

## Melissa B. Kurtzman

Shareholder

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## Practice Areas

Employee Benefits  
Business Restructuring and M&A  
Higher Education  
Retail  
Contractors, Staffing and Contingent Workers

## Overview

Melissa B. Kurtzman focuses her practice on representing management in a variety of employee benefits matters, including the design and implementation of qualified and non-qualified retirement plans and welfare and fringe benefit programs, employee benefits tax matters and employee benefits in mergers and acquisitions. She also provides advice on:

- Employee benefit plan administration
- Reporting and disclosure obligations
- Fiduciary responsibilities
- Internal Revenue Service and Department of Labor correction programs
- Contingent workforce issues
- The efficient design of retirement and welfare plans

Melissa acted as an expert witness in a federal bankruptcy matter in connection with qualified plan issues. Additionally, she represents plan sponsors in employee benefit plan IRS and DOL audits. She assists plan sponsors in self-audits of employee benefits plans prior to or in connection with government audits. Her benefits clients include the following types of companies and industries:

- Universities
- Retail
- Contingent workforces

- Legal services
- Accounting services
- Construction
- Airlines
- Healthcare
- Transportation
- Manufacturing
- Financial services
- Non-profit organizations
- Consulting services

Melissa is a member of Littler Mendelson's Employee Benefits and Executive Compensation Practice Group.

Prior to joining Littler, Melissa served as a partner at Wolf Block LLP where she focused on employee benefits. She was also the former director of ERISA compliance at a large retirement plan administration company.

## Professional and Community Affiliations

- Board Member, Benefits Council of Greater Philadelphia, American Society of Pension Professionals and Actuaries
- Member, The Mid-Atlantic Pension Liaison Group
- Member, Employee Benefits Section, Philadelphia Bar Association
- Member, Tax and Business sections, American Bar Association
- Member, Compensation and Benefits Committee, The Kendal Corporation, Kennett Square, PA
- Former Board Member, Interact Theatre Company
- Former Board Member, Children's Village Child Care Center of Philadelphia

## Education

LL.M. in Taxation, The George Washington University Law Center, 1988

J.D., University of Toledo College of Law, 1985

B.A., Michigan State University, 1983

## Bar Admissions

Pennsylvania

New Jersey

Ohio

District of Columbia

## Courts

U.S. Tax Court

## Publications & Press

**Ten Common Benefits Issues Related to the COVID-19 Pandemic, Employee Furloughs and Reductions in Force**

*Littler ASAP*

April 6, 2020

**Employee Benefit and Executive Compensation Provisions in the CARES Act**

*Littler ASAP*

March 30, 2020

**Pensions and Retirement Plans 2019**

*Lexology*

February 3, 2020

**Pensions and retirement plans: primary laws and regulations**

*Lexology*

February 1, 2020

**Striking Down Decades-Old Precedent, Ninth Circuit Rules That ERISA Breach of Fiduciary Duty Claims May Be Arbitrated**

*Littler ASAP*

August 26, 2019

**DOL Rule Imposes Significant Increases in Penalties for Employee Benefit Plan Violations**

*Littler ASAP*

July 8, 2016

**Dissecting the Department of Labor's Final Fiduciary Rule**

*Littler Podcast*

May 24, 2016

**Workplace Policy Institute Insider Report — May 2016**

*Littler Report*

May 2, 2016

**Pensions & Retirement Plans 2016**

*Getting the Deal Through*

May 1, 2016

**Department of Labor Issues Final Fiduciary Rule**

*Littler ASAP*

April 7, 2016

**New Compliance Questions in IRS Form 5500 Warrant Screening Reviews of 401(K) Plans During 2016**

*Littler ASAP*

March 10, 2016

**Department of Labor Issues Sweeping Fiduciary Rule Proposal**

*Littler ASAP*

April 22, 2015

**Supreme Court Axes "Presumption of Prudence" in ESOP Stock-Drop Cases**

*Littler ASAP*

July 7, 2014

**IRS and SSA Both Announce Cost of Living Adjustments for Tax Year 2014**

*Littler ASAP*

November 1, 2013

**Littler's Healthcare Reform Consulting Group Addresses Affordable Care Act Compliance**

*Press Release*

May 9, 2013

**IRS Publishes Interim Report on Section 401(k) Compliance Check Questionnaire**

*Littler ASAP*

February 7, 2012

**401(k) Basics**

*Littler Employer*

April 2011

**IRS/DOL Steps Up Enforcement Efforts On Qualified Retirement Plans**

March 2011

**The Littler Ten: Employment, Labor and Benefit Law Trends for Navigating the New Decade**

*Littler Report*

September 30, 2010

**New Guidance on Waiver Process for Annual Dollar Limits**

*Littler ASAP*

September 10, 2010

**Grandfathered Health Plan Regulations**

*External Publication*

August 23, 2010

**Healthcare Reform: Long-Awaited "Grandfathered" Regulations Released – What Do Employers Need to Know?**

*Littler ASAP*

June 17, 2010

**First Glimpse at Grandfathered Health Plans Regulations**

June 2010

**Healthcare Reform**

*Littler ASAP*

November 2009

**Retirement Plans Must Be Amended Before Year End**

*Littler ASAP*

October 29, 2009

**IRS Provides Trends, Tips, Internal Control Questionnaire and Plan Documentation Guide Online**

*Littler ASAP*

June 16, 2009

**Littler Strengthens Employee Benefits Practice with Addition of Warren E. Fusfeld and Melissa B. Kurtzman to the Firm's Philadelphia Office**

*Press Release*

March 20, 2009

**Events & Speaking Engagements**

**Face the (Cyber) Nation - Employee Benefits**

Littler Executive Employer Conference, Phoenix, AZ

May 10, 2024

**Secure Act 2.0 Got You Feeling Insecure? Face the 401(k) Challenges and Find Workable Solutions**

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

**Benefits Jeopardy: Incentives and Benefits for the Modern Workforce**

Littler Executive Employer Conference

May 6, 2022

**Fiduciary Best Practices**

March 4, 2021

**2020 Virtual Benefits Symposium: Addressing Issues in the New Normal**

October 20, 2020

**2020 Virtual Benefits Symposium: Addressing Issues in the New Normal**

October 1, 2020

**Reopening and Rehiring – What Are the Most Critical Employee Benefits and Executive Compensation Issues?**

July 9, 2020

**SECURE and CARES Acts - Impacts on Your Retirement Plan**

Client Webinar

May 28, 2020

**SECURE and CARES Act Impact on Your Retirement**

Client Webinar

May 28, 2020

**A Fiduciary's Guide to the COVID-19 Correction and Beyond**

CE Webinar

May 14, 2020

**How the Secure Act Will Impact Your Retirement Plans**

February 6, 2020

**Roundtable**

2019 New Jersey Healthcare and Retirement Plan Summit

October 8, 2019

**The A Team: Adding Value to Your Clients**

PICPA Employee Benefit Plans Conference

May 21, 2019

**MEWAs, MEPs, PEO and Outsourcing**

2019 AICPA Employee Benefit Plans Conference, New Orleans, LA

May 8, 2019

**Anti-Assignment Rules – Procedures, Legal and Tax Issues**

2019 AICPA Employee Benefit Plans Conference, New Orleans, LA

May 7, 2019

**Anatomy of a DOL Retirement Plan Investigation**

April 4, 2019

**Anatomy of an IRS Retirement Plan Audit**

March 7, 2019

**DOL Developments | Multiple Employer Retirement Plans, Association Health Plans and IRS Proposed Hardship Regulations**

December 6, 2018

**Ask the Experts – Local Professional Panel**

2018 New Jersey Fiduciary Summit

October 3, 2018

**2018 Annual Employee Benefits and Executive Compensation Summit**

New York, NY

June 21, 2018

**How to Properly Conduct a Retirement Plan Committee Meeting**

June 7, 2018

**ERISA Compliance in 2018: Changes, Observations and Current Issues**

Fairport, NY

May 9, 2018

**The Constantly Shifting Sands of Employee Benefits: How to Level the Landscape**

Littler Executive Employer, Phoenix, AZ

May 3, 2018

**2018 Annual Employee Benefits and Executive Compensation Summit**

Los Angeles, CA

January 11, 2018

**What's in Your Fiduciary Toolkit? A Guide to Good Fiduciary Governance**

Littler's Annual Employee Benefits and Executive Compensation Summit, New York, NY

June 15, 2017

**The Top 10 Employee Benefits and Executive Compensation Issues in 2017**

May 11, 2017

**Retirement Plans Under Attack by Plan Participants and Government Agencies: An Action Plan for Employers**

2016 Employee Benefits Regional Roadshow, Charlotte, NC

July 28, 2016

**Retirement Plans Under Attack by Plan Participants and Government Agencies: An Action Plan for Employers**

2016 Employee Benefits Regional Roadshow, New York, NY

June 15, 2016

**Retirement Plans Under Attack by Plan Participants and Government Agencies**

Withum Audit Tax Advisory, Somerset Palace, Somerset, NJ

May 26, 2016

**Dealing with Plans Under Attack**

NJCPA Conference

May 24, 2016

**Employee Benefits and Executive Compensation Issues on Termination of Employment**

Philadelphia, PA

May 12, 2016

**Retirement Plans Under Attack by Plan Participants and Government Agencies: An Action Plan for Employers**

May 5, 2016

**New Guidance Requires Greater Fiduciary Oversight of Retirement Plans**

April 26, 2016

**2016 Employee Benefits Update - Rochester**

Fairport, NY

January 28, 2016

**2016 Employee Benefits Summit - Southern California**

Los Angeles, CA

January 14, 2016

**Why Quibble with Tibble? The Supreme Court Reminds Fiduciaries of the Wide Scope of Their Duties**

Littler Mendelson, New York, NY

June 9, 2015

**Benefits Document Drafting is Key to Staying Out of Court**

Littler Mendelson, Phoenix, AZ

May 8, 2015



### **Pension Plan Lump Sum Windows: Legal Issues**

Pension Lump Sum Elections Event - CREWS, Conshohocken, PA

April 28, 2015

### **ERISA Budget Accounts**

Internal Revenue Service (IRS), Baltimore, MD

February 26, 2015

### **Employee Plans Compliance Resolution System (EPCRS)**

25th Annual Benefits Compliance Conference - SouthWest Benefits Association, Dallas, TX

November 13, 2014

### **How To Prepare For and Handle DOL Audits**

11th Annual Fiduciary Services Retirement Plans Conference - Banco Popular de Puerto Rico, Inc., San Juan, Puerto Rico

October 24, 2014

### **2014 Employee Benefits Summit**

Atlanta, GA

June 19, 2014

### **What Plan Administrators Should Be Doing Now To Prepare For A 401(k) Or 403(b) Plan Audit**

Littler Mendelson, Atlanta, GA

June 19, 2014

### **The Affordable Care Act: Preparation for 2015 & Beyond**

Philadelphia, PA

May 20, 2014

### **Sandy Beach and a Pina Colada? Think Again. The Challenges and Opportunities of Doing Business in Puerto Rico**

Littler Mendelson, Phoenix, AZ

May 8, 2014

### **Overview of ERISA Fiduciary Responsibilities**

2014 New Jersey Fiduciary Summit - Xponential Growth Solutions (XGS), Bridgewater, NJ

April 24, 2014

### **The Shifting Landscape of Employee Benefits – Imperatives for 2013 and Beyond**

Boston, MA

September 19, 2013

### **Common Retirement Plan Deficiencies and Corrective Actions**

Client Presentation - Fiduciary Fixes: A Guide to Correcting 401(K) Issues

August 28, 2013

### **The Affordable Care Act — Critical Next Steps for Employers**

Philadelphia, PA

May 22, 2013

### **Trials and Tribulations of Auto Enrollment**

Mid-Atlantic Benefits Conference - Greater Philadelphia ASPPA Benefits Council, Philadelphia, PA

May 16-17, 2013

### **Oops...How did that happen? What do we do now?**

Mid-Atlantic Benefits Conference - Greater Philadelphia ASPPA Benefits Council, Philadelphia, PA

May 16-17, 2013

### **Rockin' 401(k) Plans: The Hot Issues**

Littler Mendelson, Dallas, TX

April 24, 2013

### **Best Practices for Navigating 401(k) Fiduciary Challenges**

Littler Mendelson, New York, NY

April 18, 2013

### **What Every Plan Sponsor Should Know From A Legal And Fiduciary Standpoint**

Wharton Retirement Consultants, Philadelphia, PA

March 27, 2013

### **The Flood of Things a Plan Committee Must Do Differently in 2012**

23rd Annual Employee Benefits Conference for Practitioners and Plan Sponsors - SouthWest Benefits Association, Dallas, TX

November 15, 2012

### **The Shifting Landscape of Employee Benefits – Imperatives for 2012 and Beyond**

Los Angeles, CA

October 11, 2012

### **Retirement Plan Summit 2012**

New York, NY

September 28, 2012

### **Retirement Plan Fiduciary Best Practices**

Philadelphia, PA

September 20, 2012

**Healthcare: Obamacare and Beyond**

National Association of Professional Employer Organizations (NAPEO), Washington, D.C.

May 21, 2012

**Fiduciary Update for 401(k) Sponsors**

The Philadelphia Group, West Conshohocken, PA

May 16, 2012

**Guiding Your Company through Dramatic Changes: The Critical Legal/HR Role in Major Transactions**

Littler Mendelson, Scottsdale, AZ

May 11, 2012

**Steering Clear of Benefits Litigation through Better Document Drafting**

Littler Mendelson, Scottsdale, AZ

May 10, 2012

**Steering Clear of ERISA Litigation Through Better Document Drafting**

Association of Corporate Counsel, Delaware Valley (DELVACCA) Chapter, Philadelphia, PA

April 16, 2012

**The Corporate Retirement Plan Industry: Regulatory Changes and Fiduciary Best Practices**

Drexel University - Philadelphia, PA

April 12, 2012

**Employee Benefits The Shifting Landscape of Employee Benefits – Imperatives for 2012**

New York, NY

March 27, 2012

**Pressing Issues Facing 401(k) Plan Sponsors in 2012: Vendor Agreements, Participant Disclosures, IRS/DOL Audits and Inquiries, and Other Nuts and Bolts**

NFP Monday Mentoring - BenefitsPartners

March 26, 2012

**Retirement Session: Regulatory Update and How New Regulations May Open Doors**

Spring Conference - National Financial Partners, Dallas, TX

March 5, 2012

**ERISA Rule 408(b)(2) - Full Disclosure of Fees in Your 401(k)**

Philadelphia, PA

November 17, 2011

**2011 and Beyond: Maximizing Your Employee Benefit Plans During Uncertain Legislative Times**

Philadelphia, PA

October 12, 2011

**Pressing Issues Facing 401(k) Plan Sponsors and Service Providers in 2011 and 2012: Legislative Update, Vendor Agreements, Participant Disclosures, IRS/DOL Audits, and Other Nuts and Bolts**

Transamerica Retirement Services Conference, Lutherville, MD

September 14, 2011

**Pressing Issues Facing 401(k) Plan Sponsors and Service Providers in 2011 and 2012: Legislative Update, Vendor Agreements, Participant Disclosures, IRS/DOL Audits, and Other Nuts and Bolts**

Transamerica Retirement Services Conference, Washington, DC

September 13, 2011

**New York Benefits Summit**

New York, NY

February 10, 2011

**Update on Employee Benefits Law**

DeVry University

February 2011

**Healthcare Reform: Are You Ready for 2011?**

Valiant Conference, Atlanta, GA

November 2010

**Healthcare Reform**

Littler Mendelson Webinar

October 2010

**Healthcare Reform Including Grandfathering**

Thesco Benefits Conference, New York, NY

September 2010

**Healthcare Bill Review for Contingent Workforce Issues**

The 2010 Executive Employer Conference® - Littler Mendelson, Phoenix, AZ

March 2010

**Best Practices for Operating a Retirement Plan**

Littler Seminar, Philadelphia, PA

November 2009

### **Retirement Plan Update for Tax-Exempts**

Penjerdel Employee Benefits and Compensation Association Conference, Philadelphia, PA

September 2009

### **Retirement Plan Issues for Tax Exempt Organization**

PEBA Conference featuring TIAA-CREF, Philadelphia, PA

September 2009

### **Books & Book Chapters**

- *Pensions & Retirement Plans - USA, Getting the Deal Through, Law Business Research Ltd., chapter co-author: Steven J. Friedman, 2013-2014, 2016*