



To see how our team is helping clients navigate the impacts and potential impacts of COVID-19, please click here.

Our business world is undergoing dramatic change, forcing companies to reset priorities and practices at a time when federal law is shifting standards. As change becomes more of a constant, staying on top of employee benefits law can be overwhelming.

Parker Poe understands that our clients value up-to-date advice on legislation. We recognize that not every business fits the same mold. Our collaborative approach helps companies tackle cyclical and regulatory needs with flexible and creative solutions.

Our attorneys are experienced in all aspects of the planning, design, implementation, operation, and termination of employee benefit plans and executive compensation arrangements. We cover transactional and litigation issues that often arise in connection with benefit programs.

As North Carolina and South Carolina's exclusive representative in the Employment Law Alliance, the world's largest network of labor and employment lawyers, we are uniquely positioned to assist employers that have operations and interests in multiple jurisdictions. We provide counsel to a diverse group of publicly traded, private, nonprofit, and governmental clients.

Our service areas include:

Retirement Plans – We assist clients with all aspects of design, documentation, operation, reporting, and disclosure with respect to tax-qualified and other retirement plans, including:

- Profit sharing and 401(k) plans.
- Defined benefit and money purchase pension plans, including cash balance plans.
- Leveraged and non-leveraged employee stock ownership plans (ESOPs).
- Section 403(b) and Section 457 plans for tax-exempt and governmental employers.

Executive Compensation – A significant component of our practice involves executive compensation programs and related ERISA, tax, and securities considerations. Our experience includes:

- Non-qualified deferred compensation plans.
- Excess benefit plans.
- Salary continuation plans.
- Performance-based incentive programs.
- Equity-based arrangements.
- Other supplemental retirement plans.
- Special considerations for deferred compensation of non-profit executives.
- Related financing of such plans through rabbi trusts and other vehicles.



Health and Welfare Plans – Our employee benefits attorneys have experience with the design, documentation, and operation of:

- Insured and self-insured group health plans.
- Disability and life insurance plans.
- Cafeteria plans.
- Medical reimbursement plans.
- Transportation plans.
- Flexible benefit plans.
- Severance plans.
- Retiree welfare benefits.

We also routinely counsel clients on a variety of welfare plan compliance issues, including COBRA, HIPAA, nondiscrimination testing, Code Section 501(c)(9) VEBA trusts, and multiple employer welfare arrangements (MEWAs).

Equity-Based Compensation – We assist clients with all aspects of the implementation of equity-based compensation plans, including design and documentation, stockholder approval and proxy materials, and employee communications. We have designed numerous equity compensation programs, including:

- Incentive and non-statutory stock options.
- Restricted stock and restricted stock units.
- Stock appreciation rights.
- Phantom stock.
- Employee stock purchase plans.
- Annual and long-term incentive plans.

Mergers, Acquisitions, and Other Business Transactions – Our employee benefits attorneys are regularly involved in the employee benefits aspects of corporate transactions of all sizes, including:

- Due diligence and analysis of legal issues.
- Negotiation and drafting of purchase, sale, and merger agreements.
- Review of golden parachute implications.
- Post-closing assistance with benefit plan consolidation.
- Negotiation and drafting of benefit liability provisions in financing documents.
- Analysis of deferred compensation arrangements and 409A issues.



Administrative Representation and ERISA Litigation – We represent clients before the Internal Revenue Service, the Department of Labor, the Pension Benefit Guaranty Corporation, state departments of insurance, and related agencies. Working closely with our employment litigators, we handle a variety of ERISA litigation matters for our clients, such as:

- Defending claims for denial of medical, disability, life, severance, and pension benefits.
- ERISA pre-emption.
- Subrogation issues.
- Interpleader actions.
- Breach of fiduciary duty claims.

REPRESENTATIVE EXPERIENCE

- Extensive work to establish new benefit plans for a foreign client that acquired a U.S. business, including plan design, documentation, employee communications, and IRS filings.
- Extensive work helping U.S. employers with foreign owners satisfy the qualified separate line of business (“QSLOB”) rules in order to satisfy nondiscrimination testing.
- Prepared multiple equity compensation plans for a Fortune 300 company, ranging from broad-based employee stock purchase plans to stock incentive plans for key employees to incentive stock programs for outside directors.
- Assisted a privately held company undergoing a change in control with 280G golden parachute compliance, including the stockholder approval process to avoid penalty taxes.
- Represented a private college with respect to the design and implementation of an early retirement incentive plan.
- Prepared comprehensive HIPAA privacy and security documentation for numerous clients.
- Obtained summary judgment on behalf of plan administrator and employer in lawsuit challenging the reduction of long-term disability payments to recoup overpayments that occurred because of plaintiff’s unreported receipt of Social Security disability payments.