WEST VIRGINIA CODE: §22A-1-9

§22A-1-9. Mine safety instructors; eligibility; qualifications; examinations; salary; provisions relating to underground mine inspectors applicable to mine safety instructors.

(a) The office shall employ a sufficient number of mine safety instructors as the director determines to be reasonably necessary in fully and effectively carrying out the applicable provisions of this chapter.

(b) To be eligible for employment as a mine safety instructor, the applicant shall:

(1) Be a citizen of West Virginia, in good health, not less than 24 years of age, of good character and reputation, and of temperate habits;

(2) Have had at least five years of practical experience in coal mines, at least two of which have been in mines in this state: *Provided*, That graduation from any accredited college of mining engineering may be considered equivalent to two years of practical experience;

(3) Have had practical experience with dangerous gases found in coal mines, and have good theoretical and practical knowledge of mines, mining methods, mine ventilation, sound safety practices, and applicable mining laws and rules; and

(4) Hold a West Virginia foreman-fireboss certification; or have at least three years of experience as an actual working team member of a mine rescue team; or have at least three years of experience as a member of a first aid team or emergency medical technician team; or have had at least three years of experience as the safety director; or have had at least three years of experience as an active member of a mine safety committee.

For the purpose of this section, practical experience means the performance of normal mining duties requiring a person to hold a certificate of competency and qualification as an experienced miner prior to actually performing such duties.

(c) In order to qualify for appointment as a mine safety instructor, an eligible applicant shall submit to written, oral, and practical examinations administered by the director and furnish evidence of good health, character, and other facts establishing eligibility as the director may require. The examinations shall relate to the duties to be performed by a mine safety instructor and are subject to the approval of the director.

(1) The director has full discretion and authority in the original appointment of all mine inspectors, including any testing and qualifications necessary for an applicant to be considered for appointment. The director shall report to the Board of Coal Mine Health and Safety:

(A) Any such appointment; and

WV Legislature

(B) Information regarding all applications and testing. The board shall have access to all applications and may be present during applicant testing.

(2) If the director finds after investigation and examination that an applicant: (A) Is eligible for appointment; and (B) has passed each required examination with a grade of at least 75 percent or an overall combined average score of 80 percent, the director shall add the applicant's name and grades to the register of qualified eligible candidates. The director shall then appoint one of the candidates from the three having the highest grades.

(d) Mine safety instructors shall be paid an annual salary of not less than $37,400, which shall be fixed by the director, who shall take into consideration ability, performance of duty, and experience. Mine safety instructors shall devote all of their time to the duties of the office.

(e) Except as expressly provided in this section to the contrary, all provisions of this article relating to the eligibility, qualification, appointment, tenure, and removal of underground mine inspectors, as well as those provisions relating to compensatory time and reimbursement for necessary expenses, are applicable to mine safety instructors.

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