EMPLOYER
REMINDER
Information and tips to aid administrators in standard IMRF procedures.

IMRF funds and Social Security levies

Occasionally, IMRF audits identify employers improperly using funds from the IMRF levy to pay Social Security contributions. ***This practice is prohibited by law and can result in serious consequences for the employer***.

The IMRF tax levy is unlike certain other funds, such as a general fund, where resources may be transferred to meet budgetary needs. The Illinois Pension Code specifically states that revenue from the tax levy shall be used only for employer IMRF contributions and ***may not*** be transferred for any other use, including board-paid IMRF member contributions or IMRF member Early Retirement Incentive (ERI). This ensures that the employer adequately funds its IMRF pension obligations.

IMRF funds <u>cannot</u> be used to pay Social Security contributions

Generally, when an employer has been identified as diverting IMRF funds to other expenditures, the funds have been used to pay Social Security contributions.

However, by law the employer ***may NOT***:

- Use funds from the IMRF levy to make Social Security contributions.
- Use the same levy to tax for IMRF and Social Security costs.

If an employer uses IMRF monies to make Social Security contributions, the employer will be forced to reimburse its IMRF fund. This might require diverting monies earmarked for other essential services to reimburse the IMRF fund.

For more information

Please forward this *Reminder* to the person in your organization who oversees the IMRF tax levy.

For further details on the IMRF tax levy, refer to Section 7-171 of the Illinois Pension Code (40 ILCS 5/7-171). Employers may also review Section 7.25 ("Tax Levy for Employer Contributions") of IMRF's *Manual for Authorized Agents* for additional information.

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