**CalPERS ID:**

**RESOLUTION TO TAX DEFER MEMBER PAID CONTRIBUTIONS –**

**IRC 414(H)(2) EMPLOYER PICK-UP**

WHEREAS, the (Name of Agency) has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, the Board of Administration of the California Public Employees’ Retirement System (CalPERS) adopted its resolution re section 414(h)(2) IRC on September 18, 1985; and

WHEREAS, the Internal Revenue Service has stated in December 1985, that the implementation of the provisions of section 414(h)(2) IRC pursuant to the Resolution of the Board of Administration would satisfy the legal requirements of section 414(h)(2) IRC; and

WHEREAS, the (Name of Agency) has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to(Membership Category OR Goup or Class) who are members of the CalPERS:

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the (Name of Agency) will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to California Government Code Section 20691 to the CalPERS on behalf of all its employees or all its employees in a recognized group or class of employment who are members of CalPERS. “Employee contributions” shall mean those contributions to CalPERS which are deducted from the salary of employees and are credited to individual employee’s accounts pursuant to California Government Code section 20691.
2. That the contributions made by the (Name of Agency) to CalPERS, although designated as employee contributions, are being paid by the (Name of Agency) in lieu of contributions by the employees who are members of CalPERS.
3. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the (Name of Agency) to CalPERS.
4. The (Name of Agency) shall pay to CalPERS the contributions designated as employee contributions from the same source of funds as used in paying salary.
5. That the amount of the contributions designated as employee contributions and paid by the (Name of Agency) to CalPERS on behalf of an employee shall be the entire contribution required of the employee by CalPERS (California Government Code sections 20000, et seq.).
6. That the contributions designated as employee contributions made by (Name of Agency) to CalPERS shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by CalPERS.

**PASSED AND ADOPTED** by the governing body of the (Name of Agency) this (Day of Month e.g. 1st, 2nd, 3rd...) day of (Month), (Year).

BY \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Signature of Official)

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(Title of Official)