

# Kate Ulrich Saracene

*Partner, Chair, Employee Benefits and Executive Compensation, and Deputy General Counsel*

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## Practices

FOCUS: Employee Benefits and Executive Compensation

Employment Litigation and Counseling

Health and Welfare and Fringe Benefit Plan Compliance, Administration and Funding

Litigation

Privacy, Data and Cybersecurity

Retirement Plan Governance, Investment and Asset Management

Transactional Tax Planning

Kate Saracene speaks HR. Having spent a dozen years as a human resources and labor relations professional at Xerox, she knows what it's like to walk in her clients' shoes. Clients count on her to assist them throughout the life cycle of the employment relationship, from hiring to firing and everything in between. But Kate's national reputation was built on her deep knowledge of health and welfare employee benefit plans, third-party benefits administration and multiple employer health plan arrangements. She is the leader of the firm's Employee Benefits and Executive Compensation practice.

## Education

JD, Yale Law School

BS, Cornell University

## Bar Admissions

New York

Illinois

## Court Admissions

US District Court, Western District of New York

US District Court, Northern District of New York

## Where benefits and employment law intersect

Kate's in-house background gives her valuable insight into day-to-day benefits and employment issues. Human resources managers are often faced with issues that cross over different areas of law, including labor and employment, ERISA, tax and state insurance laws. Kate is adept at untangling the issues that arise at the intersection of these differing mandates. If an employee becomes disabled, for instance, she can help the employer to navigate questions around private disability insurance, state temporary disability benefits, federal Social Security Disability insurance, accommodations under the Americans with Disabilities Act, protections under a collective bargaining agreement and time off under the Family and Medical Leave Act and state leave laws. Wellness programs, another area of focus for Kate, can require compliance with nine different federal laws that overlap the areas of labor and employment, ERISA, tax and privacy regulations.

Kate is known nationally as a thought leader in the area of health and welfare plan benefits. She regularly helps clients that sponsor, insure or administer health and welfare and fringe benefit plans, including group health plans, flexible spending accounts, dependent care assistance programs and paid family leave. Kate assists with everything from plan design and strategy to day-to-day administration. For example, when an insurer/third-party administrator developed new health and wellness products for employer

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groups, Kate helped design the products, set up sales and operational procedures, and draft customer materials. Kate often assists industry associations and municipalities with the formation and operation of multiple employer health plan arrangements, and assists employers with large health plan projects, like the establishment of on-site medical clinics. Her advice on such initiatives is designed to be both practical and efficient for the clients implementing them.

## Recognitions

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*Recognized or listed in the following:*

- *The Legal 500 United States*
  - Recommended Attorney, 2019
- *Crain's New York Business*
  - Notable Women in Law, 2022

## News

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- Katten Represents Buyer Group in Majority Stake Purchase of Charlotte Hornets (September 6, 2023)
- Katten Expands Employee Benefits Practice With New ERISA Partner (February 9, 2023)
- Partner Kate Ulrich Saracene Named to 2022 'Notable Women in Law' List by *Crain's New York Business* (December 27, 2021)
- Coronavirus (COVID-19) Resource Center (November 10, 2021)
- Katten Attorneys Help Drive \$3.2 Billion US Car Dealership Deal (October 6, 2021)

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- Kate Ulrich Saracene Discusses the Importance of Career Flexibility With *The Glass Hammer* (January 14, 2020)
- Katten Grows Employee Benefits Practice with Mitchel Pahl (January 7, 2020)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)
- Kate Saracene Featured in Law360 (December 7, 2017)
- Katten Adds to Its Employee Benefits Practice With Addition of Partner Kate Ulrich Saracene (November 27, 2017)

## Publications

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- Q&A – FTC Rule Banning Non-Competes With Workers (April 25, 2024)
- Women on the Move 2023: Navigating the Path to Your Success (December 2023)
- See Katten's Model Clawback Policy as Mandatory Rules Take Effect (October 2, 2023)
- Capital Markets Update in Brief (February 15, 2023)
- *Capital Markets Compass* | Issue 5 (February 15, 2023)
- FTC Proposes Rule Banning Non-Competes With Workers (January 18, 2023)
- Privacy and Employment Issues for New York Schools: Are You Prepared for a Switch to More Remote Learning? (October 2, 2020)
- Privacy for Schools: Key eLearning Considerations (May 20, 2020)
- The CARES Act Stimulus Bill: Tax Changes to Improve Liquidity for Businesses, Assist Employers and Stimulate the Economy (April 6, 2020)
- Congress CARES About Employee Benefits (April 3, 2020)

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- The Code to the Rescue! Leveraging the Internal Revenue Code to Help Employees During the COVID-19 Crisis (March 31, 2020)
- The CARES Act From a Health CARE Perspective (March 30, 2020)
- COVID-19 Considerations for Employers (March 23, 2020)
- COVID-19: Families First Coronavirus Response Act (March 20, 2020)
- Industry Regulators Implement Big Changes to Support Telehealth During COVID-19 (March 20, 2020)
- Fast Approaching Deadlines for Sexual Harassment Prevention Training By Employers Under New York State and New York City Laws (September 19, 2019)
- Are Your Qualified and Nonqualified Employee Benefit Plans in Compliance With the New ERISA Disability Claims Regulations? (March 14, 2018)
- Issues for Compensation Committees to Consider When Grappling With Changes to 162(m) and the Death of the Performance-Based Compensation Exemption (January 18, 2018)
- New York's Family Leave Act Differs in Key Respects From Federal Law (August 25, 2017)
- Nextpert: Affordable Care Act Reporting Deadlines Draw Near (February 27, 2016)
- ACA: Health Insurance Exchanges and the Future of COBRA (June 18, 2014)
- What's New With the Affordable Care Act? (August 2013)
- ACA Checkup Can Help Keep Firm Healthy (April 8, 2013)
- What To Look for in Health Care Reform Mandates Next January (March 15, 2013)

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## **Presentations and Events**

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- Women on the Move 2023: Navigating the Path to Your Success (October 18, 2023) | *Panelist* | *Redefining Success*
- Emerging Privacy Law Issues for Schools in 2020 (July 7, 2020) | *Facilitator*
- Employment Law, Benefits and Related Tax Developments to COVID-19 (March 26, 2020) | *Speaker*
- Compliance Guidance and Enforcement Updates for Patient Assistance and Drug Manufacturer Discount Programs (October 9, 2019) | *Presenter*
- How to Stay Compliant During the Healthcare Reform Storm | Mid-Sized Retirement and Healthcare Plan Management Conference (September 17–20, 2017) | *Presenter* | *Employee Wellness Programs: What Employers Need To Know To Comply With the New Regulations* | *Choosing the Right Account-Based Health Plans: Tricks, Traps and Tradeoffs of FSAs, HSAs and HRAs* | *Pre Conference Tutorial: Fiduciary Obligations Under ERISA*
- The Uncertain Future of the ACA: What's Next for Employers? | Mindfulness as a Path to Wellness | Mid-Sized Retirement and Healthcare Plan Management Conference (June 14–17, 2017) | *Presenter* | *Employee Wellness Programs: What Employers Need To Know To Comply With the New Regulations* | *Choosing the Right Account-Based Health Plans: Tricks, Traps and Tradeoffs of FSAs, HSAs and HRAs*
- Rewarding Healthy Behaviors Forum–World Congress (February 7–8, 2017) | *Co-Presenter* | *EEOC Status Update on Wellness Program Regulations*