



OF COUNSEL

Susan Neethling

She/Her

✉ susan.neethling@bbklaw.com

☎ (916) 296-5043 📍 Sacramento



Susan Neethling focuses on counseling governmental, church, nonprofit, and ERISA private sector clients in all aspects of retirement plan design, documentation, compliance, implementation, corrections and reporting and disclosure. She is a leading authority on issues concerning defined contribution, defined benefit pension, 403(b) and 457(b) plans.

Of counsel in Best Best & Krieger LLP's Employee Benefits & Executive Compensation practice group, Susan has 30 years of experience in the employee benefits consulting and legal field. Clients count on her for her hands-on approach, and Susan makes it a point to be available for the day-to-day issues and questions that arise regarding plan administration and compliance.

Susan's knowledgeable guidance during vendor selection for new plan advisors helps plan sponsors keep costs down. For example, her work for a governmental plan sponsor on a formal proposal and selection process for new plan advisors resulted in \$100,000 savings in annual plan costs. She also provides training on fiduciary duties, advises on fiduciary standards of care and strategies that limit fiduciary liability.

Susan assists with the following:

- Plan Administration - participant-directed, stable value fund, administrative service agreements,

CORE PRACTICES

Compensation & Benefits for Elected Officials

Constructive Receipt

Health & Welfare

Labor & Employment

Audits & Investigations

Pension Benefits

Public Agency Labor & Employment

Retired Annuitant Employment

Retiree Health & Other Post-Employment Benefits

Tax

Employee Benefits & Executive Compensation

group annuity, California fiduciary rules, recordkeeping agreements, investment, investment advisor, Brown Act and administrative committee plan administrator, 3(38)

- Governmental Welfare Plans - retiree health, HRA, 125, RHRA, cafeteria and post-employment benefits, PTO, vacation
- Governmental Retirement Plans - 401(a), 415(m), 457, 414(h), cost-sharing, deferred compensation, defined benefit pension and defined contribution, pick-ups, CalPERS, '37 Act, PEPRA
- Taxation - assignment of income, constructive receipt, hardship distribution, CARES Act, SECURE Act, Social Security, worker classification and independent contractor, replacement plan
- General - vested rights and trust agreements, California Rule,
- Church Plans - defined benefit pension, defined contribution, money purchase pension, priest pension, nonqualified, lay employees, 401(a) plans
- Private Sector Plans - cash balance, defined benefit pension, defined contribution, executive deferred compensation, multiple employer, multiemployer pension tax deferred annuity, and top hat plans and plan corrections, EPCRS, VCP, DFVCP and VFCP, 401(a), 401(k), 403(b)

EDUCATION & ADMISSIONS

Education

Stellenbosch University, South Africa, L.L.B.

Stellenbosch University, South Africa, B.A.

Bar Admissions

California

LANGUAGES

Afrikaans

English

Prior to joining BBK, Susan worked at Chang Ruthenberg & Long. Susan has also worked at several large employee benefits consulting firms.

Notable Experience

- Assisted a large public agency with negotiation of recordkeeping and administrative services agreements for its 457(b) and 401(a) plans and achieved a fair and reasonable allocation and balancing of respective obligations and potential liability.
- Advised employers on the adverse tax consequences and potential restructuring of certain paid time off and vacation policies, enabling them to avoid ongoing exposures to various taxes and penalties.
- Advised both private sector and public sector plan fiduciaries on ways to manage and control their fiduciary liability.
- Advised several religious organizations on plan design and administration issues in connection with the designation of beneficiaries under their non-ERISA plans.

- Helped several employers to analyze, design and implement retirement plans for targeted groups of employees, enabling the targeted employees to receive the tax advantages of a qualified retirement plan.
- Advised numerous public agencies on compliance with the Public Employees' Pension Reform Act of 2013.