

WASATCH COUNTY FIRE DISTRICT
Resolution 24-02

**RESOLUTION Authorizing Utah County Pick Up of Public Safety
and Firefighter Employee Retirement Contributions**

WHEREAS, in 2020, the Utah State Legislature passed SB 56, which modifies Utah Code Ann. § 49-23-301 to allow participating employers, under the Tier II Hybrid Retirement System Part of the New Public Safety and Firefighter Tier II Contributory Retirement Act, to elect to pay all or part of the required employee member contribution on behalf of the employee as an employer pick up under 26 U.S.C. Sec. 414(h)(2), the Internal Revenue Code; and

WHEREAS, SB 56 also modifies Utah Code Ann. § 49-23-401 to require employers who make the election under § 49-23-301 to also make additional non-elective contributions for employees who are covered under the Tier II Defined Contribution Plan Part of the New Public Safety and Firefighter Tier II Contributory Retirement Act, at the same percentage rate as the payments under § 49-23-301; and

WHEREAS, Wasatch Fire District intends to formally pick up the employee contributions as specified and required by SB 56 for all Wasatch Fire District employees participating in the New Public Safety and Firefighter Tier II Contributory Retirement System.

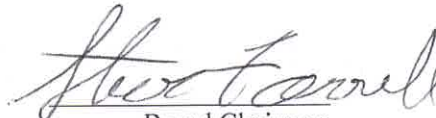
NOW, THEREFORE, be it hereby resolved by the Wasatch Fire District Board of Commission, that pursuant to Utah Code Ann. §§ 49-23-301 and 49-23-401, and in satisfaction of the requirements outlined in IRS Revenue Ruling 2006-43, Wasatch Fire District hereby formally agrees to pay 100% of the required employee member contributions for employees covered by the Tier II Hybrid Retirement System Part of the New Public Safety and Firefighter Tier II Contributory Retirement Act and to make non-elective contributions to the defined contribution plans of employees who are covered under the Tier II Defined Contribution Plan Part of the New Public Safety and Firefighter Tier II Contributory Retirement Act, at the same percentage rate as the payments for those in the Tier II Hybrid Retirement System. Although these contributions are designated as employee contributions, they will be paid by Wasatch Fire District, as the employer, in lieu of employee contributions. Employees will not be allowed to opt out of these employer payments, or to receive the payments directly, or to have a cash or deferred election right. The picked-up contributions are a supplement and not a salary reduction to the county employees who are eligible for and participating members in the New Public Safety and Firefighter Tier II Contributory Retirement System. The provisions of this resolution will take effect July 14, 2024 and will remain in effect until superseded or revoked by the Board of County Commissioners or by a change in the law.

APPROVED AND ADOPTED this 11th day of June 2024.

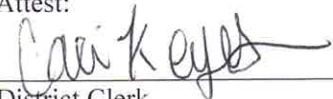
BY THE BOARD OF COUNTY COMMISSIONERS, WASATCH COUNTY, UTAH

By:

Luke Searle
Steve Farrell
Erik Rowland
Kendall Crittenden
Mark Nelson
Karl McMillan
Spencer Park


Board Chairman
Wasatch County Fire District

Attest:


District Clerk



Utah Retirement Systems
PO Box 1590
Salt Lake City, UT 84110-1590
801-366-7318 | 800-753-7318
www.urs.org

Employer Election To Pick-Up Member Contributions Tier 2 Public Safety and Firefighter Contributory System

Instructions:

1. This form is designed to notify URS of an Employer's formal election to pick-up Member retirement contributions for Tier 2 Public Safety and Firefighter Employees.
2. This form and accompanying documentation must be returned to URS for processing.
3. A pick-up election is subject to federal law, resulting in tax and legal consequences, including limitations about the ability to modify or revoke the election. For information regarding employer pick-up contributions, please refer to federal law and guidance, including Internal Revenue Code Section 414 and IRS Revenue Ruling 2006-43. If you would like to update the *Employer Election to Pick-Up Member Contributions* form on file for your Tier 2 Public Safety and Firefighter employees, please input the total amount you are electing to pick-up. By submitting this information, it will amend your previous election, and it cannot be less than the previous pick-up amount.
4. An Employer should consult its legal, financial, and tax advisors if it has any questions concerning the consequences of Member contribution pick-ups and submitting this form.

SECTION A » EMPLOYER INFORMATION

Employer Name Wasatch County Fire District	Employer Number 232	Date 5/23/2024
Desired Effective Date: <u>July 2, 2024</u> (The effective date must be after the date that the pick-up election was formally adopted as provided in the attached documentation.)		

SECTION B » PICK-UP AMOUNT(S)

The above-named Employer certifies that it has taken formal action to provide that the contributions on behalf of its covered employees in the following URS System, although designated as employee contributions, will be paid by the employer in lieu of employee contributions. (Check the box and fill in the portion of employee contributions picked-up for each class of employees below.)

Please also attach written documentation to this form that provides evidence that the Employer formally elected to prospectively pick-up specified employee contributions. (For example, ordinance, resolution, governing body meeting minutes, etc.)

Note: If you are picking-up contributions for public safety, and firefighter employees, check all the boxes

- ☐ Tier 2 Public Safety and Firefighter Contributory Retirement System, with the following pick-up election that will be paid by the Employer in lieu of employee contributions for members serving as a **Public Safety Officer**:
- ☐ _____ % of salary. (*e.g., 4.73% of salary)
- ☒ Tier 2 Public Safety and Firefighter Contributory Retirement System, with the following pick-up election that will be paid by the Employer in lieu of employee contributions for members serving as a **Firefighter**:
- ☐ 4.73% % of salary. (*e.g., 4.73% of salary)

*These amounts are the required Member Contribution Rates effective July 1, 2024. Employers are not required to pay the full Member Contribution rate and may pick up a percentage of salary. The percentages included by the Employer may not exceed the required Member Contribution rate and cannot be less than the amount previously picked-up by the Employer.

SECTION C » CERTIFICATION AND SIGNATURE

I acknowledge, certify and understand the following:

- » I represent and have the authority to sign and submit this form on behalf of the Employer;
- » The Employer has taken all appropriate and necessary actions to make a formal Employer pick-up regarding employee contributions on behalf of its employees;
- » The election to pay for the Employee contributions shall constitute an Employer pick-up of designated contributions pursuant to Internal Revenue Code Section 414(h);
- » From and after the date of the pick-up election, an Employee may not: 1) have a cash or deferred election right with respect to designated Employee contributions; 2) be permitted to opt out of the pick-up; or 3) have the option of choosing to receive or receiving the contributed amounts directly instead of having them paid by the Employer to the specified system/plan;
- » In order for contributions to be considered paid by the employer, and therefore not subject to Social Security and Medicare tax (FICA), the Employer contributions: 1) Must be mandatory for all Employees covered by the retirement system; and 2) Must be a salary supplement and not a salary reduction—in other words, the Employer must not reduce employee salary to offset the amount designated as employee contributions;
- » Future modifications to this Employer election may be disallowed or limited;
- » The election authorized to be taken by the foregoing is not contrary to any governing provisions of the Employer;
- » I understand that URS is not providing the Employer legal, financial, or tax advice relating to making a "pick-up" election or submitting this form;
- » The information provided on this form and attached documentation is correct and can be relied upon by URS; and
- » I agree that the Employer will indemnify URS from and against any claims or other liability including attorney fees based upon the Employer's failure to comply with pick-up election requirements.

Printed Name of Employer Representative (Binding Official) Steve Farrell	Signature of Binding Official 	Title District Board Chair
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