FisherBroyles

Name: Robert Ellerbrock

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Office: Washington D.C.

Practice Areas: Executive Compensation & Benefits

Bar Admissions: Alabama; District of Columbia

Education: University of Alabama, School of Law, J.D., 2002; Webster University, B.A. in Business; University of Alabama, School of Law, LL.M in Taxation

Experience: Ogletree Deakins; Balch & Bingham, LLP; Constangy, Brooks, Smith & Prophete, LLP

Bob Ellerbrock focuses his practice on executive compensation, employee benefits, and ERISA. He regularly advises clients concerning qualified retirement plans (401(k), defined benefit, 403(b)), non-qualified plans, fringe benefits, health and welfare benefits, Affordable Care Act compliance, and executive compensation issues. Bob worked as a consultant in the retirement plan industry prior to practicing law and is able to draw on this experience when counseling clients to come up with practical solutions to their problems.

Representative Experience

- Design and evaluate structure of equity compensation plans (including phantom equity) for employers.
- Advise start-ups who need to access capital in a tax-efficient manner to fund their operations of potential options.
- Design and evaluation of 401(k) and 403(b) plans, profit-sharing plans, employee stock ownership plans, and other retirement plans including monitoring plans for ongoing regulatory compliance.
- Advise companies and individuals on the tax and corporate aspects of incentive arrangements, including supplemental executive retirement plans, performance-based programs, and non-qualified deferred compensation arrangements.
- Provide guidance and assistance to clients drafting various types of employment agreements.
- Successfully resolve issues for clients with the Internal Revenue Service, Department of Labor, and Pension and Benefit Guaranty Corporation.
- Counsel plan fiduciaries on their ERISA Title I responsibilities.
- Regularly advise employers, consultants, and others regarding the Affordable Care Act.
- Advise clients involved in mergers and acquisitions regarding the responsibilities of the employers and the rights of the employees.

- Perform due diligence reviews of employee benefit and executive compensation arrangements in mergers and acquisitions.
- Counsel employers involved in various labor and employment matters, including withdrawal liability/multiple and multiemployer pension plans, employee benefit aspects of collective bargaining, employment and compensation agreements, separation agreements, COBRA, and severance packages.

Presentations & Teaching Experience

- Virginia Society of CPAs Business & Industry Conference “2021 Update: Cybersecurity, Litigation, and Fiduciary Issues” May 17, 2021
- AICPA National Employee Benefits Conference “Cybersecurity Litigation” – May 2021
- AB&D Client Symposium- Employee Benefits Litigation and Settlement Update: Best Practices February 2021
- SBEN Regional Employee Benefits Forum – Birmingham - "The Latest Legislative, Regulatory and Compliance Issues in Employee Benefits" - Birmingham - February 22, 2019
- Ogletree Deakins Briefing - "Employee Benefit Mistakes You Will Make This Year (If You Are Not Prepared)" - Birmingham - February 7, 2019
- Alabama Bar Association, Labor and Employment Section - "’Leave’ My Benefits Alone: Managing Benefits of Employees on Leave" - Sandestin - November 26, 2018
- Mobile Society for Human Resource Management - "’Leave’ My Benefits Alone: Managing Benefits of Employees on Leave" - Mobile - November 2, 2018
- Annual Business Seminar - "There’s No Such Thing as a 1099 Employee" - Birmingham - August 10, 2018
- College and University Professional Association for Human Resources Annual Meeting - "Who is the Plan Fiduciary? Is it Me?" - Indianapolis - June 25, 2018
- Ogletree Deakins Annual Gulf Coast Seminar - "'Leave' My Benefits Alone: Managing Benefits of Employees on Leave" - Pensacola - June 15, 2018
- Ogletree Deakins Employee Benefits Roundtable - "So, Just Who is the 'Employer'" - Nashville - May 24, 2018
- Ogletree Deakins Employee Benefits Roundtable - "Who is a Plan Fiduciary? Is it Me?" - Nashville - April 26, 2018
- Society for Human Resource Management - "Who is a Plan Fiduciary? Is it Me?" - Jackson - February 22, 2018
- Delta Human Resource Management Association Chapter Meeting - "Who is a Plan Fiduciary? Is it Me?" - Greenwood - February 15, 2018
- Ogletree Deakins Employee Benefits Roundtable - "Who is a Plan Fiduciary? Is it Me?" - Birmingham - February 1, 2018
- Annual Business Seminar - "Avoiding Employee Benefit Pitfalls" - Denver - October 6, 2017
- Ogletree Deakins Employee Benefits Briefing - "Navigating Open Enrollment" - Birmingham - October 5, 2017
- Annual Business Briefing - "'Leave' My Benefits Alone: Managing Benefits of Employees on Leave" - Birmingham - August 18, 2017

- Annual Business and Personal Planning Seminar - "Employee Benefit Administration" - Birmingham - 2016
- Birmingham Bar Association - "Affordable Care Act" - Birmingham - September 18, 2014
- Birmingham Business Alliance's ACA Seminar - "Fox 6 ACA Roundtable" - Birmingham - March 5, 2014
- Alabama Fiduciary Summit - "Roles and Responsibilities of Retirement Plan Fiduciaries" - Birmingham - 2014
- Birmingham Employee Benefit Professionals - "Profit Sharing Council" - Birmingham – 2014

Publications

- July 1, 2022 – Washington Post - “Post Roe, can states ban employer abortion related aid? It’s not that simple.”
- May 1, 2020 - HR Professionals Magazine - "Layoff or Furlough? Workforce Considerations During the COVID-19 Crisis"
- April 20, 2020 - Autobody News - "Small Business Task Force Proposes Initial Plans to ‘Reopen Alabama Responsibly’"
- November 2018 - HR Professionals Magazine, Vol. 8 Issue 11 - "Heading into 2019, the ACA is Alive and Well"
- October 16, 2018 - 401k Specialist - "How 401ks (Actually) Fit with Student Loan Repayment Programs"
- September 22, 2017 - SHRM Online - "Out of Sight, Out of Mind? Don’t Forget the Possibility of ACA Retaliation Claims"
- June 14, 2016 - JD Supra Business Advisor - "What Community Banks of All Sizes Need to Know About the Proposed Interagency Rulemaking on Incentive Compensation"
- 2016 - Affordable Care Act Review - "Inside the Minds: Recent Changes in Employee Benefits and Executive Compensation – Contributing Author"