

Kimberly S. Couch

Partner

kcouch@verrill-law.com



Kimberly has practiced exclusively in the area of employee benefits and executive compensation for more than 30 years. Clients look to her for technical and practical experience, and sound business judgment.

Kimberly advises for-profit and nonprofit employers on employee benefits and executive compensation matters, including qualified and non-qualified retirement plans, executive compensation, welfare benefit arrangements, incentive plans, and fiduciary issues. Her experience includes designing and drafting plan documents and employee communications, implementing and terminating programs, and compliance in all aspects of ERISA and tax laws.

Assisting clients with ERISA fiduciary compliance is a key aspect of Kimberly's work. She advises and provides fiduciary education to boards, investment committees, and officers; drafts committee charters, resolutions, and meeting minutes; reviews investment policy statements; and assists with internal audits. She also helps clients avoid, prepare for, and respond to Department of Labor, IRS, and PBGC plan audits and drafts submissions for governmental voluntary correction programs.

Kimberly works extensively with welfare plans, including self-insured health plans, cafeteria plans, and wellness programs, drafting plan documents and providing guidance on the Affordable Care Act, HIPAA, and COBRA. She also prepares HIPAA privacy manuals and provides in-house HIPAA training for clients.

A significant part of Kimberly's practice involves defined benefit pension plan issues, including the implementation of early retirement windows, and other reduction in force programs, lump sum windows and annuity purchases to de-risk liabilities; drafting plan amendments and employee communications; and preparing government filings with respect to plan mergers, spin-offs, and terminations. She works with single employer plans, multiple employer plans, and multi-employer plans.

While Kimberly works with a wide range of domestic and international clients, she has worked extensively with benefit plans for tax-exempt employers and

Services/Industries

- Employee Benefits & Executive Compensation
- Energy
- Higher Education

employers in the energy industry.

Outside the office, Kim is an avid skier and baseball fan. She enjoys spending time with her two sons, running with her dog, practicing yoga, and reading classics.

Education

- The George Washington University Law School (J.D., *With Honors*)
 - Phi Alpha Delta
 - Vice Chair, Van Vleck Moot Court Board
- University of Vermont (B.A., *cum laude*)

Bar Admissions

- Washington, D.C.
- Maine

Memberships

- Maine State and American Bar Associations: Section of Taxation, Employee Benefits (subcommittees on Defined Benefits Plans, Welfare Plan Design and Funding, and Exempt Organizations and Governmental Plans)
- New England Employee Benefits Council

Honors

- *Chambers USA: America's Leading Lawyers for Business*
- Listed in *The Best Lawyers in America*® for Employee Benefits (ERISA) Law in Portland, Maine

To learn more about third-party ratings and rankings, and the selection processes used for inclusion, [click here](#).

Publications & Podcasts

December 6, 2021

2021 Year End Employee Benefit Plan Amendments

August 19, 2021

Employee Benefits & Executive Compensation 2021 Summer Client Advisory

December 17, 2020

Employee Benefits & Executive Compensation 2020 Year-End Client Advisory

January 7, 2020
The SECURE Act

December 18, 2019
December 2019 Client Advisory

December 17, 2018
December 2018 Client Advisory

July 18, 2018
New Disability Claims Procedures Affect Retirement Plans and Deferred Compensation Plans Too

Blog Posts: Benefits Law Update

Named a Top 10 Blog in Compensation and Benefits, Verrill's attorneys use the Benefits Law Update blog to provide timely updates and commentary on developments in law affecting employee benefit plans and executive compensation arrangements.

September 30, 2021
Recent Court Decisions Extend the Statute of Limitations for Breach of Fiduciary Duty Lawsuits under ERISA
ERISA Fiduciary Duties and Liability Under the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), a plan fiduciary must (i) act prudently, for the exclusive purposes of providing benefits to plan participants and defraying plan expenses, and...

August 19, 2021
Employee Benefits & Executive Compensation 2021 Summer Client Advisory
Click here to view as a PDF. This Client Advisory summarizes developments in the law governing employee benefit plans prompted by the COVID-19 pandemic. We explain what these developments mean for plan sponsors and highlight the need to adopt...

June 29, 2021
Primer on Severance Plans Under ERISA and the Tax Code
Many employers maintain formal or informal severance policies or practices that they use sporadically. Other employers may implement a severance program for a limited period of time to reduce the number of employees overall or within a work classification...

January 21, 2021
DOL Guidance on Missing Pension Plan Participants - Part II
On January 18, we published a blog post regarding new Department of Labor ("DOL") guidance on missing plan participants. That post is available here , and describes the DOL's guidance on Missing Participants - Best Practices for

Pension Plans...

January 18, 2021

DOL Guidance on Missing Pension Plan Participants

The Department of Labor (“DOL”) has undertaken a nationwide compliance initiative to ensure that retirement plan participants receive the benefits that they were promised when they reach their retirement age. To that end, the DOL recently issued three pieces...

December 30, 2020

Employee Benefits & Executive Compensation 2020 Year-End Client Advisory

[Click here to view as a PDF](#) . This Client Advisory highlights important developments in the law governing employee benefit plans over the past year. It offers insight into what these developments mean for employers and plan sponsors and...

September 28, 2020

ERISA and COBRA Implications for EAPs and Wellness Programs

There is a growing trend for employers to provide employee assistance programs (“EAPs”) and wellness programs for the benefit of their employees. Typically, the employer pays for benefits under these programs out of its general assets. These programs are...

June 24, 2020

IRS Issues New Guidance on CARES Act Retirement Plan Distributions and Loans

The IRS recently issued Notice 2020-50 , which expands relief provided for retirement plan distributions and loans under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Distributions Under the CARES Act, a retirement plan may allow participants...

May 15, 2020

IRS Relaxes Rules for Cafeteria Plans and Clarifies Relief for High Deductible Health Plans

In response to the 2019 novel coronavirus outbreak (COVID-19), earlier this week the IRS issued two notices allowing certain changes to cafeteria plans. Notice 2020-33 increases the limit on unused amounts remaining at the end of the plan year...

December 19, 2019

December 2019 Client Advisory

This Client Advisory, originally distributed in December 2019, highlights important developments in the law governing employee benefit plans and executive compensation over the past year. It offers insight into what these developments mean for employers and plan sponsors and...

December 31, 2012

Same-Sex Marriage and Your Employee Benefit Plans

Maine has now officially joined nine other states in allowing same-sex marriage. The new Maine law (“An Act to Allow Marriage Licenses for Same-sex Couples

and Protect Religious Freedom") was approved by a referendum election on November 6, 2012...

November 27, 2012

Working with the New Annual Limit on FSA Contributions

The Patient Protection and Affordable Care Act modified the rules relating to cafeteria plans to impose a new \$2,500 annual limit on the amount that an employee may elect to contribute to a health flexible spending account ("health FSA"...