



Alexandra Lugo

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Associate

Buffalo

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Education

- University at Buffalo School of Law, *Magna Cum Laude*, JD
- State University of New York at Fredonia, *Magna Cum Laude*, BA

Practices & Industries

- Employee Benefits
- Labor & Employment

Admitted to Practice

- New York

Biography

As a member of Barclay Damon's Employee Benefits and Labor & Employment Practice Areas, Alexandra possesses a unique blend of ERISA, employee benefits, and federal and state labor law experience. She has advised companies at all stages of development—from small businesses to Fortune 500 companies—on the local, state, and federal laws governing their employee benefit plans. Alexandra also has experience defending employment discrimination claims and assisting with workplace investigations of discrimination and harassment claims.

Alexandra concentrates her practice on advising leadership, human resources teams, and board members on litigation and liability risks associated with their employee benefit programs. She regularly advises for-profit and non-profit entities, insurers, and plan service providers on issues relating to ERISA, the Internal Revenue Code, COBRA, the Affordable Care Act (ACA), HIPAA, and state insurance laws. She counsels clients on how to minimize liability under these laws while providing the greatest benefits to plan participants and beneficiaries.

Alexandra routinely drafts employee benefit plan documents and summary plan descriptions, employee handbooks, employment agreements, severance agreements, employment policies and procedures, and counsels clients through communications with employees.

On behalf of her clients, Alexandra regularly negotiates contracts, including employee benefit plan administrative-service agreements and business-associate contracts. She also analyzes employee benefit plan compliance and transition planning issues in connection with corporate sales, mergers, and acquisitions.

Alexandra has represented plan sponsors and fiduciaries in connection with IRS and US Department of Labor investigations and enforcement matters. She has also defended clients against

claims before the Equal Employment Opportunity Commission (EEOC) and NYS Division of Human Rights.

Representative Experience

- Assisted a large university and medical center with the organization and restructuring of its complex benefit programs into a single, comprehensive ERISA welfare-benefits plan, and drafted a consolidated ERISA plan document and summary plan description.
- Assisted a large public company with establishing employee benefit plan policies and procedures to ensure compliance with the Affordable Care Act, HIPAA privacy and security, GINA, the Wellstone-Domenici Mental Health Parity Act, and various other laws that impact the implementation and administration of wellness, disease management, and smoker-cessation initiatives.
- Advised a regional health insurance carrier on state insurance law requirements applicable to group insurance policies.
- Advised the regional affiliate of a national health insurance carrier on data privacy and security laws.
- Served as outside employee benefits counsel to two regional insurance brokerage and consulting firms.
- Negotiated administrative service agreements and pharmacy benefit manager contracts to increase cost-savings under client's self-insured health plan.
- Assisted a pension plan sponsor and fiduciary with avoiding civil enforcement action arising from an alleged multiyear plan qualification failure. The matter was resolved through voluntary compliance and without penalty.
- Represented a school district consortium in seeking approval from the New York State Department of Financial Services to operate an Article 47 self-insured municipal health plan, and drafted the municipal cooperative agreement, health plan document, and summary plan description.
- Advised an association health plan regarding federal association health plan rules and state insurance law requirements.
- Served as outside employee benefits counsel to chamber of commerce, conducting a review of benefit plan vendors.
- Performed complete COBRA compliance review and drafted new COBRA notices designed to reduce litigation and liability risks, including best practice recommendations, for privately held manufacturing company.
- Obtained a no-cause finding from the Equal Employment Opportunity Commission (EEOC) in a sexual harassment, sex discrimination, and retaliation claim brought by a disgruntled employee against a residential treatment facility.

Prior Experience

- Nixon Peabody LLP, Associate
- Harter, Secrest, & Emery LLP, Associate
- Empire Justice Center, Disability Advocacy Program Legal Intern

Judicial Clerkships

- US Court of Appeals for the Second Circuit, Judge Richard Wesley

Selected Honors

- University at Buffalo School of Law, National Frederick Douglass Appellate Competition Best Practitioner Brief, 2014
- University at Buffalo School of Law, CALI Award: Constitutional Law I, 2012
- *The Best Lawyers in America*®: Ones to Watch: Labor and Employment Law – Management, 2021–2022

Selected Speaking Engagements

- Bonadio Not-for-Profit Educational Seminar, “Most Common Compliance Issues for Your Defined Contribution Plan”

Selected Media

- *Journal of Compensation and Benefits*, “COBRA Administration Issues Emerge During COVID-19 Outbreak Period”
- *Journal of Compensation and Benefits*, “Impact of COVID-19 on COBRA Litigation and Best Practices”
- *Journal of Compensation and Benefits*, “The SECURE Act: What Plan Sponsors Need to Know”
- *Buffalo Business First*, “Employers Have a Lot to Legally Consider in Starting a Wellness Program”

Selected Alerts & Blog Posts

- Urgent Action Items: Employers Must Offer 100 Percent COBRA Subsidy and New Enrollment Period Beginning April 1, 2021
- What Employers Can Expect Under the Biden Administration: Employee Benefits
- IRS Extends 2020 ACA Reporting Deadline

- Post-ARRA COBRA Litigation May Signal COBRA Lawsuits to Come
- New COVID-19 Guidance Extends Deadlines for Plan Participants and Provides Relief for Health and Welfare Plans