

# JacksonLewis



# Suzanne G. Odom

Principal, Greenville

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Suzanne G. Odom is a principal in the Greenville, South Carolina, office of Jackson Lewis P.C. She focuses her practice on ERISA plans, employee benefits, and executive compensation matters.

Sue has worked extensively with all types of employer-sponsored retirement and welfare benefit plans, including pension, profit sharing, 401(k), 403(b), and 457(b) plans, ESOPs, and health, accident, disability, Section 125, flexible spending, and other welfare plans. Her clients include large and small for-profit companies across all industry sectors, non-profit corporations, and governmental entities.

As a result of Sue's vast number of submissions and compliance matters, she has developed a close and professional working relationship with both the IRS and Department of Labor Representatives. Her practice is centered on providing her clients with solid and proactive fiduciary and business advice that assists them in avoiding the time and expense of employee benefits litigation.

Sue prides herself on her ability to think outside the box and work with clients to deliver the best business solutions possible.

Sue has experience working with tax-exempt organizations, including:

- Advising clients about tax-exempt organization matters, including public charities and private foundations described in Section 501(c)(3), social welfare organizations under Section 501(c)(4), Section 501(c)(6) trade associations, Section 501(c)(12) electric cooperatives, and many others
- Establishing and dissolving non-profit entities, submitting determination letter requests to the IRS, and advising about on-going compliance issues involving:
  - Private inurement and private benefit; Excess benefit transactions
  - Conflict of interest issues
  - Lobbying and political activity restrictions
  - Annual report (Form 990) requirements
  - Unrelated business income tax (UBIT)

## Employee Benefits Experience

- Providing guidance about strategic employee benefit matters, such as designing or modifying retirement plans to address eligibility exclusions, safe harbor options, automatic enrollment, and employer contribution allocation formulas, and implementing group health plan coverage in a manner that mitigates risk under the Affordable Care Act
- Updating plans for regulatory changes and submitting plans to the IRS as part of the determination letter program

## Practices

- Healthcare
- Corporate Counsel Conference 2023 Audio Guide
- Employee Benefits
- Staffing and Independent Workforce
- Higher Education

## Education

- University of Florida Levin College of Law, LL.M. 2000
- University of South Carolina School of Law, J.D. 1999
- Michigan State University, B.A. 1996

## Admitted to Practice

- South Carolina 1999

- Working on plan correction matters, including self-correction and voluntary correction with the IRS of operational and document failures and addressing Form 5500 filing deficiencies
- Representing clients on IRS and Department of Labor audit matters and proactively helping clients prepare for the same by making sure they understand what actions are expected of them and what documentation the government expects them to maintain
- Establishing, terminating, or handling ongoing compliance issues involving VEBA (Section 501(c)(9) trusts) and Employee Stock Ownership Plans (ESOP), including helping with shareholder stock sales, ESOP loans and pledge agreements, allocation issues, and distribution policies
- Assisting with business planning or resolving legal compliance issues involving businesses under common control and affiliated service groups
- Advising businesses about complicated tax law discrimination issues affecting retirement, health, group term life insurance and other plans, especially when coverage levels vary between executives or other highly-paid workforce members and other employees
- Planning, drafting, and assisting with the administration of executive compensation plans, including extensive experience with the design and implementation of nonqualified deferred compensation plans, 457(b) plans, and 457(f) plans
- Working with tax-exempt organization clients to minimize potential excises taxes that may result from excess benefit transactions, excessive compensation, or excess parachute payments by following the rebuttable presumption process and thoughtfully and proactively addressing these taxes in the design and implementation of executive benefit programs
- Working with wellness programs, including advice about the imposition of health insurance surcharges on employees who smoke and reasonable alternative standards
- Providing guidance regarding the taxation treatment of various fringe benefits, such as employee discounts, moving expenses, and cell phones
- Advising clients about income and payroll tax withholding and reporting requirements
- Resolving contingent workforce issues (e.g. leased employees, temporary employees, etc.), including considering the impact of these workers on the benefits program, preparing needed plan amendments, advising about the needed recordkeeping requirements
- Drafting and reviewing plan documents, summary plan descriptions, enrollment materials, and other employee communications
- Providing guidance about annual notice and filing requirements, such as the notices required by healthcare reform, COBRA notices, the HIPAA Privacy Notice of Privacy Practices and annual reports (Form 5500 series)
- Addressing employee claim and fiduciary issues
- Reviewing Qualified Domestic Relations Orders for compliance with applicable law and the terms of the governing plan

## Honors and Recognitions

- *The Best Lawyers in America*®, "Employment Benefits (ERISA) Law" and "Tax Law" (2013-present)
- Chambers USA, "Labor & Employment" (2023-present)
- *Legal 500 USA*, "Recommended Attorney" (2019, 2021-2022)
- *Martindale-Hubbell*®, "Distinguished® - Peer Rated for High Professional Achievement" (2004-present)

## Published Works

- "NJ Benefits Bill May Deter Business with Contractors," *Law360* (December 2019) [Co-Author]
- "More opportunities and pitfalls face employers providing employee benefits in 2020," *Upstate Business Journal* (December 2019) [Author]
- "Benefits Guide: Basics, Requirements for Qualified Retirement Plans, Participation Requirements," *Bloomberg Law* (August 2019) [Author]