

**RESOLUTION NO. 38 - 2017**

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**RESCIND AND REPLACE RESOLUTION NO. 13-2002 REVISING AUTHORIZATION FOR WEST CHESTER TOWNSHIP TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR EMPLOYEES OF WEST CHESTER TOWNSHIP, EXCLUDING ELECTED OFFICIALS, PURSUANT TO O.R.C. SECTION 414(H)(2) AND DECLARING AN EMERGENCY AND DISPENSING WITH THE SECOND READING**

**WHEREAS**, pursuant to federal and Ohio laws, the West Chester Township Board of Trustees adopted Resolution No. 13-2002 on April 9, 2002 authorizing that effective March 31, 2002, the full amount of the statutorily required contributions to the Ohio Public Employees Retirement System (OPERS) shall be withheld from the gross pay of West Chester Township employees who are or become contributing members of OPERS, withstanding the approval of applicable collective bargaining units and appropriate modifications to their contracts; and

**WHEREAS**, at the time of approval, Resolution No. 13-2002 authorized West Chester Township employee contributions to OPERS to be withheld on a pre-tax basis. While all other employee contributions were updated to be withheld on a pre-tax basis subsequent to Resolution No. 13-2002, elected officials mistakenly continued to contribute on an after-tax basis.

**WHEREAS**, West Chester Township was notified by OPERS that this error could be corrected by adopting a resolution reiterating the OPERS pre-tax contributions for employees and specifically excluding elected officials as of the date first effective, March 31, 2002; and adopting a second resolution specifically naming elected officials as beneficiaries of this practice effective January 1, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, the West Chester Township Board of Trustees does hereby agree that:

**SECTION 1:** Effective March 31, 2002, the full amount of the statutorily required contributions to the OPERS shall be withheld from the gross pay of each person within any of the classes established in SECTION 2 herein and shall be “picked up” (assumed and paid to the OPERS) by West Chester Township. This “pick up” by West Chester Township is, and shall be designated as public employee contributions and shall be in lieu of contributions to the OPERS by each person within any of the classes established in SECTION 2 herein. No person subject to this “pick up” shall have the option of choosing to receive the statutorily required contribution to the OPERS directly instead of having it “picked up” by West Chester Township or of being excluded from the “pick up”.

West Chester Township shall, in reporting and making remittance to the OPERS, report that the public employees contribution for each person subject to this “pick up” has been made as provided by the statute.

**SECTION 2:** The “pick up” by West Chester Township provided by this Resolution shall apply to all persons that:

are employees of West Chester Township, excluding elected officials, who are, or become contributing members of the OPERS; withstanding the approval of

applicable collective bargaining units and appropriate modifications to their contracts.

**SECTION 3:** West Chester Township's method of payment of salary to employees who are participants in OPERS is hereby modified as follows, in order to provide for a salary reduction pick-up of employee contributions to OPERS:

**SECTION 4:** The total salary for each employee shall be the salary otherwise payable under the Township policies. Such total salary of each employee shall be payable by West Chester Township in two parts: (a) deferred salary and (b) cash salary. An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time to time by OPERS to be paid as an employee contribution by that employee, and shall be paid by West Chester Township to OPERS on behalf of that employee as a pick-up and in lieu of the OPERS employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total salary less the amount of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. West Chester Township shall compute and remit its employer contributions to OPERS based upon an employee's total salary. The total combined expenditures of West Chester Township for such employees' total salaries payable under applicable Township policies and the pick-up provisions of this Resolution shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

**SECTION 5:** The Fiscal Officer is hereby authorized and directed to implement the provisions of this Resolution to institute the "pick up" of the statutorily required contributions to the OPERS for those persons reflected in SECTION 2 herein so as to enable them to obtain the result in federal and state tax deferments and other benefits as soon as possible.

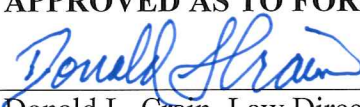
**This resolution shall be adopted as an emergency necessary for the immediate preservation of the public peace, health, safety, or welfare of the community.**


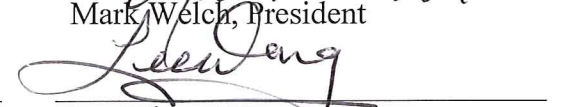
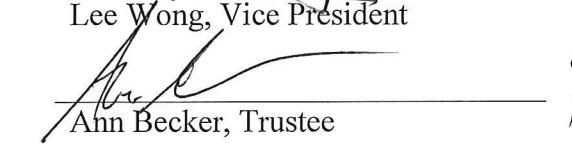
Adopted this 19<sup>th</sup> day of December, 2017.

ATTEST:

  
\_\_\_\_\_  
Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Donald L. Crain, Law Director

 _____ Mark Welch, President	<u>YES</u> Yes/No
 _____ Lee Wong, Vice President	<u>Yes</u> Yes/No
 _____ Ann Becker, Trustee	<u>Yes</u> Yes/No