



Cornell University
ILR School
Labor and Employment Law Program

Bios

Multiemployer Pension Plans in Crisis: *Is the Composite Plan the Answer?*

Wednesday, June 29, 2016

Christopher J.G. Brockmeyer

Christopher Brockmeyer has been the Director of Employee Benefit Funds for the Broadway League, the national trade association for the Broadway theatre industry, since 2007. Mr. Brockmeyer serves as an employer-appointed trustee (in most cases as Co-Chair) on 11 multi-employer pension funds, seven health funds and four annuity/401(k) funds with over \$5.5 billion in assets, covering 120,000 current or future retirees and providing health care coverage for 24,000 employees (plus their dependents) in the entertainment industry.

Before arriving at the Broadway League, Mr. Brockmeyer was the Director of Labor Relations at Live Nation/Clear Channel Entertainment for seven years, administering all labor relations activities for the Company's 100+ North American venues, its music promoting business, its theatre presenting operations and its role as a commercial theatre producer. Previously, he spent nearly eight years working for the performers' unions, Actors' Equity Association (AEA) and the American Federation of Television and Radio Artists (AFTRA).

Mr. Brockmeyer serves on the Board of Directors of the National Coordinating Committee for Multiemployer Plans (NCCMP), a non-partisan organization based in Washington, DC dedicated to the advocacy of multiemployer plans through communication with government officials and members of Congress. He was actively involved in the development and passage of the Multiemployer Pension Reform Act of 2014 (MPRA). Mr. Brockmeyer is a regular speaker at investment and employee benefits conferences and was recently honored by *Institutional Investor* magazine with the *2014 Taft-Hartley Plan of the Year* award.

In addition to his work in the entertainment industry, Mr. Brockmeyer served a four-year term as a Councilman for the Town of North Salem in Westchester County, New York and currently serves on North Salem's Planning Board. He is also a trustee of the

North Salem Keeler Library and the North Salem Open Land Foundation.

Mr. Brockmeyer received his BA (Philosophy and History) from the University of Massachusetts at Amherst and his MA (Philosophy) from the New School in New York City.

Randy G. DeFrehn

Randy DeFrehn is the Executive Director National Coordinating Committee for Multiemployer Plans (NCCMP). In over 35 years of experience working with multiemployer plans, Mr. DeFrehn has served this community as an administrator of national pension and health benefit plans in the U.S. and Canada; an actuarial and benefits consultant; a registered investment advisor; and since 2000, as their lead advocate and chief spokesman on matters of public policy affecting multiemployer plans, participants and their sponsoring organizations. He has organized and coordinates the activities of the Multiemployer Pension Plans Coalition, a diverse group comprised of more than 60 organizations of employer associations, unions, large employers, plans and trade associations concerned with the ongoing viability of multiemployer plans and their sponsoring organizations. The Coalition was largely responsible for the enactment of the multiemployer provisions of the Pension Protection Act in 2006, the Worker, Retiree and Employer Relief Act of 2008, and the subsequent funding relief contained in the recently enacted Preservation of Access to Medicare and Pension Relief Act of 2010.

Mr. DeFrehn also provided leadership and coordinated with several employer groups in the community's successful opposition to the Financial Accounting Standards Board's ill-conceived exposure draft on the reporting of withdrawal liability for contributing employers.

On the health care front, Mr. DeFrehn was an active participant in discussions relating to the enactment of, and coordinates the multiemployer community's response to proposed regulations implementing, the Patient Protection and Affordable Care Act of 2010.

He has testified numerous times before committees of the United States House of Representative and Senate and the full range of administrative agencies with jurisdiction over multiemployer plans, and is often consulted by government officials and the press in the US, Canada and Europe interested in learning the multiemployer perspective on a variety of issues. He is frequently quoted in the mainstream and trade press and has appeared on CNBC's "The Kudlow Report" and MSNBC's "The Dylan Ratigan" show on issues regarding the funding of multiemployer defined benefit pension plans.

Mr. DeFrehn served as a delegate to the 2006 White House Savers' Summit and from 2007-2009, served a three-year term as a member of the Department of Labor's ERISA Advisory Council. Among other professional affiliations, Randy is currently a member of the Board of the Employee Benefit Research Institute (EBRI); a member of the Government Liaison Committee of the International Foundation of Employee Benefit Plans; a member of the Health Sector Assembly; and a co-founder of the International Consortium of Advocates for Worker Benefit Security, which brings together advocates for the advancement of multiemployer plans in North America and Europe.

Mr. DeFrehn received his Bachelor of Arts in Social Work from the University of Pittsburgh in 1974, and in 1981, received a Master of Arts in Industrial Relations from St. Francis University where he subsequently taught compensation and benefits administration at the graduate level.

Diane Gleave

Diane Gleave is a Senior Vice President and Actuary in the New York office of Segal Consulting and has extensive retirement consulting experience. As the New York Regional Manager, she is responsible for overseeing operations for the New York Region. Ms. Gleave is also a Regional Retirement Practice Leader.

In addition to her consulting and management responsibilities, Ms. Gleave performs actuarial valuations on behalf of plan sponsors, assists with PPA and MPRA certification/remedial plan efforts and works to navigate retirement plan issues with labor and management representatives engaged in the collective bargaining process. Ms. Gleave is the Enrolled Actuary for a number of national, regional and local multiemployer defined benefit plans as well as several single employer (union staff) plans, primarily in the building trades, trucking and entertainment industries.

Ms. Gleave received a BS cum laude in Mathematics from Hofstra University. She is an Associate of the Society of Actuaries, a Fellow of the Conference of Consulting Actuaries, a Member of the American Academy of Actuaries and an Enrolled Actuary.

Neal S. Schelberg

Neal Schelberg, a partner at Proskauer in the Labor & Employment Law Department and a member of the Employee Benefits, Executive Compensation & ERISA Litigation Group, is recognized nationally as a leading employee benefits lawyer. Neal was appointed by the U.S. Secretary of Labor to the Advisory Council on Employee Welfare and Pension Benefit Plans (the "ERISA Advisory Council"), where he served as Chair in 2014 and Vice Chair in 2013.

Neal is a prolific author and a highly regarded speaker on employee benefits law topics. He is a co-author of the *ERISA Fiduciary Answer Book*, a comprehensive text on employee benefits law, and "Same-Sex Marriage – The Evolving Landscape for

Employee Benefits,” a seminal law review article on the legal issues under ERISA of same-sex marriage. He has contributed chapters to leading texts on employee benefits, including “Arbitration of Benefit Disputes” (published in *Fiduciaries and Their Professional Advisors*) and “Legal Considerations of Real Estate Investment for Employee Benefit Plans” (published in *Trustees Handbook: A Basic Text on Labor Management Employee Benefit Plans*). Neal is a frequent lecturer for many organizations such as the International Foundation of Employee Benefit Plans, the Law Education Institute and the Practising Law Institute. He has also been quoted in numerous journals and periodicals.

Neal has been recognized as a leading employee benefits practitioner in Proskauer’s “Tier 1” rated Employee Benefits practice. *US Legal 500* cited Neal as being “one of a kind”, he is the only practitioner in the field I would select to brief a CEO or corporate board.”

As a member of Proskauer's Sports Law Group, Neal serves as benefits counsel to professional sports leagues, advising on employee benefit issues affecting professional athletes and other league and team personnel such as officials, general managers, coaches, scouts and trainers. He has provided benefits counsel to each of the major sports leagues in the U.S.—the National Hockey League, the National Basketball Association, Major League Baseball and the National Football League.

Neal serves as legal counsel to the boards of trustees of over 50 multiemployer and single employer pension and welfare benefit plans. He is recognized as a leading lawyer in the U.S. in the representation of financially troubled multiemployer pension plans. Neal provides legal counsel to various boards of trustees in industries such as wholesale and retail food and newspaper publishing, whose pension plans were terminated in mass withdrawals with unfunded pension benefits liabilities approaching \$1 billion. He represents the leading newspapers in New York, Boston and Philadelphia, advising them on their obligations under the dozens of multiemployer pension plans to which they contribute. He also advises several leading private equity funds with respect to their investments in companies that contribute to, and have withdrawn from, multiemployer pension plans.

Neal has been involved in the full spectrum of Proskauer's employee benefits practice, including drafting plan documents; qualifying plans with the IRS and ensuring their continued compliance with applicable statutes and regulations; and providing legal advice with respect to ERISA's requirements. He has also had extensive experience in the employee benefit aspects of purchases, sales, mergers, leveraged buyouts and other forms of business acquisitions, consolidations and reorganizations, and the formation of limited partnerships. He regularly structures, drafts and negotiates the employee benefit provisions in such transactions. Neal reviews and assesses the potential employee benefit liabilities and provides legal counsel on these and other benefit issues.

He also counsels plan sponsors with respect to mergers, spin-offs and asset transfers between employee benefit plans, and provides legal advice to benefit plan clients and their sponsors on a variety of investment transactions, including those in traditional asset classes, as well as alternative investment vehicles such as commingled real estate funds, hedge funds and private equity funds.

Early in his career, Neal served as an attorney in the Office of the General Counsel of the Pension Benefit Guaranty Corporation. He has taught courses in the Certified Employee Benefits Specialist program at New York University and has lectured on employee benefits law at Fordham University Law School.

Gary A. Thayer

Gary Thayer is Of Counsel at Archer, Byington, Glennon & Levine LLP. He is Counsel to multiemployer employee benefit funds on all aspects of regulatory and fiduciary compliance. Aside from the counsel he provides involving the daily issues that arise during the course of operating a fund, he also counsels Trustees and Fund Administrators on plan design, investments, service provider retention, Qualified Domestic Relations Orders and employee benefit fund taxation. Mr. Thayer also represents clients during all phases of investigations by the Internal Revenue Service and U.S. Department of Labor.

Gary Thayer was previously employed as an Investigator for the U.S. Department of Labor, Employee Benefits Security Administration. He examined employee benefit plan documents to determine their compliance with ERISA, DOL Regulations, and other civil and criminal statutes. He advised plan fiduciaries regarding their statutory responsibilities under ERISA and successfully worked alongside the U.S. Attorneys Office and U.S. Solicitor of Labor to prosecute individuals charged with fiduciary misconduct, resulting in two Secretary of Labor Exceptional Achievement Awards.

Mr. Thayer was recently appointed by the U.S. Secretary of Labor for a three-year term to the ERISA Advisory Council on Employee Welfare and Pension Benefit Plans. Mr. Thayer represents employee organizations.

Mr. Thayer is a frequent guest lecturer at Hofstra University on topics involving ERISA and employee benefits law. He has also been the featured speaker before various committees of the Nassau County Bar Association and the New York State Bar Association regarding new developments involving HIPAA, Pension Reform and the Patient Protection and Affordable Care Act.

He also worked as a law clerk for the New York State Attorney General, Medicaid Fraud Control Unit, helping prevent the waste, fraud and abuse of Medicaid subsidies.

Mr. Thayer earned his J.D. at St. John's University Law School and his B.A. at the University of Delaware.