



Cullen | Dykman

Employee Benefits and Executive Compensation

As well-designed employee benefit plans become more important in retaining valuable employees, knowing the impact that a corporate transaction may have on an employee benefit plan is critical. Cullen and Dykman's Tax Department handles a broad range of legal issues surrounding employee benefit plans, from plan design, qualification, implementation and compliance, to plan continuation and/or termination when a business is sold or expanding and additional employees are hired. Our advice accounts for regulatory issues related to employee benefit plans under the Internal Revenue Code, ERISA, the U.S. Department of Labor Regulations, or other regulations prescribed by the Pension Benefit Guaranty Corporation. We also assist with matters related to COBRA compliance and HIPAA privacy requirements.

Our clients also rely on us with respect to structuring various types of executive compensation arrangements, including profit-sharing plans, employee stock ownership plans, non-qualified deferred compensation arrangements subject to Section 409A of the Internal Revenue Code (stock options, restricted stock and others), severance agreements, and on issues related to Section 280G of the Internal Revenue Code.

In addition, we guide plan sponsors and plan trustees about their fiduciary duties, plan investment obligations, and rules governing prohibited transactions. Our department also has significant experience working with the Internal Revenue Service and the U.S. Department of Labor to resolve our clients' plan compliance issues, including through the Employee Plans Compliance Resolution System or the Voluntary Correction Program.