Emily D. Zimmer

Partner

Charlotte

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OVERVIEW

Emily counsels clients on a wide range of employee benefit and executive compensation issues, including issues related to corporate mergers and acquisitions. She routinely advises on the design, implementation, and administration of qualified and nonqualified retirement plans and welfare benefit programs, including wellness programs, health care accounts such as HRAs, Health FSAs and HSAs, adoption reimbursement programs, and educational assistance programs. Emily also provides compliance advice, including with respect to reporting and disclosure requirements, ACA compliance obligations, COBRA benefit continuation rights, and HIPAA portability, nondiscrimination, privacy, and security issues.

Emily assists clients across diverse industries with a particular emphasis on financial services, energy, higher education, and health care. Her work with higher education institutions has included assisting clients with unique issues presented under the ACA's employer mandate, including with respect to student employees. Emily also helps clients in the health care industry navigate complex benefit plan issues arising due to the client's status as both an employer and a provider, including unique provider/plan contracting and fiduciary duty issues and HIPAA privacy and security considerations given HIPAA's impacts on both the client and the client's group health plans as different types of covered entities.

REPRESENTATIVE MATTERS

- Represented Renna Partners, LLC in its acquisition by a private equity-backed technology advisory services firm.
- Advised a health care industry client with cutting-edge wellness questions and HIPAA privacy and security considerations in cases where providers are seeking to use their own plan data in research and population health initiatives.
- Drafted wrap plan document restatement, wrap SPD, and cafeteria plan document restatement to ensure current compliance with ERISA and Internal Revenue Code requirements applicable to health and welfare plans.
- Reviewed IRS Forms 1094-C and 1095-C to verify accuracy of codes used to satisfy ACA reporting obligations of applicable large employers and employers with self-insured health plans.
- Conducted a large-scale internal benefits compliance audit of client's 401(k) plan and health and welfare plans, resulting in final report describing how to fill compliance gaps and identifying necessary improvements in compliance protocols.

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- Counseled client with respect to the interpretation, amendment and administration of qualified retirement plans, including completion of IRS determination letter applications.
- Identified and assisted in correction of plan administration errors and prepared related application under the IRS voluntary correction program for tax-qualified plans (Employee Plans Compliance Resolution System).
- Advised client regarding the applicability of deferred compensation requirements under Section 409A of the Internal Revenue Code as to various nonqualified deferred compensation arrangements.
- Assisted city department of public works in establishment of a Voluntary Employees' Beneficiary Association to fund retiree medical costs.
- Reviewed participant communications as part of annual open enrollment for client's nonqualified deferred compensation plan.

AWARDS

- *Legal 500 United States*: Labor and Employment: Employee Benefits, Executive Compensation and Retirement Plans: Design (2024)
- *Chambers USA*: Employee Benefits & Executive Compensation, North Carolina (2021-2026)
- *Best Lawyers in America*®: Employee Benefits (ERISA) Law (2023-2027)

TOP AREAS OF FOCUS

- Employee Benefits + Executive Compensation

ALL AREAS OF FOCUS

- Corporate
- Educational Institutions
- Employee Benefits + Executive Compensation
- Energy
- Executive + Equity-Based Compensation
- Financial Services
- Governmental Audits, Benefit Claims + ERISA Litigation
- Health + Welfare Plans
- Litigation + Trial
- Plan Governance, Investment + Fiduciary Issues
- Tax-Qualified Retirement Plans

EDUCATION AND CERTIFICATIONS

EDUCATION

- Harvard Law School, J.D., 2006, executive editor, *The Harvard Journal of Law and Public Policy*
- Washington and Lee University, B.A., *summa cum laude, Valedictorian, Phi Beta Kappa*, 2002

BAR ADMISSIONS

- North Carolina

COURT ADMISSIONS

- U.S. District Court, Western District of North Carolina

SPEAKING ENGAGEMENTS

- Speaker, “Avoiding Legal Pitfalls for a Successful Compensation Program in 2024,” Bank Board Training Forum, September 12, 2023.
- Speaker, “Employee Benefit Plans – Hot Topics and What You Need to Know for 2023,” Troutman Pepper, October 20, 2022.
- Speaker, “Vaccinations and the Workplace,” The Distilled Spirits Counsel of the United States Webinar, March 16, 2021.
- Speaker, “COVID-19 Vaccine and the Workforce,” Beer Institute Member Webinar, March 11, 2021.
- Speaker, “COVID-19 Vaccine – Guidance for Employers,” Troutman Pepper Webinar, January 28, 2021.
- Speaker, “The Affordable Care Act Employer Mandate: Special Considerations for Higher Education,” Higher Education Compliance Conference, 2017.
- Panelist, “The Affordable Care Act Employer Mandate: Special Considerations for Higher Education,” National Association of College and University Attorneys (NACUA) Compliance CLE Workshop, 2015.
- Panelist, “Employee Engagement: Empowering Performance, Endurance & Profits,” The 14th Annual Presidents’ Forum of Charlotte, 2015.

PUBLICATIONS

- Podcast, “Retirement Plan Developments,” *Employee Benefits and Executive Compensation: Preparing for 2027*, September 29, 2026.
- Co-author, “OCR Announces Notable HIPAA Enforcement Actions Against Self-Funded Group Health Plans Following Ransomware Breaches,” *Troutman Pepper Locke*, August 4, 2026.
- Podcast, “Long-Term Part-Time Employee Eligibility Rules Now in Effect,” *Employee Benefits and Executive Compensation Considerations in Mergers and Acquisitions* Podcast Series, March 20, 2024.
- Co-author, “Employer-Sponsored Retirement and Health Plans: What You Need to Know for Year-End,” *Troutman Pepper*, November 15, 2021.
- Co-author, “ARPA COBRA Premium Assistance Expiration: A Friendly Reminder for Employers,” *Troutman Pepper*, September 14, 2021.
- Co-author, “IRS Issues Guidance on Federally Funded COBRA Premium Subsidy: FAQs and What You Need to Know,” *Troutman Pepper*, May 26, 2021.
- Co-author, “Tax Free Dependent Care Assistance Program Benefits: Fewer Traps for the Unwary,” *Troutman Pepper*, May 20, 2021.
- Co-author, “COVID-19 Resource Guide for Human Resources Professionals: Employers Must Notify Workers About New COBRA Continuation Coverage Rights by May 31,” *Troutman Pepper*, May 6, 2021.
- Co-author, “DOL Issues Guidance on Federally Funded COBRA Premium Subsidy — FAQs and Model Notices Provide Clarification for Employers,” *Troutman Pepper*, April 15, 2021.
- Co-author, “Increased Limit for Dependent Care Assistance Programs: Traps for the Unwary,” *SHRM*, March 31, 2021.
- Co-author, “IRS Announces PPE Is Medical Expense,” *Troutman Pepper*, March 29, 2021.
- Co-author, “Increased Limit for Dependent Care Assistance Programs: Traps for the Unwary,” *Troutman Pepper*, March 22, 2021.
- Co-author, “COVID-19 Resource Guide for Human Resources Professionals: 100% Federally Funded COBRA

Is Almost Here — What You Need to Know," *Troutman Pepper*, March 25, 2021.

- Co-author, "Potential Pitfalls with COVID-19 Vaccination Incentives," *Troutman Pepper*, March 4, 2021.
- Co-author, "COVID-19 Resource Guide for Human Resources Professionals: Employee Benefits Considerations for Reopening in 2020," *Employee Benefit Plan Review*, September 2020.
- "Benefits Considerations for Onboarding Furloughed and Laid Off Employees," *SHRM*, July 29, 2020.
- "Health Reimbursement Account Design and Compliance," *Lexis Practice Advisor*, February 11, 2020.
- "Wellness Program Design and Compliance," *The Lexis Practice Advisor Journal*, Special Edition 2019.
- "Health Reimbursement Accounts: Navigating Compliance Landmines," *The Lexis Practice Advisor Journal*, Fall 2017.
- "Health Reimbursement Account Clauses (Employee Benefit Wrap Plan)," *Lexis Practice Advisor*.
- "Health Reimbursement Account Design and Compliance," *Lexis Practice Advisor*.
- "Health Reimbursement Account Implementation Checklist," *Lexis Practice Advisor*.
- "HIPAA Non-discrimination Notice for Wellness Programs," *Lexis Practice Advisor*.
- "Wellness Program Design and Compliance," *Lexis Practice Advisor*.
- "Wellness Programs Checklist (Design and Implementation)," *Lexis Practice Advisor*.

MEDIA COMMENTARY

- Quoted, "Supreme Court Signals Support for 'Meaningful Benchmark' Standard in Intel 401(k) Case," *401(k) Specialist*, October 7, 2026.
- Quoted, "Your Questions About Vaccines at Work, Answered," *New York Times*, May 15, 2021.
- Mentioned, "Troutman Sanders Adds 3 K&L Gates Benefits Attys in NC," *Law360*, July 17, 2019.
- Mentioned, "Troutman Lifts Trio of Charlotte Partners From K&L Gates," *Daily Report*, July 10, 2019.
- Mentioned, "Laterals, Moves, Promotions," *Bloomberg Law: Big Law Business*, July 9, 2019.