

Compensation and Employment

Primary Practice Contact Donald L. Norman, Jr.

Barack Ferrazzano's Compensation and Employment Group encompasses the broad range of compensation and employment issues faced by the Firm's clients of all sizes and many varied industries. The group advises clients in all aspects of executive compensation, employee benefits, and employment and labor matters, all within the complex statutory and regulatory framework in which these plans and arrangements exist. We seek to find the most cost- and time-efficient solutions to our client needs, whether in plan design, implementation and administration, or dispute resolution.

Executive Compensation

Barack Ferrazzano's executive compensation group includes advising on complex compensation matters for public and private entities, with respect to their executive management team and boards of directors. Our lawyers represent the entities, the individuals, or compensation committees in all stages of the employment process, from negotiating and drafting employment arrangements to separation settlements.

We advise clients on the design and establishment of various types of compensation programs, such as annual incentive plans, equity based incentive plans (stock options, stock appreciation rights, stock units, restricted stock, etc.) and related insider trading (Section 16) issues, employee stock purchase plans ("ESPPs"), phantom stock plans, retention plans, non-qualified deferred compensation plans and related rabbi and secular trusts, director compensation programs, change in control and severance agreements and plans. Our lawyers work with organizations through the design and implementation of specially tailored programs that best meet the business objectives of the entity.

Employee Benefits

Barack Ferrazzano's employee benefits group includes the design and implementation of tax qualified retirement plans, including 401(k), profit-sharing, stock-based plans such as employee stock ownership plans ("ESOPs") and defined benefit type retirement plans, and welfare benefit plans. Our lawyers are able to discuss and explain highly technical ERISA and tax law issues and

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opportunities in a readily understandable way and to counsel clients on the full range of issues that arise in connection with the day-to-day operation of employee benefit plans, including the interpretation and application of plan provisions, COBRA and retiree medical benefits, fiduciary rules and responsibilities, and the development and monitoring of agreements with third-party service providers, as well as plan terminations. We have extensive experience with matters arising in connection with mergers, acquisitions, and other complex transactions. We maintain significant experience representing clients before the Internal Revenue Service, the U.S. Department of Labor ("DOL"), and the Pension Benefit Guaranty Corporation. We are also experienced in HIPAA-compliance issues.

Our capabilities also extend to the compensation and the benefits-related legal requirements of financial institutions and financial services companies.

Employment Law

Barack Ferrazzano's employment law practice assists our clients with every aspect of complying with the myriad of ever-changing and developing employment laws. We have extensive experience assisting management with the day-to-day requirements of family and medical leave, disability rights, sex, age and race discrimination matters, and sexual harassment. As with retirement plans and executive compensation, there is no one right plan or answer for every company. Our attorneys work with each client's unique goals and corporate culture in assisting each client with the legal and business concerns affecting whether to adopt specific employment policy practices, how to implement those policies, and how to respond to employee disputes and legal challenges.

Litigation and Dispute Resolution

Barack Ferrazzano attorneys have represented clients in numerous disputes arising in the employment area, including discrimination and harassment actions brought by employees and regulatory actions brought by or before governmental agencies. Our attorneys have also represented clients in the defense and prosecution of non-competition and non-solicitation agreements. We have extensive experience representing our clients in various forums, including state and federal courts throughout the country, the Illinois Department of Human Rights, the EEOC, and the DOL, as well as mediations, arbitrations and other alternative dispute mechanisms.

Our Team

In addition to our considerable experience in executive compensation, employee benefits and other employment matters, our attorneys are especially adept at communicating clearly with executives and general counsel alike about technical employee benefits and tax law issues. Our attorneys are frequent speakers on employee benefits, executive compensation, and human resource topics, and they have

published works on a variety of employee relations matters, including privacy rights, sex and age discrimination, and trends among the courts in such matters.