

MEMORANDUM OF UNDERSTANDING

In 2007, the U.S. Department of Labor requested that the V.O.S.H.A. Program of the Vermont Department of Labor ("VOSHA Program") and the V.O.S.H.A. Review Board ("VRB") clarify and document their individual responsibilities and rights with respect to the U.S. Department of Labor OSHA Compliance Program Grant ("OSHA Grant") received by the State of Vermont Department of Labor. This Memorandum of Understanding ("MOU") updates the 2007 MOU between the parties. It is entered into by the Vermont Department of Labor, the Vermont Agency of Administration, and the VOSHA Review Board to ensure that the federal request for clarification and documentation remains satisfied.

The VRB is a quasi-judicial board created under Title 21 V.S.A. 230. It is attached to the Office of the Governor of Vermont (which is responsible for appointing its members) for administrative purposes. The VRB is the adjudicative body for the OSHA Grant. It conducts hearings and decides V.O.S.H.A. Program compliance cases brought before it for review. It operates independently from the direction and control of the V.O.S.H.A. inspection and enforcement division of the Vermont Department of Labor.

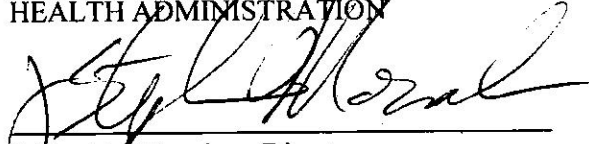
The V.O.S.H.A. Program was established by 21 V.S.A. §201 et seq. It was created to assume responsibility for the development and enforcement of occupational safety and health standards within the State of Vermont. See 21 V.S.A. §221. It conducts O.S.H.A. compliance activities including enforcement within the State of Vermont. Entities cited and/or penalized by the V.O.S.H.A. Program may have the citations reviewed and adjudicated before the independent VRB. See 21 V.S.A. §226.

The parties hereby agree to the following arrangement with respect to the transfer of funds from the U.S. Department of Labor OSHA Compliance Program Grant to the V.O.S.H.A Review Board:

1. The Vermont Legislature separately appropriates state funds for the operation of the VRB. Said appropriations shall be the State of Vermont match for the OSHA Grant funds provided to the VRB. Under the terms of the OSHA Grant, the State of Vermont agrees to match the federal funds with a state appropriation at least equal to the federal grant amount.
2. The Vermont Legislature separately appropriates state funds for the operation of the V.O.S.H.A. Program within the Vermont Department of Labor. Said appropriations shall be the state match for the OSHA Grant funds provided to the V.O.S.H.A. Program within the Vermont Department of Labor.
3. Upon the VRB's submission of quarterly, or more frequent as mutually determined by the parties, reports documenting all of its expenditures, the Vermont Department of Labor will reimburse the VRB one-half (1/2) of the amount of said expenditures out of the OSHA Grant for the federal fiscal year in which the VRB expenses were incurred.
4. This Memorandum of Understanding ("MOU") shall be applicable for the federal fiscal year beginning on October 1, 2017 and for federal fiscal years thereafter, unless:
 - A. The U. S. Department of Labor no longer provides an OSHA Compliance Program Grant to the State of Vermont; or
 - B. The VRB is terminated by the Vermont Legislature; or
 - C. The V.O.S.H.A. Program is terminated by the Vermont Legislature; or
 - D. The parties agree in writing to terminate the MOU.

5. The Review Board shall provide the Department of Labor with its projected expenditures for each fiscal year covered by this MOU, when requested, to enable the Department of Labor to prepare any necessary application for the OSHA Grant.
6. This MOU may only be amended in writing by both parties.
7. Approval of this MOU and any amendment thereto by the Vermont Secretary of Administration is required.

VERMONT OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION



J. Stephan Monahan, Director
Workers' Compensation & Safety Division
Vermont Department of Labor

Date: 9.20.2017

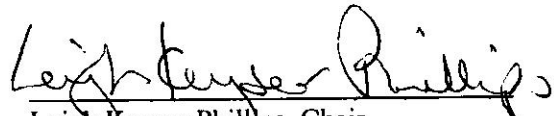
VERMONT DEPARTMENT OF LABOR



Lindsay H. Kurrle, Commissioner

Date: 9/19/17

V.O.S.H.A. REVIEW BOARD

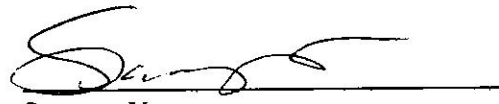


Leigh Keyser Phillips, Chair

Date: 9/19/17

APPROVED:

VERMONT AGENCY OF
ADMINISTRATION



Susanne Young,
Vermont Secretary of Administration

Date: 9-27-17