

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

**February 13, 2019**

The Board Meeting began at 9:00 a.m. and was attended by Leigh Keyser Phillips (Chair) , Benjamin R. O'Brien (Member), Mark J. Gregoritsch (Board Member) and Carolyn Desch (Clerk). Due to a major snow storm, Phillips and Gregoritsch attended the meeting by conference call.

ADDITIONS OR DELELTIONS TO THE AGENDA

None

APPROVAL OF MINUTES

RESOLUTION PASSED: After discussion of changes to the minutes and upon motion made by Benjamin O'Brien, and seconded by Mark J. Gregoritsch, the Board unanimously voted to approve the December 4, 2018 VRB meeting minutes as amended. - PASSED

CLOSED CASELOAD REVIEW

The VRB reviewed the Case Tracking Sheet (attached), noting an increase in case load due to the recent OSHA fee increase. There was also discussion about the recent Vermont Supreme Court decision for the appeal of Eustis Cable Enterprises (VRB987). See attached Clerk's Report.

OPEN CASELOAD REVIEW

The VRB reviewed the Docket Summary (attached) and discussed Ready Funeral Services (VRB1009). All of the violations were considered non-serious and had no penalties, but the type of violations (written respiratory and bloodborne pathogen plans) seemed more serious. The VRB also took note of the recently filed NSA Industries (VRB1011) case, where an amputation was involved. At this point only Vermont Agency of Transportation (VRB1010) has been assigned a hearing officer from the recently filed cases. Also noted was Eustis Cable Enterprises (VRB 1001) where the parties filed post-hearing briefs on Monday, February 11, 2019. The decision of Hearing Officer Alan Rome is expected in the next couple of months, and petitions for review are expected.

FINANCIAL

The VRB reviewed the Budget to Actuals spreadsheet, FY2020 Budget Book and Clerk's Report (attached). Carolyn Desch shared information about the VRB's 2020 FY budget presentation to the Appropriation Committee including the FY20 Budget Book (attached). The Clerk's request for a new headset was within the budget and therefore did not need Board approval.

MEETING WITH DEPARTMENT OF LABOR COMMISSIONER KURLLE

The Commissioner's meeting with the Board was postponed until its next meeting, due to the weather.

### HEARING OFFICER AND TRANSCRIPTIONIST CONTRACTS

The discussion surrounded how a simplified bid process works and the VRB's ability to appoint hearing officers. Carolyn Desch will conduct more research around the rates being charged by other hearing officers in the State of Vermont system and then send the simplified bid out to all three of our hearing officers. She will do the same for a transcriptionist contract. Mark Gregoritsch asked about the length of these contracts, which will need to be determined before sending out the bids.

### BOARD REAPPOINTMENTS

There was some discussion around finding a replacement for Leigh Keyser Phillips, as chair, and whether the VRB should seek out individuals to recommend to the Governor's office. With the State's low per diem, the VRB discussed whether a retired individual would be a better candidate for the position.

### RULES OF PROCEDURE UPDATE

Leigh said that she would set time aside to work on her review of the rules. There was discussion about keeping the rules flexible to give the opportunity for the parties to reach a settlement before having to appoint a hearing officer.

### SCHEDULING OF BOARD MEETINGS

The next Board meeting is scheduled for May 21, 2019 at the VRB office at 13 Baldwin Street in Montpelier, Vermont at 9:00 a.m.

### ADJOURN

Upon motion duly made by Benjamin O'Brien and seconded by Mark J. Gregoritsch, the meeting of the VOSHA Review Board was adjourned at 10:15 A.M. - PASSED