



Kenneth M. Johnson

Counsel

+1 919 862 2290 | kenneth.johnson@alston.com

Raleigh | 555 Fayetteville Street, Suite 600 | Raleigh, NC 27601-3034

Related Services

Tax ■ Employee Benefits & Executive Compensation ■ ERISA Litigation ■ Health & Welfare Plans ■ Transactional Tax Insurance

Ken has over 35 years of experience assisting plan sponsors, fiduciaries, and service providers with compliance and litigation issues affecting both retirement and health and welfare plans. He's headed an ERISA litigation practice for multiemployer pension and welfare plans and lead the employee benefits compliance practice for one of the largest insurance brokers in the country.

As counsel in Alston & Bird's Employee Benefits and Executive Compensation Group, Kenneth Johnson focuses his practice on health and welfare plan compliance issues. He has extensive experience with issues that arise under ERISA, the Internal Revenue Code, the Affordable Care Act, COBRA, and HIPAA. He prepares and reviews health and welfare plan documents, including wrap and Section 125 plans (cafeteria plans), as well as reviewing insurance, administration, and service provider agreements. Employers and service providers rely on Ken's advice with HIPAA privacy compliance and health benefit non-discrimination testing under Internal Revenue Code Sections 105(h), 125 and 129. Fiduciaries and service providers seek his advice on ERISA Title I and prohibited transaction issues. Ken has served as primary counsel in ERISA class actions, actions alleging fiduciary breach, and actions for benefits.

Representative Experience

- Served as senior vice president and employee benefit compliance practice leader for McGriff Insurance Services (formerly BB&T Insurance Services), supervising five attorneys and associated support staff in providing guidance under ERISA, the ACA, the Internal Revenue Code, COBRA, HIPAA, and other federal statutes.
- Served as associate general counsel for several large related multiemployer health and retirement funds, supervising an eight-attorney employee benefits litigation practice group.
- Advised flexible spending account (FSA) and COBRA third-party administrators with compliance issues.
- Represented employers in their roles as plan sponsors and administrators.
- Represented individual fiduciaries and benefit plan service providers.
- Advised retirement plan sponsors in resolving retirement plan qualification problems and disputes including IRS audits and use of the IRS's remedial programs under the Employee Plans Compliance Resolution System (EPCRS).
- Assisted employers in designing, drafting, implementing, maintaining, and terminating tax-qualified retirement plans.

Publications & Presentations

Publications

- "On-site Clinics: Compliance Concerns," *Benefits Brief*, McGriff Insurance Services Inc, September 19, 2019.

Education

- The George Washington University (J.D., 1984)
- University of North Carolina at Greensboro (B.A., 1981)

Admitted to Practice

- North Carolina
- District of Columbia
- Maryland
- Pennsylvania (Inactive)