

**THE STATE BAR OF CALIFORNIA
BOARD OF TRUSTEES
RESOLUTION
January 702
January 12, 2013**

**Resolution to Tax Defer Member Paid Contributions – IRC 414(h)(2)
Employer Pick-Up**

WHEREAS, the governing body of the THE STATE BAR OF CALIFORNIA has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, THE STATE BAR OF CALIFORNIA 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 all employees who are members of the California Public Employees' Retirement System:

NOW, THEREFORE, BE IT RESOLVED:

I. That the THE STATE BAR OF CALIFORNIA implements the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to California Government Code Section 20691 to the California Public Employees' Retirement System on behalf of all its employees who are members of the California Public Employees Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code section 20691. This is applicable back to 2004 when this was first negotiated by the union and shall continue until ended.

II. That the contributions made by the THE STATE BAR OF CALIFORNIA to the California Public Employees' Retirement System, although designated as employee contributions, are being paid by the THE STATE BAR OF CALIFORNIA in lieu of contributions by the employees who are members of the California Public Employees' Retirement System, and have been since negotiated with Service Employees International Union in 2004.

III. That employees do not have the option of choosing to receive the contributed amounts directly instead of having them paid by the THE STATE BAR OF CALIFORNIA to the California Public Employees' Retirement System.

IV. That THE STATE BAR OF CALIFORNIA shall pay to the California Public Employees' Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary, and have done so since 2004.

V. That the amount of the contributions designated as employee contributions and paid by THE STATE BAR OF CALIFORNIA to the California Public Employees' Retirement System on behalf of an employee shall be the entire contribution required of the employee by the California Public Employees' Retirement Law (California Government Code Sections 20000, et seq.).

VI. That the contributions designated as employee contributions made by THE STATE BAR OF CALIFORNIA to the California Public Employees' Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the California Public Employees' Retirement System.

PASSED AND ADOPTED by the governing body of THE STATE BAR OF CALIFORNIA
this 12th day of January, 2013, to be effective since January 1, 2004.
BY

Robert Hawley
Deput Executive Director
Employee Relations Officer

RETURN ADDRESS:

The State Bar of California
180 Howard Street
San Francisco, CA 94105

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RESOLUTION TO TAX DEFER MEMBER PAID CONTRIBUTIONS - **IRC 414(h)(2)**
Approved by: _____
Title: _____