

# Top 10 Reasons

## You Need to Hire an Employment and Benefits Attorney

### **1. To provide anti-discrimination and anti-harassment training**

Effective training is a must as it improves employee morale by reducing inappropriate workplace behaviors, improves productivity and cuts down on costly litigation. Regular training also provides employers with a defense against subsequent litigation.

### **2. To bring your employee benefit plans into compliance with the final disability claims regulations**

After delays, the Department of Labor's final regulations on disability benefit claims procedures are effective for claims filed on or after April 1, 2018.

### **3. To update your handbooks**

State and federal laws change regularly and an up-to-date employee handbook helps communicate workplace expectations and benefits to employees, as well as reducing the chance of legal liability.

### **4. To understand and prepare for the impact of new legislation**

Provisions in the Tax Cuts and Jobs Act and Bipartisan Budget Act of 2018 impact employee benefit plans and executive compensation arrangements.

### **5. To update your separation agreements**

Poorly drafted separation agreements that lack required language leave employers open to employment litigation, even if the employer has already paid the employee a severance payment.

### **6. To draft and/or update employment agreements**

Internal Revenue Code Section 409A is over ten years old, but we still routinely see employment agreements which do not comply with (or aren't structured to be exempt from) Code Section 409A.

### **7. To draft and/or update confidentiality agreements and/or noncompetes**

Employees routinely take company confidential information and trade secrets upon leaving their old jobs and robust confidentiality and non-compete agreements are essential in protecting an employer's information.

### **8. To help correct employee benefit plan operational errors**

Operational mistakes happen. When they do, they can often be corrected—without penalties or with reduced penalties or fees—through the Department of Labor and Internal Revenue Service correction programs.

### **9. To assist with any investigations/whistleblower claims**

A thorough investigation into employee complaints can keep claims out of court or bolster defenses if litigation occurs.

### **10. To provide fiduciary training**

Federal law imposes fiduciary duties on those responsible for the administration of employee benefit plans. Because of the complexities of these duties, best practice is to provide internal fiduciaries with regular training and education.