VOSHA REVIEW BOARD

Leigh Keyser Phillips, Chair of the Board

Fiscal Year 2017 Budget Request



VOSHA Review Board

Fiscal Year 2017 Budget Request

Leigh Keyser Phillips, Chair of the Board

Budget Development

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VOSHA Review Board

FY 2017 Budget Request

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VOSHA REVIEW BOARD

Executive Summary

Philosophy:

The VOSHA Review Board carries out its statutory mandate to provide reviews of and hearings on Vermont Occupational Safety and Health Administration (VOSHA) violations of safety and health standards in the workplace contested by Vermont employers.

Key Initiatives: Hearings for VOSHA contested citations

The Review Board's part-time clerk manages all filings, correspondence, and other administrative matters, including scheduling hearings. The Review Board appoints hearing officers to hear each case, which is not resolved through settlement, and also reviews any hearing officer's decision on a discretionary basis.

Review Board Rules

The Review Board is responsible for establishing and updating the rules governing any case brought before it.

Review Board Website

A VOSHA Review Board website was developed and went on line during FY16. The calendar on the website will continually be updated listing any Review Board meetings and hearings. In addition, past and future Review Board decisions will continue to be added over time to complete this section of the website. Having this material on the website will allow for easier access to Review Board information and materials.

Review Board Archive Policy

In order to better comply with the Public Records Law, the Review Board has been working with the Vermont State Archives to update and improve its records management processes and procedures and develop a new document retention and archive policy, incorporating current technology.

Funding Levels:

In FY17 the Review Board will be updating its Rules of Procedure, as the current version was adopted over 20 years ago. The cost will be approximately, \$3,000.00.

The number of Review Board cases brought before a hearing officer has fluctuated throughout the years. More recently, cases appealed to the Review Board are requiring increased deliberation and research by the hearing officers, which in turn has resulted in increasing the costs of holding hearings. To address this increase in costs,

the Review Board's Clerk has begun taking paralegal courses to be able to provide more research and legal assistance.

Implementing the new Review Board document retention and archive policy may require the expense of professionally scanned files which will cost approximately \$500.00 as well as the cost of any storage system or materials.

Summary

The VOSHA Review Board provides Vermont employers with a forum for reviews of and hearings on any contested VOSHA citation for violations of workplace safety standards.

FY 2016 Budget to FY 2017 Request





Section 1

Fiscal Year 2017 Budget Development Form - VOSHA Review Board

	General \$\$	Transp \$\$	Special \$\$	Interdept'l Transfer \$\$	All other \$\$	Total \$\$
VOSHA Review Board: FY 2016 (As Passed)	30,153	0	0	30,153	0	60,306
Change in Salaries and Benefits	11,976			11,976		23,952
Changes to Internal Allocations (DHR, DII, Insurance, FFS, etc)	1,622			1,621		3,243
Changes in Contract and 3rd Party Service (correct budget error in FY16)	(5,000)			(5,000)		(10,000)
Changes in Per Diem and Other Personal Services	(2,140)			(2,139)		(4,279)
Subtotal of increases/decreases	6,458	0	0	6,458	0	12,916
FY 2017 Governor's Recommended Budget	36,611	0	0	36,611	0	73,222

Program Budget Profiles





Section 2

VOSHA REVIEW BOARD

1.

a. What are your programs?

Under 21 V.S.A. Section 226(c), (d) and 230, the VOSHA Review Board (VRB) has a statutory mandate to hear and decide any case involving an employer's contesting of any Vermont Occupational Safety and Health Administration (VOSHA) citation for alleged violations of safety and health standards in the workplace. The VRB is also responsible for establishing and updating the rules governing any case brought before it.

b. How do these programs meet your core mission?

The VRB is meeting its core mission by providing all employers in Vermont with a forum in which to contest any VOSHA citation. The VRB provides assistance in understanding the VRB process and timely and fair hearings to all parties who appear before it.

2.

a. What does success in each program look like to Vermonters both those served by the program and the general population?

Vermont employers are provided with assistance to enable them to understand the hearing and review process for any contested VOSHA citation for alleged safety and health standards in the workplace. In addition, hearings and reviews are held in a fair and timely manner.

b. What performance measures are used to determine progress and what baseline data is available (current and proposed budget, number served, etc)?

The number of open cases compared to closed cases, processing time of closed cases, and number of experienced Hearing Officers on the VRB's docket is used to determine its efficiency and effectiveness.

Number of Open Cases: During the course of FY2015, the VRB handled a total of thirty one (31) cases, many of which were carried over from FY2013 and FY 2014 due mainly to one large filing of approximately 50 cases by the VOSHA Division of the Vermont Department of Labor in FY2013. The VRB has no control over how many cases it receives. However, once received it strives to keep the percentage of open cases as low as possible which indicates the level of efficiency of case processing. As a matter of course, there will always be some open cases at the end of a fiscal year. At the end of FY2015, 23% of cases handled were open.

<u>Case Processing Time:</u> The dates on which these 31 cases were filed with the VRB ranged from February 21, 2013 to June 22, 2015. Because of this wide range in filing dates and unusual circumstances, the percentage of cases heard within one year for FY2015 is only 28%. However, by the

FY17 Appropriations Committee Questionnaire

end of FY2015, all of the cases filed in FY2013-14 had been closed and all of the cases (except one) opened in FY2015 have closed in less than one year.

See bullets below describing the resolution or status of the 31 cases:

- Five (5) of these cases went to hearing resulting in a Hearing Officer Decision, with four (4) Requests for Discretionary Review which were denied. One case is pending the completion of a Directed Review which means that a Board Member requested a review of the decision.
- Thirteen (13) either settled or are in the process of finalizing a settlement. One (1) of these had a hearing officer assigned before settlement.
- Thirteen (13) were dismissed as a result of withdrawal from contest or citation withdrawal. Four (4) of these had a hearing officer assigned before dismissal.

Number of experienced Hearing Officers: The VRB appoints hearing officers to hear each case not resolved through settlement. Currently the VRB has four Hearing Officers who each are assigned, on average, three (3) cases per year. These hearing officers are all experienced attorneys with backgrounds in litigation. The VRB also reviews any hearing officer's decision on a discretionary basis ensuring fair hearings. The number of Review Board cases brought before a hearing officer has fluctuated throughout the years. More recently, cases appealed to the Review Board are requiring increased deliberation and research by the hearing officers, which in turn has resulted in increasing the costs of hearings.

3. Is there a better way?

The current structure and operation of the VOSHA Review Board (VRB) allows it to carry out its responsibilities in an efficient and cost-effective way. To continue to insure that it is carrying out its mission and responsibilities as efficiently and cost effectively as possible, the VRB established a web page to provide online information and resources, relating to the VRB hearing and review process, to Vermont employers, as well as the general public. The VRB is in the process of revising and updating its rules and forms. In addition, to address this increase in costs, the VRB's Clerk has begun taking paralegal courses to be able to provide more research and legal assistance to the Hearing Officers and VRB to help move cases along more quickly. Even so, at this time, there is no way to predict how much deliberation and research will be needed for each case. Regardless, the VRB strives to process cases within one year of being filed so that cases can be efficiently managed until they are closed.

Program Performance*

*per 32 VSA §307(c)





Section 3

Vermont Occupational Safety and Health Review Board

Mission Statement:

The VOSHA Review Board was created under 11 VSA 230 for the purpose of providing reviews of and hearings on any Vermont Occupational Safety and Health Administration (VOSHA) citation for a violation of workplace safety and health standards contested by an employer.

Programmatic Mission Statement:

Provide all employers in Vermont with a forum in which to contest any VOSHA citation.

Goals:

Provide timely and fair hearings to all parties and assistance to employers, who appear before the Review Board. Provide assistance to all parties and employers who appear before the Review Board in understanding the Review Board process.

Indicators:

Number of open cases, length of case docket, and fair hearings are used to determine efficiency of Review Board.

Market:

The Review Board is available to all Vermont employers, who have contested a citation from VOSHA.

Resources:

Available carry forward funds may cover any increases in hearing costs not covered by the budget, due to the decreases in the FY 2016 budget. In addition, the Clerk received health benefits for half of FY15 and therefore FY16 and 17 will see an increase with a full year of benefits. As a result, it is anticipated that a significant portion of the carry forward funds will be used in FY2017. The current Review Board's programmatic resources are not expected to meet the future needs of the Review Board beyond FY17. Please also see Capital Needs for the Program.

Programmatic Changes:

There are no significant programmatic changes anticipated for FY 2017.

Measuring Productivity and Efficiency:

Continue to schedule cases for hearings to reduce the number of open cases on the Review Board docket.

Capital Needs for the Program:

In FY 2017, the Review Board will be revising its Rules of Procedure which will cost approximately \$3,000.00. In addition, implementing the new Review Board document retention and archive policy may require the expense of professionally scanned files which will cost approximately \$500.00 as well as the cost of any storage system or materials.

Budget Rollup Report





Section 4

Organization: 1280000000 - VOSHA review board Budget Object Group: 1. PERSONAL SERVICES

Budget Object Rollup Name	FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Recommend and	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Salaries and Wages	18,714	18,844	18,844	20,010	1,166	6.2%
Fringe Benefits	14,876	5,840	5,840	28,626	22,786	390.2%
Contracted and 3rd Party Service	0	12,782	12,782	2,782	(10,000)	-78.2%
PerDiem and Other Personal Services	17,799	7,437	7,437	3,158	(4,279)	-57.5%
Budget Object Group Total: 1. PERSONAL SERVICES	51,389	44,903	44,903	54,576	9,673	21.5%

Budget Object Group: 2. OPERATING

Budget Object Rollup Name	FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	FY2017 Governor's Recommend and
IT/Telecom Services and Equipment	2,269	3,637	3,637	3,370	(267)	-7.3%
Travel	1,080	1,000	1,000	1,000	0	0.0%
Supplies	335	300	300	300	0	0.0%
Other Purchased Services	2,066	2,943	2,943	2,450	(493)	-16.8%
Other Operating Expenses	11	1,360	1,360	1,360	0	0.0%
Rental Property	5,903	6,163	6,163	10,166	4,003	65.0%
Budget Object Group Total: 2. OPERATING	11,663	15,403	15,403	18,646	3,243	21.1%
Total Expenses	63,052	60,306	60,306	73,222	12,916	21.4%

Organization: 1280000000 - VOSHA review board

Fund Name	FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Recommend and	FY2017 Governor's
General Funds	31,527	30,153	30,153	36,611	6,458	21.4%
IDT Funds	31,525	30,153	30,153	36,611	6,458	21.4%
Funds Total	63,052	60,306	60,306	73,222	12,916	21.4%
Position Count				1.0		
FTE Total				0.8		

Budget Detail Reports





Section 5

Organization: 1280000000 - VOSHA review board

Budget Object Group: 1. PERSONAL SERVICES

Salaries and Wages		FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Description	Code						
Classified Employees	500000	18,714	0	0	0	0	0.0%
Exempt	500010	0	18,844	18,844	20,010	1,166	6.2%
Total: Salaries and Wages		18,714	18,844	18,844	20,010	1,166	6.2%

Fringe Benefits		FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Description	Code						
FICA - Classified Employees	501000	1,179	0	0	0	0	0.0%
FICA - Exempt	501010	0	1,442	1,442	1,530	88	6.1%
Health Ins - Classified Empl	501500	9,566	0	0	0	0	0.0%
Health Ins - Exempt	501510	0	0	0	22,584	22,584	0.0%
Retirement - Classified Empl	502000	3,047	0	0	0	0	0.0%
Retirement - Exempt	502010	0	3,224	3,224	3,496	272	8.4%
Dental - Classified Employees	502500	722	0	0	0	0	0.0%
Dental - Exempt	502510	0	994	994	830	(164)	-16.5%
Life Ins - Classified Empl	503000	125	0	0	0	0	0.0%
Life Ins - Exempt	503010	0	68	68	72	4	5.9%
LTD - Classified Employees	503500	0	0	0	0	0	0.0%
LTD - Exempt	503510	0	44	44	46	2	4.5%
EAP - Classified Empl	504000	28	0	0	0	0	0.0%
EAP - Exempt	504010	0	30	30	30	0	0.0%
Employee Tuition Costs	504530	165	0	0	0	0	0.0%
Workers Comp - Ins Premium	505200	43	38	38	38	0	0.0%
Total: Fringe Benefits		14,876	5,840	5,840	28,626	22,786	390.2%

Organization: 1280000000 - VOSHA review board

Contracted and 3rd Party Service			FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Description	Code						
Other Contr and 3Rd Pty Serv	507600	0	12,782	12,782	2,782	(10,000)	-78.2%
Total: Contracted and 3rd Party Service		0	12,782	12,782	2,782	(10,000)	-78.2%

PerDiem and Other Personal Services		FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Description	Code						
Per Diem	506000	2,700	7,199	7,199	2,920	(4,279)	-59.4%
Other Pers Serv	506200	15,099	238	238	238	0	0.0%
Total: PerDiem and Other Personal Services		17,799	7,437	7,437	3,158	(4,279)	-57.5%
Total: 1. PERSONAL SERVICES		51,389	44,903	44,903	54,576	9,673	21.5%

Budget Object Group: 2. OPERATING

IT/Telecom Services and Equipment		FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Description	Code						
Communications	516600	0	6	6	6	0	0.0%
Telecom-Conf Calling Services	516658	9	4	4	4	0	0.0%
It Intersvccost- Dii Other	516670	455	0	0	0	0	0.0%
It Intsvccost-Vision/Isdassess	516671	678	1,268	1,268	1,001	(267)	-21.1%
It Intsvccost- Dii - Telephone	516672	1,127	2,003	2,003	2,003	0	0.0%
It Inter Svc Cost User Support	516678	0	356	356	356	0	0.0%
Total: IT/Telecom Services and Equipment		2,269	3,637	3,637	3,370	(267)	-7.3%

Organization: 1280000000 - VOSHA review board

Other Operating Expenses		FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Description	Code						
Other Operating Expense	523199	0	1,348	1,348	1,348	0	0.0%
Single Audit Allocation	523620	11	12	12	12	0	0.0%
Total: Other Operating Expenses		11	1,360	1,360	1,360	0	0.0%

Other Purchased Services		FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Description	Code						
Insurance Other Than Empl Bene	516000	19	23	23	25	2	8.7%
Insurance - General Liability	516010	34	37	37	38	1	2.7%
It Int Svc Dii Allocated Fee	516685	1,144	1,060	1,060	1,024	(36)	-3.4%
Photocopying	517020	1	26	26	26	0	0.0%
Postage	517200	9	26	26	26	0	0.0%
Postage - Bgs Postal Svcs Only	517205	130	500	500	500	0	0.0%
Agency Fee	519005	268	265	265	230	(35)	-13.2%
Human Resources Services	519006	460	1,006	1,006	581	(425)	-42.2%
Administrative Service Charge	519010	0	0	0	0	0	0.0%
Total: Other Purchased Services		2,066	2,943	2,943	2,450	(493)	-16.8%

Rental Property		FY2015 Actuals	FY2016 Original As Passed Budget	As Passed Recommended		FY2017 Difference Between Governor's FY2017 Governor's Recommended Recommend and Budget FY2016 As Passed	
Description	Code						
Fee-For-Space Charge	515010	5,903	6,163	6,163	10,166	4,003	65.0%
Total: Rental Property		5,903	6,163	6,163	10,166	4,003	65.0%

Organization: 1280000000 - VOSHA review board

Supplies		FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Description	Code						
Office Supplies	520000	277	300	300	300	0	0.0%
Food	520700	14	0	0	0	0	0.0%
Books&Periodicals-Library/Educ	521500	7	0	0	0	0	0.0%
Subscriptions	521510	37	0	0	0	0	0.0%
Total: Supplies		335	300	300	300	0	0.0%

Travel		FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Description	Code						
Travel-Inst-Auto Mileage-Emp	518000	18	0	0	0	0	0.0%
Travl-Inst-Auto Mileage-Nonemp	518300	1,062	1,000	1,000	1,000	0	0.0%
Total: Travel		1,080	1,000	1,000	1,000	0	0.0%
Total: 2. OPERATING		11,663	15,403	15,403	18,646	3,243	21.1%
		00.050	00.000	00.000	70.000	40.040	04.40/
Total Expenses:		63,052	60,306	60,306	73,222	12,916	21.4%

Fund Name	Fund Code	FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
General Fund	10000	31,527	30,153	30,153	36,611	6,458	21.4%
Inter-Unit Transfers Fund	21500	31,525	30,153	30,153	36,611	6,458	21.4%
Funds Total:		63,052	60,306	60,306	73,222	12,916	21.4%
Position Count					1.0		
FTE Total					0.8		

Personnel Summary Reports





Section 6

FY2017 Governor's Recommended Budget Position Summary Report

1280000000-VOSHA review board

Position Number	Classification	FTE	Count	Gross Salary	Benefits Total	Statutory Total	Total
397001	05020E - Administrative Assistant B	0.8	1.0	20,010	27,058	1,530	48,598
Total		0.8	1.0	20,010	27,058	1,530	48,598

Fund					Benefits	Statutory	
Code	Fund Name	FTE	Count	Gross Salary	Total	Total	Total
10000	General Fund	0.3	1.0	10,005	13,529	765	24,299
21500	Inter-Unit Transfers Fund	0.5		10,005	13,529	765	24,299
Total		0.8	1.0	20,010	27,058	1,530	48,598

Organizational Charts

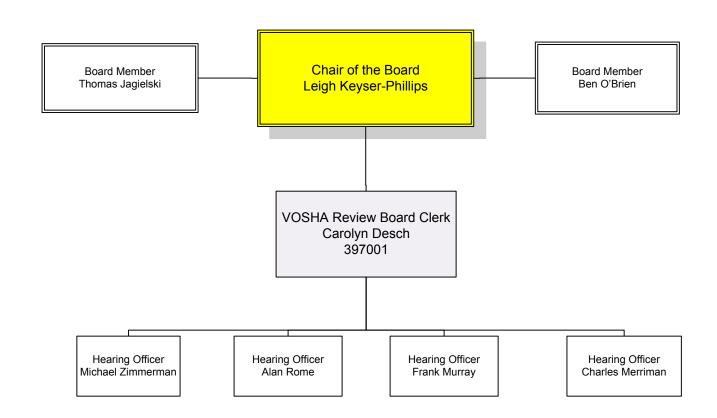




Section 7



VOSHA Review Board



Federal Receipts, Interdepartmental Receipts & Grants Out





Section 8

Department: 1280000000 - VOSHA review board

Budget Request Code	Fund	Justification		Est Amount
6539	21500	04100 Dept of Labor		\$36,611
			Total	\$36,611

Carry Forward Report





Section 9

VOSHA Review Board

Carryforward Projections

Program	Final Carryforward 6/30/2015	FY 2016 Appropriated Funding	FY 2016 Estimated Expenditures	Estimated Carryforward 6/30/2016
General Fund:				
VOSHA Review Board:	\$10,051	\$30,153	(\$40,204)	\$0
Total General Fund:	\$10,051	\$30,153	(\$40,204)	\$0
TOTALS:	\$10,051	\$30,153	(\$40,204)	\$0