

VOSHA REVIEW BOARD SPECIAL MEETING MINUTES
6 Baldwin Street-Rm 313, Montpelier, VT 05633

April 11, 2023

The VOSHA Review Board (VRB) Meeting began at 8:38 A.M. and was attended by Gary McQuesten (Chair), Benjamin R. O'Brien, Mark J. Gregoritsch and Carolyn Desch (VRB Clerk).

ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

APPROVAL OF MINUTES

After discussion and upon motion made by Benjamin R. O'Brien and seconded by Mark J. Gregoritsch, the Board unanimously voted to approve the December 6, 2022, Review Board Meeting Minutes – PASSED

After discussion and upon motion made by Benjamin R. O'Brien and seconded by Mark J. Gregoritsch, the Board unanimously voted to approve the January 18, 2023, Review Board Meeting Minutes - PASSED

BUDGET DISCUSSION

The Clerk reviewed the FY23 and FY24 points referenced in the Clerk's Report, FY23 budget to actuals and FY24 budget presentation. The Clerk's report was corrected on the total amount of the Hearing Officer cost from \$4,697.50 to \$9,395.00. It was noted that the Hearing Officer costs are still relatively low but that there is another case going for a hearing before the end of the fiscal year which could drive the costs up.

Gary McQuesten shared his insight as to the budget presentation with the House Appropriations and how they were receptive to our budget proposal as it relates specifically to the Clerk's position going full time but, in the end, did not forward the additional funding request onto Senate Appropriations.

The Clerk reviewed the Purchasing Permissions points presented in the Clerk's Report, Agency of Administration Delegation of Authority and Proposed Addendum to Delegation of Authority. Discussion centered around the difference between making a purchase and approval of an invoice. Also discussed was when the Board Chair should be involved versus when the Board Members should be involved in review of such. There was particular interest in reviewing Hearing Officer invoices to have a broader understanding of what the invoices are for, as well as comparing the cost to the VRB budget. Lastly, the Board agreed that the Addendum would be sent to the Financial Services Division after signature this month and then filed annually with the Agency of Administration Delegation of Authority form every year to the AoA Financial Services Division. The form will remain valid until a revision is needed.

After discussion and upon motion made by Benjamin R. O'Brien and seconded by Mark J. Gregoritsch, the Board unanimously voted to approve the Addendum to the Delegation of Authority Form with the following language revised language:

- All purchases costing \$500.00 and over require pre-approval by the Review Board Chair either verbally or in writing.
- Approval of invoices for all goods costing \$500.00 and over require pre-approval by the Review Board Chair either verbally or in writing.

- Approval of invoices for all services costing \$2,000.00 and over require pre-approval by the Review Board Chair either verbally or in writing. If the Chair has concerns, a full meeting of the Board will be called to review said invoice.
- Removal of equipment requires pre-approval by the Review Board Chair in writing.

PASSED

The Board reviewed the State Assessment of Internal Controls documentation. There was no further discussion outside of what was presented in the Clerk's Report.

DOCKET REVIEW

The Clerk presented the information detailed in the Clerk's Report, Docket Summary, and Case Tracking Sheet. Discussion centered on D.E.W. Construction Corp. (VRB1047 and VRB1048) and the action taken so far with regards to a Decision on the Motion to Dismiss, in part, due to questioning the validity of 29 CFR 1926. It was noted that since the Docket Summary was generated, Construx, Inc, (VRB1045) has communicated that it is settling. They had also questioned the validity of 29 CFR 1926.

FY23 TASKS ENUMERATED

The Clerk presented the information detailed in the Clerk's Report regarding the Rules of Procedure revision, the move to 6 Baldwin Street, and case closure details.

Of note, the Board reviewed the website documentation, agreed with the "about us" proposed page language changes and asked that language regarding how penalties are assessed be removed from the Frequently Asked Questions page. Discussion also included adding some example documents to the website such as a complaint and answer that would be helpful to a Pro Se litigant.

CONTRACTS

In reference to the information listed in the Clerk's report the Board members were curious as to how much is spent on transcriptionists. In FY21, \$456.00 was spent on transcripts by the VRB. Most transcripts are paid for by the parties.

EMERGENCY PROCEDURE PLAN

Outside of what was presented in the Clerk's Report there was conversation about ensuring that there is additional training set up for those in the building.

EXECUTIVE SESSION

At 9:40 A.M., on the motion of Mark J. Gregoritsch and seconded by Benjamin R. O'Brien, the Review Board unanimously voted to go into executive session pursuant to 1 VSA §313 to discuss personnel matters. At 9:48 A.M., on the motion of Benjamin R. O'Brien and seconded by Mark J. Gregoritsch, the Review Board unanimously voted to conclude the Executive Session and return to open session.

SET THE NEXT BOARD MEETING DATE:

The Board agreed to set the next meeting on June 8, 2023 at 8:30 A.M.

ADJOURN

Upon motion by Benjamin R. O'Brien and seconded by Mark J. Gregoritsch, the Review Board unanimously voted to adjourn the meeting at 9:55 A.M. - PASSED