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Latest Posts

04.24.2018 **The SEC's Fiduciary Proposal – Investment Adviser Standard of Conduct**
By Beth Miller

The Securities and Exchange Commission voted on April 18 to issue a proposal package that includes two new rules and one interpretative release. According to the SEC, each component of the proposal – Regulation Best Interest, Investment Adviser Standard of Conduct Interpretation, and Form CRS – Relationship Summary – is intended to enhance investor protections and regulatory clarity while maintaining investor access and choice. Each part of the SEC's proposal is available for public comment for 90 days after publication in the Federal Register.

In a series of three articles, Spencer Fane LLP describes the SEC's proposal and potential impacts to broker-dealers and investment advisers. This second article describes the Investment Adviser Standard of Conduct Interpretation.

01.02.2018 **Tax Cuts and Jobs Act – New Tax Rules For Transportation Fringe Benefits**
By Kenneth A. (Ken) Mason

Although the recent Tax Cuts and Jobs Act largely retains the favorable tax treatment afforded employees who receive employer-provided transportation assistance, it denies employers any tax deduction for providing these tax-favored benefits. Moreover, tax-exempt employers will now be subject to unrelated business income tax on such benefits. Because the new rules took effect as of January 1, 2018, employers currently sponsoring such programs should promptly evaluate their options.

11.03.2017 **GOP Tax Bill Contains Benefits Surprises**
By Kenneth A. (Ken) Mason

Despite rumors to the contrary, the tax bill introduced into the House of Representatives by the Republican Party leadership would do nothing to restrict employees' ability to make pre-tax deferrals to 401(k), 403(b), or 457(b) plans. Trial balloons had suggested that pre-tax deferrals might be limited to only half of the overall annual deferral limit (or even less), with any remaining deferrals made only on a "Roth" (after-tax) basis. But at least for now, "Rothification" appears to be dead.

What the House bill *would* do, however, is perhaps even more surprising. A slew of tax-favored fringe benefits would be eliminated. And nonqualified deferred compensation as we now know it would be entirely transformed. Incredibly enough, most of these changes would take effect as of ***January 1, 2018*** – less than two months after the bill's introduction.

02.03.2017 **DOL Disability Regulations and the Impact on ERISA Plans**
By Laura L. Fischer, Griffin Bridgers

The Department of Labor has issued final regulations under Section 503 of ERISA that purport to enhance the disability benefit claims and appeals process for plan participants. These regulations amend the DOL's disability claims procedure regulations issued in 2002. The new regulations generally affect the procedures for filing disability benefit claims, providing notice of adverse benefit determinations, and appealing adverse benefit determinations.

12.19.2016 **Cures Act Allows for Small-Employer HRAs**
By Kenneth A. (Ken) Mason

Before leaving DC for the winter holidays, Congress and President Obama agreed on a provision granting small employers a bit of relief from the Affordable Care Act. Tucked at the very end of the 21st Century Cures Act is a provision allowing certain small employers to offer their employees a health reimbursement arrangement ("HRA") that need *not* be "integrated" with a group health plan. Employees may then use their employer's pre-tax contributions to such an HRA to pay premiums under individual health insurance policies.

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