

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS

Middlesex, ss.

Maura Mahoney,

Petitioner,

v.

Massachusetts Teachers' Retirement System,
Respondent.

Docket No.: CR-24-0683

Dated: June 26, 2026

Appearance for Petitioner:

Maura Mahoney, pro se

Appearance for Respondent:

Salvatore Coco, Esq.

Administrative Magistrate:

Thomas E. Bocian

SUMMARY

The Massachusetts Teachers' Retirement System's decision to calculate the petitioner's retirement allowance in accordance with the "anti-spiking" provision in G.L. c. 32, § 5(2)(f), is affirmed. Her salary in the second year of the relevant look-back window exceeded the average regular compensation that she received in the preceding two years by more than ten percent. No exception to the anti-spiking provision is manifest on the present record. There is no evidence that the petitioner experienced an increase in her hours of employment or that her position changed. Nor is there evidence that her employer made a systemic wage adjustment to tackle a general, collective issue across the employer.

DECISION

The petitioner, Maura Mahoney, timely appealed an October 31, 2024, decision by the Massachusetts Teachers' Retirement System (MTRS), regarding the calculation of her regular compensation for retirement purposes. *See* G.L. c. 32, § 16(4). The MTRS concluded that the

petitioner's regular compensation during the second year preceding her retirement needed to be reduced under the "anti-spiking" provision in G.L. c. 32, § 5(2)(f).

On December 6, 2024, the Division of Administrative Law Appeals (DALA) issued a scheduling order, stating that the petitioner's appeal "appear[ed] to be one that could be resolved on written submissions under 801 C.M.R. § 1.01(10)(b))." Neither side objected to resolution of this matter on written submissions. The scheduling order further provided dates by which the parties could submit evidence and argument on the applicability of the anti-spiking provision. The petitioner submitted a letter on February 27, 2025, and the MTRS submitted memoranda dated January 7, 2025 and April 10, 2025, along with fifteen numbered exhibits. Neither party objected to the other's submission(s). I admit the exhibits into evidence, as marked (Exhibits 1-15). On April 30, 2026, I invited the parties to submit additional argument or evidence concerning a cost-of-living increase that the petitioner received during the relevant period. The MTRS availed itself of the opportunity, submitting a supplemental memorandum on May 27, 2026. The petitioner did not file any supplemental materials.

FINDINGS OF FACT

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

1. The petitioner is a retired member of the MTRS. (Exhibits 14, 15.)
2. She was initially hired as a teacher in the Worcester Public Schools in the fall of 1995. She served in that role until 2016, when she was named the Acting Manager of Social Emotional Learning, with a starting salary of \$111,000 per year. (Exhibits 10, 11.)

3. By 2019, she was designated the Manager of Social Emotional Learning (that is, she was no longer functioning in an “acting” capacity), with her salary subject to annual adjustments by the Superintendent. (Exhibit 12.)
4. In 2022, her contract was extended through June of 2027, with her salary again subject to annual adjustments by the Superintendent. (Exhibit 13.)
5. Over time, the petitioner’s salary steadily increased. For instance, the former Superintendent of the Worcester Public Schools, Maureen Binienda, approved a \$10,000 raise for the petitioner on November 8, 2021. She then approved another \$5,000 raise for the petitioner in June of 2022, making her salary “equal to other District Manager[s] salaries.” (Exhibits 2, 3, 5.)
6. An MTRS memorandum from October of 2024 states that an assistant superintendent in the Worcester Public Schools indicated that she “noticed that many increases in the last few years seemed random,” and that the Superintendent Binienda “did get all Directors up to \$150,000 for 2022/2023.” (Exhibit 4.)
7. In addition, the Worcester School Committee approved “pay raises” of 2% in the 2020-2021 and 2021-2022 school years. Those increases were awarded to some 67 administrators and 295 non-administrators. Among the administrators listed as receiving these increases was the “Manager of Social Emotional Learning.” (Exhibit 5.)
8. The petitioner also received cost-of-living increases of 4% in the 2022-2023 and 2023-2024 school years, and of 3% in the 2024-2025 school year. (Exhibit 5.)

9. Unlike the increases in the 2020-2021 and 2021-2022 school years, the record does not reveal any context for the increases in the 2022-2023, 2023-2024, and 2024-2025 school years. The “Manager of Social Emotional Learning” position is not listed in the minutes of the relevant school committee meeting during which similar raises of 4% and 3% were approved for a list of some eighty “non-represented administrative employees.” (Exhibit 8.)
10. As the result of the raises and increases described above, the petitioner’s salary went from \$132,600 in the 2019-2020 school year, to 135,252.00 in the 2020-2021 school year, to \$147,957 in the 2021-2022 school year, to \$158,967 in the 2022-2023 school year, to \$166,512 in the 2023-2024 school year, and to \$171,387 in the 2024-2025 school year. (Exhibits 2, 5.)
11. In May of 2024, the petitioner decided to retire, effective August 20, 2024. (Exhibits 14, 15; Letter of M. Mahoney dated 2/27/25.)
12. The petitioner’s retirement date was during the 2024-2025 school year (as opposed to coinciding with the conclusion of the school year). The MTRS calculated the petitioner’s compensation in each of the five years preceding her retirement by reference to her retirement date rather than by school year. That approach resulted in prorating, with each year’s total compensation being calculated as the sum of a portion of one school year’s salary and a portion of the immediately previous school year’s salary. (Exhibit 2.)
13. Applying that methodology, the MTRS determined the petitioner’s compensation for the five years preceding her retirement to be: (1) \$167,184.41 (accounting

for a portion of the 2024-2025 salary and a portion of the 2023-2024 salary); (2) \$160,007.69 (accounting for a portion of the 2023-2024 salary and a portion of the 2022-2023 salary); (3) \$147,330.02 (accounting for a portion of the 2022-2023 salary and a portion of the 2021-2022 salary); (4) \$135,625.10 (accounting for a portion of the 2021-2022 salary and a portion of the 2020-2021 salary); and (5) \$132,965.79 (accounting for a portion of the 2020-2021 salary and a portion of the 2019-2020 salary). (Exhibit 2.)¹

14. The MTRS found an impermissible spike in the petitioner's compensation in the second year preceding her retirement—that is, in the year her compensation was determined to be \$160,007.69. (Exhibit 1.)
15. By letter dated October 31, 2024, and sent by postal mail, the MTRS notified the petitioner that it had applied the anti-spiking provision to her retirement calculation because the compensation she earned in the second year preceding her retirement exceeded by more than 10% the average of her regular compensation in the two years before that. Accordingly, the MTRS adjusted her second-year salary downward. The letter included instructions on how to appeal the MTRS's decision. It did not include any indication that it was simultaneously sent by email or any other medium of transmittal. (Exhibit 1.)
16. On November 18, 2024, the petitioner timely appealed the MTRS's decision. (Email, dated 11/18/24, to DALApleadings@mass.gov.)

¹ The petitioner does not contest the MTRS's calculations.

DISCUSSION²

The retirement allowances of Massachusetts public employees generally are calculated based upon the amounts of compensation they receive during the years immediately prior to retirement. G.L. c. 32, § 5(2). For individuals like the petitioner, who became members of a retirement system before April 2, 2012, their yearly retirement allowance is calculated based, in part, on the highest average three-year period of regular compensation. G.L. c. 32, § 5(2)(a). *See Bennett v. Massachusetts Teachers' Ret. Sys.*, CR-23-0185, 2024 WL 2699380, at *2 (Div. Admin. Law App. May 13, 2024). "This methodology exposes the retirement system to disproportionate compensation increases, known as 'spiking,' into the pension-generating years. One way in which Massachusetts law combats spiking is by capping the compensation increases that pension computations consider." *Snyder v. Massachusetts Teachers' Ret. Sys.*, CR-19-447 (Div. Admin. Law App. Aug. 27, 2021). Specifically, G.L. c. 32, § 5(2)(f) provides, "In calculating the average annual rate of regular compensation for purposes of this section, regular compensation in any year shall not include regular compensation that exceeds the average of regular compensation received in the 2 preceding years by more than 10 per cent."

² An appeal from a retirement board's decision must be filed "within fifteen days of notification of such . . . decision." G.L. c. 32, § 16(4). This statutory deadline is "jurisdictional," meaning that DALA has no authority to extend it. *Lambert v. Massachusetts Teachers' Ret. Sys.*, No. CR-09-74, 2012 WL 13406355, at *2 (Contrib. Ret. App. Bd. Feb. 17, 2012). As noted, the MTRS's decision to apply the anti-spiking provision to the petitioner's retirement calculation was conveyed to the petitioner in a letter dated October 31, 2024. The letter was sent by postal mail; there is no indication on the face of the letter that it was transmitted to the petitioner by any other means, and the MTRS does not so claim. She is presumed to have received notification of it three days later, on November 3, 2024. *Brien v. State Bd. of Ret.*, No. CR-23-0126 (Contrib. Ret. App. Bd. Oct. 30, 2024). Even assuming weekend delivery (November 3, 2024, was a Sunday), she emailed her notice of appeal to DALA fifteen days later, on November 18, 2024. Her appeal is, therefore, timely.

Here, the petitioner's regular compensation in the second year of the relevant look-back period was \$160,007.69. The average compensation for the preceding two years was \$141,477.56. So, the second year's regular compensation exceeded the average of the previous two years by some thirteen percent. Under G.L. c. 32, § 5(2)(f), the MTRS was, therefore, right to reduce the petitioner's regular compensation in that second year.

In urging a contrary result, the petitioner bears the burden of proving that the anti-spiking provision set forth in G.L. c. 32, § 5(2)(f) does not apply to her circumstances. *See Reilly v. State Bd. of Ret.*, CR-21-0103, 2023 WL 3547616, at *3 (Div. Admin. Law App. May 12, 2023) (noting, in anti-spiking case, "The [p]etitioner has the burden of proving by a preponderance of the evidence that the [Retirement Board] has applied the law and[/]or its regulations incorrectly or has been culpable in perpetrating a correctible administrative mistake." (Quotation omitted.)). As noted *supra*, n.1, the petitioner does not contest the figures that the MTRS used to calculate her pension or even the calculations themselves. Rather, she maintains that the raises she received were the result of "equity," which I understand to mean efforts on the part of the school system to make her salary more comparable to those of other managers in the Worcester Public Schools. (Letter of M. Mahoney, dated 2/27/25.)

The anti-spiking provision does admit of exceptions. As potentially relevant here, impermissible spiking does not occur when there is "an increase in the annual rate of regular compensation that results from an increase in hours of employment, from overtime wages, from a bona fide change in position, . . . or from an employer's systemic wage adjustments"

G.L. c. 32, § 5(2)(f).³ See *Willette et al. v. Somerville Ret. Bd. et al.*, Nos. CR-20-282 and CR-20-381, 2023 WL 11806174, at *2 (Contrib. Ret. App. Bd. Nov. 16, 2023). The record does not support the application of any of these exceptions.⁴

There is no evidence that the petitioner experienced an increase in her hours of employment. While she asserts that she “receive[d] a lump sum payment of vacation/PTO time in July 2024,” any such payment would not affect the result here. That payment would have been made in her final year of employment—not the second year of the look-back window, which is the operative time period when her salary triggered the anti-spiking provision. And, in any event, such a lump-sum payment for vacation or “PTO” does not signal an increase in hours. Nor did her position change. At all relevant times, her contract was for the position of Manager of Social Emotional Learning. (Exhibits 12, 13.)⁵

³ While Section 5(2)(f) states that impermissible spiking does not occur when there is an increase due to “overtime wages,” I note that “[o]vertime pay is not regular compensation” in any event. *Buglio v. Fall River Ret. Bd.*, No. CR-19-0239, 2022 WL 16921429, at *9 (Div. Admin. Law App. Mar. 18, 2022). See also 840 C.M.R. 15.03(3)(f).

⁴ The petitioner has not expressly invoked any of the exceptions listed in G.L. c. 32, § 5(2)(f). Because she is proceeding in a self-represented capacity, I explain why the exceptions that she may be attempting to invoke do not apply. I do not understand the petitioner to be attempting to claim that her compensation in the second year preceding retirement was the product of collective bargaining, was required by law, was set as the result of an adjustment under G.L. c. 149, § 105A, or was for the provision of the types of pertinent services set forth in G.L. c. 32, § 1 (definition of “regular compensation,” first para., third sentence). Nor do I detect any basis in the record to suspect that those exceptions might apply.

⁵ A MTRS “memo to file” states that “Ms. Mahoney was a manager until 3/2024 when she became a director.” (Exhibit 4.) See also Exhibit 10 (retirement application referring to the petitioner’s position as a “Director”); Exhibit 15 (resignation form listing the petitioner’s title as “Director.”). The petitioner’s contract at the time, however, refers to her position as one of a “manager.” (Exhibit 13.) For purposes of the anti-spiking analysis, I do not need to resolve any tension in these documents. Regardless of whether the petitioner’s title changed in March of 2024, her pay did not. (Exhibit 10.) Because any transition from manager to director does not

The only remaining, potentially applicable exception is for “an employer’s systemic wage adjustments.” G.L. c. 32, § 5(2)(f). “A ‘systemic’ wage adjustment is one that an employer makes to tackle a general, collective issue, as opposed to individual facts.” *Coelho v. Massachusetts Teachers’ Ret. Syst.*, No. CR-240498, 2026 WL 714130, at *2 (Div. Admin. Law App. Mar. 6, 2026) (quotation omitted). “Otherwise stated, the exception is implicated when ‘an employer determines . . . that salaries across an employer or segment of the employer need to be adjusted.’” *Id.* (quoting PERAC Memo No. 21 / 2024 (Aug. 14, 2024)).

Here, I am unable to find in the record sufficient evidence of a *systemic* wage increase that would account for the impermissible spike in compensation during the relevant year. The spike at issue came about as a result of two pay increases—a cost-of-living increase (in both the 2022-2023 and 2023-2024 school years) and a \$5,000 raise. I start with the cost-of-living increase. (Exhibit 5.) The petitioner has not offered any evidence to show that her cost-of-living increase, in particular, was part of an adjustment across the Worcester Public Schools or a relevant “segment” thereof. *Coelho, supra*. True, the school committee approved cost-of-living increases for “approximately 80 employees” during the 2022-2023 and 2023-2034 school years. (Exhibit 8.) But, as noted, the petitioner’s position, Manager of Social Emotional Learning, was not listed among those that received this salary increase. Because the petitioner has not demonstrated that she was part of the (roughly) eighty-person cohort that received this increase, I need not decide whether the increase should be considered a “systemic wage

correspond with a relevant increase in compensation, it is not a basis to find fault with the MTRS’s application of the anti-spiking provision.

adjustment” for anti-spiking purposes. Simply put, the petitioner has not shown that her cost-of-living increase qualifies as a systemic wage adjustment under G.L. c. 32, § 5(2)(f).

As to the \$5,000 raise, the record does not support a conclusion that it was owing to a systemic wage adjustment by the Worcester Public Schools. The petitioner herself maintains that at least some of the pay increases that she received were meant to bring *her* salary more in line with that of other managers in the Worcester Public Schools. (Letter of M. Mahoney, dated 2/27/25.) The Superintendent also characterized the pay increases that the petitioner received as ones that caused *her* salary to be more consistent with the salaries of other managers. (Exhibit 3.) Both of these statements reflect an individualized—rather than systemic—basis for the raise.

Further, while there is some evidence that the Worcester Public Schools’ Assistant Superintendent of Personnel, Engagement, and Equity told an MTRS employee that the Superintendent “did get all Directors up to \$150,000 for 2022/2023,” I do not find that statement to be an adequate basis to conclude that the petitioner met her burden of showing that the anti-spiking provision should not apply. First, the Assistant Superintendent also maintained that “many increases in the last few years seemed random.” (Exhibit 4.) The Assistant Superintendent did not clearly state her understanding of whether the petitioner’s \$5,000 raise fell in the former category (getting “all Directors up to \$150,000”) or the latter (“random”). *See also* n.5, *supra* (describing evidence suggesting the petitioner did not become a director until March of 2024). And even if she intended to suggest that the petitioner’s raise was in the former category, she did not elaborate on the meaning of “get[ting] all Directors up to \$150,000 for 2022/2023,” such that I can ascertain the size and coherence of the cohort

involved to determine whether any adjustments ought to be considered “systemic.” Second, I do not see in the record any independent substantiation of a broader effort to bring about pay parity for all managers during the relevant period. The absence of such evidence stands in sharp contrast to the documentation reflecting the school committee’s consideration or ratification of certain cost-of-living and other increases in compensation for various designated positions. *E.g.*, Exhibit 5; Exhibit 8. And third, the Assistant Superintendent’s statements do not appear to have been under oath. *Centola v. State Bd. of Ret.*, CR-19-507, 2026 WL 1373778, at *3 (Contrib. Ret. App. Bd. April 15, 2026). In short, on the record before me, there is insufficient evidence that the \$5,000 pay increase should be characterized as an adjustment “to tackle a general, collective issue, as opposed to individual facts.” *Coelho, supra*.

The decision set forth herein does not, and should not be read to, cast any aspersions on the petitioner or the Superintendent. The “anti-spiking provision makes no exception for even deserved raises that are not explicitly excluded from § 5(2)(f)’s reach.” *Stanton v. State Bd. of Ret.*, CR-18-399, 2023 WL 11806178, at *2 (Contrib. Ret. App. Bd. Oct. 11, 2023).

CONCLUSION

The MTRS’s decision to calculate the petitioner’s retirement allowance in accordance with the “anti-spiking” provision in G.L. c. 32, § 5(2)(f) is affirmed. The MTRS is directed to return to the petitioner, with interest, any excess withholdings.

/s/ Thomas E. Bocian

Thomas E. Bocian
Chief Administrative Magistrate
Division of Administrative Law Appeals