

# Rachel C. Shim

SHAREHOLDER

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Rachel Shim is a dedicated employee benefits and employment attorney, concentrating her practice on a wide spectrum of benefits laws and leave and employment laws. She works closely with small, medium and large multinational employers, guiding them through compliance issues related to retirement plans, health and welfare plans, executive compensation and employment matters. While Rachel assists clients with all of their benefit plan and general employment needs, Rachel has in-depth experience with the laws related to health and welfare plans, cafeteria plans, fringe benefit plans, flexible compensation programs, retiree health plans and voluntary employees' beneficiary associations (VEBAs). Rachel is also well versed on all laws related to leaves of absence and related benefits.

As part of her practice, Rachel regularly drafts plan documents and summary plan descriptions, advising clients on plan design strategies and innovations and addressing fiduciary responsibilities and income tax considerations. Rachel ensures compliance with key regulations, including the Internal Revenue Code (IRC), Employee Retirement Income Security Act (ERISA) and other relevant statutes governing employee benefit plans.

Rachel has extensive experience advising clients on complex health and welfare plan and employment issues, including issues related to compliance with the Patient Protection and Affordable Care Act (ACA), the Health Insurance Portability and Accountability Act (HIPAA), the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act, the Family and Medical Leave Act (FMLA) and the Consolidated Omnibus Budget Reconciliation Act (COBRA). She also assists clients in navigating state laws affecting health and welfare plan design and administration, including state sick and family leave laws, domestic partner coverage, continuation of coverage and mandated benefits. Rachel provides valuable counsel on ERISA pre-emption of state laws. Rachel also regularly works with clients on negotiating agreements with third-party administrators, insurance carriers and other service providers.

Beyond her legal practice, Rachel also regularly educates human resource professionals on compliance obligations under ERISA, IRC and related laws impacting health and welfare plans and leave programs. She has also represented clients before regulatory bodies such as the Internal Revenue Service (IRS) and the U.S. Department of Labor (DOL), handling voluntary correction program filings and benefit plan audits with

## Capabilities

- Employee Benefits & Executive Compensation

proficiency and insight.

## Education

- Georgetown University Law Center (J.D., *cum laude*)
- Bates College (B.A.)
  - Art History

## Bar Admissions

- Pennsylvania

## Recognition

- Ranked in *Chambers USA : America's Leading Business Lawyers*, Employee Benefits & Executive Compensation, 2023-2025

# Matters

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## Representative Benefit Plan Experience

- Helped the fourth-largest pharmaceutical company in the world redesign its retiree medical plan.
- Assisted a Fortune 500 company with the merger of its health and welfare programs into two plans, and prepared wrap plan documents and summary plan descriptions for same.
- Worked with a large health care company and its outside retirement plan vendor to prepare and submit a voluntary correction program filing with the Internal Revenue Service
- Worked with the independent trustee of a voluntary employee beneficiary association to understand the tax, withholding and reporting obligations of distributions being made due to termination of the trust.
- Advised a leading chemical and ingredient solutions provider on the implementation of a private health care exchange.
- Assisted a national leading security company with the preparation and distribution of summaries of benefits and coverage (SBC) as required by the Patient Protection and Affordable Care Act (ACA).
- Advised a large public institution on the ACA Shared Responsibility Payment requirements with regard to part-time employees and employees who take a leave of absence Assisted a large health care provider with the acquisition of various physician groups and the adoption of self-insured plans for each independent entity.
- Redesigned a health and welfare plan for a global pharmaceutical company, including the expansion of the types of expenses for which the assets held in certain voluntary employees' beneficiary association (VEBA) trusts can be used; and prepared a wrap plan document/summary plan description for same.

# Publications

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December 9, 2025

**New Year, New Dependent Care FSA Limits: Don't Forget to Amend Your Plan!**

July 18, 2025

**A Quick Look at Benefits and Executive Compensation Provisions in the One Big Beautiful Bill**

June 20, 2025

**Sixth Circuit Holds TPAs Do Not Get a Free Pass from ERISA's Fiduciary Duties**

May 20, 2025

**Pressing Pause: Federal Agencies Halt Enforcement of Mental Health Parity Rule**

February 2025

**2025 Health Care Reimbursement Newsletter**

April 28, 2023

**What ACA Preventive Care Ruling Means For Employers**

*Author, Law360*