

VOSHA REVIEW BOARD SPECIAL MEETING MINUTES
Due to flooding, the meeting was held at 2 Mather Terrace, Montpelier, VT 05602

August 1, 2023

The VOSHA Review Board (VRB) Meeting began at 8:35 A.M. and was attended by Gary McQuesten (Chair), Benjamin R. O'Brien (by Microsoft Teams), Mark J. Gregoritsch and Carolyn Desch (VRB Clerk). Benjamin R. O'Brien excused himself between 9:17 – 10:15 A.M. as a result of a work-related issue he needed to attend to.

ADDITIONS OR DELETIONS TO THE AGENDA

The agenda was updated to include an update of the flood its affect on the VRB office. The office building may be closed up to 90 days, as reported by the Commissioner of Buildings, Grounds, and Services. The Clerk will be working out of her home until such time as the building is reopened.

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 June 8, 2023, Review Board Meeting Minutes – PASSED

BUDGET DISCUSSION

The Clerk summarized the Budget to Actuals spreadsheet. The total expenses were \$109,345.75 with a total budget of \$122, 279.80. The total budget includes carry-forward, pay act award and excess receipts. The remaining carryforward at the end of fiscal year 23 is \$12,934.00.

DOCKET REVIEW

The Clerk presented the information detailed in the Clerk's Report, Docket Summary, and Case Tracking Sheet.

BOARDS AND COMMISSIONS REGISTRY AND FUTURE VRB PLANNING

The Board discussed the information presented in the Clerk's report, State Plan Structure Summary, State Plan States Data and draft Overall State Plan Summary documents. The Board Members are confused by the language in 3 VSA Section 116(b) which creates a registry of State boards and commissions and would like some clarification. Carolyn is meeting with Tanya Marshall, the State Archivist and will ask about it at that time. In particular, they'd like to know if the rule applies to the VRB since the Board is statutorily required. On the other hand, the language in the statute seems to indicate that Board could potentially cease to exist on January 1, 2025, if there is legislative enactment to do so.

The Board Members indicated that the research that Carolyn has done regarding state plan states will be helpful if asked for that information, but they do not want her to reach out to other agencies to have conversations about merging or related conversations. The Board members are more interested in the State pursuing future relationships as opposed to the VRB initiating those conversations.

FUTURE MOU'S

The Board discussed the information in the Clerk's Report. The Board is open to having the Clerk make some extra money for the Board by working with another agency temporarily if it doesn't cause any audit related issues. Carolyn will check with the Financial Services Division on this.

FILE RETENTION

As a result of the information provided in the Clerk's report the following motions were made:

- Upon discussion and upon motion made by Benjamin R. O'Brien and seconded by Mark J. Gregoritsch the Board voted to approve moving forward with saving electronic agenda and minutes only. Minutes will no longer be saved in paper form starting retroactively in January 2022. PASSED
- Upon discussion and upon motion made by Benjamin R. O'Brien and seconded by Mark J. Gregoritsch the Board voted to approve disposal of all copied decisions currently stored in 3-ring binders as these are not originals. PASSED

In addition, the Board agreed to the following:

- There is no need to weed files that were once on microfiche.
- An electronic case filing system and decisions not to keep paper copies needs to be preserved in a revised retention policy and schedule. In particular, the Board is interested in a policy for what will happen to paper exhibits that are written on when admitted at hearings. Carolyn will work to put forth a revised schedule for approval at the next meeting.
- Board appointment documents will be saved as an electronic copy, and paper copies destroyed, since the original remains with the member.

ELECTRONIC FILE PRESERVATION

No more information about long term preservation of files has been discussed with VSARA. That is on hold until the Clerk hears back from VSARA on this.

CASE DATA ENTRY

The Board agreed that the Clerk can add additional historical information to the Employer Index as time allows. No motion was needed for this action.

RULES OF PROCEDURE

The Board discussed revising the Rules of Procedure as it relates to the level of control the Clerk has over the case work rather than the Hearing Officer. They like the way the Rules are written at this time.

SET THE NEXT BOARD MEETING DATE:

The Board agreed to set the next meeting on November 14, 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 10:30 A.M. - PASSED