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* indicates primary office

Katherine Conklin

MEMBER

Labor and Employment

Katherine "Kathy" Conklin is a member in the firm's New Orleans office focusing on employee benefits in both the welfare and retirement benefit areas. Kathy assists numerous plan sponsors in their compliance with applicable laws, including the Internal Revenue Code, the Employee Retirement Income Security Act of 1974 (ERISA) and the Health Insurance Portability and Accountability Act (HIPAA). Kathy's work includes prohibited transaction consultation, fiduciary exposure with respect to plan investments, redesign and termination of plans for cost savings and negotiation of third-party service provider contracts. In addition to drafting all types of qualified plans and submitting such plans to the IRS for approval where applicable, with a particular emphasis on employee stock ownership plans, Kathy has also done much work in the area of non-qualified plans, including executive deferred compensation and 457(f) plans.

In the welfare benefits area, Kathy has drafted medical benefits plans, cafeteria plans, health reimbursement arrangements, dependent care assistance plans and occupational injury plans, and she assists clients daily in administering these plans to comply with applicable laws, such as tax laws, ERISA and HIPAA. A particular area of proficiency is compliance with the health continuation requirements of COBRA.

Kathy also advises clients on employment law compliance with laws such as the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA) and other laws governing the workplace. She frequently assists employers in drafting severance agreements in compliance with the Older Workers Benefits Protection Act (OWBPA). Finally, Kathy assists employers to observe U.S. immigration laws when employing aliens to work in the U.S., which includes obtaining and renewing appropriate visas and work authorizations.

Kathy is certified by the Louisiana Board of Legal Specialization in the fields of Tax Law (since 1991) and Estate Planning and Administration (since 1997).

Professional Affiliations

- Association of Employee Benefits Planners
- Louisiana State Bar Association
- New Orleans Estate Planning Council
- Women's Professional Council

Honors

- *Martindale-Hubbell*TM AV Preeminent® Peer Review Rated Lawyer
- *Chambers USA* Louisiana / Labor & Employment (Employee Benefits & Compensation)
- *The Best Lawyers in America*® (Employee Benefits [ERISA] Law), 2005–2019
- *Best Lawyers*® New Orleans Employee Benefits (ERISA) Law "Lawyer of the Year," 2015, 2019
- *Louisiana Super Lawyers* (Employee Benefits/ERISA, Employment & Labor), 2008–2019
- *Louisiana Super Lawyers* "Top 25: Women Louisiana Super Lawyers," 2012
- "Top Lawyer: Employee Benefits Law," *New Orleans Magazine*, 2012, 2015, 2016, 2018, 2019
- *New Orleans CityBusiness* "Ones to Watch" 2018

Recent Publications

September 23, 2019 [Does a Power of Attorney Make You Your Father's Keeper?](#)
The First Circuit Court of Appeals affirmed the U.S. District Court for Massachusetts' opinion that an incompetent taxpayer could not suspend the

Service Areas

[Education Law](#)
[Healthcare and Wellness](#)
[Reimbursement](#)
[International](#)
[Labor and Employment](#)
[Counseling, Compliance, Training, & Employee Benefits](#)
[Employment Litigation and Arbitration](#)
[Taxation](#)

Education

Tulane University Law School, J.D., 1983, magna cum laude

Louisiana State University, B.A., 1980, summa cum laude

Admissions

Louisiana
U.S. District Court for the Eastern District of Louisiana

statutory period for filing for a tax refund because a competent adult held the incompetent taxpayer's durable power of attorney (POA) and could have acted on the taxpayer's behalf.

McGlinchey Tax Alert

- April 11, 2019 [Is your tax-exempt organization ready to report its excess executive compensation?](#)
For many tax-exempt organizations that must pay excise tax on excess executive compensation, the time is approaching to file Form 4720.
McGlinchey Tax Alert
- February 20, 2019 [IRS Concludes That Employers Can Provide Limitless Snacks Tax-Free to Employees, But Not Meals](#)
In an unusually long Technical Advice Memorandum (TAM 201903017) released February 19, 2019, the Internal Revenue Service Office of Chief Counsel provides technical advice to IRS personnel on the inclusion in employees' wages of the value of meals and snacks provided without charge by an employer to its employees.
McGlinchey Corporate & Tax Alert
- November 30, 2018 [We Are Not Out of the Woods: Some 401\(k\) Plan Amendments May Be Needed in 2018](#)
Although the IRS announced on November 28, 2018 that no plan amendments are required in 2018 to 401(k) plan documents in order to maintain their tax-qualified status, this announcement is not the whole story if a plan allows hardship distributions, or a plan sponsor wants to apply forfeitures against qualified non-elective (QNEC) or qualified matching contributions (QMAC).
McGlinchey Labor & Employment Alert
- May 29, 2018 [U.S. Supreme Court Rules That Employers Can Require Employees to Sign Collective and Class Action Waivers in Arbitration Agreements](#)
The Supreme Court in *Epic Systems v. Lewis* recently upheld the rights of employers to require employees to sign mandatory arbitration agreements in which employees must waive their rights to bring a class or collective action against their employers.
McGlinchey Labor & Employment Alert
- April 5, 2018 [Revised Law Says Employers Cannot Pocket Tips, Even if Not Using the Tip Credit](#)
A specific provision was included in the congressional spending bill approved on March 23, 2018, to amend the tip credit provisions of the Federal Labor Standards Act (FLSA) to expressly provide that employers cannot keep any portion of the tips earned by their workers, regardless of whether the employer utilizes the tip credit.
McGlinchey Labor & Employment Alert
- January 19, 2018 [Is the New FMLA Tax Credit Worth It?](#)
Employers who pay employees while they are on Family and Medical Leave Act (FMLA) leave can receive a new tax credit under new Internal Revenue Code Section 43S, but the limitations on the applicability of the credit may make this tax deal more trouble than it is worth.
McGlinchey Labor & Employment Alert
- January 12, 2018 [Employers Beware: "Weinstein Tax" Denies Income Tax Deduction for Sexual Harassment Settlements](#)
Beware of including nondisclosure agreements when settling sexual harassment claims, because neither the settlement payment nor the attorneys' fees related to that settlement will be deductible under new

Internal Revenue Code Section 162(q).
 McGlinchey Labor & Employment Alert

- December 6, 2017 [Employer Update: Controversial DOL Regulation Regarding Tip-Pooling Headed to Repeal](#)
 Employers in service industries may soon be able to require their tipped employees to share their tips with “back of the house” employees. The catch: the tipped employees must be paid at least minimum wage with no use of the tip credit.
 McGlinchey Labor & Employment Alert
- January 3, 2017 [Employer-Reimbursed Health Insurance Premiums Are Back](#)
 Once upon a time, instead of sponsoring a group health plan, an employer could tell its employees to get their own health insurance, reimburse their premium costs up to an employer-determined limit, and call it a day.
 McGlinchey Labor & Employment Alert
- October 6, 2016 [DOL's New Rules Restrict Incentive Compensation Involving IRAs](#)
 Welcome to a new federal agency that is regulating incentive compensation arrangements, in this case, financial incentives to sell IRAs: the U.S. Department of Labor (DOL).
 McGlinchey Consumer Financial Services Alert
- September 29, 2016 [Breaking News for Employers: DOL's Changes to Overtime Pay Possibly Postponed](#)
 DOL's proposed changes have been postponed for now. Employers who previously classified certain lower- and mid-level managers as exempt from earning overtime pay should stay on alert.
 McGlinchey Labor & Employment Alert
- May 19, 2016 [Next Steps for Employers Following DOL's Overtime Final Rule](#)
 Dramatic change is coming for employers who previously classified certain lower- and mid-level managers as exempt from earning overtime pay.
 McGlinchey Labor & Employment Alert
- July 26, 2011 [ALERT: Louisiana Enacts New e-Verify Laws](#)
- Spring 2010 [New Health Care Reform Requires Changes to Employer Sponsored Health Plans](#)
- April 5, 2010 [Action Required: New Retirement Plans for Businesses Required by April 30, 2010](#)
 McGlinchey Employment Alert
- Fall 2009 [Plan Grief Over 2009 Minimum Distribution Relief](#)
- May 19, 2009 [Alert: Michelle's Law Signed: Amends the Employee Retirement Income Security Act of 1974](#)
- Winter 2009 [You've Been Warned: Living with the New Rules under 409A](#)
- 1990 (supplemented annually) [Executive Compensation](#)
 Ken Weiss, Kathy Conklin, Jaye Calhoun, Co-authors

 Business Law Monographs Employment Series

Events

- September 27, 2019 **Bring Your Own Policy (BYOP) in Monroe**
Noon – 1:30 p.m.
- Premier Plaza – 7th Floor
1900 N. 18th Street
Monroe, LA 71201
- June 26, 2019 **Bring Your Own Policy (BYOP) Breakfast**
8:15 a.m. – 9:30 a.m.
- McGlinchey Stafford
112 West 34th Street, Suite 1515
New York, NY 10120
- February 7 & 8, 2019 **Bring Your Own Policy (BYOP) Breakfast 3.0**
- Baton Rouge**
Thursday, February 7, 2019
8:15 a.m. - 9:30 a.m.
- McGlinchey Stafford
301 Main Street, Suite 1400
Baton Rouge, LA 70801
- New Orleans**
Friday, February 8, 2019
8:15 a.m. - 9:30 a.m.
- McGlinchey Stafford
601 Poydras Street, Suite 1200
New Orleans, LA 70130
- December 8, 2017 **Transfer on Death Accounts in Louisiana: Tax and Other Hidden Dangers**
2017 Louisiana Bankers Association Bank Counsel Conference
New Orleans, LA
- October 27, 2017 **Transfer on Death Accounts in Louisiana: Tax and Other Hidden Dangers**
Tulane Estate Planning Seminar
New Orleans, LA
- October 11, 2017 **So You Thought You Outsourced Your 401(k) Plan**
DisruptHR New Orleans
Peoples Health New Orleans Jazz Market
- July 13, 2017 **Bring Your Own Policy (BYOP) Breakfast**
McGlinchey Stafford
301 Main Street, Suite 1400
Baton Rouge, LA 70801
- June 5, 2017 **Beneficiary Designations for Qualified Retirement Plans and IRAs**
Association of Employee Benefit Planners
New Orleans, LA

April 6, 2017	Bring Your Own Policy (BYOP) Breakfast McGlinchey Stafford Pan American Life Center 601 Poydras Street, 12th Floor <i>Parking is available and can be accessed on the Camp Street side of the building</i>
June 1, 2016	ABA EEO Subcommittee for Greater New Orleans New Orleans, LA
December 16, 2014	Estate Planning in 2014 Halfmoon Education / Foxmoor Continuing Education New Orleans, LA
November 5, 2014	It's HEEERE!!!: The Affordable Care Act and What Employers Need to Know Hospitality Happening: Legal & Tax Compliance Seminar for the Louisiana Hospitality Industry McGlinchey Stafford New Orleans offices 601 Poydras Street, Suite 1200 New Orleans, LA 70130
November 5, 2014	Hospitality Happening: Legal & Tax Compliance Seminar for the Louisiana Hospitality Industry McGlinchey Stafford New Orleans offices 601 Poydras Street, Suite 1200 New Orleans, LA 70130
December 6, 2012	Healthcare Reform: Upcoming Deadlines Society of Human Resource Management New Orleans chapter
October 2011	COBRA 101: The Legal Dos and Don'ts of Complying With Federal COBRA Regs BLR/HRHero
October 2011	Handling Non-Probate Assets in Estate Planning LSU Estate Planning Seminar
December 2010	Distributions from Qualified Plans, IRA's and Related Tax Planning Strategies; Roth Conversions Loyola University Annual Estate Planning Conference
November 2010	Bullying in the Workplace Society of Louisiana CPAs
June 2010	Employee Benefit Plans Update Louisiana Society of Certified Public Accountants Annual Meeting
November 2007	Estate Planning with Non-Probate Assets: Life Insurance, Annuities, Inter-Vivos Trusts, IRA's and Qualified Plans New Orleans Annual Estate Planning Conference
September 2007	HIPAA, Benefits and Privacy in the Workplace New Orleans Bar Association's <i>Nuts and Bolts: Employment and Labor Law Seminar for the Small Business and Sole Proprietor</i>

May 2007	Are You Liable for Plan Fees Charged to 401(k) Plans? Investment Duties Under Title I ERISA Plans AICPA National Conference on Employee Benefit Plans
September 2006	Who wants to be a COBRA Wiz Smith Insurance Agency - COBRA Compliance in Administration
September 2006	Keeping Retirement Plans Qualified in Form and the IRS Determination Letter Program Society of Louisiana CPAs 2006 Business & Industry Conference
September 2006	Coordinating Leaves of Absence: ADA, FMLA and Other Time Off Lorman Educational Services Elements of a Successful Human Resources Program in Louisiana
October 2005	COBRA: New Notice Requirements and Problem Areas McGlinchey Stafford Executive Briefing
August 2005	Complying With the New 409A Non-Qualified Deferred Compensation Rules LCPA Business & Industry Conference
July 2005	ERISA Disclosure & Claims Procedure Rules The Methodist Hospital's In-Service Training
June 2005	Complying With Section 409A Rules on Deferred Compensation: Don't Let Your Executives Get Burned Louisiana Society of Human Resource Managers
November 2004	HIPAA Privacy Loyola University New Orleans Annual Labor & Employment Law Seminar
October 2004	How to Avoid Fiduciary Breaches Under ERISA Association of Corporate Counsel's Louisiana Chapter and Loyola University School of Law - Corporate Attorneys and In-House Counsel.
September 2004	Use of Trusts in Non-Tax Estates: Creditor Protection, College Savings via Section 529 Plans, Use of Trusts for Retirement Accounts LSU Paul M. Hebert Law Center 32nd Annual Estate Planning Seminar
July 2004	HIPAA Privacy and Security Rules for Banks Louisiana Bankers Association's 2004 LBA Human Resources and Security Conference
June 2004	Implementing Plan Terminations Association of Employee Benefit Planners
March 2004	Severance Packages and ADEA Waivers McGlinchey Stafford Executive Briefing

News Results

- August 15, 2019 [Forty-two McGlinchey Stafford Attorneys Recognized in The Best Lawyers in America® 2020; Six Named "Lawyer of the Year"](#)
McGlinchey News Release
- April 25, 2019 [McGlinchey Stafford Receives Nationwide, State, and Individual Honors in Chambers USA 2019](#)
McGlinchey News Release
- November 1, 2018 [Five Attorneys Named to New Orleans Magazine's "Top Lawyers" 2018](#)
McGlinchey News Release
- August 15, 2018 [Thirty-nine McGlinchey Stafford Attorneys Recognized in The Best Lawyers in America® 2019; Four Receive "Lawyer of the Year" Honors](#)
McGlinchey News Release
- May 7, 2018 [McGlinchey Stafford Receives Nationwide, State, and Individual Honors in Chambers USA 2018](#)
McGlinchey News Release
- April 13, 2018 [Kathy Conklin Featured in CityBusiness' "Ones to Watch"](#)
New Orleans CityBusiness
- December 28, 2017 [Twenty-Six McGlinchey Stafford Attorneys Recognized in Louisiana Super Lawyers 2018](#)
McGlinchey News Release
- August 15, 2017 [Forty McGlinchey Stafford Attorneys Recognized in The Best Lawyers in America® 2018; Four Receive "Lawyer of the Year" Honors](#)
McGlinchey News Release
- May 26, 2017 [McGlinchey Stafford Receives Nationwide, State, and Individual Honors in Chambers USA 2017](#)
McGlinchey News Release
- December 23, 2016 [Twenty-Four McGlinchey Stafford Attorneys Recognized in Louisiana Super Lawyers 2017](#)
McGlinchey News Release
- August 15, 2016 [Forty-Three McGlinchey Stafford Attorneys Recognized in The Best Lawyers in America® 2017; Eight Named "Lawyer of the Year"](#)
McGlinchey News Release
- May 27, 2016 [McGlinchey Stafford Receives Nationwide, State, and Individual Honors in Chambers USA 2016](#)
McGlinchey News Release
- December 24, 2015 [Twenty-Six McGlinchey Stafford Attorneys Recognized in Louisiana Super Lawyers 2016](#)
McGlinchey News Release
- September 29, 2015 [Six Attorneys Named to New Orleans Magazine's "Top Lawyers" 2015](#)

	McGlinchey News Release
August 18, 2015	Forty-Two McGlinchey Stafford Attorneys Recognized in The Best Lawyers in America® 2016; Eight Named "Lawyer of the Year" McGlinchey News Release
May 28, 2015	McGlinchey Stafford Receives Nationwide Recognition in Chambers USA 2015 McGlinchey News Release
December 30, 2014	Twenty-three McGlinchey Stafford Attorneys Recognized by Louisiana Super Lawyers McGlinchey News Release
August 28, 2014	37 McGlinchey Stafford Attorneys Selected for Inclusion in The Best Lawyers in America 2015—Six Lawyers Named Lawyer of the Year McGlinchey News Release
June 11, 2014	Chambers USA Ranks McGlinchey Stafford Among Top Law Firms for 2014 McGlinchey News Release
January 2, 2014	2014 Louisiana Super Lawyers Magazine Recognizes Twenty-Six McGlinchey Stafford Attorneys McGlinchey News Release
August 20, 2013	36 McGlinchey Stafford Attorneys Listed as The Best Lawyers in America 2014 McGlinchey News Release
April 15, 2013	Sixteen McGlinchey Stafford Attorneys Selected by Chambers USA for 2013 McGlinchey News Release
January 2, 2013	Twenty-six McGlinchey Stafford Lawyers Recognized by Louisiana Super Lawyers McGlinchey News Release
August 31, 2012	36 McGlinchey Stafford Lawyers Named Best Lawyers in America 2013 McGlinchey News Release
May 23, 2012	Chambers USA Names 14 McGlinchey Attorneys as Leading Lawyers for Business in 2012 McGlinchey News Release
December 27, 2011	Twenty McGlinchey Attorneys Selected as 2012 Louisiana Super Lawyers
September 24, 2011	36 McGlinchey Stafford Lawyers Named Best Lawyers in America 2012
July 27, 2011	Chambers USA Ranks 7 Firm Practice Groups and 13 Individual Attorneys in 2011

- December 28, 2010 Super Lawyers Names 21 McGlinchey Attorneys in Ohio and Louisiana to its 2011 List
- September 2, 2010 30 McGlinchey Stafford Lawyers Named Best Lawyers in America 2011
- June 14, 2010 Eight Firm Practice Groups, 13 Individuals Earn Top Rankings in Chambers USA 2010
- August 25, 2009 McGlinchey Stafford is Home to 27 of the Best Lawyers in America 2010
- January 28, 2009 Nineteen Attorneys Named Louisiana and Ohio Super Lawyers 2009
- November 4, 2008 McGlinchey Stafford is Home to 26 of the Best Lawyers in America 2009