

## Retiree Health and Welfare Plan Modification and Litigation

A plan sponsor's ability to modify health and welfare benefits provided to retired employees usually requires an analysis of the representations that have been made over time to employees in collective bargaining agreements, summary plan descriptions and presentations made by plan representatives and the client's human resource department. We help employers to perform this analysis to determine the likelihood that a retiree could successfully argue that such benefits are "vested" and cannot be changed. If litigation is filed regarding changes in retiree health or welfare benefits, we have a deep bench of litigators with experience defending such matters. We also help with other aspects of potential plan modification including:

- Representing debtors under section 1114 of the Bankruptcy Code.
- Analyzing potential liability.
- Analyzing Consolidated Omnibus Budget Reconciliation Act (COBRA) obligations.
- Defending class actions challenging modification or termination of retiree health coverage.
- Designing replacement plans.
- Establishing and administering voluntary employees' beneficiary associations (VEBAs).