

**RESOLUTION NUMBER 2003 – 6**

**AUTHORIZATION FOR THE PORT OF GREATER CINCINNATI  
DEVELOPMENT AUTHORITY TO PICK UP THE STATUTORILY  
REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES  
RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES OF THE  
PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY  
PURSUANT TO I.R.C. SECTION 414(H)(2).**

WHEREAS, pursuant to federal and Ohio laws the employees of the Port of Greater Cincinnati Development Authority could defer the federal and state income taxes on a portion of their wages or salaries if the Port of Greater Cincinnati Development Authority would “pick up” (assume and pay ) the statutorily required contribution by such elected officials and covered employees to the Public Employees Retirement System of Ohio; and

WHEREAS, the Port of Greater Cincinnati Development Authority will not incur any additional costs in the deferment of federal and state income taxes.

NOW THEREFORE BE IT RESOLVED BY THE PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY, OHIO THAT:

Section 1: Effective March 6, 2003 the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio 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 Public Employees Retirement System of Ohio) by the Port of Greater Cincinnati Development Authority. This “pick up” by the Port of Greater Cincinnati Development Authority is and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio 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 Public Employees Retirement System of Ohio directly instead of having it “picked up” by the Port of Greater Cincinnati Development Authority or being excluded from the “pick up”.

The Port of Greater Cincinnati Development Authority shall in reporting and making remittance to the Public Employees Retirement System of Ohio 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 the Port of Greater Cincinnati Development Authority provided by this ordinance shall apply to all persons that:

Are employees of the Port of Greater Cincinnati Development Authority who are or becoming contributing members of the Public Employees Retirement System of Ohio.

Section 3: The Port of Greater Cincinnati Development Authority method of payment of salary to employees who are participants in PERS is hereby modified as follows, in order to provide for salary reduction pick-up of employee contributions to PERS.

Section 4: The total salary for each employee shall be the salary otherwise payable under the Port of Greater Cincinnati Development Authority policies. Such total salary of each employee shall be payable by the Port of Greater Cincinnati Development Authority 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 PERS to be paid as an employee contribution by that employee, and shall be paid to the Port of Greater Cincinnati Development Authority to PERS on behalf of that employee as a pick-up and in lieu of the PERS 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 Port of Greater Cincinnati Development Authority shall compute and remit its employer contributions to PERS based upon an employee's total salary. The total combined expenditures of the Port of Greater Cincinnati Development Authority for such employee's total salaries payable under applicable the Port of Greater Cincinnati Development Authority 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 being in effect.

Section 5: The Chairman and or the President are hereby authorized and directed to implement the provisions of this Resolution to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in Section 2 herein so as to enable them to obtain the results in federal and state tax deferrals and other benefits.

Adopted: March 6, 2003

Yeas: 13

\_\_\_\_\_  
Chairperson

Nays: 0

Attest: \_\_\_\_\_  
Secretary