VOSHA REVIEW BOARD

Leigh Keyser Phillips, Chair of the Board

Fiscal Year 2019 Budget Request



Fiscal Year 2019 Budget Request

Leigh Keyser Phillips, Chair of the Board

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Budget Development

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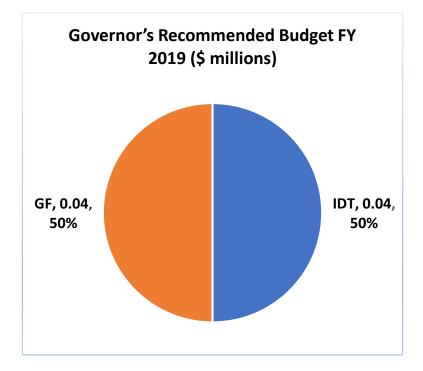
FY 2019 Budget Request

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FY 2019 Governor's Recommend Budget

MISSION: 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.



FY 2019 SUMMARY & HIGHLIGHTS

- 0.5% budget increase over FY18 Levels
- Fully funding caseload reserve: 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 increased costs for holding hearings. In addition, a recent significant increase in the VOSHA penalty fees may cause more employers to contest their citations, thereby increasing the Review Board's case load.
- In order to minimize caseload costs, the VRB's Clerk has been providing increased research and legal assistance to the hearing officers and the VRB.

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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 quickly through settlement, and reviews any hearing officer's decision on a discretionary basis.

Review Board Rules of Procedure

The VRB is responsible for establishing and updating the rules governing any case brought before it. The VRB is currently working on revising these rules.

Review Board Record Retention Policy

To better comply with the Public Records Law, the VRB worked with the Vermont State Archives and Records Administration (VSARA) to update and improve its records management processes and procedures and to develop a new Agency Specific Record Schedule and also a Record Retention Policy, in FY16. Since then, the VRB has completed weeding out all its paper files in FY17 and continues to do so with current files in the regular course of business. As required by VSARA the Clerk attends annual training and updates the Record Retention Policy on an as needed basis. Lastly, current case decisions continue to be scanned and filed electronically, as well as physically.

Review Board Website

A VRB website was developed and went on line during FY16. An online case decision index continues to be updated with current VRB decisions as issued and past decisions as time allows. This index is sorted by issues/subjects that were addressed in the decision. In addition, the calendar on the website will continually be updated with upcoming VRB meetings and hearings.

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

VOSHA Review Board -- Executive Summary

and research by the hearing officers, which in turn has resulted in increased costs for holding hearings. In addition, a recent significant increase in the VOSHA penalty fees may cause more employers to contest their citations, thereby increasing the Review Board's case load. In order to minimize these costs, the VRB's Clerk has been providing increased research and legal assistance to the hearing officers and the VRB. She has taken courses and received a degree in Certificate of Paralegal Studies. Presently she is studying for a National Federation of Certified Paralegal Core Competency Exam.

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 2018 Budget to FY 2019 Request





Section 1

Fiscal Year 2019 Budget Development Form - VOSHA Review Board

	General \$\$	Transp \$\$	Special \$\$	Interdept'l Transfer \$\$	All other \$\$	Total \$\$
VOSHA Review Board: FY 2018 (As Passed)	44,103	0	0	44,102	0	88,205
Change in Salaries and Benefits	902			903		1,805
Changes in Transcripts	(100)			(100)		(200)
Changes in Per Diem	(408)			(409)		(817)
Change in Caseload Reserve	100			100		200
Change in Telephone Costs	(264)			(263)		(527)
Subtotal of increases/decreases	230	0	0	231	0	461
FY 2019 Governor's Recommended Budget	44,333	0	0	44,333	0	88,666

Program Budget Profiles





Section 2

VOSHA REVIEW BOARD

1. What is your Mission?¹

The mission of the VOSHA Review Board (VRB) (as created under 21 VSA §230) is to provide 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.

2. What are your programs?

First, the VRB provides all employers in Vermont with a forum in which to contest any VOSHA citation per Title 21 V.S.A.§226(c-d). This is the statutory mandate requiring the VRB to hear and decide any case involving an employer's contest of any VOSHA citation for alleged violations of safety and health standards in the workplace. Second, the VRB is responsible for establishing and updating the rules of procedure governing any case brought before it per Title 21 V.S.A. §230(d). Thirdly, the VRB is also responsible for managing its records per Title 3 VSA §218.

3. How do these programs meet your mission?

The VRB carries out its statutory mandate (mission) by providing a forum in which to contest any VOSHA citation in an open, effective and inclusive manner. This is accomplished by providing timely and fair hearings to all parties who appear before the VRB. The VRB strives to operate efficiently by closing cases within a year of the filing date thereby reducing the number of open cases on its docket. The Review Board hires hearing officers with law degrees to ensure fair hearings. The VRB also aids all parties and employers who appear before the Review Board or it's Hearing Officer in understanding the process and maintains a website to keep the VRB activities and decisions open to the public. The VRB is currently updating its Rules of Procedure and recently updated its Record Retention Policy.

¹ This questionnaire also meets the 32 VSA §307(c) requirements.

4. What performance measures (Goals) 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 each year, number of experienced Hearing Officers, and processing time of closed cases on the VRB's docket are used to determine its efficiency and effectiveness.

a. 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 FY2017, the VRB handled a total of thirteen (13) cases, seven of which were carried over from FY16. By the end of FY2017, only three of the total cases handled in FY2017 remained open.

b. 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. This 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 further reviewed to ensure 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.

c. Case Processing Time:

Regardless of the above, the VRB strives to process and close 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) 2017 ended with 80% of cases closed within one year or less. This is a decrease from FY2016 and is a result of a decrease in numbers of cases and an increase in the complexity of the issues presented for the Hearing Officers and the VRB to consider.

Thirteen cases were filed with the VRB ranged from July 6, 2015 to June 22, 2017. See table below describing the resolution of cases at the end of FY2017.

Resolution or status of 13 cases processed in FY17					
	10	3 Open			
	Closed				
4 Cases resulting in hearing	2	2			
Requests for discretionary review (#)	(1)				
Requests denied (#)	(1)				
Requests approved – VRB modified Hearing Officer	(0)				
Decision (#)					
9 Cases resulting in or working towards settlement	8	1			
Hearing Officers Assigned (#)	(3)				
Cases closed in less than one year of the filing date	(8)				

5. 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 and 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 courses and received a degree in Certificate of Paralegal Studies. She is presently studying for the National Federation of Paralegal Core Competency Exam. The ultimate goal is for the Clerk to provide more legal research and assistance to the Hearing Officers and the VRB. 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.

6. What are the resources used to fund the VRB?

Vermont was approved by the federal government to operate as an OSHA (Occupational Safety and Health Act) state plan. This means Vermont independently enforces OSHA Regulations that are at least as effective as federal OSHA regulations and enforcement. Each year the OSHA State Plan Grant provides grant money to various states for operating their own OSHA Plan. Vermont is one of those states. Grants to state plans are required to be matched on a 50% federal and 50% state match. In addition, the Vermont Legislature separately appropriates state funds for the operation of the VRB from VOSHA. The VRB currently has available carry forward funds that may cover increases in hearing costs not covered by the budget. It is unknown whether there will be an increased case load due to increased penalties and whether the VRB's current carry forward resources will be sufficient their meet the future needs in FY19. There are no anticipated capital needs for the program.

Program Performance*

*per 32 VSA §307(c)





Section 3

Vermont Occupational Safety and Health Review Board

32 VSA 307(c)

<u>See Executive Summary on Page 5 and Program Budget Profiles on Page 10.</u>

Budget Rollup Report





Section 4

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

Budget Object Rollup Name	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Recommend and	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Salaries and Wages	20,774	21,060	21,060	22,266	1,206	5.7%
Fringe Benefits	28,655	29,402	29,402	30,001	599	2.0%
Contracted and 3rd Party Service	810	0	0	0	0	0.0%
PerDiem and Other Personal Services	12,415	24,200	24,200	23,183	(1,017)	-4.2%
Budget Object Group Total: 1. PERSONAL SERVICES	62,655	74,662	74,662	75,450	788	1.1%

Budget Object Group: 2. OPERATING

Budget Object Rollup Name	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	FY2019 Governor's Recommend and
Equipment	860	0	0	0	0	0.0%
IT/Telecom Services and Equipment	3,136	4,119	4,119	3,592	(527)	-12.8%
Travel	377	1,000	1,000	1,000	0	0.0%
Supplies	452	524	524	524	0	0.0%
Other Purchased Services	881	1,085	1,085	1,085	0	0.0%
Other Operating Expenses	11	12	12	12	0	0.0%
Rental Property	6,098	6,803	6,803	6,803	0	0.0%
Budget Object Group Total: 2. OPERATING	11,815	13,543	13,543	13,016	(527)	-3.9%
Total Expenses	74,469	88,205	88,205	88,466	261	0.3%

Organization: 1280000000 - VOSHA review board

Fund Name	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Recommend and	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
General Funds	37,233	44,103	44,103	44,233	130	0.3%
IDT Funds	37,236	44,102	44,102	44,233	131	0.3%
Funds Total	74,469	88,205	88,205	88,466	261	0.3%
Position Count				1		
FTE Total				0.5		

Budget Detail Reports





Section 5

Organization: 1280000000 - VOSHA review board

Budget Object Group: 1. PERSONAL SERVICES

Salaries and Wages		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Recommend and
Description	Code						
Classified Employees	500000	20,774	0	0	0	0	0.0%
Exempt	500010	0	21,060	21,060	22,266	1,206	5.7%
Total: Salaries and Wages		20,774	21,060	21,060	22,266	1,206	5.7%

Fringe Benefits		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
FICA - Classified Employees	501000	1,168	0	0	0	0	0.0%
FICA - Exempt	501010	0	1,612	1,612	1,702	90	5.6%
Health Ins - Classified Empl	501500	22,181	0	0	0	0	0.0%
Health Ins - Exempt	501510	0	22,952	22,952	23,222	270	1.2%
Retirement - Classified Empl	502000	3,624	0	0	0	0	0.0%
Retirement - Exempt	502010	0	3,680	3,680	3,890	210	5.7%
Dental - Classified Employees	502500	1,160	0	0	0	0	0.0%
Dental - Exempt	502510	0	794	794	812	18	2.3%
Life Ins - Classified Empl	503000	160	0	0	0	0	0.0%
Life Ins - Exempt	503010	0	88	88	94	6	6.8%
LTD - Classified Employees	503500	47	0	0	0	0	0.0%
LTD - Exempt	503510	0	48	48	52	4	8.3%
EAP - Classified Empl	504000	30	0	0	0	0	0.0%
EAP - Exempt	504010	0	30	30	30	0	0.0%
Employee Tuition Costs	504530	248	166	166	167	1	0.6%

Fringe Benefits		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	FY2019 Governor's Recommend and
Workers Comp - Ins Premium	505200	38	32	32	32	0	0.0%
Total: Fringe Benefits		28,655	29,402	29,402	30,001	599	2.0%

Contracted and 3rd Party Service		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Other Contr and 3Rd Pty Serv	507600	810	0	0	0	0	0.0%
Total: Contracted and 3rd Party Service		810	0	0	0	0	0.0%

PerDiem and Other Personal Services		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Per Diem	506000	1,250	3,000	3,000	2,183	(817)	-27.2%
Other Pers Serv	506200	10,691	20,000	20,000	20,200	200	1.0%
Transcripts	506220	474	1,200	1,200	1,000	(200)	-16.7%
Total: PerDiem and Other Personal Services		12,415	24,200	24,200	23,383	(817)	-3.4%
Total: 1. PERSONAL SERVICES 62,655		74,662	74,662	75,650	988	1.3%	

Budget Object Group: 2. OPERATING

Equipment		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Recommend and As	Percent Change Recommend and As Passed
Description	Code						
Hardware - Desktop & Laptop Pc	522216	860	0	0	0	0	0.0%
Total: Equipment		860	0	0	0	0	0.0%

IT/Telecom Services and Equipment		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Communications	516600	0	6	6	0	(6)	-100.0%
Telecom-Conf Calling Services	516658	7	22	22	28	6	27.3%
It Intersvccost- Dii Other	516670	0	0	0	0	0	0.0%
It Intsvccost-Vision/Isdassess	516671	1,001	1,037	1,037	1,037	0	0.0%
ADS Centrex Exp.	516672	638	1,500	1,500	973	(527)	-35.1%
It Inter Svc Cost User Support	516678	0	443	443	443	0	0.0%
ADS Allocation Exp.	516685	1,489	1,111	1,111	1,111	0	0.0%
Total: IT/Telecom Services and Equipment		3,136	4,119	4,119	3,592	(527)	-12.8%

Other Operating Expenses		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Other Operating Expense	523199	0	0	0	0	0	0.0%
Single Audit Allocation	523620	11	12	12	12	0	0.0%
Total: Other Operating Expenses		11	12	12	12	0	0.0%

Other Purchased Services		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Insurance Other Than Empl Bene	516000	26	27	27	27	0	0.0%
Insurance - General Liability	516010	43	45	45	45	0	0.0%
Photocopying	517020	0	26	26	26	0	0.0%
Postage	517200	24	26	26	26	0	0.0%
Postage - Bgs Postal Svcs Only	517205	76	200	200	200	0	0.0%
Agency Fee	519005	231	230	230	230	0	0.0%
Human Resources Services	519006	481	531	531	531	0	0.0%
Administrative Service Charge	519010	0	0	0	0	0	0.0%
Total: Other Purchased Services		881	1,085	1,085	1,085	0	0.0%

Rental Property		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Fee-For-Space Charge	515010	6,098	6,803	6,803	6,803	0	0.0%
Total: Rental Property		6,098	6,803	6,803	6,803	0	0.0%

Supplies		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	FY2019 Governor's Recommend and
Description	Code						
Office Supplies	520000	243	300	300	300	0	0.0%
Food	520700	0	10	10	10	0	0.0%

Supplies		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Books&Periodicals-Library/Educ	521500	96	10	10	10	0	0.0%
Subscriptions	521510	113	204	204	204	0	0.0%
Total: Supplies		452	524	524	524	0	0.0%
Travel		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Travl-Inst-Auto Mileage-Nonemp	518300	377	1,000	1,000	1,000	0	0.0%
Total: Travel		377	1,000	1,000	1,000	0	0.0%
Total: 2. OPERATING		11,815	13,543	13,543	13,016	(527)	-3.9%
Total Expenses:		74,469	88,205	88,205	88,666	461	0.5%
Fund Name	Fund Code	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
General Fund	10000	37,233	44,103	44,103	44,333	230	0.5%
Inter-Unit Transfers Fund	21500	37,236	44,102	44,102	44,333	231	0.5%

88,205

88,205

88,666

1.0

0.5

461

0.5%

74,469

Funds Total:

Position Count

FTE Total

Personnel Summary Reports





Section 6

FY2019 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	22,266	28,100	1,702	52,068
Total		0.50	1.00	22,266	28,100	1,702	52,068

Fund Code	Fund Name	FTE	Count	Gross Salary	Benefits Total	Statutory Total	Total
10000	General Fund	0.25	1.00	11,133	14,050	851	26,034
21500	Inter-Unit Transfers Fund	0.25		11,133	14,050	851	26,034
Total		0.50	1.00	22,266	28,100	1,702	52,068

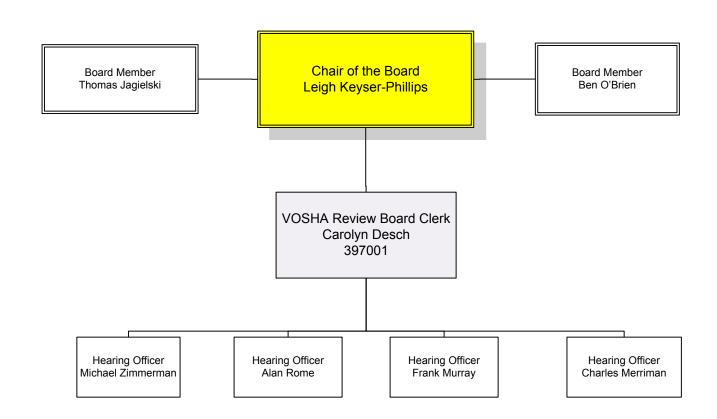
Organizational Charts





Section 7





Federal Receipts, Interdepartmental Receipts & Grants Out

VOSHA Review Board



Section 8

Department: 1280000000 - VOSHA review board

Budget Request Code	Fund	Justification	Est Amount
8067	21500	From VDOL VOSHA Grant	\$44,333
		Total	\$44,333

Carry Forward Report





Section 9

Carryforward Projections

Program	Final FY 2018 Carryforward Appropriated 6/30/2017 Funding		FY 2018 Estimated Expenditures	Estimated Carryforward 6/30/2018
General Fund:				
VOSHA Review Board:	\$11,661	\$44,103	(\$55,764)	\$0
Total General Fund:	\$11,661	\$44,103	(\$55,764)	\$0
TOTALS:	\$11,661	\$44,103	(\$55,764)	\$0