



Knowing ERISA Can Benefit You

What Every Employment Lawyer Needs to Know

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Summary



1. ERISA Basics

2. Common Compliance Issues with Retirement and Welfare Plans

3. Severance Agreements: ERISA Plans or Not?



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ERISA Basics



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When Does ERISA Apply?

- Private Sector Employee Benefit Plan:
 - Retirement
 - Welfare

- Does NOT apply to:
 - Governmental employer
 - Church employer*



*assuming no Code Section 410(d) election

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What Does ERISA do?



✓ Establishes requirements and guidelines for private employee benefit plans

- Reporting, disclosure, administration and enforcement, etc.
- Fiduciary responsibility

✓ Sets minimum standards for retirement and welfare plans

- Participation, vesting, and funding
- Group Health Plans (Title I, Part 6 and 7)

✓ Pension Benefit Guaranty Corporation and Multiemployer Plan Withdrawal

- Title IV

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Retirement



- Defined Contribution vs. Defined Benefit
- Volume Submitter vs. Individually Designed
- Multiemployer vs. Multiple Employer vs. Single Employer

The most common employer plan is a single-employer, volume submitter 401(k) plan

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