

PARTNER

## Isabel C. Safie

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📍 Ontario



Best Best & Krieger LLP Partner Isabel Safie is a versatile attorney, whose practice focuses on employee benefits, including issues related to pensions and other post-employment benefits, as well as tax, with a focus on employment, income and excise taxes, and tax-exempt entities.

### Employee Benefits

Isabel regularly counsels public and private sector clients on the design of employee benefit programs and issues presented by the retirement programs and welfare benefit plans they establish and maintain for their employees. She counsels clients on applicable tax requirements as well as fiduciary obligations under ERISA and state and local pension laws.

Isabel also works with public employers to identify their options, to modify or reduce the costs of pension and retiree health benefits under California's "vested rights" doctrine. She works closely with CalPERS member agencies on a variety of issues, including helping them to understand the distinction between a common law employee and an independent contractor, and to comply with the rules on employing CalPERS retirees under PEPRA and the Public Employees' Retirement Law. In addition, Isabel has substantial experience in designing tax-favored funding vehicles for post-retirement benefits and health benefits, such as Section 115 trusts, VEBAs, Section 125 cafeteria plans and health reimbursement arrangements for both private and public employers.

She has followed the trajectory of the Affordable Care Act since its adoption in 2010 and has counseled public and private clients on compliance with the various elements of the ACA that apply to employers. This experience has placed her in a position to guide her clients through the uncertainty that has been created around the ACA through the efforts to repeal and replace, or otherwise undermine, the ACA.

### Tax Compliance

Isabel's tax work primarily focuses on issues relating to compliance with federal, state and local laws applicable to pension and health and welfare plans, tax-exempt entities and employment, income and excise taxes.

Isabel regularly works with employers to navigate the often complicated

## CORE PRACTICES

Employee Benefits & Executive Compensation

Tax

Audits & Investigations

Compensation & Benefits for Elected Officials

Constructive Receipt

Pension Benefits

Health Care

Health & Welfare

Retired Annuitant Employment

Retiree Health & Other Post-Employment Benefits

Education Law

Municipal Law

Special Districts

and time consuming audits performed by the IRS, Employment Development Department, Board of Equalization and CalPERS. Her long-standing relationships with representatives of those agencies has proven fruitful for her clients. Her experience covers a vast array of tax compliance areas including pension and health and welfare plans, employment, income and excise taxes, and tax-exempt organizations. In particular, her familiarity with the Public Employees' Retirement Law and CalPERS procedures has allowed her to work closely with CalPERS contracting agencies to conduct internal audits to minimize adverse findings from CalPERS.

Aside from the design and qualification issues associated with pension and health and welfare benefits, there are a variety of tax implications associated with these employee benefits. Isabel is well versed on the application of, and exemption from, the constructive receipt and assignment of income doctrines that can result in substantial liabilities. She understands the elements that must be present to distinguish between nontaxable, pre-tax, tax-deferred and taxable benefits and can guide clients to outcomes that avoid unintended tax liabilities.

Her experience in the tax-exempt area includes providing advice and assistance regarding the formation and exemption of nonprofits, governance issues, conflict of interest matters and charitable giving. She also provides general corporate counsel to tax-exempt entities, whether it be related to local, state or federal tax issues, or general corporate work including drafting or reviewing governance documents, employment agreements and conflict of interest policies.

### Associations

Isabel serves on the board of directors for Quest Scholars Program, a nonprofit organization working to ensure that the nation's most talented under-served students have access to the top universities in the United States. She is a member of the Riverside County Bar Association, the San Bernardino County Bar Association and the American Bar Association. Isabel is a graduate of Leadership Riverside. She is fluent in Spanish.

### Accolades

- Martindale-Hubbell® Platinum Client Champion Award, 2023
- Top Labor & Employment Lawyer, *Daily Journal*, 2018
- *Diversity Journal* Women Worth Watching, 2017
- *Southern California Super Lawyers Rising Stars*, Employee Benefits, 2015-2018

## Thought Leadership

### Publications

- "Right to Purchase 'Airtime' is Not a Vested Right," *Daily Journal*, Mar. 7, 2019
- "It Could be a While Before We Get a Vested Pension Rights Answers," *Daily Journal*, Jan. 22, 2018
- "A Right to Future (Reasonable) Pension Benefits," *Daily Journal*, Aug. 31, 2016
- "King v. Burwell: The Supreme Court Prevents Millions of People from Losing Health Insurance," *BBKnowledge*, July 9, 2015
- "CalPERS' Concern With Detroit Bankruptcy is Misplaced," *Daily Journal*, May 22, 2014
- "Play-or-Pay Reprieve for Some Employers," *Riverside Press-Enterprise*, Mar. 23, 2014

## EDUCATION & ADMISSIONS

### Education

University of California, Los Angeles  
School of Law, J.D.

Stanford University, B.A.

### Bar Admissions

California

- “Bankrupt San Bernardino is Tackling Pension Obligations Head-On,” *BBKnowledge*, Feb. 21, 2014
- “MyRA Will Offer Retirement Accounts to Employees Without Access Through Employers,” *BBKnowledge*, Feb. 6, 2014

## Presentations

- “The Definitive Session on Pensions: LAFCo's Two-fold Responsibility to Take Care of Its Own and Review Agencies,” The California Association of Local Agency Formation Commissions Annual Conference, Oct. 20, 2022
- “CalPERS Top Audit Issues: Disallowed Compensation and MOUs,” California Public Employees' Retirement System Webinar, Oct. 13, 2022
- “Implications of SB 278,” County Counsel's Association of California Employment Law Spring Study Section Meeting, Feb. 25, 2022
- “Annual Labor & Employment Update,” BBK Webinar, Dec. 10, 2020
- vThe Role of Retirees in the COVID-19 Response,” California Special Districts Association Webinar, Apr. 9, 2020
- “Peeling Back the Layers: Understanding Pension and OPEB Obligations,” CSDA Workshop, California Special Districts Association, Dec. 12, 2019
- “Annual Labor & Employment Update,” BBK Webinar, Dec. 10, 2019
- “CALPELRASparks/Evaluation-Discipline: Performance Improvement Plans: Making Them Work,” California Public Employers Labor Relations Association Annual Training Conference, Nov. 22, 2019
- “Essential Communications for Every Special District,” CSDA Workshop, California Special Districts Association, Oct. 30, 2019
- “Annual Labor & Employment Update,” BBK Webinar, Dec. 13, 2018
- “The Art of Reducing OPEB Liabilities,” BBK Municipal Law Webinar Series, Oct. 19, 2018
- “Out-of-Court Restructuring,” BBK Avoiding Municipal Bankruptcy Series, Oct. 16, 2018
- “Ignorance is Not Bliss: Avoiding CalPERS Pitfalls and Unintended Liability”, PELRAC Annual Conference, Oct. 11, 2018
- “Pension Costs and Financial Pressure,” BBK Avoiding Municipal Bankruptcy Series, Sept. 18, 2018
- “Update on Pension Litigation,” BBK Webinar, July 19, 2018
- “Legal Update: Is the California Rule in Flux?” BBK's The Bill is Due: Now What? Infrastructure, Pensions and the Environment Premier Event, Apr. 24, 2018
- “Perspectives: The Practical Effects of Today's Pension Programs,” BBK's The Bill is Due: Now What? Infrastructure, Pensions and the Environment Premier Event, Apr. 24, 2018
- “In 115 We Trust,” California Society of Municipal Finance Officers' Conference, Feb. 22, 2018
- “Labor & Employment Law: What Changed in 2017,” BBK Webinar, Jan. 9, 2018
- “Public Sector Benefits 2017: Big Ticket Items You Need to Plan For,” Pun Group Accounting Conference, Aug. 8, 2017
- “CalPERS Pension liabilities: trends, Budget Considerations, and Planning for the Future,” KPMG Advisory institute Webinar, June 19, 2017
- “BBK Annual Labor & Employment Update 2018,” BBK Seminar, Jan. 18, 2018
- “Labor & Employment Update,” BBK Seminar, Jan. 11, 2017
- “ACA Implementation: What Comes Next?,” California Public Employers Labor Relations Association's Annual Training Conference, Nov. 2, 2016
- “Navigating the CalPERS Audit,” California Special Districts Association Annual Conference, Oct. 12, 2016

- “Reducing Pension and OPEB Costs,” League of California Cities’ Annual Conference, Oct. 6, 2016
- “CALPERS and PEPRA,” Independent Cities Association's Winter Seminar, Jan. 30, 2016
- “Navigating a CALPERS Audit: The Triggers, Insights and Resolutions,” California Public Employers Labor Relations Association Annual Conference, Oct. 21, 2015
- “BBK Labor & Employment Webinar: Affordable Care Act,” BBK Webinar, June 27, 2013
- “Health Care Reform: The Eight-Month Countdown,” CSUSB, Apr. 25, 2013
- “Comprehensive Pension Reform is Here, Now What?,” CSDA Annual Conference, Sept. 25, 2012