

**TOOELE COUNTY  
RESOLUTION 2020-10**

**A RESOLUTION DECLARING THAT TOOELE COUNTY WILL PICK UP AND PAY A PORTION OF THE REQUIRED EMPLOYEE CONTRIBUTIONS FOR ALL COUNTY EMPLOYEES WHO ARE MEMBERS OF THE NEW PUBLIC SAFETY TIER II CONTRIBUTORY RETIREMENT SYSTEM**

**WHEREAS**, on July 1, 2020, the benefits provided to employees participating in Utah's Public Safety Tier II Contributory Retirement System will change pursuant to enhancements made during the 2020 General Legislative Session of the State of Utah; and

**WHEREAS**, the cost of the benefit change includes a required cost increase to the County (currently 2% but subject to change each year) and a cost to the employee (currently 2.27% but subject to change each year); and

**WHEREAS**, in accordance with federal and state law, including Section 414(h)(2) of the Internal Revenue Code, employers may take formal action to pick up required employee contributions, which will be paid by the employer in lieu of employee contributions; and,

**WHEREAS**, many public safety agencies, including the State of Utah, have announced their intention to pick up all or a portion of the required employee contributions for the Public Safety Tier II Contributory Retirement System; and

**WHEREAS**, Tooele County desires to formally announce its intention to pick up the employee contributions required to be paid under UCA Subsection 49-23-301(2)(c), as enacted in S.B. 56, Public Safety and Firefighter Tier II Retirement Enhancements (2020 General Session), for all County employees participating in the New Public Safety Contributory Retirement System.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that:**

1. Beginning July 1, 2020, the County will pick up and pay the required employee contributions for Tooele County employees who are members of the New Public Safety Tier II Contributory Retirement System. The approved pick up amount is subject to a maximum of 2.75% of compensation for each employee. This provision allows for future percentage increases up to this designated amount. Additional percentage increases will require approval of an updated resolution.

2. The picked-up contributions paid by Tooele County, even though designated as employee contributions for Utah state law purposes, are being paid on behalf of employees in lieu of the required employee contributions.

3. The picked-up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Utah Retirement System, so that the contributions are treated as employer contributions pursuant to UCA Section 414(h)(2) of the Internal Revenue Code.

4. The picked-up contributions are supplemental and not a salary reduction to the Tooele County employees who are eligible for and participating members in the New Public Safety Tier II Contributory Retirement System.

5. From and after the date of this pick up, a Tooele County employee may not have a cash or deferred election right with respect to the designated employee contributions, including that the employees may not be permitted to opt out of the pick up and may not be entitled to any

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option of choosing to receive the contributed amounts directly instead of having them paid by Tooele County on behalf of its employees to the Utah Retirement Systems.

6. This Resolution is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele County.

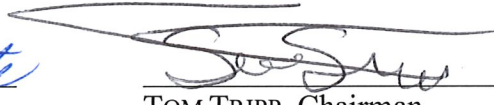
**EFFECTIVE DATE:** This resolution shall take effect immediately upon passage.

**DATED** this 17<sup>th</sup> day of July 2020.

**ATTEST:**


**TOOELE COUNTY COMMISSION:**

  
Marilyn K. Gillette, Clerk

  
Tom Tripp, Chairman



**APPROVED AS TO FORM:**

  
SCOTT A. BROADHEAD  
Tooele County Attorney

Commissioner Milne voted aye  
Commissioner Thomas voted aye  
Commissioner Tripp voted aye