



Rebecca L. Szczepanski
Counsel

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PRACTICE AREAS

Business Transactions
ERISA & Employee Benefits
Health Care
Mergers & Acquisitions

INDUSTRIES

Education
Health Care
Hospitality & Retail
Manufacturing
Nonprofit & Government
Professional Services
Technology

LICENSED IN

Georgia
Michigan

EDUCATION

Wayne State University Law School: J.D.,
cum laude, Order of the Coif, 1996
Saginaw Valley State University: B.B.A.,
magna cum laude, 1987

EXPERIENCE

Rebecca Szczepanski is of counsel in the Savannah office, practicing in the areas of ERISA and employee benefits.

Rebecca's practice focuses on all aspects of employee benefits taxation and fiduciary issues (under ERISA and state law, where applicable), including 401(k), 403(b), 457(b), 457(f), 409A, defined benefit, cash balance, and hybrid pension plans, as well as cafeteria/Section 125 plans, welfare plans, 415(m) excess benefit plans, top hat plans, stock option and executive compensation plans, third-party administration arrangements, pharmacy benefits management, prohibited transaction, institutional trust, and fiduciary investment and participant disclosure concerns.

In the more than twenty-five years that Rebecca has practiced employee benefits law, she has represented for-profit, nonprofit, charitable, government, insurance companies, hospitals, and church clients, ranging from small local businesses to established private and large publicly-traded Fortune 1000 companies and hospital systems. In those representations, Rebecca has assisted her clients with benefit aspects of the COVID-19 pandemic, corporate transactions, establishment and administration of employee benefit plans, IRS and DOL audits, and review and negotiation of plan documentation and service provider agreements, as well as employee disputes, claim resolution, collective bargaining benefit issues, fiduciary issues including selection and monitoring of 401(k) and 403(b) plan investment options and fees, preparation and review of annual Form 5500, and establishment and negotiation of executive compensation and non-qualified deferred compensation plans. Rebecca has seen the practice evolve from a focus on drafting and amending individually-designed qualified retirement plans through the implementation of HIPAA, an increasing focus on health and welfare plan issues, the enactment of Code Section 409A and the expansion of the non-qualified deferred compensation plan practice, to a focus on design, administration, and correction of errors in all employee benefits plans. Along the way, Rebecca has gained extensive experience in non-discrimination testing issues for welfare and retirement plans and in IRS and DOL correction programs, including EPCRS, DFVCP, and DVFC; benefit plan-related excise tax issues; cafeteria plan issues; and third-party administration issues. Prior to joining HunterMaclean, Rebecca was a member of the highly-regarded national employee benefits practices of Ice Miller LLP in Indianapolis, Indiana, and Honigman Miller Schwartz and Cohn in Detroit, Michigan. Rebecca has also served as a Vice President of Institutional Trust Compliance for Comerica Bank and as general counsel for Employee Health Insurance Management, Inc., a fast-growing pharmacy benefits management and third-party administration firm in Southfield, Michigan.

Rebecca is licensed as a C.P.A. in the state of Michigan and is admitted to the

AFFILIATIONS

Savannah Bar Association
State Bar of Michigan
Georgia State Bar Association
American Bar Association
Michigan Association of Certified Public Accountants

COMMUNITY WORK

Savannah Bar Association
State Bar of Michigan
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American Bar Association
Michigan Association of Certified Public Accountants

bars of Georgia and Michigan. She graduated from Wayne State University Law School with her J.D., cum laude, in 1996 and from Saginaw Valley State University with a B.B.A., magna cum laude, in 1987. While in law school, Rebecca served on the editorial board of the *Wayne Law Review* in 1995-1996, won the ABA Intra-School Negotiation Competition and Donald E. Barris Trial Advocacy Competition, and received the Dean's Scholar and Fruman Foundation Scholarships as well as the Bronze and Silver Keys.

REPRESENTATIVE ENGAGEMENTS

- Handled all employee benefit issues of an ESOP conversion transaction for a physician practice, including drafting custom ESOP plan document and obtaining IRS Determination Letter.
- Drafted 403(b) Plan Pre-Approved Plan Document and obtained related IRS Opinion Letter for large national insurance company.
- Restatement of complex individually-designed 401(k) plan for large national insurance company.
- Consulted with large nonprofit hospital on correction of errors in 409A, 457(b), and 401(k) plans and design/implementation of health plan wellness incentives.
- Performed due diligence review and negotiation of benefits-related agreement provisions for multiple business transactions of all types and sizes.
- Prepared private letter ruling request and negotiated conditions for issuance of ruling.
- Consulted with recently acquired subsidiary and performed coverage testing required to ensure the subsidiary's 401(k) plan could continue to be maintained as a separate plan.
- Consulted with subsidiary of large for-profit corporation regarding the correction, termination, and trust requirements of multiple non-qualified deferred compensation plans.
- Consulted with large nonprofit university regarding design of health benefit plan compliance with Affordable Care Act requirements.
- Drafted restatements of 401(k) and defined benefit pension plans for large non-public automotive parts manufacturer for both non-union and union workforces; assisted in submission and negotiation of corrective actions for serious drafting errors in prior defined benefit plan document, includ-

ing negotiating application of 411(d)(6) anti-cutback issues.

ARTICLES

President Trump's First Executive Order: First Steps Toward ACA Repeal

Published on January 25, 2017.

Much Ado About 401(k) Fees

Published on April 15, 2015, in *Business in Savannah*.

Hobby Lobby: Planting Confusion on the Contraceptive Mandate Much Ado About 401(k) Fees

Published on July 22, 2014, in the *Savannah Morning News*.

401(k) Plan Expenses: High Courts, High Stakes

Published on June 17, 2014, in *Georgia CEO*.

Fiduciary Responsibility for 401(k) Plans

Published on May 29, 2013, in *Business in Savannah*.

New Group Health Plan Claims Regulations: The "Stealth" Patient Bill of Rights Fiduciary Responsibility for 401(k) Plans

Published in June 2002 in *McGraw Wentworth Benefits Advisor* 5, no. 4.

PRESENTATIONS

Legal Update

Presented at the SBG Educational Forum on October 27, 2021.

Price Transparency & Surprise Billing

Presented at the CEAHU 16th Annual Symposium & Exhibitor Fair on August 26, 2021.

COVID-19: Effect on COBRA, HIPAA, and Cafeteria Plans

Presented at the Coastal Empire Association of Health Underwriters on July 31, 2020.

What's New with Health Reimbursement Accounts?

Presented at the Coastal Empire Association of Health Underwriters on September 18, 2019.

Association Health Plans: The Devil's in the Details

Presented at the Coastal Empire Association of Health Underwriters on April 26, 2018.

What's New in the Health Coverage World?

Presented at the Coastal Empire Association of Health Underwriters on February 8, 2018.

ERISA: Terrifying Tales from the Trenches

Presented at the 2017 SHRM Georgia State Conference on October 9, 2017.

The ABCs of PBM Contracting: Show Me the Money! The Hidden Costs of Pharmacy Benefits

Presented at the Savannah CFO Council on July 19, 2017.

Retirement Plan Consulting: Tips and Common Issues

Presented at the Regions Bank Jacksonville Small Business Conference on June 28, 2017.

Estate Planning with Retirement Accounts

Presented at the Atlanta Tax Forum on May 8, 2017, and the ICLE Fiduciary Law Institute in St. Simons Island, Georgia, on July 15, 2016. Rebecca discussed common issues with and errors made by estate planners in connection with qualified and non-qualified retirement plans of their clients.

Designing the Future of Welfare Benefit Plans

Presented at the SHRM Georgia State Council Annual Conference in Savannah, Georgia, on August 31, 2015.

Managing Legal Risks and Fiduciary Responsibilities for Defined Contribution Plans

Presented by Rebecca Sczepanski and Julia Butler at the SHRM Georgia State Council Annual Conference in Savannah, Georgia, on August 31, 2015.

Healthcare Reform: ACA Reporting Requirements

Presented at a Breakfast & Learn on June 3, 2015, at the Savannah Golf Club.

Leveraging the CPA's Consulting Expertise: Increasing Awareness of Employee Benefits Issues

Presented to TJS Deemer Dana on May 21, 2015, and at Hancock Askew & Associates on June 17, 2014, in Savannah, Georgia.

ACA/Obamacare: What Employers Need to Know

Presented at Employment Law: Beyond the Basics, a Sterling Education seminar, on May 14, 2015, and June 3, 2014, in Savannah, Georgia.

Meeting Fiduciary Duties, Reducing Liabilities, and Improving Effectiveness

Presented at the 2015 Savannah Fiduciary Seminar on April 30, 2015, at the Savannah Golf Club.

Health Care Reform: Impact on Health Care Insurance and Employee Benefits
Presented at the NBI Employment Law: 2014 Comprehensive Guide on December 10, 2014.

What You Need to Know Now About the Affordable Care Act
Presented at Employment Law Update in Georgia, a seminar by Lorman Education Services, on August 8, 2014, in Albany, Georgia.

ACA/ERISA/Retirement Plans: Top 5 Things You Need to Know Now
Presented at TSAC-SHRM Annual Retreat on July 24, 2014.

The Inattentive Fiduciary: Risks, Costs, and Tips
Presented on May 29, 2014, in Savannah, Georgia, at a seminar on Meeting Fiduciary Duties, Reducing Liabilities, and Improving Effectiveness of 401(k) and Defined Contribution Plans.

ACA/ERISA/Retirement Plans: Top 5 Things You Need to Know Now
Presented at the Hardwood Manufacturer's Association National Conference on March 13, 2014.

ERISA Hot Topics: Audits, Health Care, and Fiduciaries – Oh My!
Presented at TSAC-SHRM on October 25, 2013.

Benefits: Health Insurance, Flex Spending and Retirement Plans
Presented on September 19, 2013, at HR Law: What You Need to Know Now, a seminar by the National Business Institute.

ACA & Other Developments in Employment Law
Presented on September 19, 2013, at HR Law: What You Need to Know Now, a seminar by the National Business Institute.

Affordable Care Act: Your Questions Answered
Presented at Employers Like Me/Georgia Tech on August 22, 2013.

Bewildering Benefits: A Roundup of Legal Tips, Tricks, and Pitfalls on the Road to Benefits Success
Presented at the TSAC-SHRM Annual Retreat on August 14, 2013.