

WEST VIRGINIA CODE: §22a-1-13

§22A-1-13. Employment of surface mine inspectors; eligibility; qualifications; examinations; salary; provisions relating to underground mine inspectors applicable to surface mine inspectors.

(a) The office shall employ as many surface mine inspectors 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 surface mine inspector 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 on surface mines in this state: *Provided*, That graduation from any accredited college of mining engineering may be considered the equivalent of two years of practical experience; and

(3) Have good theoretical and practical knowledge of surface mines, surface mining methods, sound safety practices, and applicable mining laws and rules. 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 surface miner prior to actually performing the duties.

(c) In order to qualify for appointment as a surface mine inspector, 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 surface mine inspector and are subject to the approval of the director.

(1) 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.

(2) 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

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

(d) Surface mine inspectors shall be paid an annual salary of not less than \$37,332, which shall be fixed by the director, who shall take into consideration ability, performance of duty, and experience. Surface mine inspectors 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 surface mine inspectors.