

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

**John Curley,
Kevin Pendleton,
Michael Sawyer,
Jeffrey Crowe,
Michael Polidoro,
Nicholas Moses, and
Stephen Sabol,**
Petitioners,

No. CR-24-0724
No. CR-25-0037
No. CR-25-0177
No. CR-25-0180
No. CR-25-0237
No. CR-25-0241
No. CR-25-0242

Dated: July 31, 2026

v.

State Board of Retirement,
Respondent.

Appearances:

For Petitioner John Curley: Chelsea K. Choi, Esq.

For Petitioners Kevin Pendleton, Michael Sawyer, Jeffrey Crowe, Michael Polidoro,
Nicholas Moses, and Stephen Sabol: Mr. Edward Bauchiero

For Respondent: Alison K. Eggers, Esq., Brendan McGough, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF DECISION

The petitioners are employees of correctional facilities who seek to be classified in group 4 under G.L. c. 32, § 3(2)(g). Their formal job titles combine the term “correction officer” or the abbreviation “C.O.” with additional descriptive words. Under controlling precedents, it is proper to consider whether the petitioners’ written job descriptions depict them as true correction officers; and whether, in practice, they discharge the usual duties of such officers. The answer to both questions is yes. The petitioners’ nonstandard titles reflect their work as correction officers in especially dangerous or challenging settings. They are entitled to be classified in group 4.

DECISION

Each of the petitioners is employed by the Hampden County Sheriff’s Office
(sheriff’s office). In separate decisions, respondent State Board of Retirement (board) declined

to assign each petitioner to group 4 under G.L. c. 32, § 3(2)(g). The petitioners' ensuing appeals were consolidated.

A consolidated evidentiary hearing took place on March 27 and 31, 2026. Each petitioner filed an affidavit and underwent additional examinations at the hearing. County Sheriff Nick Cocchi and sheriff's office employee Steven Fitzgerald also testified. I admitted exhibits marked 1-64, excluding exhibits discussed in the margin.¹

I. Findings of Fact

A. The Sheriff's Office's Facilities

1. The sheriff's office maintains custody of more than 1,100 inmates across five correctional facilities. A "main" facility in Ludlow houses medium-to-maximum-security inmates. A facility named "Stonybrook," also in Ludlow, houses inmates with substance-abuse issues. A facility in Springfield houses minimum-security inmates. Two other facilities are not specifically implicated here. (1 Tr. 16-17, 25-28, 36-40.)

B. The Sheriff's Office's Employees

2. The sheriff's office employs a similar number of more than 1,100 employees. For purposes of this decision, the employees may be classified into three categories: those whose job titles consist of the words "correction officer" (line officers); those whose job titles combine the words "correction officer" or the abbreviation "C.O." with additional descriptive words and

¹ The exhibits marked MSRB-1 through MSRB-47 were prior decision letters issued by the board to nonparty sheriff's office employees. The exhibits marked DALA-1 through DALA-11 were prior decisions of DALA and the Contributory Retirement Appeal Board (CRAB).

a slash or other punctuation mark (slash-titled officers); and those whose job titles include neither the words “correction officer” nor the abbreviation “C.O.” (non-officers). (1 Tr. 17, 40.)

3. Approximately half of the sheriff’s office’s employees are either line officers or slash-titled officers. Examples of the titles held by slash-titled officers include “shift supervisor/C.O.,” “residential supervisor/C.O.,” and “prison steward/C.O.” The sheriff’s office’s non-officers include teachers, nurses, doctors, counselors, kitchen assistants, and others. (1 Tr. 21-23, 40, 150; 3 Tr. 24-25.)

4. Every line officer and slash-titled officer is required to undergo a course of academy training. Currently that program is twelve weeks long. Every line officer and every slash-titled officer is also required to complete fifty-four hours of continuing training per year. Among the topics covered in the continuing training are CPR, defensive tactics, use of force, deescalation, and crisis intervention. The equipment carried by each line officer and slash-titled officer includes at least a radio and a “distress pin,” i.e., a button designed to emit an electronic distress signal in cases of emergency. (1 Tr. 17-19, 30-31, 53-54, 61-62, 79-82.)

5. The sheriff’s office maintains a written job description corresponding to each of its job titles. The job description of the line-officer position and of each slash-titled officer’s position begins by requiring incumbents to maintain “care, custody, and supervision” of inmates. The sheriff and every other witness viewed the motto “care, custody, and supervision” as encapsulating the core duty of line officers and slash-titled officers alike, with priority over all other duties. (1 Tr. 20, 28, 53-54, 74-85, 151-153; 2 Tr. 35-37; exhibits 1, 3, 19, 26, 33, 41, 49, 57.)

6. In more practical terms, the witnesses all understood that line officers and slash-titled officers are responsible for keeping inmates compliantly detained: they tell inmates what to do and where to go; they enforce the facility's rules; they maintain order. Even more tangibly, the witnesses agreed that "academy-trained" personnel, namely line officers and slash-titled officers, share the duty of physically intervening in prison fights and other violent incidents. (1 Tr. 29, 58-59, 74-82, 120-123, 152-156; 2 Tr. 14-15, 34-37; 3 Tr. 26-27, 39-43.)

7. The sheriff's office's non-officers—teachers, nurses, and various others—do not undergo academy training. They do not receive annual continuing training on such topics as defensive tactics and the use of force. Their job descriptions do not require them to maintain care, custody, and supervision of inmates. They are not required to carry radios or distress pins. When violent incidents occur, non-officers are expected to stand aside, remain safe, and seek assistance from academy-trained personnel. (1 Tr. 40, 64, 77-78, 144-145, 153; 3 Tr. 26-27, 42, 60-61.)

8. Slash-titled officers generally are compensated at higher pay scales than line officers. Roughly speaking, the enhanced pay scales and elaborate job titles acknowledge the slash-titled officers' specialized expertise and specialized work locations. Some slash-titled officers work with inmates in facility kitchens or mechanical workshops. Others work with inmates in substance-abuse programs or outside the facility's walls. Each of these nonstandard settings involves its own special challenges and dangers. By contrast, line officers generally work in housing units, where they supervise inmates within prison walls and away from dangerous implements and chemicals. (1 Tr. 20-23, 46-53, 71-76, 87-88, 106-117; 3 Tr. 16-18, 39-42, 47-51, 59-61, 73-76.)

C. The Petitioners

9. Petitioner John Curley was employed by the sheriff's department from 2001 until his retirement in 2025. Beginning in 2021, Mr. Curley's job title was "senior prison steward/C.O." He worked with between seven and twenty-five inmates at a time in the kitchen of the main facility in Ludlow. Under Mr. Curley's supervision, inmates performed food-prep tasks such as "peeling, chopping, and dicing." The prison equipped the inmates with knives, pots, pans, chemicals, and other items usable as weapons. (Curley 1st Aff. ¶ 16; 2 Tr. 4-6, 9; exhibit 3.)

10. Petitioner Michael Polidoro has worked for the sheriff's office since 1993. His title since 2022 has been "food service manager/C.O." He is stationed at the Stonybrook substance-abuse facility, where he supervises inmates and staff in a kitchen and a dining area. Their substance-abuse issues make the inmates under Mr. Polidoro's supervision especially unstable and difficult. At mealtimes, he is responsible for "ensuring safe and proper delivery of food service" to approximately fifty inmates at a time, with multiple correctional staff under his command. (Polidoro Aff. ¶ 12; 3 Tr. 44-61; exhibit 41.)

11. Petitioner Stephen Sabol has worked for the sheriff's office since 2003. His title since 2022 has been "shift supervisor/correctional officer II." He is stationed at the minimum-security facility in Springfield, where he supervises security staff and inmates. The inmates under his supervision work at a mechanical workshop and on maintenance projects around the facility, using sharp metal tools and other dangerous items. (Sabol Aff. ¶¶ 8, 10; 3 Tr. 7-10, 15-17; exhibit 57.)

12. Petitioner Kevin Pendleton has worked for the sheriff's office since 1996. His title since 2021 has been "shift supervisor/correctional officer II." He is stationed at the Stonybrook substance-abuse facility, where he supervises staff and inmates. The inmates all contend with "behavioral, psychological, and substance abuse issues," which generally increase the likelihood of violent incidents. (Pendleton Aff. ¶ 9; 3 Tr. 28-43; exhibit 19.)

13. Petitioner Jeffrey Crowe was hired by the sheriff's office first in 1994 and again, after a hiatus, in 2019. His title since 2022 has been "first residential supervisor/C.O." He is stationed at the main facility in Ludlow, where he supervises both inmates and other correctional staff. Approximately twice per week, he escorts a nurse on a medication-disbursement round, at which time he is required to wear "body armor, a body camera, . . . a firearm, [pepper spray], and a baton," to protect both the nurse's wellbeing and the drug supply. (Crowe Aff. ¶¶ 8, 11, 12; 2 Tr. 29-31, 36; exhibit 33.)

14. Petitioners Michael Sawyer and Nicholas Moses have worked for the sheriff's office since 1993 and 2005, respectively. They are both stationed at the minimum-security facility in Springfield. They both hold the title "residential supervisor IX/C.O.," to which they were promoted in 2018 and 2022, respectively. They are responsible for supervising groups of several inmates at a time "in the community," i.e., outside of the correctional facility, and specifically on "restitution projects," such as environment-beautification work. (Sawyer Aff. ¶ 6; 2 Tr. 19-20, 26; 3 Tr. 63-70; exhibits 26, 49.)

D. Procedural Posture

15. In separate decisions issued during 2024-2025, the board declined to classify each of the petitioners in group 4 under G.L. c. 32, § 3(2)(g). Each petitioner timely appealed. (Exhibits 4, 5, 20, 21, 27, 30, 34, 35, 42, 43, 50, 51, 58, 59.)

Analysis

The retirement benefits of a Massachusetts public employee are determined in part by a four-part grouping system. G.L. c. 32, § 3(2)(g). The proper application of the grouping statute to this case requires attention both to general principles articulated by the courts and to the more specific and practical guidance derivable from binding administrative precedents.

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At a high level of generality, the purpose of the grouping system is to invite employees with hazardous duties into early retirement. *Pysz v. Contributory Ret. Appeal Bd.*, 403 Mass. 514, 518 (1988). In furtherance of this goal, the Legislature could have required the retirement boards to evaluate the dangerousness level of each employee's daily routine. Instead, large portions of the grouping statute adopt more easily administrable techniques. The provision that defines group 4 is among them: it identifies eligible employees by "naming their positions or titles rather than by describing the type of work they perform." *Gaw v. Contributory Ret. Appeal Bd.*, 4 Mass. App. Ct. 250, 254 (1976). See *Hunter v. Contributory Ret. Appeal Bd.*, 80 Mass. App. Ct. 257, 260 (2011); *Retirement Bd. of Taunton v. Contributory Ret. Appeal Bd. (Blain)*, 56 Mass. App. Ct. 914, 915 (2002). This provision must be applied as written even though "the means to achieve the statutory end [are] rough." *Fine v. Contributory Ret. Appeal Bd.*, 401 Mass. 639, 643 (1988).

The positions or titles assigned to group 4 include various roles in the county correctional facilities, including “correction officers.” G.L. c. 32, § 3(2)(g). It is settled that this portion of the statute covers only individuals holding the requisite job titles: group 4 is not available to “an employee who performs duties of a correction officer, but does not have that job title.” *Hunter*, 80 Mass. App. Ct. at 260.

A recurring dilemma has arisen when the county sheriffs adopt job titles that vary slightly from the statutory formula. Sometimes the titles add descriptive words and punctuation to the words “correction officer.” Sometimes they abbreviate the statutory phrase into the form “C.O.” The job titles of the slash-titled petitioners involve both variations.

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The essential question presented is whether slash-titled officers are properly viewed as having the “positions or titles,” *Gaw*, 4 Mass. App. Ct. at 254, of “correction officers,” G.L. c. 32, § 3(2)(g). The issue has not come before the appellate courts. CRAB’s decisions offer two lines of controlling guidance.

A

During 1991, dozens of county correctional employees appealed from board decisions declining to classify them in group 4. At least seven of the appeals were decided by CRAB on September 11, 1992. The job title at issue in each of the seven appeals was “residential supervisor—C.O.”

The CRAB decision in each case revolved around a lesser-known passage in *Gaw*: although *Gaw* mostly emphasizes that group 4 focuses on “positions or titles,” the opinion adds at one point that: “the test for eligibility is largely the employee’s title *or job description*.”

4 Mass. App. Ct. at 256 (emphasis added). Concentrating on the “job description” component of this formula, CRAB wrote in 1992:

Group classification of a member of a retirement system is not based upon the job title alone but is based upon the title of the position held and the description of the member’s duties and responsibilities. This Board finds that Appellant’s duties and responsibilities are those of a correction officer in a county correction facility and that he should be classified in Group 4.

Flanagan v. Hampden Cty. Ret. Bd., No. CR-91-798, at *2-3 (Contributory Ret. App. Bd. Sept. 11, 1992). *Accord Quink v. Hampden Cty. Ret. Bd.*, No. CR-91-799, at *2-3 (Contributory Ret. App. Bd. Sept. 11, 1992); *Quinn v. Hampden Cty. Ret. Bd.*, No. CR-91-829, at *2-3 (Contributory Ret. App. Bd. Sept. 11, 1992); *Bauchiero v. Hampden Cty. Ret. Bd.*, No. CR-91-830, at *2-3 (Contributory Ret. App. Bd. Sept. 11, 1992); *Willett v. Hampden Cty. Ret. Bd.*, No. CR-91-831, at *2-3 (Contributory Ret. App. Bd. Sept. 11, 1992); *Breveglerei v. Hampden Cty. Ret. Bd.*, No. CR-91-832, at *2-3 (Contributory Ret. App. Bd. Sept. 11, 1992); *Hobert v. Hampden Cty. Ret. Bd.*, No. CR-91-874, at *2-3 (Contributory Ret. App. Bd. Sept. 11, 1992).² The underlying DALA decisions elaborated on the duties stated in the petitioners’ job descriptions: the petitioners “supervise[d] . . . residents,” were responsible for the “maintenance and security of the facility,” controlled “aggressive behavior of inmates,” and more specifically “perform[ed] head counts,” “transport[ed] inmates,” and “respond[ed] to escapes.” *E.g., Flanagan v.*

² These decisions appear to have remained unpublished for many years. Mr. Bauchiero, acting for six of the petitioners, located them in the archives of the sheriff’s office. *See supra* note 1. The board does not dispute the decisions’ authenticity. Copies have been provided to the Social Law Library and are maintained in the case file.

Hampden Cty. Ret. Bd., No. CR-91-798, at *2-3 (Div. Admin. Law App. Apr. 29, 1992, *aff'd*, Contributory Ret. App. Bd. Sept. 11, 1992).³

CRAB's decisions of 1992 may be viewed as building another layer of practical analysis onto *Gaw*'s focus on "positions or titles." A "title" is a label designed to capture the heart of an employer's view of a role. Commonplace titles such as "correction officer," "nurse," or "program manager" may cover broad ranges of roles diverse in their particulars. Against this backdrop, slash titles and other nonstandard labels may be ambiguous. They may denote specific subcategories within the statutorily qualifying "positions." See *Lowrey v. State Bd. of Ret.*, No. CR-19-202, 2022 WL 16921459, at *2 (Div. Admin. Law App. Oct. 28, 2022), *rev'd on other grounds*, 2026 WL 714139 (Contributory Ret. App. Bd. Feb. 19, 2026). Or the statutory words may decorate the titles of employees not truly envisioned to fill the roles that the Legislature had in mind. By way of illustration, a sheriff's office may assign the title "medical/C.O." to the subset of its correction officers who maintain custody of prisoners while they receive medical treatment; or the abbreviation C.O. might be attached to the titles of the prison's medical personnel as an imprecise, honorary nod to the setting in which they serve (or for more manipulative purposes, as discussed *infra*).

The 1992 decisions adapt *Gaw*'s holding to such ambiguities. By studying an employee's written job description, a board or appellate tribunal may identify the true meaning of a

³ It is hard to say whether the *Gaw* court may have meant for the term "job description" to denote the *Legislature's* description of a job. Cf. *Fine*, 401 Mass. at 643 ("Group 4 . . . includes a wide array of job descriptions."). For purposes of this proceeding, CRAB's interpretation of the opinion is authoritative.

nonstandard job title, while still refraining from fact-intensive investigations into the employee's day-to-day experience.

B

Two CRAB decisions have gone further, taking into account not only the employee's written job description but also his or her real-world duties. The member's title in the first of the cases was "captain correction officer." CRAB granted him group 4 status, stating: "[I]n addition to his counseling activities [the member] was required to function as a line officer and perform any of the functions of a correction officer." *Carroll v. State Bd. of Ret.*, No. CR-98-176, at *2 (Contributory Ret. App. Bd. June 3, 1999). Four years later, CRAB reviewed the case of a "correction officer/secretary." Its decision again assigned the member to group 4, explaining that "the duties [the member] actually performed were those of a correctional officer." *Daly v. State Bd. of Ret.*, No. CR-01-647, at *1 (Contributory Ret. App. Bd. Jan. 31, 2003).

The duties that *Carroll* and *Daly* view as typical of correction officers are again disclosed by the underlying DALA decisions, where the magistrates asked whether the members had frequent contact with inmates, time alone with them, and supervisory responsibilities over them. *Carroll v. State Bd. of Ret.*, No. CR-98-176 (Div. Admin. Law App. March 30, 1999, *aff'd*, Contributory Ret. App. Bd. June 3, 1999); *Daly v. State Bd. of Ret.*, No. CR-01-647 (Div. Admin. Law App. June 13, 2002, *aff'd*, Contributory Ret. App. Bd. Jan. 31, 2003). The magistrate in *Carroll* also noted that the member filled in for "line" colleagues and responded to riots and other emergencies. And the magistrate in *Daly* added that the member underwent the same trainings and held the same certificates as her colleagues. *See also Comeau v. State Bd. of Ret.*, No. CR-12-373 (Div. Admin. Law App. Dec. 15, 2017); *Smith v. State Bd. of Ret.*, No. CR-10-827

(Div. Admin. Law App. Nov. 15, 2013); *Smith v. State Bd. of Ret.*, No. CR-08-617 (Div. Admin. Law App. Dec. 14, 2012); *McCarthy v. State Bd. of Ret.*, No. CR-06-574 (Div. Admin. Law App. Sept. 7, 2007). *Cf. Rogers v. State Bd. of Ret.*, No. CR-20-216, 2023 WL 6900370 (Div. Admin. Law App. Oct. 13, 2023).

Unlike CRAB's decisions of 1992, *Carroll* and *Daly* cannot be interpreted as extensions of *Gaw*'s logic. They depart from *Gaw*'s core point, namely that group 4 classification is independent of the employee's day-to-day work. The doctrinal roots of the *Carroll-Daly* analysis may be traced instead to the countervailing line of authority originating with *Pysz*, *supra*. Soon before his retirement from a career in group 1, the member in *Pysz* was reassigned to a group 2-qualifying job. The reassignment would have improved the member's retirement benefits: but he was never expected to perform the duties associated with the new job. The Supreme Judicial Court held that the group-classification analysis must ignore a "sham" of this nature, namely a formal appointment "designed to circumvent the statute." 403 Mass. at 516, 518. Subsequent opinions have reiterated the point. *See Spencer v. Civil Serv. Comm'n*, 479 Mass. 210, 220 (2018); *Public Emp. Ret. Admin. Comm'n v. Madden*, 86 Mass. App. Ct. 1107 (2014) (unpublished memorandum opinion).

Carroll and *Daly* apply *Pysz* implicitly to the context of correctional slash titles. At least in some circumstances, such titles may provoke fair concerns that efforts to "circumvent" the group 4 statute are afoot. *Pysz*, 403 Mass. at 517. An examination of a member's real-life job duties offers a sensible method of testing whether the job title authentically reflects the employer's expectations. *See also Murphy v. State Bd. of Ret.*, No. CR-15-623, at *7

(Div. Admin. Law App. May 27, 2016); *Kovacek v. State Bd. of Ret.*, No. CR-06-335, 2007 WL 1660995, at *3 (Div. Admin. Law App. May 25, 2007).

III

The 1992 decisions and the *Carroll-Daly* analysis share an important commonality: they all read *Gaw*'s emphasis on "positions or titles," 4 Mass. App. Ct. at 254, in a commonsensical spirit. They accept that minor variations on the words with which the Legislature described the qualifying positions are not necessarily fatal. There is a limit to the fineness of the distinctions that a presumptively reasonable Legislature will draw even in provisions that revolve around formalities. See *Ortiz v. Examworks, Inc.*, 470 Mass. 784, 789 (2015); *Boelter v. Board of Selectmen of Wayland*, 479 Mass. 233, 240-41 (2018). It follows from the applicable precedents that employees whose job titles refer to them as correction officers may qualify for group 4 even if the titles use abbreviated or supplemental language.⁴

The job title of each petitioner in this case refers to him as a correction officer. It is fair to say that the petitioners' titles are ambiguous. Under CRAB's 1992 decisions, it is proper to resolve the ambiguity by reference to the petitioners' written job descriptions. Those records support the petitioners' claim to group 4 status. They treat each petitioner as belonging to a subcategory of correction officers, one distinguished by a specialized skillset or setting. On paper and as construed by the sheriff's office's staff, the petitioners and their line-officer colleagues share the same core duties, which are essentially those that the 1992 decisions

⁴ At a status conference, the board reported that it sees no practical difference between the full phrase "correction officer" and the abbreviation "C.O." The board also agrees that at least some employees with nonstandard job titles hold "correction officer" positions. See, e.g., *Route v. State Bd. of Ret.*, No. CR-25-461 (Div. Admin. Law App. Oct. 3, 2025).

located at the heart of the correction officer's role: "supervising" detainees with coercive authority, safeguarding the correctional facility's order and "security," and intervening to defuse or counteract "aggressive" inmate behaviors.

The *Carroll-Daly* analysis leads to the same outcome. The petitioners' real-life duties allay any concerns about their titles being "shams" within the meaning of *Pysz*. The petitioners spend their days giving orders to inmates in close quarters. They respond to emergencies together with their facilities' line officers. They undergo the same training as their colleagues, and face the same dangers.

It is fair to acknowledge that slash titles present the boards with dilemmas. As the sheriff acknowledged at the hearing, a simplified job-title taxonomy would have practical benefits. The board was not wrong to hesitate when it encountered the particular job titles at issue in these cases. But in the end, those titles refer to the petitioners as correction officers both intentionally and truthfully. The petitioners are correction officers in nonstandard settings; as it turns out, officers stationed in prison kitchens, in prison workshops, in correctional drug-rehabilitation wings, and alongside prisoners laboring in the community handle specialized versions of the same duties and dangers faced by their colleagues in the housing blocks.

Conclusion and Order

Each of the petitioners is entitled to be classified in group 4 under G.L. c. 32, § 3(2)(g).

The board's contrary decisions are REVERSED.

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals