

TITLE

RESOLUTION THAT THE CITY OF WARREN WILL PICK UP THE  
STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO  
PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE  
EMPLOYEES OF THE CITY OF WARREN PURSUANT TO  
INTERNAL REVENUE CODE SECTION 414(h)(2).

RESOLUTION NO. 4681/2021

WHEREAS, pursuant to federal and Ohio laws, the federal and state income taxes on a portion of the wages or salaries of the employees of the City of Warren will be deferred if City of Warren “picks up” (assumes and pays) the contributions statutorily required to be made by such elected officials and covered employees to Ohio Public Employees Retirement System (OPERS); and

WHEREAS, the City of Warren will not incur any additional costs in the picking up of such contributions.

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

**SECTION 1:** Effective upon the date of emergency passage, and/or passage following three readings of council in the normal course, the full amount of the statutorily required employee contributions to 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 OPERS) by the City of Warren. This “pick up” by the City of Warren shall be designated as public employee contributions and shall be in lieu of contributions to 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 OPERS directly instead of having it “picked up” by the City of Warren or of being excluded from the “pick up”. The City of Warren shall, in reporting and making remittance to OPERS, report that the public employees contribution for each person subject to this “pick up” has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.

**SECTION 2:** The “pick up” by the City of Warren provided by this ordinance shall apply to all persons that are employees of the City of Warren who are or become contributing members of OPERS.

**SECTION 3:** The City of Warren’s method of payment of salary to employees who are participants in OPERS is hereby modified as provided in Section 4, 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 City of Warren policies. Such total salary of each employee shall be payable by the City of Warren 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 the City of Warren 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. The City of Warren shall compute and remit its employer contributions to OPERS based upon an employee's total salary. The total combined expenditures of the City of Warren for such employees' total salaries payable under applicable City of Warren 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 treasurer and/or the clerk are hereby authorized and directed to implement the provisions of this ordinance to institute the "pick up" of the statutorily required contributions to OPERS for those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and state tax deferrals.

Passed in Council this 14TH day of JULY 2021.

SIGNED: [Signature] ATTEST: [Signature]  
PRESIDENT OF COUNCIL CLERK

FILED WITH THE MAYOR: 7-14-2021

DATE APPROVED: 7-14-2021

[Signature]  
MAYOR, CITY OF WARREN, OHIO