HansonBridgett

Edward M. Bernard

Partner

EBernard@hansonbridgett.com
(415) 995-5807

Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

Firm Leadership

Employee Benefits Practice Leader

Areas of Focus

- Employee Benefits
- Employee Benefits Litigation

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Ed is the Employee Benefits Practice Leader and has been with Hanson Bridgett for 16 years. He has advised employers and employee benefit plans, both public and private, large and small, on all aspects of plan design, implementation, and administration, as well as on tax, regulatory, and fiduciary compliance for 20 years.

At previous firms, Ed counseled for-profit, tax-exempt, and governmental clients on complex employee benefit transactions as well as federal and state tax and regulatory compliance, including advising Taft-Hartley funds.

Before becoming a lawyer, Ed worked for more than 10 years as a consultant and plan administrator with a major mutual fund company, a bank, and an insurance company. This gives him unique hands-on experience administering employee benefit plans. In these roles, he designed, drafted, and administered qualified and 403(b) plans, performed nondiscrimination testing, and prepared and filed Forms 5500. As a result, Ed understands the practical as well as the legal complexities facing plans, plan sponsors, and fiduciaries.

Ed has extensive experience in both public and private qualified and nonqualified defined contribution and defined benefit plan design, implementation, administration and compliance, including designing top-hat supplemental executive retirement plans and 457(f) plans. In the health and welfare arena, he designs and drafts cafeteria plans, disability plans, HRAs and other retiree medical plans, and VEBA, 115 trust and

401(h) account funding vehicles. He also advises clients regarding ACA, HIPAA, and COBRA compliance.

In addition, Ed regularly advises clients on employment tax compliance, including advising public sector employers on Social Security coverage issues. Ed draws on this breadth of experience to help clients find creative and practical solutions to complex employee benefits issues.

Representative Work

Large public agency retirement program redesign. Advised client on options for redesigning its retirement benefit program to better suit demographics and organizational objectives in accordance with state and federal law, and led a team that coordinated and implemented the selected design.

IRS voluntary correction program. Represented clients before the IRS to resolve a broad range of complex qualified retirement plan issues, and successfully resolved an IRS qualified plan audit.

Taxation of fringe benefits. Advised clients on taxation matters, including paid-time off, leave-sharing programs, transportation benefits, reimbursements, service-related disability payments, and Employer Paid Member Contributions to a state retirement system.

Affordable Care Act. Advised on compliance and implementation of required tracking and reporting processes and procedures and helped resolve employer shared responsibility penalties.

Negotiation of benefit changes. Advised clients on negotiating benefit changes for represented employees in accordance with state and federal law.

Public employee Social Security coverage. Counseled public sector employers on obtaining Social Security coverage for their employees through the state's section 218 agreement modification process, including retroactive error modifications.

Large public agency pension reform unwind. Advised on associated state and federal tax law issues, assisted in bargaining negotiations, and drafted plan amendments and ordinances needed to implement agreed-upon resolution.

Publications

"IRS Issues 2026 Limits for Retirement Plans," co-author, Employee Benefits Legal Alert (November 2025)

"IRS Issues 2025 Limits for Retirement Plans," co-author, Employee Benefits Legal Alert (November 2024)

"IRS Issues 2024 Limits for Retirement Plans," co-author, Employee Benefits Legal Alert (November 2023)

"IRS Provides Additional Required Minimum Distribution Relief," Employee Benefits Legal Alert (July 2023)

"The IRS Issues Interim Guidance on SECURE 2.0 Act's EPCRS Expansion," Employee Benefits Insights & Analysis (May 2023)

"CalPERS Can't Apply Rule Limiting PERSability of Special Compensation To State Members, Court of Appeal Rules," co-author, Employee Benefits Legal Alert (March 2023)

"2023 Employee Benefits Update Materials," Employee Benefits Law Alert (February 2023)

"Worth the Wait? CalPERS Regulation Will Define 'Limited Duration' for Rehired Retirees," Employee Benefits Law Alert (December 2022)

"New CalPERS Focus on Social Security Coverage for Public Agency Employees," co-author, *CSDA Magazine* (March-April 2022)

"New Law Shifts Liability for Certain CalPERS Benefit Overpayments to Employers," Employee Benefits Law Alert (November 2021)

"DOL Issues Proposed Rule on ESG Investing," Employee Benefits Law Alert (July 2020)

"CalPERS Issues Guidance on Uniform Allowance Reporting," Employee Benefits Law Alert (November 2019)

"IRS Finalizes New Hardship Distribution Rules for 401(k) and 403(b) Plans," *Employee Benefits Alert* (October 2019)

"IRS Issues Guidance on Uncashed Distribution Checks," *Employee Benefits Alert* (October 2019)

"Court Upholds Plan Administrator's Interpretation in Recent ERISA Case," co-author, *Employee Benefits Law Alert* (September 2019)

"CalPERS Announces New Fees for Section 218 Agreements," co-author, *Employee Benefits Law Alert* (August 2019)

"Proposed Bill to Make Member Agencies Liable for JPA Pension Obligations," *Employee Benefits Alert* (May 2018)

"Compromise JPA Pension Liability Bill Ready for Governor's Signature," *Employee Benefits Alert* (September 2018)

Compromise JPA Pension Liability Bill Ready for Governor's Signature

Compromise JPA Pension Liability Bill Ready for Governor's Signature

"New ERISA Disability Benefit Claims and Appeals Rules Take Effect April 2, 2018," co-author, *Employee Benefits Alert* (March 2018)

"Hanson Bridgett Announces IRS Determination Letter Replacement Program," co-author, *Employee Benefits Alert* (March 2017)

"IRS Issues 401(k) Safe Harbor Hardship Distribution Substantiation Guidelines," co-author, *Employee Benefits Alert* (March 2017)

"Full ACA repeal faces several obstacles," co-author, *Daily Journal* (February 2017)

"Is the ACA Dead Yet? Not So Fast," co-author, *Employee Benefits Law Alert* (November 2016)

"New ACA Rules for HRAs, Flex Credits and Opt-Out Payments," co-author, *Employee Benefits Law Alert* (September 2016)

"Special District Executive Recruitment, Evaluation, and Compensation," *CA Special District Magazine* (August 2016)

"Is the QSERP Dead? Proposed Rules Target Individual Benefit Formulas," *Employee Benefits Law Alert* (February 2016)

"The End of an Era? IRS Considers Eliminating Periodic Determination Letter Process," co-author, *Employee Benefits Law Alert* (April 2015)

"IRS Releases New Guidance on Application of Windsor to Qualified Retirement Plans," co-author, *Employee Benefits Law Alert* (April 2014)

"IRS Announces COLAs to Qualified Plan Dollar Limits for 2012," *Employee Benefits Law Alert* (November 2011)

Presentations

"Hiring/ Recruitment/ Benefits," speaker, CALPELRA (November 2024)

Hanson Bridgett 2024 Annual Employee Benefits Update (February 2024)

Presenter and Moderator, Hanson Bridgett 2021 Annual Employee Benefits Update (February 2021)

"IRS Audit Focus On Public Agency Paid Leave Programs," presenter, CalPELRA Conference (December 2018)

"Employment Law and Human Resources Issues," AAPA Port Administration and Legal Issues Seminar (March 2017)

"Employee Benefits Update," co-speaker, Hanson Bridgett Employee Benefits Webinar (February 2017)

"Special District Executive Recruitment, Evaluation and Compensation Post-PEPRA," co-speaker, California Special Districts Association Annual Conference (October 2016)

"Flores v. City of San Gabriel," co-speaker, International Public Management Association for Human Resources, Northern California Chapter Meeting (September 2016)

"Employee Benefits Update," co-speaker, Hanson Bridgett Labor & Employment Seminar (January 2016)

"Labor & Employment – Key Updates for 2015," Hanson Bridgett Public Agency Roundtable Series (March 2015)

"Affordable Care Act Compliance in 2015 and Other Updates in Employee Benefits," co-presenter, Hanson Bridgett Labor & Employment Seminar (January 2015)

"Legal Update," Silicon Valley Fall Conference, Western Pension & Benefits Counsel (September 2014)

"Ignorance is Not Bliss ... Retirement Plan Best Practices for Managing Your Fiduciary Liability," co-presenter, LeadingAge California Annual Conference (May 2014)

"Pension Reform," co-speaker, County Payroll Managers Fall Meeting (September 2012)

Press

"Employer-Paid Abortion Travel Coverage Triggers Tax Consequences," *Bloomberg Law* (June 2022)

"IRS to halt issuing certain determination letters," *Pensions & Investments* (June 2015)

“Be Ready for More ACA Penalties,” *Society for Human Resource Management* (August 2018)

Professional Affiliations

American Bar Association

American Society of Pension Professionals & Actuaries

Western Pension & Benefits Conference

Education

J.D., University of the Pacific, McGeorge School of Law (2003)

B.A., Earlham College (1986)

Admissions and Courts

California