

# Employee Benefits & Executive Compensation

Gray Plant Mooty's Employee Benefits and Executive Compensation team has a roster of clients that includes Fortune 500 companies, closely held businesses, nonprofit organizations, and governmental entities. The team attracts employers nationwide who seek the highest level of expertise on benefits issues.

Because our clientele includes administrators, plan sponsors, and corporate trustees, we have significant experience with administrative concerns. This helps us provide the best, most practical solutions for your benefits and compensation challenges.

Gray Plant Mooty's practice encompasses a variety of benefit plans and offers counsel on issues, including:

- 401(k) and profit sharing plans
- 412(i) plans
- Benefit compliance, including IRS and DOL voluntary correction procedures and audits
- Cafeteria plans
- COBRA and HIPAA
- Defined benefit and cash balance plans
- Documentation for benefit plans of all types, including summary plan descriptions and administrative documents
- ESOP plans and stock bonus plans
- ESOP transactions
- Executive compensation arrangements, including incentive compensation and special issues such as intermediate sanction concerns
- Full range of employee benefit litigation, including benefit claims, breach of fiduciary duty claims, and multiemployer withdrawal liability claims
- Health Reimbursement Accounts (HRAs)/Health Savings Accounts (HSAs)
- Law changes and emerging benefit issues
- Mediation of benefit claim disputes
- Mental health and substance abuse parity
- Mergers and acquisitions
- Nonprofit, tax-exempt, and governmental organizations benefit and compensation arrangements, including tax-sheltered annuities, 403(b) plans, and 457 plans
- Nonqualified deferred compensation programs (including 409A compliance)
- Stock-based compensation arrangements
- Transportation fringe benefit plans

## Helping Clients Attract and Keep Good People

Market-leading organizations know that their people are their greatest assets. Incentive programs and reward systems are necessary to attract and retain talented employees. Unfortunately, the areas of employee benefits and executive compensation are fraught with ever-changing rules and restrictions, and employers can easily run afoul of the law creating serious tax consequences.

The Employee Benefits and Executive Compensation team at Gray Plant Mooty will work with you to design the incentive programs that best suit your business within this complicated, evolving environment.

## Experience

### Representative Matters

- Assisted clients with obtaining favorable IRS determination letters
- Regularly provide consulting, legal compliance analysis (including 409A and 162(m)), and plan preparation for all types of executive, equity, and deferred compensation benefits to large public companies
- Represented 401(k) clients in the negotiation of administrative contracts with the major mutual fund complexes, banks, and other 401(k) administrative service providers
- Represented Fortune 500 company in application for and receipt of a determination letter relating to a multiple employer cash balance plan
- Represented large local company in analysis of Code section 280G implications in connection with a change in control
- Represented large medical technology Fortune 500 company in complete redesign of retirement plans
- Represented large Minnesota agricultural company in a complete review and analysis of nonqualified deferred compensation arrangements to ensure compliance with Code section 409A
- Represented large public company in applying for and obtaining a compliance statement under the Voluntary Compliance Program in connection with an operational error created when the plan's third party administrator diversified company stock inconsistent with the plan document
- Represented large tax-exempt employer in structuring benefit plans to comply with Code sections 403(b), 457(b), and 457(f)
- Represented midsize public company providing ongoing advice regarding plan design and implementation for the company's 401(k) and ESOP plans
- Represented various clients, including several large Minnesota companies, regarding benefits issues that arose in the context of mergers & acquisitions