

**Bricker  
Graydon**



Lyndsey R. Barnett, Esq.

# **BENEFITS PRIMER**

## For the HR Professional



# NEW HIRES



# RETIREMENT PLAN WAITING PERIODS

**MUST Follow  
Terms of Plan**

**NO  
EXCEPTIONS**





# WELFARE PLAN WAITING PERIODS

**INSURERS**  
(can deny claims)

**SELF-INSURED**  
(STOP loss issues)





# **NON-QUALIFIED Deferred Comp Plans**

Section  
409A Issues

Plan  
Document

Top Hat  
Filing



# **UNINTENDED Deferred Compensation**

Employment  
Agreements

Severance  
Guarantees

Change in  
Control  
Provisions



# ONGOING EMPLOYEE ISSUES





# PART-TIME EMPLOYEE ISSUES

ACA tracking  
for PT?

500 hours for  
PT for  
retirement?

# MID-YEAR CHANGES



MARRIAGE



BIRTH



DIVORCE

~~PLAN A~~

PLAN B

# MID-YEAR CHANGES

~~PLAN A~~  
PLAN B

**MUST** Notify  
the Employer

*Normally*  
30 days  
(COVID  
Extension)

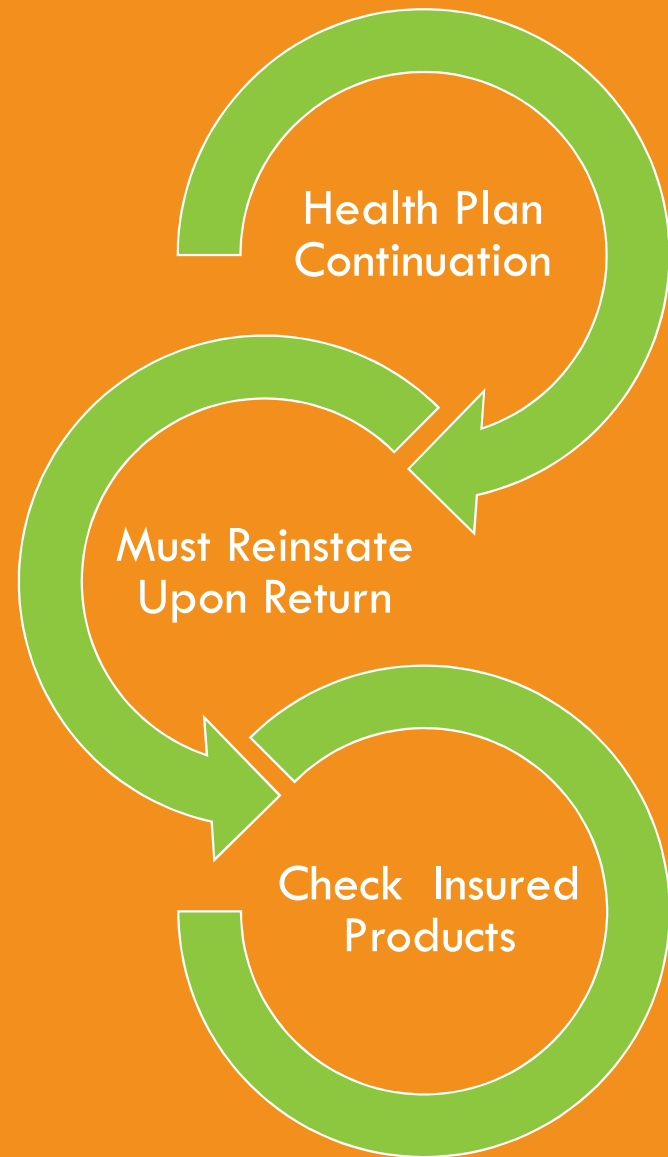
**MAKE  
CHANGE**  
Corresponding  
to Life Event



# LEAVES OF ABSENCE



# FMLA LEAVES





# USERRA LEAVES



Health Plan  
Continuation



Qualified Military  
Distribution

# ALL OTHER LEAVES



REVIEW ELIGIBILITY  
PROVISIONS



BE CONSISTENT



MAY NEED TO  
OFFER COBRA



# LEAVE IMPACT ON RETIREMENT PLANS



NO SEVERANCE  
FROM EMPLOYMENT



QBAD  
DISTRIBUTIONS



HARDSHIP  
DISTRIBUTIONS







# UNION NEGOTIATIONS

# PLAN DOCUMENTS CONTROL



Amendments  
Necessary

Discrimination  
Rules Apply  
Differently

# MULTI EMPLOYER PLANS



Go in Eyes  
Wide Open



Withdrawal  
Liability





# TERMINATIONS





**MUST Offer**  
*unless*  
**Gross Misconduct**

Employer *may*  
subsidize

# SEVERANCE AGREEMENTS



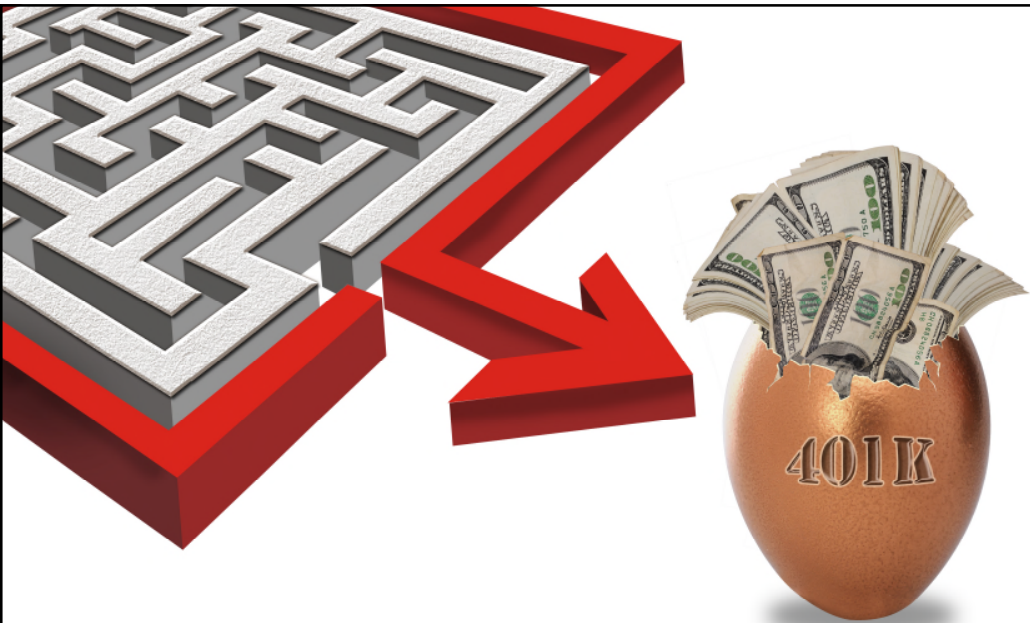
**CANNOT**  
*alter* vested  
right to  
benefits



Section 409A  
Issues



# RETIREMENTS



# RETIREMENT PLAN DISTRIBUTIONS

**REQUIRED**  
Minimum  
Distributions

**KEEP UP**  
on  
Addresses



# RETIREE HEALTH CARE

**CANNOT**  
Discriminate

**MUST HAVE**  
Retiree Plan to  
Offer



# Benefits InSight



**Is Your  
ESOP Ready  
for the  
Spotlight?**

■ Benefits Insight

**Is Your ESOP Ready for the  
Spotlight?**

August 22, 2023 by [John Kirk](#)

**Are the  
Right People  
Deciding Your  
Plan's Benefit  
Appeals?**

■ Benefits Insight

**Are the Right People Deciding  
Your Plan's Benefit Appeals?**

August 16, 2023 by [John Kirk](#)

**Why Time is  
of the Essence  
More than Ever  
in Correcting  
Retirement Plan**

**Errors**

■ Benefits Insight

**Why Time is of the Essence More  
than Ever in...**

August 15, 2023 by [Lyndsey Barnett](#)

<https://graydon.law/category/benefits-insight/>



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