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ORDINANCE NO. 2011 – 16

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.13 – PICKUP OF CONTRIBUTIONS TO PERS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS BY THE ADDITION OF SUBSECTION (g); REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to federal and Ohio laws, the City of Willoughby Hills may offset future salary increases and “pick up” (assume and pay) the contributions statutorily required by such elected officials and employees of the *City, County and Waste Paper Drivers Union Local 244, International Brotherhood of Teamsters* to the Ohio Public Employees Retirement System (OPERS) and such individuals will not be required to pay federal and state income taxes on such contributions; and

WHEREAS, pursuant to the terms and conditions as identified and outlined in the “*Agreement between the City of Willoughby Hills and City, County and Waste Paper Drivers Union, Local 244, IBT, 2011-2013*”, Section **35.4** states that the City will pick up 1% of the employee’s contribution to their retirement fund (OPERS Fund) for the duration of the contract beginning with the first payroll following ratification of the contract.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The existing **Section 157.13 – Pickup of Contributions to PERS** of the Codified Ordinances of the City of Willoughby Hills is hereby amended by the inclusion of **subsection (g)** to read and provide in its entirety as follows:

“(g) Effective April 1, 2011, the Council has determined to pick-up all of the ten percent (10%) of the statutorily required employee contributions to OPERS as a fringe benefit by the City for all persons that are employees of the City, County, and Waste Paper Drivers Union Local 244, International Brotherhood of Teamsters of the City of Willoughby Hills; nine percent (9%) through payroll reduction and one percent (1%) by paying the contributions on behalf of said employee. This “pick up” by the City of Willoughby Hills shall be designated as public employee contributions and shall be in lieu of contributions to OPERS by each person that are employees of the City, County, and Waste Paper Drivers Union Local 244, International Brotherhood of Teamsters of the City of Willoughby Hills. 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 the City of Willoughby Hills or of being excluded from the “pick up”. The City of Willoughby Hills 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.

The “pick up” by the City of Willoughby Hills provided by this ordinance shall apply to all persons that are employees of the City, County and Waste Paper Drivers Union Local 244, International Brotherhood of Teamsters of the City of Willoughby Hills who are or become contributing members of OPERS.

Under the fringe-benefit method of employer pick up, salary is not modified; however, the employer will pay ten percent (10%) of the employees' statutorily required contribution to OPERS; nine percent (9%) through payroll reduction and one percent (1%) by paying the contributions on behalf of each employee of the City County and Waste Paper Drivers Union Local 244, International Brotherhood of Teamsters of the City of Willoughby Hills..

The Finance Director and/or the Assistant Finance Director are 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 identified and reflected herein so as to enable them to have their employee contributions paid by their employer."

SECTION 2. All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.


SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

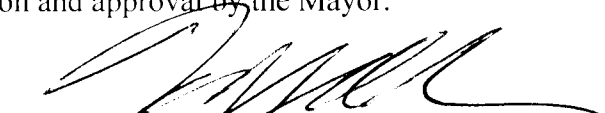
SECTION 4. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of the Service Department, and further provides for the City to be in compliance with the terms of the "*Agreement between the City of Willoughby Hills and the City, County and Waste Paper Drivers Union Local, 244, IBT, effective January 1, 2011 to December 31, 2013*"; to insure the orderly and uninterrupted efficient operations of the City; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: March 24, 2011

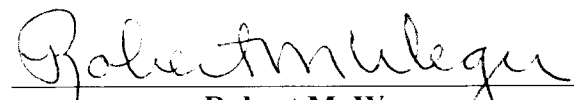
Submitted to the Mayor for his approval
on this 24 day of March, 2011

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor
March 24, 2011


Robert M. Weger
Mayor