

Employee Benefits and Executive Compensation

Employee benefits and executive compensation issues have become increasingly complex. Providing legal advice in these areas requires knowledge not only of ERISA and related benefits statutes, but also of tax, securities and employment laws. We help our clients navigate the legal complexities and help them think through the practical and business issues associated with their employee benefits and executive compensation decisions.

Areas we advise on include:

Benefit Plans. We provide advice on a wide variety of issues related to the design, preparation, communication, administration, and operation of all forms of employee benefit plans and related funding vehicles. We have broad experience with defined benefit pension plans, including cash balance plans, as well as defined contribution plans, including ESOPs. We have substantial experience advising clients with respect to their group health plans, including self-insured, fully-insured and funded and collectively bargained group health plans. Our practice in this area spans the entire life-cycle of health plans, ranging from design, drafting plan documents, counseling with respect to administration matters, assisting with claims disputes, governmental audits, mergers and acquisitions, and plan terminations. We also assist employers to comply with the requirements under the Affordable Care Act and we provide advice on compliance with COBRA, HIPAA and other welfare benefit laws. We also have experience with cafeteria (section 125) plans, dependent care plans, flexible spending accounts, group life insurance and other welfare benefits.

Executive Compensation. We advise employers, board compensation committees and executives on all aspects

Capability Lawyers



Samuel S. Choy (Sam)
Atlanta

Recognition

Plan Sponsor Council of
America Names Ken Raskin
Chair of its Board of
Directors

PLAN SPONSOR COUNCIL
OF AMERICA

Ranked Tier 4 in Employee
benefits, executive
compensation and retirement
plans: transactions

LEGAL 500 US, 2020

Sam Choy and Laura
Westfall both ranked as
Noted Lawyers in Employee
benefits, executive
compensation and retirement
plans: transactions

LEGAL 500 US, 2020

Sam Choy Ranked Band 1
Labor & Employment in
Georgia

of executive compensation programs and in related funding vehicles, including equity and equity-based programs, non-qualified deferred compensation plans, short-term and long-term incentive and performance compensation programs, change-in-control programs, and “rabbi” trusts. We also advise clients regarding golden parachute, section 162(m) and section 409A matters.

Plan Investments. We have significant expertise in income tax, ERISA and business issues related to benefit plan investments. We routinely provide advice with respect to investments in employer stock, including leveraged ESOPs, and work closely with our corporate and securities lawyers to resolve registration, filing, disclosure and voting issues that arise with respect to such investments. In addition, we review and negotiate private equity, real estate and hedge fund investments for our benefit plan clients.

Business Transactions. We assist clients with business transactions, including acquisitions and dispositions, reorganizations, bankruptcies and financings, all of which can involve employee benefit issues. We also address post-transaction issues related to integrating or separating benefit plans, change in control matters and executive compensation arrangements. We negotiate trust agreements, custody agreements, administrative services agreements, investment management agreements and other agreements for benefit plans. We also represent borrowers in negotiating the ERISA provisions in their credit facilities.

Benefit Controversies. We represent clients in a wide array of Department of Labor and IRS investigations and audits concerning employee benefit plans, and counsel clients and negotiate with the PBGC in connection with defined benefit plan terminations and premium disputes. We also counsel clients and negotiate solutions for compliance errors under IRS and Department of Labor correction programs. Finally, we regularly work with our ERISA and employee benefits litigators to provide technical and compliance advice to clients in ERISA class actions and other complex employee benefits litigation, internal investigations and ERISA related administrative controversies.

Cases & Deals

King & Spalding Advises Morgan Stanley Real Estate Advisors, Inc. on Investment Fund

King & Spalding Advises Client on Chapter 7 Benefits

CHAMBERS USA, 2020

Team is ranked Band 2 in
Labor & Employment in
Georgia

CHAMBERS USA, 2020

Matters

King & Spalding Advises Client on Expatriate Executive Benefits Programs

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Insights

CLIENT ALERT

May 5, 2025

Cunningham v. Cornell University: ERISA Claims Are Now Much More Costly and Difficult to Defend

CLIENT ALERT

April 1, 2025

VSOPs – the End of Bad Leaver Clauses in Germany?

CLIENT ALERT

January 30, 2025

What Does 2025 Hold for UK Employers?

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Events

SPEAKING ENGAGEMENT

October 25, 2023

Rod Rosenstein, Sally Yates to Speak at Retail Industry Leaders Association's Retail Law Conference

CONFERENCE

July 12, 2016

Networking Roundtable Series: Executive Compensation, Employee Benefits and Employment Law

WEBINAR

May 10, 2016

King & Spalding e-Learn: The Department of Labor's New Fiduciary Rule: What do Retirement Plan Sponsors and Fiduciaries Need to Know Now?

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News

IN THE NEWS

September 12, 2024

Executive compensation and employee benefits partner John Kleinjan joins the firm's Corporate practice group in Atlanta

PRESS RELEASE

September 12, 2024

Executive Compensation and Employee Benefits Partner John Kleinjan Joins King & Spalding in Atlanta

IN THE NEWS

May 21, 2024

Danielle Chattin, Darren Shuler, David Tetrack, Matthew

Dawson and Quyen Ta counsel Cisco before a California federal court, which dismissed a proposed class action that former workers brought accusing the company of breaching federal benefits law by including several BlackRock funds as options in its \$16.4B 401(k) plan

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