WEST VIRGINIA CODE CHAPTER 22A ARTICLE 9

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§22A-9-1. Mine Inspectors' Examining Board duties imposed upon the Office of Miners' Health, Safety and Training.

The Mine Inspectors' Examining Board is hereby abolished, and all powers, duties, and responsibilities previously imposed upon the Board of Coal Mine Health and Safety pursuant to this article are transferred to the Office of Miners' Health, Safety, and Training. The Board of Coal Mine Health and Safety, having previously assumed the duties of the Mine Inspectors' Examining Board, shall transfer all records and equipment pertaining to the duties of and said transfer of the Mine Inspectors' Examining Board to the Office of Miners' Health, Safety, and Training. In addition to other duties expressly set forth elsewhere in this article, the Director of the Office of Miners' Health, Safety, and Training shall:

(1) Establish and, from time to time, revise forms of application for employment as mine inspectors, which shall include the applicant's Social Security number and forms for written examinations to test the qualifications of candidates for that position;

(2) Adopt and promulgate reasonable rules relating to the examination, qualification, and certification of candidates for appointment as mine inspectors, and hearing for removal of inspectors, held under §22A-1-12 of this code. All of such rules shall be printed and a copy thereof furnished by the director to any person upon request. The director shall determine whether applicants have the necessary experience to take the mine inspector examination, conduct examination of candidates for appointment as a mine inspector, and rank all applicants;

(3) Prepare a register of qualified eligible candidates for appointment as mine inspectors. The register shall list all qualified eligible candidates in the order of their grades, with the candidate with the highest grade appearing at the top of the list. The Director of the Office of Miners' Health, Safety, and Training shall no less than annually prepare a revised and corrected register of qualified eligible candidates for appointment as mine inspector, deleting from such revised register all persons who:

(A) Are no longer residents of West Virginia;

(B) Have allowed a calendar year to expire without, in writing, indicating their continued availability for such appointment;

(C) Have been passed over for appointment for three years;

(D) Have become ineligible for appointment since the director originally certified that such person was qualified and eligible for appointment as mine inspector; or

(E) In the judgment of the director, should be removed from the register for good cause;

(4) The director shall keep and preserve the written examination papers, manuscripts, grading sheets, and other papers of all applicants for appointment as mine inspector for a period of two years. Specimens of the examinations given, together with the correct solution

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of each question, shall be preserved;

(5) The director shall issue a letter or written notice of qualification to each successful eligible candidate;

(6) The Board of Coal Mine Health and Safety shall hear and determine proceedings for hearings for the removal of mine inspectors in accordance with the provisions of §22A-1-12 of this code when requested in writing by the mine inspector;

(7) The board shall hear and determine appeals of mine inspectors from suspension orders made by the director pursuant to the provisions of §22A-1-4 of this code. An aggrieved inspector, in order to appeal from any order of suspension, shall file such appeal in writing with the Board of Coal Mine Health and Safety not later than 10 days after receipt of notice of suspension. On such appeal the board shall promptly affirm the act of the director unless it is satisfied from a clear preponderance of the evidence that the director has acted arbitrarily. Each witness shall be sworn, and a transcript shall be made, of all evidence taken and the proceedings had at the hearing. A continuance may not be granted except for good cause shown. The administrator of the board, or in their absence a member of the board designated by the board, has the power to administer oaths and subpoena witnesses; and

(8) The board and office shall make an annual report to the Governor and the director concerning the administration of mine inspection personnel in the state service, making such recommendations as the board considers to be in the public interest.

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