Ogletree Deakins | EMPLOYEE BENEFITS AND EXECUTIVE COMPENSATION SYMPOSIUM

APRIL 21–22, 2020 | PALMER HOUSE HILTON | CHICAGO

AGENDA

Tuesday, April 21, 2020

Noon – 1:00 p.m. **Registration**

1:00 – 1:15 p.m. **Welcome and Introduction**

Presenters: James M. McGrew and Stephanie A. Smithey

1:15 – 2:00 p.m. **Avoiding Fiduciary Fumbles: Fiduciary Committee Best Practices**

Fiduciary litigation continues to be a focal point for plaintiffs' counsel. During this session, we will address best practices for setting up and monitoring a committee to comply with the Employee Retirement Income Security Act (ERISA), including how to develop committee charters. The speakers will also discuss tips for avoiding litigation and being in the best position possible in the event of litigation.

Presenters: Ruth Anne Collins Michels and Jason A. Rothman

2:00 – 2:45 p.m. **SECURE Act: A Game Changer for Retirement Plans**

Our panel will examine the impact that the most sweeping retirement plan legislation since the Pension Protection Act of 2006—the Setting Every Community Up for Retirement Enhancement (SECURE) Act—could have on your retirement plans. Our discussion will include "pooled" or open multiple employer plans, changes in the required minimum distribution rules, updates to the 401(k) safe harbor rules, new participation rights for long-term part-time employees, nondiscrimination testing relief for frozen defined benefit plans, and much more.

Presenters: Catherine R. Reese and David S. Rosner

2:45 – 3:00 p.m. **Break**

3:00 – 3:45 p.m. **Breakout Sessions—Series 1**

Option 1: **Benefits Boot Camp: Part 1**

Knowing benefits basics is crucial for all new employee benefits practitioners—and reviewing them can be helpful for more seasoned professionals. Join this informative session for a primer on ERISA and employer-provided health benefits.

Presenters: Eric D. Penkert; Mark E. Schmidtke; and Stephanie A. Smithey

Option 2: **Due Diligence Workshop**

Every merger, acquisition, or similar transaction requires due diligence and review of employee benefit plans. This workshop will focus on spotting critical benefits issues in corporate transactions to ensure compliance with applicable laws—including ERISA, the Consolidated Omnibus Budget Reconciliation Act (COBRA), and the Internal Revenue Code—and avoid acquiring potential nightmare issues.

Presenters: Taylor Bracewell and Lorne O. Dauenhauer

3:45 – 4:00 p.m. **Break**

4:00 – 4:30 p.m. **Payroll Tax Pain Points**

This session will address payroll tax compliance, with a focus on the Tax Cuts and Jobs Act changes being rolled out in 2020, along with lessons and insights that we have learned from our experience with audits.

Presenter: Michael K. Mahoney

6:00 – 8:00 p.m. **Reception and Dinner**

LOCATION

Palmer House Hilton
17 East Monroe Street
Chicago, IL 60603
(312) 726-7500

COST

Client rate: $595
Non-client rate: $795

REGISTRATION

To register, please visit www.ogletree.com or contact our Events Team at ODEvents@ogletree.com.

CLE will be requested for this program. Please note that Alabama CLE credit is not available for this program. Please email any CLE-related questions to cle@ogletree.com. This program qualifies for both experienced and newly admitted attorneys. Attorneys who need financial aid to attend may view the policy here: https://tinyurl.com/clefinancialaid.

AGENDA

Wednesday, April 22, 2020

7:00 – 8:00 a.m.	**Breakfast**
7:15 – 8:15 a.m.	**Early Bird Session: Ethics and Employee Benefits *(Ethics CLE credit may be available)*** Ethical issues facing employee benefits and executive compensation in-house counsel can be somewhat unique. Join this early bird session for a discussion of important ethical issues related to employee benefits, including the attorney-client privilege, the fiduciary exception to the privilege, conflicts of interest, and more. *Presenters*: Tina M. Bengs and Eric P. Mathisen
8:15 – 8:30 a.m.	**Break**
8:30 – 8:45 a.m.	**Opening Remarks** *Presenters*: James M. McGrew and Stephanie A. Smithey
8:45 – 9:30 a.m.	**Arbitration Analysis for Employers** Federal courts are, in many cases, supporting the right of plans to require participants to arbitrate benefits claims and to waive any right to bring a class action. Our discussion will focus on how an employer should analyze whether it wants to require arbitration, including the advantages and disadvantages of arbitration, and specific plan provisions that could strengthen the plan's position. *Presenters*: Mark E. Schmidtke and Timothy G. Verrall
9:30 – 9:45 a.m.	**Break**
9:45 – 10:30 a.m.	**Breakout Sessions—Series 2**
Option 1:	**Benefits Boot Camp: Part 2** During the second session of Benefits Boot Camp, we will focus on other benefits basics, particularly 401(k), pension, and deferred compensation plans, as well as severance and other forms of post-termination benefits. *Presenters*: Ruth Anne Collins Michels and John A. Morrison
Option 2:	**Global Benefits Game Plan: A Q&A Session** Benefit plan issues become more complicated and obtuse when other countries' laws are involved. Knowing what countries' laws apply—and what exactly those laws require—is critical for employee benefits and executive compensation professionals in today's global workplace. Bring your questions for this unique opportunity to interact with experienced benefits professionals. *Presenters*: Carlos Gonzalez; Keith McMurdy, *Legal Counsel*, Bloomberg L.P.; and Stephanie A. Smithey
10:30 – 10:45 a.m.	**Break**
10:45 – 11:15 a.m.	**Cybersecurity Now! Compliance and Litigation for Benefit Plans** Cybersecurity continues to be top of mind for benefits professionals. Using several recent cases, our speakers will address the laws governing benefit plan security, litigation risks posed by lax cybersecurity, the broader implications of failing to address security threats, and new statutory rights that can result in significant costs for employers that experience a data breach. *Presenters*: Stephen A. Riga and Jenny H. Wang
11:15 – 11:45 a.m.	**Hot Topics in Health and Welfare Benefits** During this session, we will focus on the latest developments in COBRA notice class actions and mental health benefits. The speakers will also discuss recent Affordable Care Act (ACA) developments, such as constitutional challenges to the ACA and how the repeal of the "Cadillac tax" will affect employers. *Presenters*: Kristine M. Bingman; Eric P. Mathisen; and Daniel T. Sulton
11:45 a.m. – 12:15 p.m.	**2020 Privacy Update** This session will focus on the potential impact of the California Consumer Privacy Act and other similar state laws on benefit plans, as well as recent developments in Health Insurance Portability and Accountability Act (HIPAA) privacy enforcement. *Presenters*: Sean P. Nalty and Timothy J. Stanton
12:15 – 1:15 p.m.	**Lunch and Keynote Speaker** Aliya Robinson, *Senior Vice President, Retirement & Compensation Policy*, The ERISA Industry Committee
1:15 – 2:00 p.m.	**Designing an Awesome Incentive Arrangement** Successful incentive compensation programs reward team members for enhancing sustained shareholder value and assist employers in attracting and motivating talent. During this session, we will discuss design considerations, legal issues, and market trends to help you develop competitive cash and equity-based incentive compensation programs. *Presenters*: Dawn Maloney, *Senior Vice President, Senior Legal Counsel*, Northern Trust; John A. Morrison; Katie O'Neill, *Senior Vice President, Head of Total Rewards*, Northern Trust; and Alexandra L. Orsini
2:00 – 2:15 p.m.	**Closing Remarks**