Multiemployer Plans

With decades of experience representing Taft-Hartley pension and welfare benefit plans, we can help with the challenges you encounter.

Because of their size, complexity and unique structure, multiemployer plans present challenges that require specific expertise. Our Multiemployer Plan group understands these challenges and has comprehensive knowledge of the legal and regulatory environment in which these plans operate, as well as decades of experience working with plan trustees.

HOW WE HELP

As one of the largest and most experienced Multiemployer Plan practices in the country, clients turn to our team for legal advice whether they are plan trustees, administrators or service providers. We counsel on all aspects of the design and administration of multiemployer defined benefit plans, defined contribution plans, and welfare benefit plans (including health, dental, vision, training and vacation benefits).

Apart from the customary day-to-day advice, we also provide fiduciary counseling to trustees and other fiduciaries of our multiemployer plan clients. We advise trustees on, among other things, prohibited transactions, alternative investments, conflicts of interest, the boundaries of fiduciary responsibility, circumstances under which non-fiduciaries may be liable for breaches of duty, measures that effectively insulate multiemployer plans from potential liability and measures that protect individual fiduciaries from co-fiduciary liability.

We have handled numerous DOL audits for our multiemployer plans, as well as arbitrations and litigation, involving everything from single plaintiff benefit claims and complex class action suits for alleged breach of fiduciary duty, to claims by plans
against service providers and investment managers and consultants. We have also represented both plans and individual trustees in connection with criminal investigations.

Employee benefits law is a dynamic and developing area of law. Our responsibility to our Taft-Hartley clients includes tracking legal and regulatory changes on federal, state and local levels and alerting our clients to the impact these changes can have on their multiemployer plans. In this regard, we have extensive experience on Capitol Hill, with the ability to track legislative and administrative developments through our team in Washington, DC, and we have very close and long-term working relationships with key personnel at the IRS, DOL, PBGC and DOJ.

**THE SEYFARTH EXPERIENCE**

The sheer size of Seyfarth’s Employee Benefits group means that we have attorneys who work in various technical areas important to multiemployer plans, including the Affordable Care Act, PPA, COBRA, HIPAA, GDPR, USERRA, securities lending, non-discrimination testing, custodial agreements, alternative investments, and real estate transactions. This allows us to get answers to questions quickly and efficiently, and ensures that the trusts will have the benefit of tapping into our experience with similar transactions for a large number of other clients.

Furthermore, as a full-service law firm, we can ensure quick and economical coverage of issues that arise in related areas of law. For example, we have a significant practice area in the health care provider industry, and a working familiarity with the operations of HMOs, PPOs, PBMs, insurance carriers, drug providers and others. In addition to our depth in the health care industry, we also have practice groups devoted to institutional investing, tax, securities, real estate, banking and insurance. These groups are familiar with many of the crossover issues that affect Taft-Hartley plans. We have found that these complementary services save time and ensure quality coverage of many issues important to multiemployer plans.

**Key Contacts**
Related Practices

Employee Benefits
Employee Stock Ownership Plans
Executive & Equity Compensation
Fiduciary Governance & Institutional Investing
Health & Welfare Benefits
Retirement Plans
Seyfarth Benefits Solutions

EXPERIENCE

- For a large national multiemployer welfare plan in the gaming and hospitality industry, we worked to establish an on-site medical home for delivery of medical services to the plan's most seriously and chronically ill participants as part of a cost-saving initiative for the plan. The project involved coordination of multiple legal disciplines, including issues under ERISA, LMRA, healthcare law, and commercial law (lease issues involving the space for housing the clinic).

- Successfully established a new multiemployer pension trust and merged 14 single employer plans into it. The project included conducting detailed analysis and due diligence of each single employer plan; drafting the plan document, declaration of trust, summary plan description, and all plan administrative forms; negotiating agreements with new service providers; negotiating merger agreements with each employer; managing asset transfers from each single employer plan; and
maintaining communications with all participating employers to facilitate transition to the new multiemployer plan.

- Represented a large self-funded multiemployer medical plan and its trustees in several treble damage collection actions under section 1871.7 of the California Insurance Code (and other California laws) against out-of-network health care providers for fraudulent billing.

- Defended a large self-funded multiemployer medical plan and its trustees in a certified class action contending that the plan improperly did not pay, or underpaid, claims that were pre-authorized for medical necessity. We prevailed on summary judgment at trial court, and the case is currently on appeal.

- Assisted a multiemployer health plan with the development of a prescription drug cost containment policy that will allow the plan to closely monitor and review high cost drugs before they are added to the plan formulary.

Related News & Insights

SPEAKING ENGAGEMENT 05/07/2019
Howard Pianko and Linda Haynes to Present at PLI's Pension Plan Investments 2019 Program

SEYFARTH EVENT 05/23/2018
Pension De-Risking (Not Just Annuities): A Framework for Managing Pension Risk

MEDIA MENTIONS 03/01/2017
Richard Schwartz interviewed in Confero Magazine

FIRM NEWS 11/23/2016
Seyfarth Represents Contegix in its Majority Equity Sale to Strattam Capital

Recognition
Seyfarth Earns Top Rankings in Legal 500 U.S. 2019

2019 Chambers USA Names 59 Seyfarth Shaw Lawyers as Leaders in Business Law

Seyfarth Earns Top Rankings - US News: Best Lawyers

Seyfarth Shaw’s Employment Benefits Practice Recognized in 2012 Edition of Legal 500