

V O S H A R E V I E W B O A R D

Leigh Keyser Phillips, Chair of the Board

Fiscal Year 2018 Budget Request



VOSHA Review Board

Fiscal Year 2018 Budget Request

Leigh Keyser Phillips, Chair of the Board

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VOSHA Review Board

FY 2018 Budget Request

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VOSHA REVIEW BOARD

Executive Summary

Philosophy:

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

Review Board Rules

The VRB is responsible for establishing and updating the rules governing any case brought before it. The Review Board is currently working on revising these rules. The costs associated with this were included in the FY2017 budget.

Review Board Archive Policy

To better comply with the Public Records Law, the VRB worked with the Vermont State Archives to update and improve its records management processes and procedures and to develop a new document retention and archive policy, incorporating current technology in FY16. Since then, the VRB has updated its Records Management policy and completed weeding out all its paper files in FY17 for appropriate archiving. The microfiche documents, however, may take through FY18 to process. Past case decisions continue to be scanned and filed electronically as well as physically. The process of cross referencing decisions could take well through FY18.

Review Board Website

A VRB website was developed and went on line during FY16. The calendar on the website will continually be updated listing any VRB meetings and hearings. In addition, a decision index which includes past and future VRB decisions and issues decided on in each decision will continue to be added over time to complete this section of the website. This section of the website will allow for easier access to VRB information and materials by employers and the public. This process will continue well through FY18.

Funding Levels:

The number of VRB cases brought before a hearing officer has fluctuated throughout the years. More recently, cases appealed to the VRB 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 VRB's Clerk has been taking paralegal courses to be able to provide more research and legal assistance to the hearing officers and the VRB. In addition, the VOSHA penalty fees have risen which may cause more employers to contest their citations, thereby increasing the Review Board's case load.

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 2017 Budget to FY 2018 Request

 VOSHA Review Board



Section 1

**FY 2018 Budget
Submission**

Fiscal Year 2018 Budget Development Form - VOSHA Review Board

	General \$\$	Transp \$\$	Special \$\$	Interdept'l Transfer \$\$	All other \$\$	Total \$\$
VOSHA Review Board: FY 2017 (As Passed)	36,611	0	0	36,611	0	73,222
Change in Salaries and Benefits	913			913		1,826
Changes to Internal Allocations (DHR, DII, Insurance, FFS, etc)	(1,863)			(1,863)		(3,725)
Changes in Contract and 3rd Party Service (correct budget error in FY16)	(1,391)			(1,391)		(2,782)
Changes in Per Diem and Other Personal Services - Caseload Reserve	10,521			10,521		21,042
All Other Operating Changes	(689)			(689)		(1,378)
Subtotal of increases/decreases	8,181	0	0	8,181	0	14,983
FY 2018 Governor's Recommended Budget	44,793	0	0	44,792	0	88,205

Program Budget Profiles

 VOSHA Review Board



Section 2

**FY 2018 Budget
Submission**

FY18 Appropriations Committee Questionnaire

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. Lastly, the Review Board is also responsible for managing its records.

b. **How do these programs meet your core mission?**

The VOSHA Review Board (VRB) carries out its statutory mandate (core mission) by providing reviews of and hearings on Vermont Occupational Safety and Health Administration (VOSHA) violations of workplace safety and health standards contested by Vermont employers.

2.

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

The VRB provides timely and fair reviews of issues and hearings on those issues brought before it.

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

Number of Open Cases at End of Fiscal Year:

The VRB has no control over how many cases it receives for hearings and review from the VOSHA Division of the Department of Labor. However, once cases are received, the VRB strives to process them in a timely and efficient manner to keep the percentage of open cases as low as possible, while maintaining the fairness of its hearings. As a matter of course, there will always be some open cases at the end of a fiscal year, due to end of fiscal year filings and to cases that are waiting for a decision or review process to be completed. During FY2016, the VRB handled a

FY18 Appropriations Committee Questionnaire

total of **twenty-two (22)** cases, seven of which were carried over from FY15. By the end of FY2016, seven of the total cases handled in FY2016 remained open.

Number of experienced Hearing Officers:

The VRB appoints Hearing Officers to hear each contested case, which is not resolved by the parties through settlement, as well as to handle pre-hearing conferences and/or hearings as part of efforts to resolve and settle cases. These Hearing Officers are all experienced attorneys with backgrounds in litigation, including acting as hearing officers or judges elsewhere, which experience helps insure that the process is run according to the VRB rules and that the rights of the parties fairly addressed. In addition, either party or any member of the VRB can petition for or request a discretionary review of a Hearing Officer's decision. The VRB has the discretion to review any Hearing Officer's decision, thereby allowing a means of having any decision appealed and reviewed, further ensuring fair hearings.

The number of VRB cases brought before a Hearing Officer has fluctuated throughout the years. At this time, there is no way to predict how much deliberation and research a Hearing Officer will need for each case. More recently, cases appealed to the VRB are requiring increased deliberation and more research done by the Hearing Officers before making their final decisions in any VRB matters. This has resulted in increased hours for the VRB's Hearing Officers and therefore increased costs for the VRB.

Percentage of closed cases in the Fiscal Year that have been closed in one year or less

Regardless of the above, the VRB strives to process cases within one year of being filed as a benchmark for determining if cases are being efficiently and effectively managed until they are closed. Fiscal Year (FY) 2016 showed 93% of cases closed within one year or less. This is a marked increase from FY2015 and is a result of many cases being processed from a mass filing of over 50 cases at one time in FY2014. Cases, which were filed after the mass filing in FY 2014 and remained open after one year in FY2016, reflect the complexity of the issues presented for the Hearing Officers and the VRB to consider.

Case Processing Time: The dates on which these 22 cases were filed with the VRB ranged from September 24, 2014 to June 30, 2016. See table below describing the resolution or status of the 22 cases at the end of FY2016.

FY18 Appropriations Committee Questionnaire

Resolution or status of 22 cases processed in FY16		
	15 Closed	7 Open
4 Cases resulting in hearing	2	2
Requests for discretionary review (#)	(2)	
Requests denied (#)	(1)	
Requests approved – VRB modified Hearing Officer Decision (#)	(1)	
17 Cases resulting in settlement	12	5
Hearing Officers Assigned (#)	(6)	(3)
1 Case resulting in dismissal	1	
Hearing Officers Assigned (#)	(1)	
Cases closed in less than one year of the filing date	(14)	

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 ensure 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 public. The VRB is in the process of revising and updating its rules and forms. In addition, to address the increase in costs related to case research and support, the VRB’s Clerk has been taking paralegal courses to be able to provide more research and legal assistance to the Hearing Officers and the 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)



VOSHA Review Board



Section 3

**FY 2018 Budget
Submission**

Vermont Occupational Safety and Health Review Board

Mission Statement:

The VOSHA Review Board (VRB) was created under 21 VSA 230 for 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, who appear before the VRB.
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 fairness of hearings are used to determine efficiency of the VRB.

Market:

The VRB 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.

Programmatic Changes:

There are no significant programmatic changes anticipated for FY 2018.

Measuring Productivity and Efficiency:

The VRB continues to schedule cases for hearings to reduce the number of open cases on its docket. The VRB also strives to close cases within a year of the filing date. Lastly, the Review Board hires hearing officers with law degrees to ensure fair hearings.

Capital Needs for the Program:

In FY2018, there are no anticipated capital needs for the program.

Budget Rollup Report

 VOSHA Review Board



Section 4

**FY 2018 Budget
Submission**

State of Vermont

Organization: 128000000 - VOSHA review board

Budget Object Group: 1. PERSONAL SERVICES

Budget Object Rollup Name	FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Salaries and Wages	19,614	20,010	20,010	21,060	1,050	5.2%
Fringe Benefits	27,551	28,626	28,791	29,402	776	2.7%
Contracted and 3rd Party Service	315	2,782	5,000	-	(2,782)	-100.0%
PerDiem and Other Personal Services	16,105	3,158	24,194	24,200	21,042	666.3%
Budget Object Group Total: 1. PERSONAL SERVICES	63,585	54,576	77,995	74,662	20,086	36.8%

Budget Object Group: 2. OPERATING

Budget Object Rollup Name	FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Equipment	-	-	875	-	-	0.0%
IT/Telecom Services and Equipment	2,834	3,370	3,072	3,008	(362)	-10.7%
Travel	1,031	1,000	1,000	1,000	-	0.0%
Supplies	468	300	524	524	224	74.7%
Other Purchased Services	2,392	2,450	2,150	2,196	(254)	-10.4%
Other Operating Expenses	10	1,360	2,212	12	(1,348)	-99.1%
Rental Property	5,977	10,166	5,978	6,803	(3,363)	-33.1%
Budget Object Group Total: 2. OPERATING	12,712	18,646	15,811	13,543	(5,103)	-27.4%
Total Expenses	76,297	73,222	93,806	88,205	14,983	20.5%

State of Vermont

Organization: 1280000000 - VOSHA review board

Fund Name	FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
General Funds	38,148	36,611	46,906	44,103	7,492	20.5%
IDT Funds	38,149	36,611	46,900	44,102	7,491	20.5%
Funds Total	76,297	73,222	93,806	88,205	14,983	20.5%
Position Count				1.0		
FTE Total				0.5		

Budget Detail Reports

 VOSHA Review Board



Section 5

**FY 2018 Budget
Submission**

State of Vermont

Organization: 128000000 - VOSHA review board

Budget Object Group: 1. PERSONAL SERVICES

		FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Salaries and Wages							
Description	Code						
Classified Employees	500000	19,556	-	-	-	-	0.0%
Exempt	500010	-	20,010	20,010	21,060	1,050	5.2%
Overtime	500060	58	-	-	-	-	0.0%
Total: Salaries and Wages		19,614	20,010	20,010	21,060	1,050	5.2%

		FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Fringe Benefits							
Description	Code						
FICA - Classified Employees	501000	1,096	-	-	-	-	0.0%
FICA - Exempt	501010	-	1,530	1,530	1,612	82	5.4%
Health Ins - Classified Empl	501500	21,258	-	-	-	-	0.0%
Health Ins - Exempt	501510	-	22,584	22,584	22,952	368	1.6%
Retirement - Classified Empl	502000	3,356	-	-	-	-	0.0%
Retirement - Exempt	502010	-	3,496	3,496	3,680	184	5.3%
Dental - Classified Employees	502500	1,344	-	-	-	-	0.0%
Dental - Exempt	502510	-	830	830	794	(36)	-4.3%
Life Ins - Classified Empl	503000	139	-	-	-	-	0.0%
Life Ins - Exempt	503010	-	72	72	88	16	22.2%
LTD - Classified Employees	503500	43	-	-	-	-	0.0%
LTD - Exempt	503510	-	46	46	48	2	4.3%
EAP - Classified Empl	504000	30	-	-	-	-	0.0%
EAP - Exempt	504010	-	30	30	30	-	0.0%

State of Vermont

Organization: 128000000 - VOSHA review board

			FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Fringe Benefits		FY2016 Actuals					
Description	Code						
Employee Tuition Costs	504530	248	-	165	166	166	0.0%
Workers Comp - Ins Premium	505200	38	38	38	32	(6)	-15.8%
Total: Fringe Benefits		27,551	28,626	28,791	29,402	776	2.7%

			FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Contracted and 3rd Party Service		FY2016 Actuals					
Description	Code						
Contr & 3Rd Party - Legal	507200	315	-	-	-	-	0.0%
Other Contr and 3Rd Pty Serv	507600	-	2,782	5,000	-	(2,782)	-100.0%
Total: Contracted and 3rd Party Service		315	2,782	5,000	-	(2,782)	-100.0%

			FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
PerDiem and Other Personal Services		FY2016 Actuals					
Description	Code						
Per Diem	506000	1,850	2,920	3,000	3,000	80	2.7%
Other Pers Serv	506200	13,031	238	19,994	20,000	19,762	8,303.4%
Transcripts	506220	1,224	-	1,200	1,200	1,200	0.0%
Total: PerDiem and Other Personal Services		16,105	3,158	24,194	24,200	21,042	666.3%

Total: 1. PERSONAL SERVICES		63,585	54,576	77,995	74,662	20,086	36.8%
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State of Vermont

Organization: 1280000000 - VOSHA review board

Budget Object Group: 2. OPERATING

Equipment		FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between Recommend and As Passed	Percent Change Recommend and As Passed
Description	Code						
Hardware - Desktop & Laptop Pc	522216	-	-	875	-	-	0.0%
Total: Equipment		-	-	875	-	-	0.0%

IT/Telecom Services and Equipment		FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Description	Code						
Communications	516600	-	6	6	6	-	0.0%
Telecom-Conf Calling Services	516658	22	4	22	22	18	450.0%
It Intsvccost- Dii Other	516670	443	-	-	-	-	0.0%
It Intsvccost-Vision/Isdassess	516671	1,240	1,001	1,241	1,037	36	3.6%
It Intsvccost- Dii - Telephone	516672	1,128	2,003	1,128	1,500	(503)	-25.1%
It Inter Svc Cost User Support	516678	-	356	443	443	87	24.4%
Hardware-Telephone User Equip	522219	-	-	232	-	-	0.0%
Total: IT/Telecom Services and Equipment		2,834	3,370	3,072	3,008	(362)	-10.7%

Other Operating Expenses		FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Description	Code						
Other Operating Expense	523199	-	1,348	2,200	-	(1,348)	-100.0%
Single Audit Allocation	523620	10	12	12	12	-	0.0%
Total: Other Operating Expenses		10	1,360	2,212	12	(1,348)	-99.1%

State of Vermont

Organization: 128000000 - VOSHA review board

		FY2016 Actuals	FY2017 Original	FY2017	FY2018	Difference Between	Percent Change
			As Passed Budget	Governor's BAA Recommended Budget	Governor's Recommended Budget	FY2018 Governor's Recommend and FY2017 As Passed	FY2018 Governor's Recommend and FY2017 As Passed
Other Purchased Services							
Description	Code						
Insurance Other Than Empl Bene	516000	21	25	25	27	2	8.0%
Insurance - General Liability	516010	37	38	38	45	7	18.4%
It Int Svc Dii Allocated Fee	516685	980	1,024	1,024	1,111	87	8.5%
Photocopying	517020	-	26	26	26	-	0.0%
Postage	517200	28	26	26	26	-	0.0%
Postage - Bgs Postal Svcs Only	517205	127	500	200	200	(300)	-60.0%
Agency Fee	519005	265	230	230	230	-	0.0%
Human Resources Services	519006	934	581	581	531	(50)	-8.6%
Administrative Service Charge	519010	-	-	-	-	-	0.0%
Total: Other Purchased Services		2,392	2,450	2,150	2,196	(254)	-10.4%

		FY2016 Actuals	FY2017 Original	FY2017	FY2018	Difference Between	Percent Change
			As Passed Budget	Governor's BAA Recommended Budget	Governor's Recommended Budget	FY2018 Governor's Recommend and FY2017 As Passed	FY2018 Governor's Recommend and FY2017 As Passed
Rental Property							
Description	Code						
Fee-For-Space Charge	515010	5,977	10,166	5,978	6,803	(3,363)	-33.1%
Total: Rental Property		5,977	10,166	5,978	6,803	(3,363)	-33.1%

State of Vermont

Organization: 128000000 - VOSHA review board

Supplies		FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Description	Code						
Office Supplies	520000	223	300	300	300	-	0.0%
Food	520700	23	-	10	10	10	0.0%
Books&Periodicals-Library/Educ	521500	10	-	10	10	10	0.0%
Subscriptions	521510	212	-	204	204	204	0.0%
Total: Supplies		468	300	524	524	224	74.7%

Travel		FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
Description	Code						
Travl-Inst-Auto Mileage-Nonemp	518300	1,031	1,000	1,000	1,000	-	0.0%
Total: Travel		1,031	1,000	1,000	1,000	-	0.0%

Total: 2. OPERATING	12,712	18,646	15,811	13,543	(5,103)	-27.4%
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Total Expenses:	76,297	73,222	93,806	88,205	14,983	20.5%
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Fund Name	Fund Code	FY2016 Actuals	FY2017 Original As Passed Budget	FY2017 Governor's BAA Recommended Budget	FY2018 Governor's Recommended Budget	Difference Between FY2018 Governor's Recommend and FY2017 As Passed	Percent Change FY2018 Governor's Recommend and FY2017 As Passed
General Fund	10000	38,148	36,611	46,906	44,103	7,492	20.5%
Inter-Unit Transfers Fund	21500	38,149	36,611	46,900	44,102	7,491	20.5%
Funds Total:		76,297	73,222	93,806	88,205	14,983	20.5%

Position Count					1.0	
FTE Total					0.5	

Personnel Summary Reports

 VOSHA Review Board



Section 6

**FY 2018 Budget
Submission**

State of Vermont

FY2018 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	0.50	1.00	21,060	27,592	1,612	50,264
Total		0.50	1.00	21,060	27,592	1,612	50,264

Fund Code	Fund Name	FTE	Count	Gross Salary	Benefits Total	Statutory Total	Total
10000	General Fund	0.25	1.00	10,530	13,796	806	25,132
21500	Inter-Unit Transfers Fund	0.25		10,530	13,796	806	25,132
Total		0.50	1.00	21,060	27,592	1,612	50,264

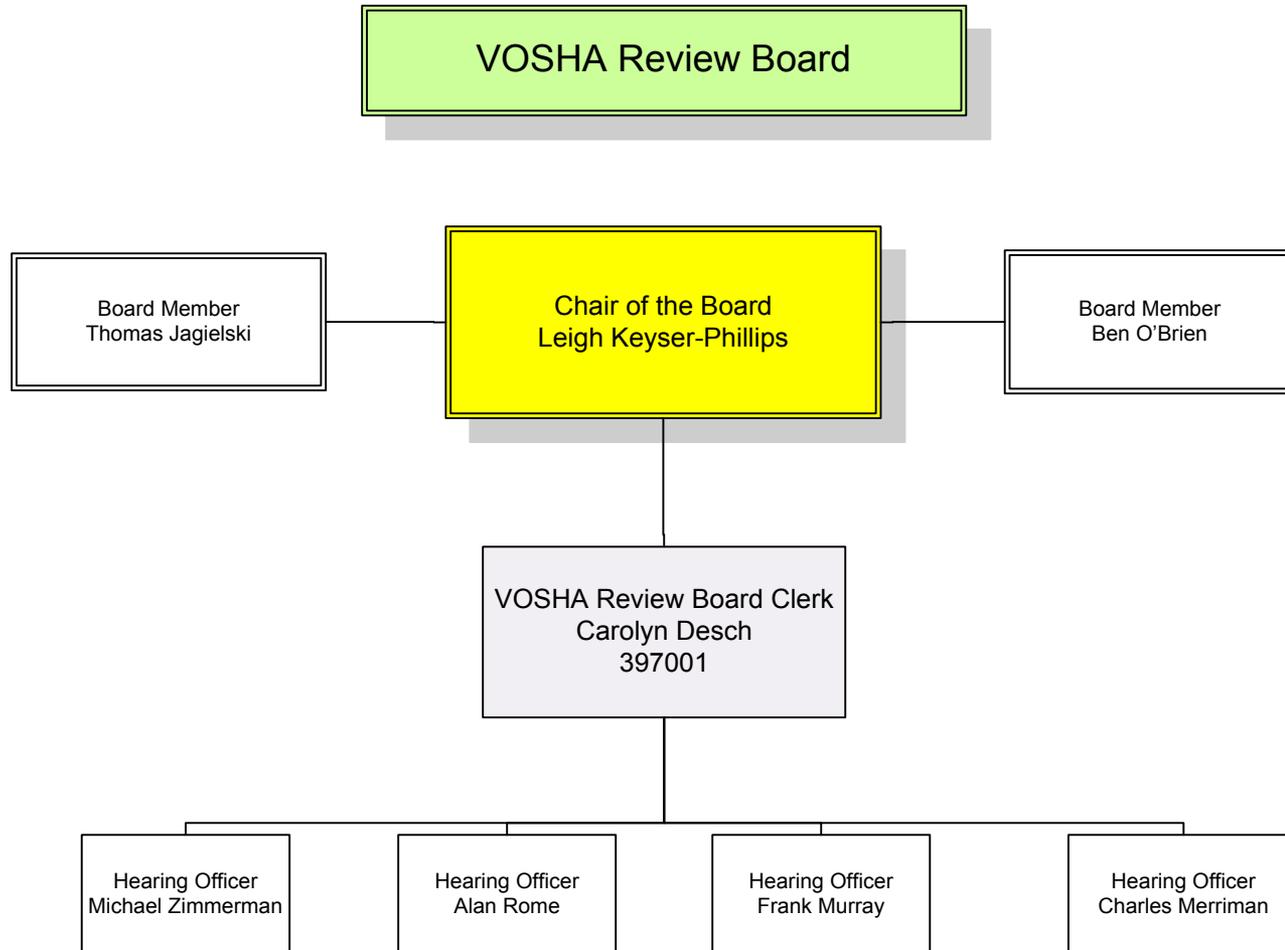
Organizational Charts

 VOSHA Review Board



Section 7

**FY 2018 Budget
Submission**



Federal Receipts, Interdepartmental Receipts & Grants Out

 VOSHA Review Board



Section 8

**FY 2018 Budget
Submission**

State of Vermont

Department: 128000000 - VOSHA review board

Budget Request Code	Fund	Justification	Est Amount
7416	21500	State Labor Relations Board	\$44,102
		Total	\$44,102

Carry Forward Report

 VOSHA Review Board



Section 9

**FY 2018 Budget
Submission**

VOSHA Review Board

Carryforward Projections

Program	Final Carryforward 6/30/2016	FY 2017 Appropriated Funding	FY 2017 Estimated Expenditures	Estimated Carryforward 6/30/2017
General Fund:				
VOSHA Review Board:	\$1,992	\$36,611	(\$38,603)	\$0
Total General Fund:	\$1,992	\$36,611	(\$38,603)	\$0
TOTALS:	\$1,992	\$36,611	(\$38,603)	\$0