

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

**November 14, 2023**

The VOSHA Review Board (VRB) Meeting began at 8:30 A.M. and was attended by Gary McQuesten (Chair), Benjamin R. O'Brien, Mark J. Gregoritsch (by Microsoft Teams), and Carolyn Desch (VRB Clerk).

**ADDITIONS OR DELETIONS TO THE AGENDA**

None

**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 August 1, 2023, Review Board Meeting Minutes – PASSED

**BUDGET DISCUSSION**

The Clerk summarized the Budget to Actuals spreadsheet. The current fiscal year remains under budget with an unknown on how many hearings will take place before the end of the fiscal year causing costs to rise. For FY25, Carolyn Desch summarized the meeting from the previous day with the Department of Finance and Management with whom she and the Chair presented the VRB's argument for acceptance of the proposed budget. The proposed budget is more than the allowed 3% increase due to allocation increases which the Board has no control over. The VRB is requesting other increases separate from the allocations which are for hearing officer costs, per diem raises and a new laptop computer due for replacement in fy2025.

**DOCKET REVIEW**

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

**RECORDS SCHEDULE AND RECORDS MANAGEMENT POLICY AND GUIDELINES**

The Clerk presented the Draft Agency Specific Schedule For: Vermont Occupational Safety and Health Review Board, Draft Records Management Policy and Guidelines, as well as the information provided in the Clerk's Report. After discussion of some of the highlights of the schedule and policy a motion was made by Benjamin O'Brien and seconded by Mark J. Gregoritsch to adopt the Draft State of Vermont Specific Record Schedule dated November 11, 2023 (which incorporates the Records Management Policy and Guidelines). PASSED

**ELECTRONIC FILE PRESERVATION**

The Clerk updated the Board as to the status of electronic file preservation: The first task was adopting a revised retention policy and schedule. This has now been completed by adopting the draft. The next stage is to organize the SharePoint files in such a way that makes preservation easier. I will be working with Rebekah Bakos-Kallgren on this. Once that stage is complete, then the VRB will be working with VSARA on electronic file preservation.

**BOARDS AND COMMISSIONS REGISTRY AND FUTURE VRB PLANNING**

The Board discussed the information presented in the Clerk's report. Discussion centered around

whose responsibility it is to make changes to an appeal process. The VOSHA Review Board members agreed that the Department of Labor is responsible since the structure was created through the State and Federal government and not by the VOSHA Review Board itself.

#### PRO HAC VICE DISCUSSION

The Board discussed the information, memo and order template presented in the Clerk's report regarding motions for Pro Hac Vice. The Office of Attorney Licensing, through an email dated October 25, 2023 gave permission to the VRB to continue using an informal practice of allowing non-licensed attorneys to represent parties before the VOSHA Review Board per the Vermont Rules of Professional Conduct section 5.5 comment 9. The Review Board agreed to this and added that the onus is on the party and not on the VRB to determine the validity of their representation.

#### SET THE NEXT BOARD MEETING DATE:

The Board agreed to set the next meeting on Tuesday, February 13, 2024 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 9:25 A.M. - PASSED