

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Susan Zandrow,
Petitioner,

Docket No.: CR-25-0305

v.

State Board of Retirement,
Respondent.

Appearances:

For Petitioner: Leonard Zandrow, Esq.

For Respondent: Marko Samardzic, Esq.

Administrative Magistrate:

Karen T. Guthrie

SUMMARY OF DECISION

Petitioner was a visiting faculty member working on a part-time contract basis for Bridgewater State University. She then was hired as a permanent academic advisor for UMass Boston and became a member of the state retirement system. Petitioner is ineligible to purchase retirement credit for her work as a visiting faculty member because the position is not “substantially similar” to the academic advisor position.

DECISION

Petitioner, Susan Zandrow, timely appealed the decision of the State Board of Retirement (“Board”) denying her request to purchase service for the contract position of Visiting Instructor at Bridgewater State University (“BSU”) from 2003 to 2015.

I conducted an evidentiary hearing via Webex on April 9, 2026. I admitted Petitioner’s Exhibits 1-3 and Respondent’s Exhibits 1-5 into evidence. Ms. Zandrow was the only testifying witness. The parties submitted closing memoranda on May 26, 2026, at which time the record closed.

Findings of Fact

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

1. Between September 2003 and December 2015, Ms. Zandrow worked as a part-time contract employee for BSU as a Visting Faculty Member/Unit Visiting Lecturer in the Psychology Department. (Petitioner's Exhibit 1; Respondent's Exhibit 1).
2. She accepted each part-time faculty appointment by signing a Memorandum of Appointment ("MOA"). (Id).
3. According to Donna Brooks, Staff Assistant and Benefit Specialist of the Office of Human Resources and Talent Management at BSU, Ms. Zandrow followed a curriculum, taught in a classroom, and gave out grades to students. (Respondent's Exhibit 5).
4. Ms. Zandrow taught psychology classes, such as child psychology, to BSU students. (Testimony).
5. No job descriptions are available for the Visting Faculty Member/Unit Visiting Lecturer. (Respondent's Exhibit 2; Testimony).
6. "Terms of Agreement for Unit Part-Time Faculty" attached to the MOA indicate that visiting lecturers "are required to maintain a current class roster reflecting individual attendance, and . . . to conduct a final examination." (Respondent's Exhibit 1).
7. Also, visiting lecturers' assignments are "not to be considered completed until final grades are submitted." (Respondent's Exhibit 5).
8. Ms. Zandrow's primary role was teaching students in a classroom. (Testimony).

9. In February 2016 Ms. Zandrow began working full-time as an Academic Advisor for the University of Massachusetts Boston (“UMass Boston”). (Testimony; Respondent’s Exhibit 3).
10. At this time, she became a member of the Massachusetts State Employee Retirement System. (Testimony; Plaintiff’s Exhibit 3).
11. The job description of Academic Advisor indicates that “the primary responsibility” is “to advise declared majors within the College.” (Respondent’s Exhibit 3).
12. The job description of Academic Advisor also includes the following duties:
 - Deliver proactive academic advising, as well as group and individual outreach, group advising and on-line advising for declared students in the College of Liberal Arts (CLA);
 - Collaborate on individual student cases with partner offices, such as Disability Services, Undergraduate Studies, Financial Aid, Bursar, Registrar, and Undergraduate Admissions, to resolve students’ difficulties and ensure students are accessing the services they need;
 - Collaborate with faculty advisors to advise new and continuing students, support their progress toward degree completion, and help them achieve their academic goals;
 - Deliver advising presentations at First Year Seminars, Satisfactory Academic Progress workshops, Orientation (summer and winter) and others as needed;
 - Continuously review and monitor student advising records, including degree audits, transcripts, and student records;
 - Act as a team member in the office’s mission to provide high-quality advising and student support with the goal of increasing student retention and graduation rates.(Respondent’s Exhibit 3).

13. Ms. Zandrow worked as an Academic Advisor until January 2, 2020 when she began a new position as a Career Specialist, which she held until 2025. (Respondent's Exhibit 3; Testimony).
14. As a Career Specialist, her job duties were to "[d]evelop, manage, and administer career advising and career counseling and other workshops and programs." (Respondent's Exhibit 3).
15. She was to "develop and implement a career development program, career opportunities and special events." (Id).
16. From Fall 2020 through Fall 2022 as a Career Specialist, this included a course she developed entitled "Career Edge" with a curriculum of comprehensive career skills. (Testimony; Petitioner's Exhibit 3).
17. For Career Edge, she had a class list of approximately twenty students. (Id).
18. In August 2024, as a Career Specialist, Ms. Zandrow developed MathWorks, a grant-funded educational program designed to provide students a curriculum of comprehensive career skills. (Petitioner's Exhibit 2; Testimony).
19. She taught MathWorks from Fall 2024 through Spring 2025, which included evaluating a list of students on a pass/fail basis. (Id).
20. Ms. Zandrow applied on 10/28/24 to purchase retirement credit for her work as a Visiting Faculty Member/Unit Visiting Lecturer at BSU. The Board requested additional information then ultimately denied her application on 5/2/25. (Petitioner's Exhibit 1; Respondent's Exhibits 1, and 4).
21. Ms. Zandrow timely appealed on 5/10/25.

Analysis

Under certain circumstances, a member of the state retirement system may purchase credit for prior service performed while not an active member, such as work as a state contractor. G.L. c. 32, § 4(1)(s); 941 CMR § 2.09. However, this requires that the job description of the position which the member holds upon entry into service (or re-entry into active service) be “substantially similar” to the job description of the position for which the member was compensated as a contract employee. 941 CMR §209(3)(d). If there is no job description, other documentation provided by the employers and acceptable to the retirement board will be used. *Id.* The contract employee service being purchased must have “immediately preceded” membership (or re-entry into the retirement system), and “immediately preceded shall mean 180 days.” 941 CMR §2.09(3)(e).

To determine whether the positions are “substantially similar”, one must look to the “core duties” of the jobs. *See Florentine v. State Bd. of Ret.*, CR-21-236, (Div. Admin. Law App. Dec. 1, 2023); *Gearan v. State Bd. of Ret.*, CR-17-115 (Div. Admin. Law App. Jan. 4, 2019).

Here, Ms. Zandrow taught psychology courses in her position as a Visiting Faculty Member/Unit Visiting Lecturer at BSU. She maintained a class roster, followed a curriculum, taught in a classroom, conducted a final examination, and gave students grades for each class she taught. In contrast, as an Academic Advisor for UMass Boston, her primary responsibility was to “advise declared majors within the College.” Her focus was not on teaching; it was on advising students about academic goals as they progressed toward completion of their degrees. She also collaborated with the students’ faculty advisors and other school employees in order to best support the students.

While there was overlap in the duties insofar as both positions involved working with students, the two positions “differed at their cores.” *See O’Connor v. State Bd. of Ret.*, CR-23-0609, (Div. Admin. Law App. Nov. 15, 2024) (petitioner ineligible to purchase retirement credit for his work as an adjunct professor because core duties were not substantially similar to those of assistant dean position). The core duties of the contract position of Visiting Faculty Member/Unit Visiting Lecturer centered on teaching students specific, substantive coursework. The core duties of the Academic Advisor position centered on advising students about their academic program at the school. These are not “substantially similar.” Therefore, Ms. Zandrow’s application to purchase her service as Visiting Faculty Member/Unit Visiting Lecturer was properly denied.

Ms. Zandrow also provided information about her Career Specialist position at UMass Boston which she held after leaving the Academic Advisor position on January 1, 2020. However, this is not applicable, since she must demonstrate that the job description of her contract position at BSU was “substantially similar to the job description of the job that established membership.” *Kinsman v. State Bd. of Ret.*, CR-07-470, (Contrib. Ret. App. Bd. Jan 8, 2010); 941 CMR §2.09(3)(d). Because the Academic Advisor position was the job that established her membership, information about the subsequent Career Specialist position is not relevant here.

The Board advanced a second basis for denial of Ms. Zandrow’s application, that she did not provide adequate documentation, specifically payroll information, to complete the service

purchase, pursuant to 941 CMR 2.09(3)(f).¹ Given my decision above, I need not reach this issue.

Conclusion and Order

In view of the foregoing, the Board's decision is **AFFIRMED**.

Dated: June 5, 2026

/s/ Karen T. Guthrie
Karen T. Guthrie
Administrative Magistrate
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¹ BSU provided payroll records for 2004-2008 and indicated that no other payroll records were available. (Respondent's Exhibit 2). The Board's denial states that payroll verification was absent for 2002-2003 and 2009-2015. (Respondent's Exhibit 4). Ms. Zandrow appears to rely upon other BSU documents supplied, including the Member Employment History and Memoranda of Appointment (Respondent's Exhibit 1), which the Board found insufficient.