

## **BOARD OF COAL MINING EXAMINERS**

### **SUMMARY OF MEETING**

**SEPTEMBER 10, 2013**

**The following is a summary of the September 10, 2013 Meeting:**

- I. Meeting called to order at 9:04 AM by Randy Moore, Chairman. Members present were Randy Moore, Gerald Kendrick and Phillip Hale. Member Ricky O'Quinn was absent. Also present were Mary Gibson, Regulatory Boards Administrator, Sharon Pigeon, Sr. Assistant Attorney General and Bradley Lambert, Department of Mines, Minerals and Energy Deputy Director.**
- II. Opening statement delivered by Randy Moore, Chairman. Chairman Moore expressed on behalf of the Board the sadness due to the loss of Member Arvil McConnell who recently passed away. Mr. McConnell dedicated much time, energy and effort to the Board in enhancing the safety and health and welfare of coal miners in Southwest Virginia for many years. His dedication is very much appreciated, and he will be greatly missed.**
- III. Motion made and seconded to accept September 10, 2013, meeting agenda and approve August 13, 2013, meeting summary. All members were in favor to approve.**
- IV. Review of Virginia Substance Abuse Cases (Closed Session)**

**Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.**

#### **V. Open Agenda**

**Board Administrator Mary Gibson informed the Board of a couple of requests she had received to appear before the Board from individuals that the Board has permanently revoked. Ms. Gibson asked for direction from the Board whether those individuals would be eligible to come back before the Board. Upon discussion and review of previous procedure, the consensus of the Board is that a permanent revoke status is retained and precludes further appearances. Appeals or other administrative remedies should have**

been pursued at the time of receipt of their notice of the permanent revoke status.

Ms. Gibson provided the Board with an updated spreadsheet on the number of substance abuse cases, revocations and suspensions through August, 2013. Interaction with West Virginia has started under the reciprocal agreement for handling cases referred from state to state. West Virginia presently has 165 cases; notifications to Virginia have not yet been initiated. Staff resources of the Virginia Division of Mines are strained in performing the administrative requirements brought about from this process. Chairman Moore will contact West Virginia officials to check the status.

Mr. Moore brought to the Board's attention a concern of the Division of Mines that no prerequisites for experience at a mine or class training exists for sitting for the mine foreman examinations and further that the five years of mining experience requirement does not stipulate experience at the working face of the mine. The Board discussed implementing changes to the experience requirement of the mine foreman certification to ensure that newly certified foreman are competent and experienced for performing mine foreman duties. A consideration in making these changes due to the downturn in the coal industry is a smaller pool of candidates being able to meet requirements. Research into the avenue of making any changes to the mine foreman certification requirements needs to be done.

#### **VI. Next Meeting**

Next meeting will be October 1, 2013.

#### **VII. Adjournment**

Meeting adjourned at 12:55 PM.