

# WEST VIRGINIA CODE: §22a-1-8

## **§22A-1-8. Mine inspectors; regions and districts; employment; tenure; oath.**

(a) Notwithstanding any other provisions of this code to the contrary, mine inspectors shall be selected, serve, and be removed as provided in this article.

(1) The director shall divide the state into a sufficient number of regions, so as to equalize, as far as practical, the work of each inspector. The director may assign inspectors to districts and may designate and assign not more than one inspector-at-large and one assistant inspector-at-large to each region. The director may designate the places of abode of inspectors at points convenient to the mines of their respective districts and, in the case of inspectors-at-large and assistant inspectors-at-large, their respective regions.

(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.

Each original appointment shall be made by the director for a probationary period of not more than one year.

(3) The director shall prepare a register of qualified eligible candidates for mine inspector. Candidates shall be selected from the register. In the event the number of qualified eligible candidates on the register is three or fewer, the director shall undertake efforts to develop a new register containing more than three qualified eligible candidates.

(4) The director shall make each appointment from among the three candidates on the register having the highest grades. The director may, for good cause and at least 30 days prior to making an appointment, strike any candidate from the register. The director shall immediately notify the candidate in writing of their removal. Upon his or her written request, the candidate can be placed back upon the register. Such a request may not be unreasonably denied by the director.

(5) The name of any candidate passed over for appointment for three years shall be deleted from the register.

(b) After having served for a probationary period of one year to the satisfaction of the director, a mine inspector is eligible for permanent tenure, subject to dismissal only for cause in accordance with the applicable provisions of §22A-1-12 of this code. A mine

inspector, while in office, may not be directly or indirectly interested as an employee, owner, lessor, operator, stockholder, superintendent, or engineer of any coal mine. Before entering upon the discharge of the duties as a mine inspector, he or she shall take the oath of office prescribed by Section 5, Article IV of the Constitution of West Virginia, a certificate of which oath shall be filed in the office of the Secretary of State.

(c) The inspectors, inspectors-at-large, and assistant inspectors-at-large, together with the director, shall make all inspections authorized by this article and §22A-2-1 *et seq.* of this code and shall perform such other duties as are imposed upon mine inspectors by this chapter and by any applicable legislative rules.