

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Ronald White,
Petitioner,

No. CR-25-0255

Dated: May 30, 2025

v.

Boston Retirement System,
Respondent.

ORDER OF DISMISSAL

Petitioner Ronald White is a retiring employee of the Boston housing authority. During his years of employment, when Mr. White worked on holidays, he received twelve hours' worth of pay for eight hours' worth of services. Respondent the Boston Retirement System (board) declined to treat the four extra hours of pay per holiday as within Mr. White's regular compensation for retirement purposes. This appeal followed.

A prior order directed Mr. White to show cause why his appeal should not be dismissed for failure to state a claim. *See* 801 C.M.R. § 1.01(7)(g)(2). Mr. White has filed a timely responsive letter, stating essentially that his arrangement with respect to holidays is "the same as every Boston [h]ousing [a]uthority employee."

The applicable law is straightforward. "Regular compensation" is defined by statute to mean "wages," which are an employee's "base compensation." G.L. c. 32, § 1. A long list of pay items do *not* count as wages, one of which is—except in the case of certain first responders—"any amounts paid as premiums for working holidays." *Id.* That provision is squarely on point. The board therefore acted properly by declining to treat Mr. White's four-hour holiday "premiums" as regular compensation and by refunding Mr. White's excess contributions to him. *See* G.L. c. 32, § 20(c)(2); *Bulger v. Contributory Ret. Appeal Bd.*, 447 Mass. 651, 659-60 (2006); *Kleber v. Worcester Reg'l Ret. Bd.*, No. CR-19-192, at *5 n.2 (Div.

Admin. Law App. Apr. 9, 2021). The practices of the board or the Boston housing authority with respect to employees other than Mr. White exceed the scope of this appeal and cannot be litigated here. *See Sarno v. Massachusetts Teachers' Ret. Syst.*, No. CR-07-253, at *6-7 (Div. Admin. Law App. Oct. 29, 2010); *Racow v. Winthrop Ret. Bd.*, No. CR-20-492, 2022 WL 22569214, at *2 (Div. Admin. Law App. Mar. 25, 2022).

It follows that Mr. White's pleadings, taken as true, do not state a claim upon which relief can be granted. It is therefore ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate