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PRACTICES

Executive Compensation
Qualified Plans

EDUCATION

J.D., The University of Michigan
Law School, *cum laude*, 1975

A.B., University of North
Carolina at Chapel Hill, *Phi Beta
Kappa*, 1971

C. Frederick Oliphant

SENIOR COUNSEL

Fred Oliphant has broad experience with nearly all types of employee benefits and executive compensation offered by Fortune 500 companies, focusing in particular on the federal tax aspects of such arrangements. Over the last 30 years, his practice has routinely involved representing clients before the Internal Revenue Service (IRS) and the U.S. Department of the Treasury.

A substantial part of his practice has focused on executive compensation arrangements, including stock option plans, performance and incentive plans, unfunded deferred compensation programs, supplemental retirement programs and the application to such arrangements of Internal Revenue Code Sections 409A, 162(m), 83, 422 and 423. In the area of tax-qualified retirement plans, Mr. Oliphant has had extensive experience with defined benefit plans, 401(k) savings plans and employee stock ownership plans (ESOPs). Mr. Oliphant has also advised clients with respect to other employee benefits, including cafeteria plans, voluntary employees' beneficiary associations (VEBAs), health plans and life insurance programs. Clients quoted by *Chambers* appreciate his "incredible amount of experience and knowledge."

Mr. Oliphant has been successful in representing clients under the IRS Employee Plans Compliance Resolution System (EPCRS) correction programs, and also is frequently called on to advise clients with respect to the application of the section 401(a)(4) nondiscrimination rules. His practice in the retirement plan area has also included obtaining non-bank custodian approvals for organizations seeking to be custodians of retirement plan assets.

Representative Engagements

- Obtained private letter ruling allowing section 420 transfers with respect to retirees taking lump sum distributions (PLR 201511044).
- Obtained private letter rulings allowing a defined benefit pension plan to offer a lump sum window to retirees in pay status (PLR 201228045, PLR201424031, PLR 201431034).
- Obtained favorable administrative scrutiny determinations by IRS with respect to separate lines of business under section 414(r).
- Provided advice on the application of Sections 409A and 162(m) to Fortune 500 companies, including the preparation of relevant documents.

Rankings and Recognition

- *Chambers USA*: Employee Benefits & Executive Compensation (District of Columbia), 2010 - 2022

- *The Best Lawyers in America*[®]: Employee Benefits (ERISA) Law, 1987 - 2021
- *Legal 500*: Labor & Employment: Employee Benefits, Executive Compensation, and Retirement Plans (Design and Transactional), 2010 - 2017; Leading Lawyer, 2012 - 2017; Hall of Fame, 2017, 2019 - 2020
- *Washington, DC Super Lawyers*[®]: Employee Benefits; Tax, 2010, 2013 - 2022
- DC Bar Capital Pro Bono High Honor Roll, 2016
- DC Bar Capital Pro Bono Honor Roll, 2013 - 2014
- *Who's Who in American Law*
- Charter Fellow, American College of Employee Benefits Counsel

Affiliations

- Editorial Advisor, *Journal of Pension Planning & Compliance*
- Member, Section of Taxation, American Bar Association

Admissions

STATE ADMISSIONS

- District of Columbia