

**VOSHA REVIEW BOARD SPECIAL MEETING MINUTES**  
**13 Baldwin Street, Montpelier, VT 05633**

**August 20, 2021**

The VOSHA Review Board (VRB) Meeting began at 8:34 A.M. and was attended remotely via instantaneous transmission of video through Microsoft Teams by Leigh Keyser Phillips (Chair), Mark J. Gregoritsch (Board Member), Benjamin R. O'Brien (Member) and Carolyn Desch (Clerk).

ADDITIONS OR DELELTIONS TO THE AGENDA

None.

APPROVAL OF MINUTES

RESOLUTION PASSED: After discussion and upon motion made by Mark J. Gregoritsch and seconded by Benjamin R. O'Brien, the Board unanimously voted to approve the June 16, 2021, VRB meeting minutes. - PASSED

FINANCIALS (See Clerk's report and financials statement for end of FY21)

The Clerk reported that the carryforward of \$27,733 from FY21 to FY22 was approved. More discussion centered on the Clerk's report, which identified that having less than \$30,000 in carryforward is important to decrease the chances of the legislature's taking funds from the VRB budget or carryforward, in the event of an overall state budgetary shortfall.

Also discussed were the salary and other employee benefits which were over budget. Each year, foreseeable increases in those items are not factored into the budgeting process, and therefore, they are always overbudget by fiscal year end.

CASELOAD REVIEW (See the Clerk's report, tracking sheets for FY21 & 22 and docket summary)

Carolyn Desch shared that there are six cases open at this time, including two new cases. The Clerk's report will be modified to reflect that there were eight open cases at the beginning of the fiscal year.

After review of the Clerk's report and supporting documentation of VRB1028 US Stucco LLC, the Review Board agreed that there are no further steps that the Clerk should take other than to forward the last email from Robert Pszczola to Rebecca Smith at the Department of Labor Collections Department.

CLERK ASSISTANCE TO HEARING OFFICERS (See Clerk's Report)

The Review Board agreed that the Clerk may provide research, sounding board, and other non-substantial assistance to the Hearing Officer upon request.

STATUS OF CHAIR'S RETIREMENT:

Leigh Keyser Phillips shared that she would submit a letter today to the Governor's office stating that her retirement will be effective as of October 1, 2021, or upon the appointment of her replacement, whichever is later.

#### PRO HAC VICE STATUS (See Clerk's Report)

The Review Board discussed the information provided in the Clerk's report and the email received by Michael Kennedy, Counsel to the Vermont Bar (attached), about handling communications with out of state attorneys prior to the granting of a pro hac vice motion. The Board agreed that any case communication needs to be sent to the employer and copied to the attorney, who is seeking pro hac vice status, until a pro hac vice motion is approved by the Board.

#### SALE OF 13 BALDWIN STREET (See Clerk's Report)

Carolyn Desch reported that she will be touring possible space in the BGS building at 6 Baldwin Street today. Besides sufficient office and storage space and access to an appropriate hearing room, the Review Board discussed the need for parking and for upgraded hearing equipment, as additional considerations relating to the move.

#### RULES OF PROCEDURE REVIEW (See Clerk's Report)

Carolyn Desch reported that the new Rules of Procedure had been officially adopted. Leigh shared her experience at the second Legislative Committee on Administrative Rules meeting, when the Committee had a quorum present for purposes of adopting the Review Board's proposed rules of procedures. Though the rules have been adopted, Carolyn reported that there will now be additional work to update forms, documents and the website to incorporate the new rules.

#### SCHEDULING OF BOARD MEETINGS

The next meeting will be scheduled on October 21, 2021, in person.

#### ADJOURN

The meeting of the VOSHA Review Board was adjourned at 10:07 A.M.