



## Ohio Administrative Code

### Rule 742-7-14 Recognition of pick-up of contributions.

Effective: December 19, 2010

---

(A) For reporting and tax purposes, the Ohio police and fire pension fund ("OP&F") will recognize any payment of a member's contributions under section 742.32 of the Revised Code or amounts designated by the member's employer for the purchase of service credit by payroll deduction with picked-up contributions if the member's employer has adopted and filed with OP&F a resolution authorizing the deduction and payment of contributions or service credit purchases for its employees with amounts designated as picked-up contributions under section 414(h)(2) of the Internal Revenue Code, in such form approved by OP&F's board of trustees, including an effective date (the "approved resolution"). The resolution must be filed at least thirty days prior to submitting contributions to OP&F as picked-up.

(B) The employer's reporting requirement under section 742.32 of the Revised Code shall also include the reporting of picked-up contributions consistent with the terms of this rule.

(C) To be compliant for reporting purposes under section 742.32 of the Revised Code and rule 742-9-10 of the Administrative Code, the employer must meet the following criteria:

(1) Timely file with OP&F a resolution authorizing the payment of contributions or purchase of service credit for its employees with amounts designated as picked-up contributions under section 414(h)(2) of the Internal Revenue Code in accordance with the deadline outlined in paragraph (A) of this rule;

(2) Timely report the amount of picked-up contributions by member as part of section 742.32 of the Revised Code and rule 742-9-10 of the Administrative Code and consistent with the applicable approved resolution on file with and approved by OP&F;

(3) Timely file a separate resolution for police and fire and then by unit/division, if applicable, or clearly outline the pick-up by unit/division;



(4) Timely file any changes to any approved resolution, which needs to be reviewed and approved by OP&F as if it were an originally-filed approved resolution;

(D) Applicable penalties and interest will apply for employers who fail to:

(1) Timely file a resolution for picked-up contributions with OP&F in accordance with the deadlines of this rule; and

(2) Timely report picked-up contributions under section 742.32 of the Revised Code.

(E) If OP&F receives an employer report under rule 742-9-10 of the Administrative Code that does not conform to the resolution on file with OP&F, OP&F shall send a written notice to the employer of the non-conforming nature of the resolution or reporting and allow the employer to have an opportunity to take corrective actions noted in the notice within thirty days of OP&F's written notice. OP&F shall not assess further penalties and interest under section 742.35 of the Revised Code until the expiration of this grace period for those employers who fail to take the corrective action noted by OP&F's written notice.

(F) For those employers who file an approved resolution and report contributions as picked-up, but fail to provide an effective date, this shall not be deemed to be non-compliant. In this case, the effective date will be the date of authorized signature or other supporting documentation provided by the employer, which is acceptable to OP&F.

(G) The requirements of this rule shall also apply to any changes or modifications to picked-up contributions and they will be treated as if they are a new resolution.