with the goals of the owners, maximize tax deferrals and tax savings associated with desired benefits, and provide a competitive edge in attracting and maintaining excellent employees.

CAPABILITIES

We offer our clients a full array of legal services relating to employee benefits and executive compensation matters, including:

RETIREMENT PLANS

We assist clients with designing, establishing and administering all types of qualified retirement plans including ESOPs, profit-sharing, 401(k), 403(b), defined benefit and cash balance plans. We advise on regulatory compliance including compliance with ERISA's reporting and disclosure rules, nondiscrimination laws and unique tax and federal securities laws applicable to retirement plans with company stock held as a qualified plan investment. Our attorneys also routinely counsel our clients through self-audits and error corrections, including assisting clients with plan compliance issues under IRS and DOL correction programs. In collaboration with our firm's bankruptcy attorneys, our attorneys also frequently advise on corporate bankruptcy issues and their impact on retirement and related ERISA plans. We also work closely with Stinson's labor practice group on issues relating to multi-employer plans and withdrawal liability issues relating to the same.

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HEALTH CARE AND RELATED WELFARE BENEFITS

We assist clients with both the management of their health care costs and complying with the quickly expanding legal requirements associated with health care reform, HIPAA, GINA and COBRA. We advise businesses, governments and tax-exempt organizations and third-party service providers with respect to their, and their client's, health plans, health flexible spending accounts (FSAs), health savings accounts (HSAs) and health reimbursement accounts (HRAs). We counsel employers on all facets of benefit design, set up and administration related to dental, life, disability, dependent care, adoption assistance and education assistance benefits and regularly advise on cafeteria plans, self-administered and self-insured medical plans, VEBAs, split-dollar life insurance and severance plans.

EXECUTIVE COMPENSATION

We advise on navigating the complex tax, securities and accounting rules that involve executive compensation agreements. Our services address executive agreements, equity compensation plans, non-qualified deferred compensation plans and compliance with and planning around special tax provisions relating to executive compensation agreements.

OWNERSHIP TRANSFERS

We guide clients in transferring ownership to employees through the use of employee stock ownership plans (ESOPs) (leveraged and non-leveraged), stock options, stock appreciation rights, restricted stock and restricted stock units and other forms of equity-based compensation arrangements. This includes providing counsel and transactional assistance to companies of all sizes and industries-including retail, manufacturing, food processing, engineering, computer software and architectural firms.

AGE-WEIGHTED AND CLASS-BASED PROFIT SHARING PLANS

We advise on designing complex age-weighted and class-based profit sharing plans for engineering and manufacturing representatives, as well as for accounting, law and advertising firms, and other companies. In contrast to traditional profit sharing/pension plans, these types of plans permit companies to maximize the allowable amount of company contributions to business owners and highly compensated employees covered by the plan while minimizing the overall contribution outlay for all employees.

FIDUCIARY COMPLIANCE AND PROHIBITED TRANSACTIONS

We routinely advise ERISA plan sponsors and fiduciaries on ERISA fiduciary and prohibited transaction issues, including providing advice on securities lending arrangements, prohibited transaction exemptions, employer stock issues, 401(k) fee reviews, service provider arrangements, fiduciary insurance policies, plan governance and payment of plan expenses. We assist our clients in establishing and maintaining benefit committees, committee charters, investment policy statements and administrative contracts and

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procedures.

ERISA AND PLAN COMPLIANCE AUDITS

We advise on conducting preventive ERISA and plan compliance audits for companies in many industries, including construction and telecommunications, and tax-exempt organizations. These audits (protected by attorney-client privilege) assist employers by exposing and correcting operational and document-related errors, before any governmental audits have been initiated or participant claims have been made.

CORPORATE TRANSACTIONS AND RESTRUCTURINGS

We assist clients in connection with mergers and acquisitions, spin-offs and restructurings, including due diligence review of a target entity's benefit programs, advising on pre-closing and post-closing benefits and unique and complex tax compliance issues such as Section 409A deferred compensation and Section 280G "golden parachute" payment issues.

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RELATED CAPABILITIES

Labor, Employment & Benefits

Employee Benefits Litigation

Employment Litigation

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Labor Relations

NEWS

Super Lawyers Recognizes 29 from Stinson on Missouri and Kansas Top Lists

11.14.2023

Best Lawyers® Recognizes Stinson in "Best Law Firms" Report

11.02.2023

Best Lawyers in America Recognizes 32 Stinson Attorneys as "Ones to Watch"

08.17.2023

COVID-19 Emergency Declarations Are Now Void: Stinson's Schmid Addresses Group Health Plan Changes

05.11.2023

Dillon, Keppler Discuss Wage Transparency Laws in *Bloomberg* Column

02.16.2023

Dowling Provides Comments About Health Plan Coverage Post-*Dobbs* to *Kansas City Business Journal*

07.29.2022

Tom Dowling Selected as a 2022 *BTI* Client Service All-Star

03.01.2022

Best Lawyers Recognizes 21 Stinson Attorneys as "Ones to Watch"

08.20.2020

Stinson Attorneys Named to 2020 Minnesota *Super Lawyers* and Rising Stars

07.20.2020

Stinson Establishes Coronavirus Task Force to Support Clients

03.12.2020

EVENTS

New Challenges for HR in 2024- Phoenix

02.20.2024

New Challenges for HR in 2024- Minneapolis

02.13.2024

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New Challenges for HR in 2024- Wichita
Mark Arts, 02.08.2024

New Challenges for HR in 2024- St. Louis
Stinson LLP, 02.06.2024

New Challenges for HR in 2024- Kansas City
Overland Park Convention Center, 01.30.2024

New Challenges for HR in 2023 – Kansas City
Kansas City, 01.26.2023

New Challenges for HR in 2022
02.03.2022

New Challenges for HR in 2021
02.04.2021

Coronavirus and the Workplace Webinar (Recording Available)
03.24.2020

New Challenges for HR in 2020 - Kansas City
Overland Park Convention Center, 02.13.2020

New Challenges for HR in 2020 - Minneapolis
Stinson LLP, 01.23.2020

PUBLICATIONS

Annual Limits on Qualified Plans for 2024
11.21.2023

IRS Announces Delay of Implementation of SECURE 2.0 Act's Roth Catch-Up Contribution Provision for Two Years
08.29.2023

Preparing for the End of the COVID-19 Emergency Declarations: Part II Considerations for COVID-19 Vaccine Coverage
05.10.2023

Congress Revamps Retirement Planning with Secure 2.0
01.04.2023

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Annual Limits on Qualified Plans for 2023

10.26.2022

Time is Running Out to Meet the IRS July 31 Cycle 3 Deadline

05.17.2022

Agencies Issue Additional Guidance Regarding Over-the-Counter COVID-19 Test Coverage

02.09.2022

Agencies Issue Guidance Requiring Coverage for Over-the-Counter COVID-19 Tests

01.11.2022

Annual Limits on Qualified Plans for 2022

11.05.2021

Agencies Issue COVID-19 Vaccine Incentive Guidance

10.05.2021

COBRA Premium Assistance Expiration Notice Deadline Approaching

09.07.2021

DOL Issues FAQs on SECURE Act Lifetime Income Illustrations and Interim Final Rule

08.03.2021

California Supreme Court Expands "Regular Rate of Compensation" for Missed Breaks

07.21.2021

IRS Releases Revised Employee Plans Compliance Resolution System

07.20.2021

Proceed with Caution: Local Orders Lifting Mask Mandates Are Not Blanket Permission Slips to Eliminate Safety Protocols in Workplaces

05.14.2021

DOL's ARPA COBRA Subsidy Notices and FAQs: Stay Tuned for More

04.15.2021

The American Rescue Plan: Update for Employers Providing FFCRA Leave in 2021

03.12.2021

IRS Guidance on CAA Coronavirus Relief for FSAs, DCAPs and Cafeteria Plans

03.01.2021

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Biden Administration Issues Wide-Ranging Executive Orders to Protect Workers

02.01.2021

OSHA Issues First New General Workplace Guidance since June 2020

02.01.2021

New Coronavirus Relief Legislation Impacts Employers in Two Key Areas

12.28.2020

Annual Limits on Qualified Plans for 2021

10.29.2020

Payroll Tax Holiday Guidance Leaves Employers Guessing

09.01.2020

IRS Issues Additional Guidance on Coronavirus-Related Distributions and Plan Loans under CARES Act

07.02.2020

DOL Provides its View on Private Equity Investment Exposure in Defined Contribution Plans

06.09.2020

Multiemployer Pension Reform Likely on the Table in Phase 4 Coronavirus Bill

04.15.2020

CARES Act: Changes to Unemployment Compensation Present Opportunities to Businesses and Employees

04.10.2020

DOL Issues Temporary Rule Promulgating Regulations on the FFCRA

04.03.2020

New IRS Guidance and CARES Act Provide Employers with Additional Information about Tax Credits for Paid Leave

03.28.2020

CARES Act Provides Much Needed Retirement Plan-Related Relief for Individuals and Employers Impacted by COVID-19

03.28.2020

CARES Act Allows More Flexibility Regarding Health Care Coverage for Individuals Impacted by COVID-19

03.28.2020

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REVISED ALERT: IRS and Other Federal Agencies Provide New Guidance on Paid Leave Tax Credits

03.25.2020

Be Wary of Potential HIPAA Traps When Responding to Coronavirus Concerns

03.16.2020

IRS Issues Coronavirus Relief for High-Deductible Health Plans

03.11.2020

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