



Employee Benefits & Executive Compensation

Our Employee Benefits & Executive Compensation practice area assists employers in managing their employee benefit programs, equity plans, and executive compensation programs. We represent corporations, partnerships, nonprofit and governmental entities, trustees, investment advisers, fiduciaries, and executives. Our group of seasoned attorneys has significant experience and regularly advises clients on:

- Executive compensation issues (including deferred compensation plans and rabbi trusts, employment and severance agreements, change-of-control agreements, and compliance with Code sections 162(m) and 409A);
- Equity plans, including stock options, restricted stock, restricted stock units, and employee stock purchase plans;
- Employee benefits and executive compensation issues associated with mergers and acquisitions, including Code Section 280G golden parachute payments and severance issues;
- 401(k) plans, profit sharing plans and defined benefit pension plans;
- Employee stock ownership plans (“ESOPs”) design, governance, and transactions;
- Correction of ERISA violations under the U.S Department of Labor’s Voluntary Fiduciary Correction Program and correction of qualified plan errors under the IRS’ Employee Plans Compliance Resolution System (“EPCRP”);
- 457(b) and 457(f) non-qualified deferred compensation plans for nonprofit and governmental entities, including determination of governmental plan status under Code section 414(d), work with State of North Carolina Retirement Systems;
- Tax sheltered annuity (403(b) plans) for nonprofit organizations and schools;
- Compliance with the Affordable Care Act (“ACA”), including the Employer Shared Responsibility provisions, reporting under Code sections 6055 and 6056, and stand-alone Health Reimbursement Act (“HRA”) and other employer payment plan arrangements;
- Welfare benefit plans (including ERISA compliant plan documents and SPDs), cafeteria plans, discrimination testing, COBRA continuation rights, HIPAA privacy rules;

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- Government audits and examinations of qualified retirement plans and welfare benefit plans; and
 - Fiduciary and prohibited transaction issues relating to the investment of plan assets.
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