

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

September 15, 2020

The Review Board Meeting began at 8:40 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). Benjamin R. O'Brien had to leave the meeting at 10:05 a.m. Also in attendance through Microsoft Teams was Brenda Berry, Deputy Chief Financial Officer of the Vermont Agency of Administration Financial Services Division.

APPROVAL OF MINUTES

RESOLUTION PASSED: After discussion and upon motion made by Benjamin O'Brien, and seconded by Mark J. Gregoritsch, the Board unanimously voted to approve the July 22, 2020 VRB meeting minutes.
- PASSED

BUDGET

Brenda Berry attended the meeting to discuss the status of the Review Board's budget as it relates to the state mandated 5% reduction. The State did not end up reducing the Review Board budget, and therefore, all the completed FY 2021 budget changes need to be changed back. Ms. Berry and Carolyn Desch will work on this process.

DOCKET REVIEW

The Review Board looked over the attached FY20-21 Docket Summary. The Board discussed VRB1030 and VRB1031, both United Parcel Service cases, in which a Pro Hac Vice motion will need to be filed for their Georgia legal counsel to represent them before the Review Board. In addition, the Board discussed VRB1029 Kingsbury Companies, LLC, in which an affidavit opposing the assignment of Hearing Officer Carpenter, due to a conflict of interest, has been filed by the Department of Labor. Hearing Officer Carpenter will be getting an order on this motion to the Review Board shortly. Also discussed was VRB1001 Eustis Cable Enterprises, which, while not open now, may be remanded back to the Hearing Officer, if the Vermont Supreme Court declines to hear the appeal of the Superior Court's decision in this matter. .

RULES OF PROCEDURE REVIEW

Carolyn Desch referred the Review Board to her notes on the status of the rules review process in the attached Clerk's Report. The Board will discuss any comments received by October 26, 2020, after the October 16, 2020 public hearing on the proposed rules, at its next scheduled meeting.

REMOTE HEARING GUIDELINES DISCUSSION

Carolyn Desch referred the Review Board to her notes in the attached Clerk's Report. Leigh Phillips had some comments which she will submit to Carolyn at a later time.

REVIEW OF ELECTRONIC FILING AND SERVICE AGREEMENT FORM

The Review Board looked over the attached form and made some additional edits.

SCHEDULE UPCOMING MEETINGS

The next meeting is tentatively scheduled for October 28 or 30 or November 3, 4, or 6 at 8:30 a.m. depending on Benjamin R. O'Brien's availability. Carolyn Desch will reach out to him and confirm one of these dates for the next Review Board meeting where the proposed Rules of Procedure comments from the public hearing will be reviewed.

ADJOURN

Upon motion made by Mark J. Gregoritsch and seconded by Leigh Keyser Phillips, the meeting of the VOSHA Review Board was adjourned at 10:35 a.m. – PASSED