bodman

Kenneth J. Sachs

Member

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Ken Sachs is the Chair of Bodman's Employee Benefits and Executive Compensation Practice Group and is based in the firm's Troy and Detroit offices. He has over 20 years of experience advising clients regarding their employee benefit plans, executive benefit programs and business planning. He also represents public and private entities concerning their corporate, fiduciary, and governance responsibilities.

He designs, drafts, and establishes retirement plans, welfare plans, medical plans (insured and self-funded), fringe benefits (such as cafeteria plans, flexible spending accounts, health savings accounts, dependent care assistance programs, disability policies, adoption assistance and education-related plans) and various other programs provided to employees. He is an expert as to the administration of such plans, including the correction of administrative errors.

Ken works with defined contribution plans, 401(k) plans, pension plans, cash balance plans, 457(b) and 457(f) plans, 403(b) plans and various other retirement benefits. In addition to drafting plan documents, summary plan descriptions and participant communications, Ken actively assists clients with audits, non-discrimination testing and the proper administration and funding of such plans.

Ken also advises clients as to the design and implementation of incentive compensation programs, such as stock options, restricted stock, phantom equity and other compensatory arrangements. This includes working with all types of employers, including governmental and tax-exempt entities. Ken is a leading expert on Code Section 409A.

practices & industries

Employee Benefits and Executive Compensation

Municipal Law and Government Relations

education

The George Washington University School of Law School, J.D.

Wayne State University Law School, LL.M.

University of Michigan, B.A.

admissions

Michigan

As to welfare plans, Ken drafts plan documents, summary plan descriptions, notices of privacy practices, business associate agreements, summaries of benefits and coverage, participant communications and employer manuals and protocols necessary to ensure legal compliance, including the HIPAA Privacy and Security Regulations. He frequently leads HIPAA training sessions for his clients. Additionally, he has extensive experience with FMLA, COBRA, Health Care Reform and other employment-related laws and regulations.

Ken counsels and provides guidance concerning governmental retirement and welfare plans, including Code Section 403(b), 457(b) and 457(f) retirement plans. His past projects have included drafting plan documents and participant communications and negotiating contracts and agreements with third party vendors, the Internal Revenue Service, and Department of Labor.

Ken has significant experience counseling clients (sellers and buyers) as to the employee benefit implications of mergers and acquisitions, including the legal, financial and practical risks and planning opportunities.

His legal practice also includes drafting and negotiating insurance and third party vendor contracts, including non-disclosure and data privacy agreements.

To ensure proper compliance with federal and state laws and regulations, Ken helps clients "self-audit" their benefit programs and designs compliance manuals, training programs, internal procedures and fiduciary seminars.

He handles matters involving the Internal Revenue Service, Department of Labor and Pension Benefit Guaranty Corporation, and actively consults with clients as to multiple employer plans, multi-employer pension plans (including withdrawal liability under the Multiemployer Pension Plan Amendments Act), multiple employer welfare arrangements, retiree health plans and funding arrangements, including VEBAs and Internal Revenue Code Section 115 trusts.

HONORS, AWARDS, AND RECOGNITION

- *The Best Lawyers in America* 2013-2022, 2026-2027, Employee Benefits (ERISA) Law
- *Michigan Super Lawyers 2010-2013*, Employee Benefits/ERISA
- *DBusiness* Magazine "Top Lawyers" 2012 and 2024-2027, Employee Benefits Law

PROFESSIONAL AFFILIATIONS

- Great Lakes Area Tax Exempt and Government Entities Council of the Internal Revenue Service, Member (2008-present)
- Oakland County Bar Association, Chair, Employee Benefits Committee (2007-2008)

ACADEMIC APPOINTMENTS

- Walsh College, former Adjunct Tax Professor

SPEAKING ENGAGEMENTS

- "Non-Qualified Deferred Compensation, Before the Bell Breakfast Forum," The Townsend Hotel, September 10, 2015
- "Same-Sex Marriage Ruling: What it Means for Your Company, Cappuccino with Counsel," Oakland Hills Country Club, August 11, 2015
- "The Changing Landscape of Employment Law, State Bar Labor and Employment Law," The Reserve @ Big Rock Chop House, June 3, 2015
- "ERISA Fiduciary Update," Michigan Association of Certified Accountants Continuing Education, Utica, Michigan, August 18, 2011
- "Pensions and Retiree Benefits for Municipalities," 2011 Municipal Law Academy, Michigan Association of Municipal Attorneys, Lansing, Michigan, March 24, 2011
- "ERISA and Executive Compensation Update for Financial Professionals," Before the Bell Breakfast Forum, November 2008
- "QDROs: What Every Family Lawyer Needs to Know," Oakland County Bar Association, March 2007

PRO BONO

- State Bar of Michigan 2026 A Lawyer Helps Pro Bono Honor Roll (100+ Hours of Service)