



Jackson Kelly's Employee Benefits & ERISA Litigation Practice is dedicated to representing the interests of employers of all sizes, insurance carriers, and third party administrators. The attorneys and other professionals in this practice area provide a broad range of legal services, including defense-oriented litigation, advice, compliance training, plan document drafting, and other assistance, to these clients. Our attorneys are often asked to speak and write articles on these topics.

Jackson Kelly's Employee Benefits attorneys represent clients in a wide variety of matters relating to employee health and welfare, retirement, and executive compensation plans. We counsel clients as they draft, implement, and terminate these plans. We work closely with the Banking and Financial Services industry groups on these matters in the context of mergers and acquisitions. Our attorneys are uniquely suited to represent our clients in all aspects of ERISA litigation, including preemption issues, breaches of fiduciary duties, and claims for benefits. We defend employers, carriers, and third party administrators in suits brought by participants with respect to all types of benefits plans in federal and state courts. We regularly advise clients in the administrative stages of claims for benefits to minimize the risk of litigation.

With respect to health and welfare plans, a crucial aspect of Employee Benefits & ERISA practice area is advising employers, carriers, and third party administrators in order to avoid and minimize risk. Jackson Kelly's Employee Benefits & ERISA practice area attorneys frequently consult with clients on many topics, including:

- Plan document Drafting for Self-Funded and Fully-Insured Health Plans, Cafeteria Plans, and Other Fringe Benefits
- COBRA Compliance
- HIPAA Compliance
- Affordable Care Act Compliance, including the Employer Mandate, market reforms, and Information Reporting Requirements for Applicable Large Employers
- Subrogation and Reimbursement
- Advising clients during IRS and DOL audits of benefit plans
- Compliance issues for MEWAs and Bona Fide Association Plans

The Employee Benefits Group regularly assists in the development and administration of employee benefit and retirement plans, including ongoing administrative servicing to over 200 retirement plans. These services also include:

- Qualified plan design & consultation
- Drafting of benefit plans, including profit sharing, money purchase pension, Section 401(k), target benefit & employee stock ownership
- Preparing all retirement plan documents & trust agreements

- Retirement plan administration, including contribution calculations, discrimination testing, plan allocations, participant statements, beneficiary elections, plan loan documentation & filing of all governmental reports
- Nonqualified Plans, including Excess Benefit, Top Hat, Rabbi and Secular Trusts & Section 457 plans
- Benefits communications
- Plan Error Corrections and Voluntary Compliance Reporting
- Mergers & Acquisition Involving Qualified Retirement Plans

With regard to Executive Compensation, the Employee Benefits Group in conjunction with the Tax Group assists in the design, negotiation, and implementation of executive compensation arrangements, including the following:

- IRC §409A Compliance and Design
- Incentive & Deferred Compensation Arrangements
- Qualified & Non-Qualified Stock Option Plans
- SERPs, Restricted Stock Units, Phantom Stock Plans, and similar arrangements
- Life Insurance Planning