

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

April 15, 2020

The Board (VRB) Meeting began at 8:45 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). Also in attendance through Microsoft Teams for a portion of the meeting was Brenda Berry, Deputy Chief Financial Officer of the Vermont Agency of Administration Financial Services Division, who joined the meeting at 9:00 a.m.

ADDITIONS OR DELETIONS TO THE AGENDA

None

APPROVAL OF MINUTES

RESOLUTION PASSED: After discussion and upon motion made by Mark J. Gregoritsch, and seconded by Benjamin O'Brien, the Board unanimously voted to approve the April 1, 2020 VRB meeting minutes. - PASSED

DOCKET REVIEW

The Board discussed the cases highlighted in the Docket Summary (attached) with respect to the types of violations. Also discussed was an incoming case involving the UVM Medical Center and the likelihood that it could take some time for the case to settle because the person in charge of handling the case for the hospital is also leading its COVID-19 response team. Options for getting documents notarized, if needed, were also discussed and included the possibility of finding notary services at local banks' drive-thru windows.

BUDGET

Brenda Berry attended the meeting to discuss the status of the VRB's Budget to Actuals (attached). She reported that though we are on target to be under budget, it is possible that we could go over budget by a couple thousand dollars. However, the VRB's carry forward balance could then be used to cover any budget short fall. A discussion followed about the information, which Ms. Berry thought would be needed to include in any request to continue the carry forward in the next fiscal year. In addition to the significant fee to file the revised VRB Rules of Procedure, the primary reason for keeping the carry forward is the uncertainty of the costs of any cases filed with the VRB. One case can potentially result in \$20,000 of Hearing Officer fees, transcript expenses and other costs, and another case can cost just a few thousand dollars. It is not the type of violation, but the complexity of the case's issues that determine the costs to the VRB. Leigh Keyser Phillips pointed out that because the Department of Labor's VOSHA Division is now settling cases faster, there is a possibility that the VRB will see more contested cases later on, when repeat violations, which have larger penalties, of violations in previously settled cases start happening.

RULES OF PROCEDURE REVIEW

The Board has finished its review of the proposed revised VRB rules. Carolyn reported that she is in the process of creating a new draft which will incorporate the changes discussed and expects the process to take another week to finish up.

SCHEDULING OF BOARD MEETINGS

The next Board meeting is scheduled for April 29, 2020 at 8:30 a.m. to review and discuss the Intermountain Construction, Inc. (VRB1020) decision, which will be filed with the Board shortly. In addition, two more meetings were scheduled on May 13 and 20, 2020 at 8:30 a.m. to review

the revised Rules of Procedure draft. All of these meetings will be held remotely through Microsoft Teams.

ADJOURN

Upon motion made by Mark J. Gregoritsch, and seconded by Benjamin R. O'Brien, the meeting of the VOSHA Review Board was adjourned at 9:50 a.m. – PASSED