

# Employee Benefits

The Employment Law and Employee Benefits attorneys at Zukerman Gore help clients comply with complex and ever-changing federal, state, and local laws concerning benefits and other employment law issues.

We counsel public companies and privately held businesses on cost-efficient compliance with regulatory requirements. We draft and review plan documents and amendments for qualified and nonqualified compensation and retirement, 401(k), 403(b), health and welfare benefit, wellness, cafeteria, bonus, equity-based, and other compensation plans and arrangements. And we ensure that our clients' benefits plans and employment policies align with their strategic business objectives.

## **Employee Benefits**

Our lawyers assist clients in designing, establishing, administering, and, when necessary, terminating the full spectrum of employee benefits plans and programs. We work with employers of all sizes - startups, family-run businesses, and private and public companies - to develop and manage programs that minimize risks while maximizing their value, including by drafting clear and effective employee communications (such as Summary Plan Descriptions and other legally required notices), assisting in monitoring compliance and in correcting compliance issues, and ensuring that plans conform to applicable law and Internal Revenue Service (IRS) and Department of Labor (DOL) regulations and other guidance.

In addition, we guide clients through plan audits, investigations, and corrections, and regularly assist them in completing all government submission forms, returns, and reports.

## **ERISA**

Our attorneys routinely advise clients on their fiduciary responsibilities under the Employee Retirement Income Security Act (ERISA). We defend them against claims of breached fiduciary duty and alleged nonpayment of benefits, resolving those claims through mediation, arbitration or, when necessary, litigation.

## **Executive Compensation**

We counsel employers regarding compensation of their executives, and represent other executives in the negotiation and documentation of their compensation packages, including preparation of employment agreements, bonus programs, retention agreements, golden parachute arrangements, and equity compensation plans, as well as negotiating the terms of the compensation packages and the underlying documentation.

## **Employment Law Counseling**

In addition to employee benefit issues, we routinely counsel clients on general employment matters, including discrimination and harassment, affirmative action, the Family Medical Leave Act, state and local mandated leaves, health and safety, non-executive employee compensation and severance, wage-hour issues, wrongful termination, employee/independent contractor classification, data security and privacy, leaves of absence, and the drafting of employee policy manuals. Employers rely on our dedication and advocacy to resolve workplace disputes via the most efficient means possible, through remediation, negotiation, alternative dispute resolution techniques, or litigation.

In addition, we routinely prepare offer letters and employment agreements for new hires, and separation and release agreements related to employee terminations.

We have particular strengths meeting Worker Adjustment Retraining and Notification (WARN) Act and similar state law obligations on behalf of employers faced with furloughs or downsizing, including as a result of the COVID-19 pandemic. Similarly, we excel at guiding businesses through the complexities of returning to work

under DOL, CDC, OSHA, and state and local guidelines and protocols.

### **Transactional Counseling**

Our employment lawyers help clients navigate employee benefits and employment issues related to the purchase, restructuring, or sale of companies or divisions, including investigating any outstanding liabilities, compliance with applicable federal, state and local law regarding employee benefits and employment and unresolved employee claims and litigation, drafting employee offer or layoff notices, and advising on employee benefits, severance, retention, and post-closing integration of the workforce. We also prepare and negotiate the employee benefits and employment provisions of purchase agreements, as well as any related employment agreements, retention arrangements, change in control agreements, and other documentation affecting employees and their benefits.

## Results

## Attorneys

- Louise I. Tudor
- Nicholas A. Plinio