

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Gail Bartlett,
Petitioner

Docket No. CR-25-0236

v.

State Board of Retirement,
Respondent

Appearances:

For Petitioner: Gail Bartlett, pro se

For Respondent: John Durgin, Esq.

Administrative Magistrate:

Judi Goldberg, Esq.

SUMMARY OF DECISION

Petitioner is not entitled to purchase prior contract service under G.L. c. 32, § 4(1)(s) because her work as an instructor for the Middlesex Sheriff's Office was not substantially similar to her work as a service coordinator / human services coordinator for the Department of Developmental Services.

DECISION

Petitioner Gail Bartlett timely appealed, under G.L. c. 32, § 16(4), respondent State Board of Retirement's (SBR) denial of her request to purchase contract service under Section 4(1)(s) of Chapter 32. The parties did not object to having the appeal decided based on their written submissions. I admit into evidence Petitioner's Exhibits 1 through 3 and Respondent's Exhibits 1 through 9.

Findings of Fact

Based on the evidence in the record and reasonable inferences drawn from it, I make the following findings of fact:

1. Ms. Bartlett worked for the Middlesex Sheriff's Office (MSO) from 2006 to 2010 as a contract instructor. (R5.)

2. She taught "incarcerated adult inmates in basic education, literacy, or English as a Second Language classes, or in classes preparing to earn a (GED) General Educational Development or high school equivalency credential." (P3.)

3. The job description for her work as an instructor states that she was to:

Prepare class using curriculum for teaching; establish clear objectives for all lessons, units, and projects and communicate those objectives to students; observe and evaluate students' work to determine progress and make suggestions for improvement; observe students to determine qualifications, limitations, abilities, interests, and other individual characteristics.

(P3.)

4. Ms. Bartlett began working for the Department of Developmental Services (DDS) on January 21, 2008, as a service coordinator II / human services coordinator II. She became a member of the Massachusetts State Employees' Retirement System (MSERS) at that time. (R5 & R6.)

5. The job description for a DDS service coordinator II / human services coordinator II includes the following duties and responsibilities:

- Providing direct supervision of, training, evaluating, assigning work to, and disciplining other service coordinators and staff;
- Performing administrative tasks;
- Tracking data to evaluate service delivery;
- Facilitating individual support planning process by participating in state contracting process;
- Participating in planning, policy development, and resource allocation;
- Overseeing special projects;
- Arranging for or providing crisis intervention for DDS service recipients;
- Coordinating and facilitating development and implementation of Individual Support Plans;

- Supporting development of individuals’ goals and plans, assisting individuals to identify desired services, and providing service information and referrals;
- Providing advocacy, education, and support to family members;
- Coordinating referrals to all state and federal entitlement benefit programs; and
- Monitoring individuals’ well-being by regularly visiting residential and day programs.

(P2.)

6. On June 23, 2022, Ms. Bartlett applied to purchase service for time that she worked for the MSO from September 28, 2006, to September 30, 2010. (R5.)

7. The SBR denied her application on March 13, 2025, because Ms. Bartlett’s work for the MSO was not “the same or similar” as her work for DDS. The SBR issued a revised denial notice on March 24, 2025, to include that Ms. Bartlett had requested credit for time during which she was already receiving credit through her work at DDS. (R6.)¹

8. Ms. Bartlett timely appealed from the March 24, 2025, revised denial.

Analysis

As the petitioner, Ms. Bartlett has the burden to demonstrate by a preponderance of the evidence, or that it is more likely than not, that the facts support her entitlement to purchase contract service under Chapter 32. *See, e.g., Byrne v. Massachusetts Teachers' Ret. Sys.*, CR-15-609, 2018 WL 1473269 (Div. Admin. Law App. Jan. 26, 2018).

The SBR denied Ms. Bartlett’s application because her work for the MSO was not “the same or similar” as her work for DDS. Section 4(1)(s) of Chapter 32 allows members to purchase up to four years of contract service if the member has ten years of creditable service with the

¹ As discussed below, Ms. Bartlett does not qualify to receive credit based on the lack of similarity in the two job descriptions. As a result, the years for which she requested credit do not require analysis.

MSERS “and if the job description of the member in the position which the member holds upon entry into service . . . is substantially similar to the job description of the position for which the member was compensated as a contract employee[.]” G.L. c. 32, § 4(1)(s). An underlying rationale for this provision is that “[a] single employee may do the same job first as a contract employee and then as a permanent one. It is this scenario in which it may be incongruous for only some of the employee’s years of work to be retirement eligible.” *O’Connor v. State Bd. of Ret.*, CR-23-0609, 2024 WL 4869059, at *2 (Div. Admin. Law App. Nov. 15, 2024) (citing *Barker v. State Bd. of Ret.*, CR-07-155, 2007 WL 2262779, at *3 (Div. Admin. Law App. July 20, 2007)).

When evaluating whether two jobs are substantially similar, “[w]hat matters are the ‘core duties’ of the two jobs.” *Florentine v. State Bd. of Ret.*, CR-21-0236, 2023 WL 8526442, at *2 (Div. Admin. Law App. Dec. 1, 2023) (citing *Sullivan v. State Bd. of Ret.*, CR-19-0100, 2023 WL 6195150 (Div. Admin. Law App. Sept. 15, 2023)). If the core duties set out in the job descriptions are similar enough, the member may purchase credit. *Id.* at *2-3.

In this case, the two job descriptions do not contain core duties that are substantially similar. The job description for Ms. Bartlett’s work as an instructor for incarcerated adult inmates in basic education, literacy, English as a Second Language, and GED preparation included preparing the curriculum and lessons; communicating the class objectives to the students; and evaluating the student’s qualifications, abilities, progress, and limitations. In contrast, Ms. Bartlett’s job description for her work as a DDS service coordinator II / human services coordinator II included providing supervision to service coordinators and other staff; participating in planning, policy development, and resource allocation; providing direct advocacy and support to DDS service recipients; and providing training to staff and service providers. These two job

descriptions do not describe substantially similar work; one involves teaching inmates English and basic literacy skills and the other involves working with DDS staff and service recipients.

In an effort to bolster the similarities between these two jobs, Ms. Bartlett created a chart to highlight the 14 commonalities between the two roles. For example, she noted that as an instructor, she oversaw “a class of students” and as a service coordinator II / human services coordinator II she oversaw “a group of coordinators.” According to Ms. Bartlett, the similarity is that both tasks involved being “responsible for a particular group.” However, the “‘substantially similar’ test looks to one’s duties, not the knowledge needed to perform those duties.” *Florentine, supra*, at *3. Although Ms. Bartlett listed general descriptions of the skills and knowledge that she used for both jobs, the job descriptions include duties and responsibilities that are not substantially similar. As a result, Ms. Bartlett has failed to demonstrate by a preponderance of the evidence that she is entitled to purchase the time during which she worked as a contract instructor for the MSO.

Conclusion and Order

The decision of the SBR is hereby **affirmed**.

Dated: February 6, 2026

/s/ Judi Goldberg

Judi Goldberg

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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