

COMMONWEALTH OF MASSACHUSETTS

Division of Administrative Law Appeals

Stacey Perry,
Petitioner

v.

Docket No. CR-25-0378

State Board of Retirement,
Respondent

Appearance for Petitioner:

Stacey Perry, *pro se*

Appearance for Respondent:

Alison K. Eggers, Esq.

Administrative Magistrate:

Timothy M. Pomarole

SUMMARY

The petitioner, a Booking and Intake Assistant at a correctional facility, appeals a determination by the State Board of Retirement that her position is not eligible for Group 2. The decision is affirmed. The petitioner has several inmate-facing duties, but even if these duties are Group 2-eligible, she has not demonstrated that they occupy more than 50% of her working hours.

DECISION

The Petitioner, Stacey Perry, appeals the decision of the State Board of Retirement (“Board”) to deny her request that her position with the Bristol County Sheriff’s Office as a Booking and Intake Assistant be classified to Group 2.

I held an in-person hearing on May 27, 2026. The hearing was recorded via the Webex teleconferencing platform. I admitted into evidence Exhibits 1-9. Ms. Perry filed a post-hearing brief on June 3, 2026. The Board submitted a post-hearing brief on July 3, 2026.

FINDINGS OF FACT

Based on the evidence presented by the parties and the testimony, I make the following findings of fact:

1. Ms. Perry has worked for the Bristol County Sheriff's Office since 1989. She has held various positions. At issue in this appeal is her current position: Booking and Intake Assistant at the Bristol County House of Correction. (Ex. 7).¹
2. Ms. Perry's shift is from 7:00 a.m. to 3:00 p.m. (Testimony).
3. Ms. Perry's duties include booking inmates who have newly arrived at the facility from court or as a result of a parole violation. Ms. Perry asks the newly admitted inmate various intake questions, performs fingerprinting and an iris scan, takes mugshots and other photographs, instructs the inmate on the use of the phone system, and walks the inmate to the nurse's station. After these steps are completed, Ms. Perry

¹ In May 2007, the Bristol Country Retirement Board denied Group 2 classification to several of Ms. Perry's prior positions, including her prior position as Head Administrative Clerk/Booking and Receiving, which she occupied before becoming a Booking and Intake Assistant (her present position). In 2009, this Division affirmed that denial. *Perry v. Bristol County Ret. Sys.*, CR-07-422, 2009 WL 5947587, at *3 (Div. Admin. Law App. Mar. 13, 2009). I do not rely upon that decision here. Although Ms. Perry testified in passing that her Head Administrative Clerk/Booking and Receiving position, despite a change in job title, was the "same job" as the position she currently holds (Testimony), there are meaningful differences between the duties of the prior position and those of her present position.

brings the inmate to the property room, where a correctional officer receives him. Ms. Perry's involvement in the booking process generally takes about twenty minutes per inmate. (Testimony).

4. Ms. Perry books inmates about four days per week. On the days she does bookings, she performs about five per day. (Ex. 6; Testimony).

5. Ms. Perry's duties also include accompanying inmates to videoconferences with state courts. Ms. Perry is responsible for noting any disposition at the conclusion of a videoconference because that may affect the inmate's status at the facility. Ms. Perry also appears to facilitate the videoconference on the facility's end. Ms. Perry will sit with the inmate during these videoconferences. The typical videoconference lasts less than twenty minutes.² Ms. Perry typically covers three to four videoconferences a week when her office is short-handed and two videoconferences per week when the office is normally staffed. (Testimony).

6. Ms. Perry attends inmates' videoconference hearings with the Sex Offender Registry Board ("SORB") as well. These hearings take between 30 and 60 minutes. They are infrequent – less than once per week and perhaps not quite once per month. (Testimony; Exhibits 1-4).

² Ms. Perry testified that videoconferences can take anywhere from a few minutes to an hour or more. She testified that the average videoconference is about twenty minutes long. Exhibits 1-4, however, which consist of several pages of videoconference log books (which Ms. Perry testified is a representative sample of the videoconferences' frequency and duration), indicate that twenty minutes may be an overly generous estimate. Of the several dozen videoconferences logged, only a small handful lasted twenty minutes or longer. (Ex. 1). Most of the videoconferences were only a few minutes long. (*Id.*).

7. Ms. Perry also serves restraining orders on inmates. The process typically takes about three to five minutes per restraining order but can sometimes take between five and ten minutes if Ms. Perry “needs to look into things.” Ms. Perry serves about four restraining orders per week. (Testimony).³

8. Ms. Perry’s duties also include collecting DNA samples from inmates about once or twice per week. The collection process takes about ten minutes. (Testimony).

9. Ms. Perry assists in the inmate-release process by printing off documents and handing them to inmates when needed. The record does not disclose how much time this work responsibility typically takes, but based on the nature of the task it appears to be negligible. (Testimony).

10. About half of Ms. Perry’s day is occupied with data entry and record keeping outside the presence of inmates. Ms. Perry also spends about an hour per day answering phone calls and questions about inmates from government agencies and individuals. She also spends some time every day requesting police reports via mail and e-mail. (Testimony).

11. Ms. Perry requested Group 2 classification for her position. In a letter dated May 30, 2025, the Board denied Ms. Perry’s request for Group 2 classification. (Ex. 8).

³ It is not entirely clear whether, when Ms. Perry “look[s] into things,” she does so in the presence of the inmate.

12. On June 4, 2025, Ms. Perry timely appealed Board's decision, and the matter was referred to Division of Administrative Law Appeals for a hearing. (Ex. 9).

CONCLUSION AND ORDER

In Massachusetts, a public employee's retirement benefits are determined, in part, by the employee's classification into one of four retirement "groups." G.L. c. 32 § 3 (2)(g). For this appeal, the two pertinent groups are Group 1 and Group 2. Group 1 is a catch-all group: "[o]fficials and general employees including clerical, administrative and technical workers, laborers, mechanics and all other not otherwise classified." *Id.* Group 2 includes employees "whose regular and major duties require them to have the care, custody, instruction or other supervision of prisoners[.]" G.L. c. 32, § 3. Group 2 classification is "properly based on the sole consideration of [the member's] duties[.]" *Maddocks v. Contrib. Ret. App. Bd.*, 369 Mass. 488, 494 (1976).

It was Ms. Perry's burden to establish that her regular and major job duties – that is, those she spent more than 51% of her working hours performing – required "care, custody, instruction or other supervision" of prisoners. *McCalla v. State Bd. of Ret.*, CR-07-1040, at *7 (Div. Admin. Law App. Mar. 11, 2011).

In this appeal, the Board accepts that several of Ms. Perry's inmate-facing work duties – namely, those related to booking and intake, sitting with inmates during videoconferences, collecting DNA samples, and serving retraining orders – are Group 2-qualifying. It is not obvious to me that these work duties are eligible for Group 2, but I need not and do not decide the question because I agree with the Board that even if

these duties can ground a Group 2 claim, Ms. Perry has not met her burden of establishing that she performed them for more than half of her working hours.

Even relying on the upper ranges of Ms. Perry's time estimates, the time Ms. Perry spends performing the inmate-facing duties described above falls well short of 50% of her working hours. Ms. Perry spends about 400 minutes per week performing her booking and intake duties,⁴ 60 minutes per week attending inmates' videoconferences with the courts,⁵ 40 minutes serving restraining orders,⁶ and about 20 minutes collecting DNA samples.⁷

Ms. Perry also attends videoconferences with SORB, but these are infrequent. If they occur once per month (this may be a generous assumption) and last 60 minutes

⁴ Ms. Perry generally performs five bookings per day during the four days of the week she performs her booking duties. (Testimony). Each booking typically takes about twenty minutes. This yields an average of 400 minutes per week booking inmates.

⁵ This is a fairly generous estimate. It assumes that Ms. Perry facilitates three court videoconferences per week. She typically handles two videoconferences, but will do between three and four per week when the facility is shorthanded. Moreover, although the average duration of these videoconferences is less than 20 minutes, it is not clear how much less, so in making the estimate above, I have rounded up to 20 minutes for the sake of simplicity.

⁶ This estimate assumes Ms. Perry serves four restraining orders per week that take ten minutes each. (The ten-minute estimate is generous. Ms. Perry testified that serving restraining orders takes between three to ten minutes per restraining order and indicated that the upper end of this range would be more the exception than the rule.)

⁷ Ms. Perry collects DNA samples about twice a week. The collection process takes about ten minutes.

(the upper end of Ms. Perry's estimated range), that would result in an average of 15 minutes per week over a one-month period.⁸

Taken together, and relying on generous estimates, these inmate-facing duties occupy only about nine hours of Ms. Perry's 40-hour work week.

One final matter: Ms. Perry has directed my attention to *Platt v. State Bd. of Ret.*, CR-22-0481 & CR-25-0208, 2026 WL 539315 (Div. Admin. Law App. Feb. 20, 2026). That case involved one of Ms. Perry's colleagues at the Bristol County House of Correction who appears to have had work duties fairly similar to Ms. Perry's. The Board had concluded, and a magistrate from this Division agreed, that the petitioner's work duties entailed Group 2-qualifying "custody" of inmates. *Id.* at *3. Although Ms. Platt's and Ms. Perry's job duties appear fairly similar and Ms. Perry testified that Ms. Platt had the same job, *Platt* is not relevant here. Whether Ms. Perry's inmate-facing job responsibilities constitute the "care, custody, instruction, or other supervision" of prisoners is not at issue – the Board has accepted that they do. Instead, the issue here is whether those duties occupy more than half of her working hours; I have determined, based on the record before me, that they do not.⁹

⁸ The time Ms. Perry spends assisting with the inmate-release process, the remaining inmate-facing work responsibility, appears to be *de minimis*.

⁹ In *Platt*, whether the member's Group 2-eligible duties occupied more than half of her working hours did not appear to be at issue. It bears mention that even if Ms. Perry and Ms. Platt occupied the same position at the same facility at the same time, there might still be differences in their work duties. For example, Ms. Perry testified that inmates from court typically arrived after 12:00 p.m., with most of them arriving after 1:00 pm. Because Ms. Perry's shift ends at 3:00 p.m., if one of her colleagues has a shift ending later in the day, it is possible that colleague might end up booking more inmates from court. (That may or may not be the case; I use it only as an illustration to explain how

For the above-stated reasons, Ms. Perry is properly classified in Group 1 and the Board's decision is affirmed.

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/s/ Timothy M. Pomarole.

Timothy M. Pomarole
Administrative Magistrate

Dated: October 2, 2026

employees who nominally occupy the same position might nevertheless, in practice, differ in the time they spend performing certain work activities.)