



## Legislation Details (With Text)

**File #:** 0971-2015      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 3/31/2015      **In control:** Administration Committee

**On agenda:** 4/20/2015      **Final action:** 4/22/2015

**Title:** To comply with OPERS requirements regarding Recognition of Pick-up of Contributions, for employees covered by the Management Compensation Plan, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/22/2015	1	CITY CLERK	Attest	
4/21/2015	1	ACTING MAYOR	Signed	
4/20/2015	1	COUNCIL PRESIDENT	Signed	
4/20/2015	1	Columbus City Council	Approved	Pass

This ordinance is necessary for the City of Columbus to comply with Ohio Public Employees Retirement System (OPERS) requirements regarding Recognition of Pick-Up of Employee Contributions, to aid in the proper recognition of employer "pick-up" (or pre-tax) contributions pursuant to Internal Revenue Code 414(h)(2).

To comply with OPERS requirements regarding Recognition of Pick-up of Contributions, for employees covered by the Management Compensation Plan, and to declare an emergency.

WHEREAS, employees covered by the Management Compensation Plan are contributing members of OPERS; and

WHEREAS, the City of Columbus has previously adopted a pick-up plan for employees covered by the Management Compensation Plan and who are contributing members of OPERS; and

WHEREAS, OPERS has requirements for reporting changes to pick-up contribution plans pursuant to Internal Revenue Code 414(h)(2); and

WHEREAS, the City of Columbus wishes to change its prior ordinance in order to continue the pick-up under the OPERS requirements; and

WHEREAS, passage of this ordinance reaffirms Columbus City Council acceptance of the pick-up changes as identified in ordinance #0064-2014,

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to comply with OPERS requirements regarding Recognition of Pick-up of Contributions, to aid in the proper recognition of employer "pick-up" (or pre-tax) contributions thereby preserving the public health, peace, property, safety and welfare; now, therefore:

BE IT ORDAINED BY THE OF THE CITY OF COLUMBUS:

**SECTION 1:** Effective April 26, 2015, the full amount of the statutorily required employee contributions to OPERS shall be withheld from the gross pay of each person within the class established in Section 2 herein and shall be “picked up” (assumed and paid to OPERS) by the City of Columbus. This “pick up” by the City of Columbus shall be designated as public employee contributions and shall be in lieu of contributions to OPERS by each person within the class 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 Columbus or of being excluded from the “pick up”. The City of Columbus 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 Columbus provided by this ordinance shall apply to all persons that are employees of the City of Columbus who are covered by the Management Compensation Plan and who were hired on or after January 1, 2010 and who are contributing members of OPERS.

**SECTION 3:** The City of Columbus 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 City of Columbus policies. Such total salary of each employee shall be payable by the City of Columbus 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 Columbus 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 Columbus shall compute and remit its employer contributions to OPERS based upon an employee’s total salary. The total combined expenditures of the City of Columbus for such employees’ total salaries payable under applicable City of Columbus 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 City of Columbus Auditor is hereby authorized and directed to implement the provisions of this ordinance to change a portion of 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 deferments.

**SECTION 6:** Passage of this ordinance reaffirms Columbus City Council acceptance of the changes as identified in ordinance # 0064-2014.

**SECTION 7:** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves or vetoes the same.