Why Do I Need an Employee Benefits Attorney?

A Practitioner's Guide to Navigating the A.R.T. of Employment and Employee Benefits

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In today's war for talent, can your company risk a loss of talent because of a dated, non-compliant, or non-competitive total rewards package? If the answer is no, keep reading about why you need an employee benefits attorney.

Straddling the intersection of benefits, tax, and employment, Morse's Employee Benefits Practice is uniquely positioned to help clients achieve their business objectives and aide in the process of Attracting, Retaining, and Transitioning employees. In the first of our multi-part series – A Practitioner's Guide to Navigating the A.R.T. of Employment and Employee Benefits – we introduce you to the breadth of our employee benefits practice and how it can benefit your business.

When structured properly, employee benefits can play an essential role in your company's ability to successfully attract, retain, and transition employees, and often reflect a company's culture. Attorneys in our employee benefits practice advise on all benefits related matters and can partner with your company's Human Resource function or executives to manage your company's benefits. However, it's important to consult with us early to avoid the risk of losing top talent or costly compliance oversights. This is confounded by the fact that there is no statute of limitations on qualified plan errors, certain errors may result in additional taxes imposed against recipient participants, and the individuals responsible for making plan decisions (i.e., plan fiduciaries) may be held jointly and severally liable for breaches of fiduciary duty.

No company is too small, and no industry or organizational structure is exempt from benefitting from a consultation with our specialists. In other words, if you have employees, we can help.

	How We Can Help
Retirement and Health and Welfare Plans	Advise on design, implementation, administration, and regulatory compliance matters; evaluate corporate structure for controlled group issues; interpret plan provisions and eligibility; draft required documents and policies
Governmental Audits, Benefits Claims and IRS Correction Programs	Navigate IRS and DOL retirement plan and health and welfare plans audits; advise on employee claims/disputes for benefits; correct operational and document failures; negotiate with the PBGC; reduce ACA penalties
Deferred Compensation, Equity and Bonus Arrangements	Structure 409A compliant deferred compensation plans, equity grants and bonus arrangements
Employment, Retention, Change of Control, and Severance Agreements	Draft 409A compliant employment, retention, change or control and severance agreements

Business Transactions	Negotiate transaction documents; conduct diligence; perform 280G analyses; review for partial plan terminations; advise on post-transaction integration matters and/or transition services agreements
Corporate Governance and Fiduciary Issues	Establish internal fiduciary standards to limit exposure; conduct fiduciary training; draft investment policy statements
Engaging with Service Providers	Negotiate service provider, investment management and consulting agreements; review PEO Master Services Agreements
Unwritten Practices	Review unwritten practices (e.g., company's unwritten practice of providing severance) to determine whether the practice is deemed to be an employee benefit plan subject to ERISA
Data Privacy	Advise on compliance with DOL guidance on cybersecurity best practices for ERISA covered plans

Contact Employee Benefits Attorney Rebecca Alperin with questions or concerns about your company's employee benefits.

Other articles in this series:

Insights for Early-Stage Companies