

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Karen Buffum,
Petitioner,

v.

Docket Nos.: CR-20-0226 &
CR-21-0212

State Board of Retirement,
Respondent.

Appearances:

For Petitioner: Christopher G. Fallon, Esq.

For Respondent: Yande Lombe, Esq.

Administrative Magistrate:

John G. Wheatley

SUMMARY OF DECISION

The petitioner established, through her own testimony as well as that of her direct supervisors, that she spent the majority of her work time educating and supervising prisoners in the Billerica House of Correction's work program. She has therefore satisfied her burden of proving that her "regular and major" job duties required "the care, custody, instruction or other supervision" of prisoners, which entitles her to Group 2 classification under G. L. c. 32, § 3(2)(g).

DECISION

The petitioner, Karen Buffum, appealed the decision of the State Board of Retirement (Board) denying her application for Group 2 classification under G. L. c. 32, § 3(2)(g). I held and recorded an evidentiary hearing on May 3, 2023. Buffum provided testimony and called three additional witnesses: two former supervisors, Daniel Lee and Paul Cardoso, and a correction officer who worked in the same program as Buffum, Robert McMahon. I admitted exhibits 1

through 10 into evidence at the hearing. The petitioner and respondent filed post-hearing briefs on July 17 and October 16, 2023, respectively.

FINDINGS OF FACT

Based on the evidence presented, I make the following findings of fact:

1. The petitioner, Karen Buffum, was employed by the Middlesex Sheriff's Office from May 2013 until her retirement in early July 2020. Throughout this time, she held the position of Work Release Finance Assistant at the Billerica House of Correction. (Buffum Testimony; Exhibit 1.)
2. Prior to Buffum, a correction officer performed the duties of her position. (Lee Testimony.)
3. Buffum worked in an administrative office located within a housing unit of the Billerica House of Correction. Her building was one of three buildings that housed the jail's work-release and community-work programs.¹ Approximately 20-25 inmates lived in the same building where Buffum's office was located. It was considered a minimum-security building. (Buffum Testimony; Lee Testimony; Cardoso Testimony; McMahon Testimony.)
4. The administrative offices, including Buffum's office, were surrounded by inmates' living quarters. Inmate rooms were located next to Buffum's office, above Buffum's office, and between Buffum's office and the staff bathroom. (Lee Testimony; Exhibits 9 & 10.)

¹ The distinction between the work release program and the community work program was not clearly established. Buffum's job duties involved both programs, and for convenience I refer to both programs collectively as the "work program."

5. Two other jail employees had offices in the same building: (1) the work program director (also referred to as the deputy-in-charge) and (2) a case worker/correction officer. Both were away from their office most of the time, either in meetings, doing rounds, meeting with prospective employers, or checking on the inmates at work. (Lee Testimony; Buffum Testimony; Cardoso Testimony.)

6. The nearest correction officer to Buffum usually was either the correction officer stationed in the next building over (80-100 feet away) or a correction officer in a nearby patrol car. (Cardoso Testimony.)

7. The work program accommodated between 45-72 inmates at a time. Around 80% of the inmates in the program had jobs working in the community. The rest were either waiting to find and secure a job or had jobs working on-site at the jail. Of the inmates with jobs in the community, the majority worked at night (e.g., at restaurants) and were therefore present at the jail during Buffum's worktime. (Lee Testimony; Cardoso Testimony.)

8. The inmates in the work program were near the end of their sentences. These inmates often had heightened anxiety in anticipation of being released from incarceration. (Lee Testimony.)

9. Buffum was not a correction officer and had not undergone academy training. She was, however, required to complete forty hours of in-service training annually, primarily in defensive tactics. (Lee Testimony.)

Petitioner's job responsibilities.

10. A written job description of Buffum's position indicates that she was responsible for bookkeeping and accounting services for the work program, including maintaining the

general accounting ledger, processing inmate payroll, issuing payments for program expenses and repairs, preparing and disseminating weekly financial statements to inmates, and providing guidance and advice to inmates regarding their finances. In the description of “working conditions,” it notes that the work is performed within an inmate housing unit at the Billerica House of Correction and that it involves daily interaction with inmates. (Exhibit 2.)

11. Buffum had additional job responsibilities not reflected in her written job description. Her additional duties included fielding and responding to a wide-range of inmate questions and concerns (i.e., not only finance-related), monitoring inmates for signs of trouble or distress, calming down agitated inmates, maintaining general “climate control” within her building, and assisting correction officers with conducting fire drills. (Lee Testimony; Cardoso Testimony; McMahon Testimony.)

12. When Buffum first reported to work in the morning, she would speak with the deputy-in-charge regarding the day’s schedule and the inmates’ work-related needs. She would then provide the inmates with any supplies needed for their work (e.g., hats, gloves, long socks, sunscreen, insect repellant, etc.). (Buffum Testimony; see also Exhibits 6 & 7.)

13. Buffum had “open hours” the rest of the day, during which inmates could meet with her to discuss their paychecks and financial statements or to receive guidance and instruction regarding various financial concerns. (Buffum Testimony.)

14. Buffum’s office door was kept open, allowing inmates to freely enter her office to speak with her about their finances and any questions or concerns they had. (McMahon Testimony.)

15. Buffum interacted directly with the inmates daily. She was responsible for instructing them on a variety of financial matters, such as explaining the financial procedures of the work program, explaining their paychecks and the various deductions taken from their pay, showing them how to pay their bills, teaching them how to use a check register, providing guidance on prioritizing their financial obligations, and teaching them math skills. (Buffum Testimony; Lee Testimony.)

16. Buffum was also responsible for introducing inmates to the work program. This included instructing the inmates on the program's rules and regulations, advising them of the fees they must pay, and explaining the program's expectations. (Cardoso Testimony.)

17. At times an inmate would get aggressive or hostile with Buffum. For example, inmates would sometimes get upset with Buffum regarding their pay and yell at her to voice their discontent. Buffum was skilled at deescalation, i.e., calming the inmates down when they got upset. (Lee Testimony; Cardoso Testimony; McMahon Testimony.)

18. Over half of Buffum's work time was spent "one-on-one" with the inmates, usually without a correction officer present. (Buffum Testimony; Lee Testimony.)

19. Buffum shared responsibility with the correction officers for supervising the inmates. When Buffum saw an inmate misbehave or observed an inmate displaying an unusual demeanor, she was responsible for reporting the inmate to the deputy-in-charge or to a correction officer. (Lee Testimony.)

20. Buffum was the only staff member in her building for the majority of her workday. (Buffum Testimony; Lee Testimony.)

21. When alone in the building, Buffum was “in charge” of supervising the inmates and served as the jail’s “eyes and ears” for the building. (Cardoso Testimony.)

22. Buffum supervised inmate cleaning crews while they cleaned the administrative office areas and provided them access to locked areas as needed. This process generally took between 30-60 minutes to complete. (Buffum Testimony; Exhibit 7.)

23. Over half of Buffum’s work time was spent supervising and instructing the inmates in the work program. (Buffum Testimony; Lee Testimony.)

Application for Group 2 classification.

24. In January 2020, Buffum applied for Group 2 classification for her service as a Work Release Finance Assistant. (Exhibit 1.)

25. On April 24, 2020, the Board notified Buffum that it denied her request for Group 2 classification. (Exhibit 3A.)

26. On May 4, 2020, Buffum filed a timely appeal.² (Exhibit 3B.)

DISCUSSION

The retirement allowance afforded to members of the state employees’ retirement system is determined, in part, by the classification of the employees’ service into one of four groups. See G. L. c. 32, § 3(2)(g). By default, members whose positions do not meet the criteria

² On April 27, 2021, the Board sent Buffum a second notification that it had denied her request for Group 2 classification. (Exhibit 3C.) Buffum filed a second timely appeal on May 5, 2021, consistent with the Board’s instructions. (Exhibit 3D.) The second notice and appeal appear duplicative of the first, and the two appeals were consolidated by order dated December 12, 2022.

for Groups 2, 3, or 4 fall within Group 1, which includes “[o]fficials and general employees including clerical, administrative and technical workers, laborers, mechanics and all others not otherwise classified.” *Id.*

Buffum seeks Group 2 classification for her service as a Work Release Finance Assistant. To be eligible for Group 2, Buffum has the burden of proving by a preponderance of the evidence, or that it is more likely than not, that her “regular and major duties” required her “to have the care, custody, instruction or other supervision of prisoners.” *Id.* She may satisfy this burden by showing that she spent more than half of her time engaged in providing such services. See *Greenwood v. State Bd. of Retirement*, No. CR-22-0066, 2026 WL 1373781, at *2 (Contrib. Ret. App. Bd. Apr. 17, 2026) (“‘Regular and major’ job duties are those that require the employee to spend more than half their time performing.”); *Mendonsa v. State Bd. of Retirement*, No. CR-12-595, 2021 WL 12298074, at *2 (Contrib. Ret. App. Bd. Feb. 8, 2021).

Buffum has met her burden of proving entitlement to Group 2 classification. Although her job description reflects mostly financial and administrative duties, her actual work responsibilities were far more extensive. Over half of Buffum’s time was spent working directly with the inmates, providing them guidance and instruction on a host of financial matters. For most of her workday, Buffum was the only jail employee present in her building, during which time she held primary responsibility for supervising the inmates in that building. She also was required to monitor the inmates’ behavior and demeanor and to report any infractions or troubling observations to either her supervisor or a correction officer. Based on the actual job duties she performed, Buffum has established that her regular and major duties required her to

supervise and instruct prisoners in the work program at the Billerica House of Correction, and she is therefore entitled to Group 2 classification.

CONCLUSION AND ORDER

Buffum is entitled to Group 2 classification for her service as a Work Release Finance Assistant at the Billerica House of Correction. The Board's decision denying her application for Group 2 classification is therefore *reversed*.

Dated: August 7, 2026

/s/ John G. Wheatley

John G. Wheatley
Administrative Magistrate
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