

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Tracy Poulin,
Petitioner,

No. CR-24-0469

Dated: March 14, 2025

v.

**Massachusetts Teachers' Retirement
System,**
Respondent.

Appearances:

For Petitioner: Tracy Poulin (pro se)

For Respondent: Salvatore Coco, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF DECISION

The petitioner worked for the University of Massachusetts before eventually becoming a teacher and a member of a public retirement system. Under each of the potentially pertinent statutes, the petitioner is not eligible to purchase retirement credit for her pre-membership work.

DECISION

Petitioner Tracy Poulin appeals from a decision of the Massachusetts Teachers' Retirement System (MTRS) denying her application to purchase retirement credit for a period of pre-membership work. The appeal was submitted on the papers without objection. I admit into evidence exhibits marked 1-6 in the case file.¹

Findings of Fact

I find the following facts.

¹ Exhibits 1-5 were offered and marked by MTRS. Exhibit 6 is an originally unmarked job-offer letter submitted by Ms. Poulin.

1. Ms. Poulin was educated at the University of Massachusetts (UMass). In 1991-1993, while she was still enrolled at UMass, Ms. Poulin also worked there as a teaching assistant. (Exhibits 2, 3, 6.)

2. Ms. Poulin was appointed to her UMass position through annual appointment letters. Her job duties required her to deliver lectures, grade papers, administer exams, and hold office hours. The scope of the position was defined as “25% [full-time equivalent],” or ten hours per week. Ms. Poulin was paid an annual salary of approximately \$4,000. She also received a tuition waiver. (Exhibits 2-6.)

3. Ms. Poulin eventually became a teacher in Easthampton and a member of MTRS. In August 2021, she filed an application to purchase retirement credit for her work at UMass. MTRS denied the application, explaining: “[Y]our service does not meet the definition of employee.” Ms. Poulin timely appealed. (Exhibits 1, 2.)

Analysis

The retirement benefits of a Massachusetts public employee depend in part on the length of the employee’s “creditable service.” *See* G.L. c. 32, § 5(2). An employee is ordinarily credited with the periods during which she worked for Massachusetts governmental units while maintaining membership in Massachusetts public retirement systems. *See id.* § 4(1)(a). Scattered provisions of the retirement law allow employees to “purchase” credit for certain additional work.

MTRS’s brief identifies the statute implicated here as G.L. c. 32, § 3(5). MTRS reads that statute as authorizing purchases only in cases of prior service “as an employee.” Drawing on the statutory definitions appearing in G.L. c. 32, § 1, MTRS theorizes that only a “permanent” worker qualifies as an “employee.” *See generally Atherton v. Beverly Ret. Bd.*, No.

CR-05-334, at *3 (Contributory Ret. App. Bd. Aug. 7, 2007). MTRS views Ms. Poulin's annual appointments as insufficiently "permanent."

This theory is inaccurate. To start with, the Supreme Judicial Court has rejected the argument that an individual working on one-year-long appointments is not an "employee." *Young v. Contributory Ret. Appeal Bd.*, 486 Mass. 1, 6 (2020). The Court in *Young* explained that "an employee can be 'any person whether employed or appointed for a stated term or otherwise.'" *Id.* (quoting G.L. c. 32, § 1).

It is also important to differentiate among § 3(5)'s various clauses. The cases cited by MTRS focus on the clause relating to "any member . . . who rendered service in any governmental unit other than that by which [he or she] is presently employed, in a temporary, provisional, or substitute position." That passage does not use the word "employee." It also says as clearly as can be that it covers "temporary" work. The usual statutory definitions are inapplicable where "a different meaning is plainly required by the context." G.L. c. 32, § 1. *See also Weston v. Contributory Ret. Appeal Bd.*, 76 Mass. App. Ct. 475, 478-80 (2010).

Nevertheless, a different problem makes Ms. Poulin ineligible for a purchase under § 3(5). The circumstances covered by the statute's pertinent passage are "temporary, provisional, or substitute" work. Binding precedents read this rule as inapplicable to "'part-time' service." *Santos v. Massachusetts Teachers' Ret. Syst.*, No. CR-04-70, at *2 (Contributory Ret. App. Bd. Mar. 6, 2006). *See Tremblay v. Leominster Ret. Bd.*, No. CR-07-685 (Contributory Ret. App. Bd. May 19, 2011). Ms. Poulin acknowledges that her service at UMass was part-time.

Although neither party has raised the point, it may be instructive to note that another statute, G.L. c. 32, § 4(2)(c), does cover "part-time" work. A different problem arises for Ms.

Poulin under that provision. The case law has interpreted it as applicable “only to previous periods of [work] . . . in the same governmental unit,” while “excluding . . . service in another governmental unit.” *Santos, supra*, at *3. *See Jette v. Norfolk Cty. Ret. Bd.*, CR-14-720, 2017 WL 11905817, at *3 n.30 (Contributory Ret. App. Bd. Oct. 23, 2017). A member’s governmental unit is usually his or her employer. *See* G.L. c. 32, § 1. But because Ms. Poulin is a teacher, she is treated as belonging to a unique, fictitious governmental unit shared by all MTRS members; whereas her pre-membership work took place in a different unit, namely UMass. *See id.*; *Santos, supra*, at *3. A purchase under § 4(2)(c) is thus also unavailable. *See also Roberts v. Massachusetts Teachers’ Ret. Syst.*, No. CR-23-0289, 2025 WL 689849 (Div. Admin. Law App. Feb. 21, 2025).

Conclusion and Order

In view of the foregoing, MTRS’s decision is AFFIRMED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate