

2021 National Training Conference
U.S. Administration on Aging – Administration on Community Living
Pension Counseling and Information Program
Remote Agenda

Monday, October 25th

1:00 –1:30 PM EST

Session Topic: *Introductions to the national training*

Speakers: **Raechel Parolisi**, Legal Director, Pension Rights Center
Hilary Dalin, Director, Office of Elder Justice and Adult Protective Services, ACL
Aiesha Gurley, Aging Specialist, Office of Elder Justice and Adult Protective Services, ACL
Naomi Stanhaus, Program Consultant, RRF Foundation for Aging

1:30 –2:15 PM EST

Session Topic: *Multiemployer Plan Updates*

This session will discuss developments in the implementation of the Butch Lewis Emergency Pension Plan Relief Act, including the PBGC's regulatory guidance as well as answering commonly-asked questions to help clients who need help understanding how they, and their plans, will be affected by the new law.

Speakers: **Norman Stein**, Senior Policy Advisor to Pension Rights Center and Professor, Drexel School of Law
Terry Deneen, Michael Gordon Fellow, Pension Rights Center

Moderator: **Karen Friedman**, Executive Director, Pension Rights Center

2:30 – 4:00 PM EST

Session Topic: *Issue Spotting for Cases Involving Qualified Domestic Relations Orders (QDROs)*

This session will cover QDRO basics, including pitfalls and issue spotting. Non-ERISA plan division orders and PBGC order will also be covered. We will touch on the MSPB and OPM backlogs. Jenny will discuss her project's efforts to start a QDRO clinic. Roger and Martin will discuss their collaboration with PRC on QDROs in Texas.

Speakers: **Raechel Parolisi**, Legal Director, Pension Rights Center
Jennifer Anders-Gable, Managing Attorney, Western States Pension Assistance Project
Roger Curme, Managing Attorney, South Central Pension Rights Project
Martin Bolt, Pension Attorney, South Central Pension Rights Project

4:15 –5:15 PM EST

Session Topic: Legislative and Regulatory Update

This session will address legislative and regulatory issues as they affect clients. There will be an explanation of relevant provisions of the bi-partisan pension reform legislation called the Securing a Strong Retirement Act (SECURE 2.0) including those on lost plans, disclosure, part-time workers, among other issues.

Speakers: **Jane Smith**, Policy Analyst, Pension Rights Center
Karen Friedman, Executive Director, Pension Rights Center
Debbie Chalfie, Volunteer Attorney, Pension Rights Center

Tuesday, October 26th

11:15am-12:30pm EST

ABA - ERISA BASICS CONCEPTS – STATUTORY OVERVIEW - This session will provide a high-level overview of ERISA, including what is a plan, what is a plan fiduciary, what is a plan sponsor, and who is an employee. It also will discuss the differences between the types of pension plans and types of welfare benefit plans.

1:00PM-2:30 PM EST

Session Topic: So You Have a Non-ERISA Case?: What You Need to Know (Exempt Government, Church, and Executives-Only Plans)

This session would discuss the primary types of plans that are exempt from some or all of ERISA's requirements. These are governmental plans, church plans, and certain non-qualified deferred compensation plans (top hat and excess benefit plans). The session would include the definitional parameters of each exemption and the rules (both ERISA and/or otherwise to which they are subject). It would also consider some common problems for each type of plan (so, for example, plan insolvency, benefit forfeitures or retroactive benefit changes, employer bankruptcy, survivor benefits). On church plans, we will provide an overview that includes what to do if a client is covered by a true church plan (explain what this means) and what might be done if the client is/was covered by an ERISA plan that converted to church plan status.

Speakers: **Norman Stein**, Senior Policy Advisor to Pension Rights Center and Professor, Drexel School of Law

Bill Bortz, Michael Gordon Fellow, Former Associate Benefits Tax Counsel at the U.S. Department of the Treasury
Karen Handorf, Partner, Cohen Milstein
David Pratt, Professor of Law, Albany Law School
Gary Stone, Managing Attorney, Mid-Atlantic Pension Rights Project

3:30 – 5:30 PM EST

ABA - MINIMUM STANDARDS FOR TAX-QUALIFIED RETIREMENT PLANS - The Internal Revenue Code requires that a retirement plan meet minimum standards to be qualified, in order for employers and employees to receive tax benefits related to participation in employee benefit plans. This session will introduce and explore those standards, outlining the complicated rules with which employers and plans must comply to establish a tax-qualified plan.

Wednesday, October 27th

1:30PM – 2:30 PM EST

ABA - BENEFIT CLAIMS – PART I: ADMINISTRATIVE PROCEDURES - ERISA requires and prescribes extensive procedures for the internal processing of claims and appeals. A near-universal prerequisite to bringing suit when benefit claims are denied is the pre-suit appeal required by 29 U.S.C. § 1133. This program will cover the statutory basis for pre-suit appeals, when such appeals may be excused, and the rules and regulations governing pre-suit appeals.

2:45 –3:45 PM EST

Session Topic:

Nuts and Bolts

Projects will have the opportunity to share and ask questions on practical topics such as sources for legal research, access to local professionals to provide technical assistance; fundraising tips; outreach to attract new clients etc.

Speakers:

PRC staff and counseling project attorneys

4:00 –5:00 PM EST

Session Topic:

Case Sharing

Speakers:

Counseling project attorneys

Thursday, October 28, 2021

12:00PM – 1:00PM

Session Topic:

Resolving Issues in the PBGC Claims Process

Speakers:

Constance A. Donovan, PBGC Participant and Plan Sponsor Advocate

Camille Castro, Senior Associate Participant and Plan Sponsor Advocate
at Pension Benefit Guaranty Corporation

Moderator: **Anna-Marie Tabor**, Director of the Pension Action Center

1:30 – 2:30 PM EST

Session Topic: ***Recovery of Overpayments I: Cases***

This session will be an in-depth discussion of General Dynamics cases. Teresa will give an overview and summary of non-GD cases. Paul and David will discuss their GD case and Christine will discuss her GD victory.

Speakers: **Paul Secunda**, Professor, Marquette University School of Law
David Bonello, Staff Attorney, Trellis Pension and Retirement Rights
Teresa Renaker, Partner, Renaker Hasselman Scott LLP
Christine Steinmetz, Pension Attorney, Mid-America Pension Rights Project

3:15PM-4:15 PM

ABA - Option # 2: SPOUSAL RIGHTS UNDER ERISA PLANS: QDROs, AND QMCSOs

The benefits provided by employee benefit plans generally may not be alienated. This session will address the exceptions to this broad rule, introducing the basics of QDRO's, QMCSOs, and other spousal and related rights. The panelists will also discuss the rights of same-sex spouses following the *Windsor* and *Obergefell* decisions as well as the requirements that must be met before Court or other orders that alienate a participant's pension in a divorce situation can be honored, as well as requirements for providing employer sponsored group medical benefits to dependents in a divorce or other child support situation. It will also discuss the employer's and plan's responsibility for enforcing such orders.

4:15PM-5:15PM

ABA -Option # 1: SECTION 401(k) PLANS - This session covers the basics of the who, what, where, when and how of Section 401(k) plans. This session outlines all of the fundamental tax code and ERISA rules that govern the daily operation of a Section 401(k) plan.

5:30PM-6:15PM

Session Topic: ***Recovery of Overpayments II: Proposed Legislation and Guidance***
Part II will cover pending legislation and proposed Treasury-IRS guidance

Speakers: **David Godofsky**, Partner, Alston & Bird, LLP
Norman Stein, Senior Policy Advisor to Pension Rights Center and Professor, Drexel School of Law
Bill Bortz, Michael Gordon Fellow, Former Associate Benefits Tax Counsel at the U.S. Department of the Treasury

Friday, October 29th

12:00 –1:15 PM EST

Session Topic: *Case Law Update*

Speaker: **Elizabeth Hopkins**, Partner, Kantor & Kantor

1:30 – 2:30 PM EST

Session Topic: *Ask the Experts: Our Most Common 401(k) Plan Questions*
A panel will answer questions regarding 401(k) plans that clients may have for the projects.

Speakers: **Fred Reish**, Partner, Faegre Drinker Biddle & Reath LLP
Regina Jefferson, Professor of Law at Catholic University Columbus School of Law

Moderator: **Sandra Wisnewski**, Director of Legal Services, Mid-America Pension Rights Project

3:00 –4:00 PM EST

Session Topic: *Case Sharing*

Speakers: **Counseling Project Attorneys**