



CYPEN & CYPEN
NEWSLETTER
for
DECEMBER 31, 2015

Copyright, 1996-2015, all rights reserved
Stephen H. Cypen, Esq., Editor

Never Forget September 11, 2001

and

Always Remember May 2, 2011

1. ARBITRATION PANEL EXCEEDED ITS AUTHORITY BY ADDRESSING ISSUES NOT PROPERLY BEFORE PANEL: June 30, 2009 marked the expiration of the collective bargaining agreement between Appellee, City of Philadelphia, and Appellant, Michael G. Lutz Lodge No. 5 of the Fraternal Order of Police, which is the exclusive collective bargaining representative for the bargaining unit of Philadelphia police officers. After negotiations to reach a successor contract failed to resolve bargaining disputes directly, the parties proceeded to binding interest arbitration, pursuant to statute. After numerous days of hearings, spanning five months, on December 18, 2009, the interest arbitration panel issued an award that spoke to certain specific disputed issues, and put into place a new collective bargaining agreement extending from July 1, 2009 through June 30, 2013. Except as modified by the 2009 award, all other terms of the prior collective bargaining agreement remained in effect. One issue before the panel, which is the focus of appeal, concerned advance notification and premium overtime for police officers for court appearances. The appeal, by allowance, considered the breadth of authority of an interest arbitration panel acting pursuant to the policemen and firemen collective bargaining act. The Supreme Court of Pennsylvania found that an interest arbitration panel's authority is limited to addressing issues properly submitted to the panel, or those questions reasonably

subsumed within those issues. Inasmuch as the court concluded the panel exceeded its authority by speaking to an issue that was not bargained over, raised in prior related proceedings before the panel or reasonably subsumed within the issue that was properly before the panel, reversed the order of the Commonwealth Court, which had affirmed the underlying issues of arbitration award. *Michael G. Lutz Lodge No. 5, of the Fraternal Order of Police v. City of Philadelphia*, Case No. 42 EAP 2014 (Pa. December 21, 2015).

2. TRIAL COURT DID NOT LACK JURISDICTION TO REVIEW ARBITRATORS DECISION THAT EMPLOYER HAD VIOLATED COLLECTIVE BARGAINING AGREEMENT BY TERMINATING EMPLOYEE FOR ENGAGING IN AN ACT OF MORAL TURPITUDE: In 2012, Dorfsman was an Associate Professor at University of New Hampshire. In December of that year, he intentionally lowered evaluations that students had given a certain lecturer, by erasing markings on the evaluations; if the highest ranking had been given, he entered a different and lower rating. In May 2013, the University terminated Dorfsman's employment for this conduct, which the University determined constituted an act of "moral turpitude" within the meaning of the CBA. Dorfsman and University of New Hampshire, Chapter of the Association of University Professors grieved his termination, and, pursuant to the CBA, the parties submitted to binding arbitration to resolve that grievance. Although the arbitrator agreed with University that Dorfsman's conduct constituted an act of "moral turpitude," he also determined that, because of several mitigating factors, Dorfsman's

termination did not comport with principles of just cause. Thus, the arbitrator remanded the matter so that the parties could renegotiate the proper level of discipline; should they fail to agree within 30 days, the arbitrator would determine Dorfsman's discipline. The University filed a complaint in superior court, seeking a declaration that the arbitrator had exceeded his authority, and requested the court to vacate his decision. Following a hearing, the trial court concluded that: (1) it had jurisdiction to consider the University's appeal of the arbitrator's award; (2) the issues raised in that appeal were ripe for adjudication; and (3) the arbitrator exceeded his authority under the CBA when he found that Dorfsman's termination was not supported by just cause. On appeal, the union argued that the trial court lacked jurisdiction to review the arbitrator's decision, that the issues were not ripe for judicial review, and that the arbitrator did not exceed his authority when he found that the University lacked just cause to terminate Dorfsman's employment. Respondents did not challenge the arbitrator's finding that Dorfsman's conduct constituted "moral turpitude" within the meaning of the CBA. The Supreme Court of New Hampshire affirmed. *University System of New Hampshire Board of Trustees v. Dorfsman*, Case No. 2015-0187 (N.H. November 13, 2015).

3. DESPITE VOLATILITY, TREASURIES WENT ALMOST NOWHERE:

For all the anxiety over where the world's benchmark bond yield is going, its level now is almost exactly the same as a year ago. Onwallstreet.com reports that U.S. 10-year Treasury yield was 2.25%, versus 2.26% on December 24, 2014, having been in a range of about 86 basis points in 2015. Most forecasters at this time last year were anticipating a faster

pace of Federal Reserve tightening to send yields higher, with the average estimate at 3.08%. Instead, yields stayed as low as inflation held in check. Yield was as low as 1.64% in January and as high as 2.50% in June. In an repeat of last year, economists are once again predicting 10-year yields will rise in the next 12 months. The average forecast is for 2.83% by the end of 2016, meaning an investor who bought now would lose 2.2% after reinvested interest.

4. GASB IS B-A-A-A-A-C-K: International Foundation of Employee Benefit Plans advises that Governmental Accounting Standards Board has proposed new guidance intended to assist governments with financial reporting for pension plans and fiduciary duties for accounting and financial reporting purposes. The proposal deals with the presentation of payroll-related measures in required supplementary information; selection of assumptions and the treatment of deviations from guidance in Actuarial Standards of Practice for financial reporting purposes; and classification of payments made by employers to satisfy employee (plan member) contribution requirements. These issues have been raised with respect to *Statements No. 67; Financial Reporting for Pension Plans; No. 68, Accounting and Financial Reporting for Pensions;* and ([lesser known] *No. 73, Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.*) The Proposed Statement is available at: <https://www.ifebp.org/news/regulatoryupdates/Pages/GASB-Proposed-Pensions-Fiduciary->

[Activities.aspx?utm_source=Informz&utm_medium=&utm_campaign=EDPG_122815_certseriesFebfulldetails16CSH](http://www.gasb.org/cs/Activities.aspx?utm_source=Informz&utm_medium=&utm_campaign=EDPG_122815_certseriesFebfulldetails16CSH). There is also a proposed Statement on Fiduciary Activities, providing guidance for all state and local governments regarding what constitutes fiduciary activities for accounting and financial reporting purposes, and how they should be reported. Criteria are whether a government is controlling the assets of the fiduciary activity and the beneficiaries with whom a fiduciary relationship exists. An activity meeting the proposed criteria would be required to be reported in a fiduciary fund in the basic financial statements. The four fiduciary fund types that would be required to be reported, if applicable, are

- pension (and other employee benefit) trust funds,
- investment trust funds,
- private-purpose trust funds, and
- custodial funds.

This proposal is available at:

http://www.gasb.org/cs/BlobServer?blobkey=id&blobnocache=true&blobwhere=1175832443469&blobheader=application%2Fpdf&blobheadername2=Content-Length&blobheadername1=Content-Disposition&blobheadervalue2=625023&blobheadervalue1=filename%3DED_-_Fiduciary_Activities.pdf&blobcol=urldata&blobtable=MungoBlobs.

5. INTERPRETIVE BULLETIN RELATING TO FIDUCIARY STANDARD UNDER ERISA IN CONSIDERING ECONOMICALLY TARGETED INVESTMENTS: The Department of Labor, Employee Benefits Security

Administration, has promulgated a rule effective October 26, 2015. The document sets forth supplemental views of the Department of Labor concerning the legal standard imposed by sections 403 and 404 of Part 4 of Title I of the Employee Retirement Income Security Act of 1974 with respect to a plan fiduciary's decision to invest plan assets in "economically targeted investments." ETIs are generally defined as investments that are selected for the economic benefits they create in addition to the investment return to the employee benefit plan investor. In this document, the Department withdraws Interpretive Bulletin 08-01 and replaces it with this Interpretive Bulletin that reinstates the language of Interpretive Bulletin 94-01. The old standard has been referred to as the "all things being equal" test. Here is a link to the Interpretive Bulletin: <https://www.gpo.gov/fdsys/pkg/FR-2015-10-26/html/2015-27146.htm>. DFR 65135 -- 29 CFR Part 2509.

6. DO YOU REALLY KNOW WHAT YOU NEED TO KNOW ABOUT ALTERNATIVE INVESTMENTS?: Accountants and advisors

EisnerAmper have published an update relating to what investors need to know about alternatives. Many investors are revisiting investment strategies historically employed when making investment decisions. As a result, employee benefit plans are holding more alternative investments, or investments without a readily determinable fair value such as Common Collective Trusts, Pooled Separate Accounts, hedge funds and limited partnerships. As long as the plan document allows for such investments, decisions to revise a plan's investment policy to add alternative investments are appropriate. However, plan sponsors will

benefit from considering the following in addition to considering the investment risk related to alternative investments. Certain considerations include:

- **Investment selection and ongoing due diligence.** Criteria for evaluating alternative investments require expertise that may be historically unavailable to investors, therefore additional investment advisors may be necessary. Once an investment is made, ongoing due diligence serves to assure that the investment continues to meet the plan's needs, and this ongoing task varies by investment type.
- **Supporting Documentation.** Such investments typically have specific underlying contracts that require signature by plan management. Great prudence must be exercised when signing such contracts, including careful review of contract terms affecting the plan and the plan sponsor, and implementing a policy to maintain signed copies. Terms may also include commitments to invest additional amounts in the future.
- **Liquidity of the investment.** Many such investments impose restrictions on frequency of liquidation, as well as restrictions prohibiting liquidation of the investment for a certain period of time after the initial investment is made. These conditions create challenges, especially in the employee benefit plan area, where the priority is to pay benefits when due.
- **Determination of fair value.** Determining the fair value of certain

alternative investments, including CCTs, PSAs and hedge funds, is less cumbersome than others, as such investments report a net asset value that can be used as a practical expedient to determine fair value. The ability to obtain and transact at the net asset value is especially important for plans requiring an annual financial statement audit. Certain investments operate on a reporting delay, whereby the alternative investment is unable to provide year end values in a timely fashion, and thus plan custodians reporting data on the alternative investments may have values of one to three months prior to the plan's year end. This timing can be challenging, as plan reporting on Form 5500 is as of the plan year end.

- **Tax considerations of alternative investments.** Certain investments may obligate a plan to file tax returns with the Internal Revenue Service (Form 990-T) and possibly certain states in order to relieve possible exposure for Unrelated Business Income Tax. Care should be taken to determine whether there are federal or state unrelated business income tax liabilities being generated. UBIT generally occurs when the alternative investments have underlying trade or business activities or debt-financed activities. This information is typically reported to the plan by receipt of an annual Schedule K-1, so analysis of these forms is necessary. Additionally, the plan may need to make quarterly estimated tax payments during the year in order to avoid certain penalties.
- **Plans with direct ownership in foreign investments.** In addition, there may be a filing requirement for certain foreign tax forms

(including, but not limited to, Form 926 which is filed by way of attachment to Form 990-T, even in cases where Form 990-T may not be applicable) with the Internal Revenue Service. Form 926 is generally required to report certain transfers of tangible or intangible property to a foreign corporation. There is exposure for onerous penalties for any noncompliance with the reporting requirements for current and prior years. Such penalties (for each investment each year) are 10% of the investment's fair market value at the time of the transfer, limited to \$100,000 unless the failure to comply was due to intentional disregard. These filings are often required for investments in many defined benefit plans as more and more plan sponsors are diversifying into foreign investments.

- **Offshore Voluntary Disclosure Programs.** Since 2009, the IRS has offered various programs designed for taxpayers voluntarily to disclose previously unreported foreign income or assets. Two of these programs are the Offshore Voluntary Disclosure Program and the Streamlined Filing Compliance Procedure. Both of these programs provide an opportunity for taxpayers to come forward and disclose unreported foreign income and file informational returns while paying a reduced penalty or no penalty at all. There is no set application deadline for these programs and the IRS can change the terms, increase penalties or decide to end the programs entirely at any time. Thus, plans that can benefit from these programs need to act promptly.

The conclusion is simple: including alternative investments as part of a plan's portfolio can add value; however, there are many issues to consider when evaluating this type of investment.

7. WHY HEDGE FUNDS ARE A RISKY BET FOR PUBLIC

PENSIONS...AND YOU: Speaking of alternative investments, fiscaltimes.com reminds us that it has been another dismal year for many hedge funds, with the Hedge Fund Research Inc. Fund Weighted Composite Index up just 0.27% through December 15, 2015, barely beating the S&P 500 stock index's slight loss for the year. Some of the industry's stars have struggled mightily, failing to deliver the edge that investors expect, even -- or especially -- when the broader market is just about flat. In fact, hedge funds have underperformed the S&P 500 for years. The HFRI Fund Weighted Composite Index returned an annualized 3.2% for the five years ended November 30, 2015, compared to 12.5% for the S&P 500. But, despite some signs that investors are now losing patience with the underperformance, the industry still enjoyed an inflow of \$80 billion in the first three quarters of this year. So far this year, 57 more hedge funds have opened for business than have closed. Why, then, do investors, including many public pension funds, remain willing to pour their cash into such a lagging investment class? The simplest answer is that many investors are still chasing the outsized returns that top hedge funds provide. Public pensions, which as of last year faced unfunded liabilities, may feel particular pressure to pursue lofty returns. Many public pension funds are still running on the assumption that they can earn returns of 7% to 8% a year, even though

history has proved otherwise.

8. A SHORT GUIDE TO 2016 SOCIAL SECURITY BENEFITS: Social Security takes your 35 highest-earning years into account when computing your benefit. Each year's income, up to the maximum taxable Social Security wages, is indexed for inflation and averaged together. A formula is then applied to arrive at your full Social Security benefit -- that is, the monthly amount you are entitled to if you retire at your full retirement age, according to International Foundation of Employee Benefits. Once your average indexed monthly earnings are calculated, if your first year of eligibility is 2016, your benefit is calculated as:

90% of the first \$856 in monthly earnings.

32% of the amount between \$856 and \$5,157.

15% of the amount above \$5,157.

As an example, let us say that your average indexed monthly earnings were \$4,000. Based on the formula, your benefit would be 90% of \$856, or \$770.40, and 32% of the other \$3,144, or \$1,006.08. Adding these together produces a monthly benefit of \$1,776.48. Are you eligible? In order to be eligible, you need to earn 40 "credits" during your working lifetime. Each \$1,260 in earnings you have in 2016 will give you one credit, up to a maximum of four credits per year. This amount changes each year, but if you earn enough to get the four-credit maximum in each

of 10 years, you will be eligible for Social Security benefits. Filing early or late can make a big difference. You do not have to wait until full retirement age to start collecting benefits. In fact, you can file for Social Security as early as age 62. If you file early, your benefit will be reduced. Starting with your full benefit amount, your benefit is reduced by 6.7% for each year before full retirement age (up to three years), and 5% for each year beyond that. Conversely, if you choose to delay benefits, your monthly checks will increase by 8% for each year you decide to wait. Here is how your benefit could be affected if your full retirement age is 66 and you start collecting at:

Age 62, you get 75% of the full retirement benefit amount.

Age 64, you get 86.7%.

Age 66, you get 100%.

Age 68, you get 116%.

Age 70, you get 132%.

You can obtain your Social Security statement by creating an account at www.ssa.gov. Your statement contains valuable information, such as your estimated benefit amount at full retirement age; eligibility for benefits; a history of how much you have earned each year. The easiest way to apply for Social Security benefits is online at ssa.gov. The

application takes about 15 minutes, according to the SSA, and there are no additional forms to sign, and usually are no additional documentation requirements. You can also apply by phone from 7 a.m. to 7 p.m., Monday through Friday, or in person at your local Social Security office. There is more to Social Security than retirement benefits. In fact, there are three other types of Social Security benefits to be aware of: spousal benefits: if you and your spouse both file for Social Security at full retirement age, each spouse is guaranteed a minimum of half of the other's benefit. For example, if a retiree is entitled to a monthly benefit of \$2,000, their spouse will receive at least \$1,000, even if his or her own benefit amount would be much less. Survivors' benefits: if a worker dies, his widow, children and other dependents could be eligible for benefits; and disability benefits: If you can no longer work, your Social Security record could entitle you to benefits. Can you work and collect Social Security at the same time in 2016? Sort of. There are three different categories of Social Security recipients, and there is a different "earnings test" for each. For SS recipients who will not yet reach full retirement age in the 2016 calendar year, the first \$15,720 in earnings is exempt. Beyond that amount, every \$2 in earnings will reduce Social Security benefits by \$1. For SS recipients who will attain full retirement age during 2016, the first \$41,880 is exempt, and the reduction is just \$1 for every \$3 in earnings beyond that. Plus, only the months before your birthday count toward the total. Finally, SS recipients who work past full retirement age will experience no benefit reduction, no matter how much they earn.

9. WHY JOHNNY CANNOT RETIRE: Johnny cannot retire at age 65 because his available retirement income sources will not replace a sufficient amount of his age 65 active employment wages to maintain an acceptable standard of living with adequate medical care, according to H.C. Foster & Company, Actuary. Labor participation rates for both men and women ages 65 and over increased about 10% since 1990 according to Department of Labor statistics. Social Security retirement income, if Johnny is covered, may replace 40% or more of his wages, but will not support his customary lifestyle. Johnny has not saved for retirement and likely has no proprietary business ownership. Personal savings rates in the United States ranged from 1.90% to 17.00% for the period 1959 through 2015 as reported by the U.S. Bureau of Economic Analysis, and was 4.8% in September 2015. Retirement plan availability and voluntary contribution rates vary widely by industry and wage levels as reported periodically by DOL. Johnny is probably one of the estimated 80% of non-union private-sector workers not covered by an active employer funded defined benefit pension plan that guarantees a lifetime retirement income. If he is covered under an employer sponsored Section 401(k) Plan or other retirement savings plan, including IRAs, and he contributes voluntarily, his account balance at age 65 will not provide sufficient retirement income without many years of contributions with consistent investment returns and low expenses. Johnny will hope to outlive his retirement age account balances as they dwindle from withdrawals with the ever present threat of a 2008 style market collapse. A \$2,000 monthly life annuity beginning at age 65 with assumed 2.0% annual cost of living adjustments, such as Social Security provides,

easily has a present value exceeding \$425,000 under the current low interest rate assumptions. Johnny and his spouse need about \$315,000 at age 65 from all his retirement and personal savings to fund a \$2,000 monthly pension without COLAs for twenty-five years under a 6.0% investment return assumption as at least one may survive to age 90. Numerous statistics show average Section 401(k) Plan account balances well below \$315,000 for workers nearing retirement age. The deeper questions seek the reasons employers are terminating and freezing defined benefit pension plans despite the fact they are easily the least-cost means to fund retirement income for each dollar of benefits delivered. Here are some explanations:

- **Other compensation costs.** The average cost for employer sponsored family health coverage is estimated at \$17,545. With a \$15/hour minimum wage rate looming plus increasing associated compensation costs, a new full time employee will theoretically cost an employer providing health insurance coverages over \$50,000 per year plus increasing costs for existing minimum wage employees. Employers understandably hesitate to maintain permanent pension plans in an uncertain economy. Failure to view benefit costs as part of compensation -- both employees and employers tend to define "compensation" as Form W-2 wages. Pension funding and other benefit costs including the employer's Social Security matching costs are part of an employee's total compensation in exchange for his value to the employer. Employees tend to demand direct compensation and medical

coverages in lieu of deferred retirement benefits. A well designed pension and benefits program allocates compensation costs between direct compensation and benefits funding to the extent market forces will tolerate based on employees' commercial values.

- **Regulatory mishmash.** Unnecessary and counterproductive regulatory requirements complicate plan administration and add administrative costs. For example, actuaries must value defined benefit liabilities under different interest rates with many options for: minimum funding, PBGC Premiums, financial statement footnote disclosures under FASB, benefit equivalencies for benefit payments, maximum tax deferrals and finally for realistic funding requirements to meet employers' objectives. A single valuation interest rate based on acceptable bench marks should suffice for all purposes to measure plan liabilities and determine benefit equivalencies.
- **Artificially low fixed income interest rates.** The Pension Protection Act of 2006 mandated pension valuation interest rates tied to corporate bond rates. Corporate bond rates plummeted after 2008 in unison with the Federal Reserve's zero-interest monetary policy designed to stimulate the U.S. economy. The PPA '06 interest rate mandate produced minimum pension funding requirements many employers could not afford as a lower valuation interest rate produces larger present values of accrued benefits requiring increased contributions. In response, Congress enacted a

series of “funding relief” provisions to defer minimum funding requirements. But, no relief has been provided for Lump Sum Distribution present values leaving many plans with massive unfunded LSD liabilities that are settled upon a business sale or plan termination, or through more expensive single premium life annuity contracts.

- **Unfunded liabilities.** A plan may be well funded for minimum funding purposes under funding relief, but underfunded for all other purposes, because present values and plan assets are defined differently for different purposes. The effects of an unfunded liability are largely psychological for an ongoing plan that does not offer a LSD payment option because this potential liability will never materialize; but, business owners, stockholders, lenders and others may view an unfunded liability as a real charge against assets causing many needless plan terminations and accrued benefit freezes. The return to historically “normal” fixed income interest rates determined by free market forces with no governmental interference will correct this problem so long as current pension law applies.
- **Availability of IRA type programs.** Investment product sources marketing IRA type programs and defined contribution plan products have exploited employers’ fears of unfunded liabilities to terminate defined benefit pension plans. IRA programs and Section 401(k) Plans transfer much of the responsibility for retirement funding and plan expenses to employees under voluntary

arrangements. Johnny labors under the misconception he is covered by a bona fide pension plan when actually it is his responsibility to fund his benefits and, in many cases, select the investments for his accounts; this, while management engages professional investment services for the employer's investment decisions.

- **Johnny does not read.** ERISA imposed many retirement plan disclosure requirements advising employees of their retirement plans' benefits, rights, and features including an annual accounting of plan assets and liabilities with periodic benefit statements tailored to each employee. Johnny, however, does not read and understand the disclosures, and can be faulted for not voluntarily saving for retirement. Historical experience with employee voluntary contribution plans suggests Obama's "myIRA" program and the state-run voluntary savings plans will not garner meaningful participation. This is one reason the Social Security programs began in 1935 funded by mandatory worker and employer matching contributions to assure a retirement age population that could live with some degree of financial dignity.

10. LAW ENFORCEMENT FATALITIES: According to preliminary data compiled by the National Law Enforcement Officers Memorial Fund, 124 law enforcement officers died in the line of duty in 2015, a 4% increase from 2014, when 119 officers were killed. Firearms-related fatalities peaked in 1973, when 156 officers were shot and killed. Since then, the average number of officers killed has decreased from 127 per year in the

1970s to 57 per year in the 2000s. The 42 firearms-related fatalities in 2015 are 26% lower than the average of 57 per year for the decade spanning 2000-2009. Texas had the highest number of fatalities, losing 12 officers in 2015. Eleven officers died in Georgia, nine in Louisiana, and six in both California and New York. Florida escaped with just two. Thirty-three states lost at least once officer this year. Seventeen states and the District of Columbia did not lose an officer in 2015. Of the 42 firearms-related fatalities in 2015, seven officers were shot and killed during traffic stops, more than any other circumstance of fatal shootings. Six officers were killed in ambush attacks and five officers were slain while investigating suspicious persons. Although classified under various circumstances, the investigation of domestic violence was involved in seven of the 2015 shooting deaths. Of the 35 automobile crashes in 2015, 18 were multiple-vehicle crashes and 17 were single-vehicle crashes. Traffic-related fatalities decreased during the previous decade (2000-2009), but since 2011 they have fallen to the lowest levels since the 1950s. However, traffic related fatalities have been the leading cause of death in 14 of the last twenty years.

11. APPRECIATION MISTAKES EMPLOYERS SHOULD AVOID: As the year comes to a close among the rush of holiday events, ebn.benefitnews.com says that it is important to reflect on employees' contributions and to show a genuine appreciation for their hard work throughout the year. The five things that HR and benefit managers should avoid doing when appreciating their staff are

- No more texting “thanks.” Managers and leaders need to go the extra mile beyond a text or e-mail. Ditch technology, and grab a pen, paper and handwrite a note to show your appreciation. Do not rely solely on the company gift, and go above and beyond to add a personal touch.
- No more shout-outs and backslaps. Along with a personal thank you to the employee, it is important this time of year also to remember the employees’ support back home. For all the late nights and additional work trips, let his or her family members know your appreciation.
- No more self-serve. When it comes to the office party or potluck, make sure leaders are visibly involved in the organization and clean-up. When employees see supervisors doing some of the heavy lifting, it sends a clearer message that everyone is part of the team.
- No more generic gifts. Make sure the holiday gifts have an impact, especially when individual gifts are not practical. Think of things that will make employees’ working-lives a little better or a little easier such as a new espresso machine for the department, faster WiFi, a new TV for the break room. In the end, the message managers should want to send is “you count” and “we want to make your workplace a positive environment for all of the hours you are here.”

- No more quiet acknowledgements or public embarrassment. Know your employee, and take time to learn what makes him tick. While some revel in cheers from their teams, others will always prefer a private, personal thank-you. Do your homework, and do your best to learn their personalities and what type of acknowledgement will be memorable to the employees.

12. LEOAFFAIRS.COM PRESENTS TOP FIVE LAW ENFORCEMENT VIDEOS OF 2015: Here are the titles, which speak for themselves:

- Police dashcam confessional (Shake it Off).
- Am I Being Detained? Know Your Rights video parodies cop blockers.
- Deputy breaks up beach fight, detains two with bare hands.
- Ex-con YouTube star goes on epic rant against cop blockers (graphic language).
- Rodeo Clown Gets Cop and Rodeo Queen to Break It Down.

Leoaffairs.com was surprised that four of the five were posted just for laughs, but social media allowed them to go viral. Here is the link to the five videos so you can see for yourself:

http://www.leoaffairs.com/featured/top-5-law-enforcement-videos-of-2015-are-hilarious/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+leoaffairs+%28LEOAFFAIRS.COM%29.

13. SO YOU THINK YOU KNOW EVERYTHING: Our eyes are always the same size from birth, but our nose and ears never stop growing.

14. TODAY IN HISTORY: In 1943, New York City's Time Square greets Frank Sinatra at Paramount Theater.

15. KEEP THOSE CARDS AND LETTERS COMING: Several readers regularly supply us with suggestions or tips for newsletter items. Please feel free to send us or point us to matters you think would be of interest to our readers. Subject to editorial discretion, we may print them. Rest assured that we will not publish any names as referring sources.

16. PLEASE SHARE OUR NEWSLETTER: Our newsletter readership is not limited to the number of people who choose to enter a free subscription. Many pension board administrators provide hard copies in their meeting agenda. Other administrators forward the newsletter electronically to trustees. In any event, please tell those you feel may be interested that they can subscribe to their own free copy of the newsletter at <http://www.cypen.com/subscribe.htm>.

17. REMEMBER, YOU CAN NEVER OUTLIVE YOUR DEFINED RETIREMENT BENEFIT.