



# Twin Ridges Home Study Charter School

Providing Personalized Learning for K-8 Students Since 1978

## Resolution # 2021-01-129

### **Authorization to Approve CalSTRS Employer Pick-Up of Member Contributions (EMPC)**

WHEREAS, Twin Ridges Home Study Charter School has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, the Teachers' Retirement Board of the California State Teachers' Retirement System (CalSTRS) adopted its resolution of IRC section 414(h)(2) on May 17, 1985; and

WHEREAS, the IRS has stated on August 27, 1985, that the implementation of the provisions of IRC 414(h)(2) pursuant to the resolution of the Teachers' Retirement Board would satisfy the legal requirements of IRC section 414(h)(2); and

WHEREAS, Twin Ridges Home Study Charter School has determined that even though the implementation of the provisions of IRC section 414(h)(2) is not required by law, the tax benefit offered by IRC section 414(h)(2) should be provided to its employees who are members of CalSTRS.

NOW, THEREFORE, BE IT RESOLVED:

- I. That Twin Ridges Home Study Charter School will implement the provisions of IRC section 414(h)(2) by making employee contributions to CalSTRS on behalf of its employees who are members of CalSTRS. "Employee Contributions" shall mean those contributions to CalSTRS which are deducted from the salary of employees and are credited to individual employees' accounts.
- II. That the contributions made by Twin Ridges Home Study Charter School to CalSTRS, although designated as employee contributions, are being paid by Twin Ridges Home Study Charter School in lieu of contributions by the employees who are members of CalSTRS.
- III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by Twin Ridges Home Study Charter School to CalSTRS.
- IV. That Twin Ridges Home Study Charter School shall pay to CalSTRS the contributions designated as employee contributions from the same source of funds as used in paying salary.
- V. That the amount of the contributions designated as employee contributions are paid by Twin Ridges Home Study Charter School to CalSTRS on behalf of an employee shall be

the entire contribution required of the Teachers' Retirement Law (California Education Code sections 22000 et seq.)

- VI. That the contributions designated as employee contributions made by Twin Ridges Home Study Charter School to CalSTRS shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by CalSTRS.
- VII. That Twin Ridges Home Study Charter School shall make no contributions designated as employee contributions until CalSTRS has developed and implemented procedures for administering the provisions of IRC section 414(h)(2) and until CalSTRS has officially notified Twin Ridges Home Study Charter School that it will accept contributions pursuant to IRC section 414(h)(2).
- VIII. NOW, THEREFORE, BE IT ALSO RESOLVED that this resolution is effective immediately and supersedes all previous authorizations and will be in effect until further notice.

PASSED AND ADOPTED on \_\_\_\_\_, at the regular meeting of the Charter Council by the following vote:

Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absences: \_\_\_\_\_ Abstentions: \_\_\_\_\_

I certify that the foregoing Resolution was duly introduced, passed and adopted as stated.

\_\_\_\_\_  
Charter Council Chair

ATTESTED:

I hereby certify this to a full and correct copy of a Resolution duly adopted by the Charter Council of the Twin Ridges Home Study Charter School.

\_\_\_\_\_  
Secretary to the Council

\_\_\_\_\_  
Date