



A Littler Event

2016 EMPLOYEE BENEFITS UPDATE

Thursday, January 28, 2016

8:00 am to 8:30 am **Registration and Breakfast**

8:30 am to 9:30 am **Retirement Plans Under Attack by Plan Participants and Government Agencies – An Action Plan for Employers**

The courts have recently made it easier for retirement plan participants to sue plan fiduciaries on grounds ranging from plan investments which are inadequate, plan fees that are too high, and misstatements about plan benefits. Additionally, both the IRS and DOL have been aggressively auditing plans and holding employers' feet to the fire when perceived violations are found. Employers, now more than ever, must take quite seriously their role as the stewards of their 401(k) plan. At this session, we will discuss best practices for fiduciary governance and concrete steps to take to protect plan fiduciaries. We will also touch on those areas of concern to employers in their role as plan administrators and the best way to protect plans from administrative miscues.

9:30 am to 9:40 am **Break**

9:40 am to 10:40 am **DOL Audits of Welfare Plans**

After the passage of the ACA, the Department of Labor began the practice of auditing health and welfare plans. In addition to focusing on requirements that all plans must meet under ERISA DOL's audits have also focused on the requirements of other laws that impact health and welfare plans, including but not limited to, COBRA, Mental Health Parity HIPAA, and reporting and disclosure requirements of ERISA. This program will examine the DOL audit process and what employers should do to insulate themselves from potential significant liability for violating welfare plan requirements.

10:40 am to 10:50 am **Break**

10:50 am to 11:50 am **Executive Compensation Pitfalls – From 409A to the ACA**

Never before has executive compensation been more regulated than it is today. Legislation squarely aimed at executive remuneration has become law several times in the past few years. In addition, Section 409A of the Internal Revenue Code continues to impose significant restrictions on the manner in which deferred payments can be fashioned, and not just to those in the executive suite. The ACA, a very unlikely source, has also affected the way executives can be paid. At this session, we will discuss the issues involved with structuring not only traditional executive compensation arrangements, but also payments under employment agreements, severance and settlement agreements, and deferred compensation devices. We will discuss the steps employers must take to avoid inadvertent violations that could result in penalty taxes for employees, former employees, and other service providers. We will identify and discuss the most common issues that employers face and identify the best strategies for ensuring compliance with the current mix of legal and regulatory requirements.



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11:50 am to 12:50 pm **Lunch & Networking**

12:50 pm to 1:00 pm **Break**

1:00 pm to 2:00 pm **The Affordable Care Act – Imperatives for Employers in 2016 and Beyond**

Now that we are in the era of the pay or play mandate, employers are formulating strategies as to how to best deal with health care reform. Employers are beset with threats of lawsuits, new governmental filings, and penalty taxes as they navigate the perilous waters of healthcare reform. Special concerns exist for employers who are going through workforce restructurings, as well as those who deal with staffing companies, short-term employees, and collectively bargained employees. At this session, we will discuss how employers can best meet these challenges.

2:00 pm **Closing Remarks**