

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2012-0033

Sponsored by: <b>Council Executive FitzGerald/Fiscal Officer</b>	<b>An Ordinance</b> authorizing adoption of the statutorily required contribution to Ohio Public Employees Retirement System for employees in various classifications of Cuyahoga County pursuant to Internal Revenue Code Section 414(H)(2), and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, pursuant to federal and Ohio laws, the federal and state income taxes on a portion of the wages or salaries of the employees in the classifications of Deputy Sheriff Sergeants, Deputy Sheriffs, and Deputy Lieutenants of Cuyahoga County will be deferred if Cuyahoga County “picks up” (assumes and pays) the contributions statutorily required by such elected officials and covered employees to the Ohio Public Employees Retirement System (“OPERS”); and,

WHEREAS, Cuyahoga County will not incur any additional costs in the picking up of such contributions; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

### **NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the Cuyahoga County Council hereby authorizes that effective January 1, ~~2012~~**2013**, 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 Cuyahoga County. This “pick up” by Cuyahoga County 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 Cuyahoga County or of being excluded from the “pick up.” Cuyahoga County 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 Cuyahoga County provided by this ordinance shall apply to all persons that are employees in the classifications of Deputy Sheriff Sergeants, Deputy Sheriffs, and Deputy Lieutenants of Cuyahoga County who are or become contributing members of OPERS.

**SECTION 3.** Cuyahoga County’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 Cuyahoga County policies. Such total salary of each employee shall be payable by Cuyahoga County 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 Cuyahoga County 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. Cuyahoga County shall compute and remit its employer contributions to OPERS based upon an employee’s total salary. The total combined expenditures of Cuyahoga County for such employees’ total salaries payable under applicable Cuyahoga County 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 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 deferments.

**SECTION 6.** It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of a County entity. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

**SECTION 7.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Conwell, seconded by Mr. Brady, the foregoing Ordinance was duly enacted.

Yeas: Miller, Brady, Germana, Gallagher, Schron, Conwell, Rogers, Simon, Greenspan and Connally

Nays: None

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: November 13, 2012  
Committee(s) Assigned: Human Resources, Appointments & Equity

Technical, non-substantive change made by Clerk at request of Law Director:  
December 14, 2012

Journal CC008  
December 11, 2012