

Underground Mine Foreman Continuing Education

Questions and Answers

(revised 6/11/2019)

1. Q: The law states that a mine foreman will have Continuing Education class every two years, can it be broken down in monthly sessions (1 hour at a time)?

A: No – The class must be conducted in one 8-hour session

2. Q: Can we give the classes in 4-hour sessions every year instead of 8 hours at one time every 2 years?

A: No – The class must be conducted in one 8-hour session

3. Q: Can our mines develop our own plan utilizing our mines' ventilation, dust control, roof control plans used at our operation?

A: If the core components are in the plan as stated in West Virginia Regulation §22A-7-7 and addressed accordingly in the course, you may include any additional material with approval from the Board of Coal Mine Health & Safety.

4. Q: Who will keep track of the mine foreman who have completed the Continuing Education class?

A: The West Virginia Office of Miners' Health, Safety and Training will be maintaining records of those individuals who have completed the training. This will be done as each class roster will be submitted to the Regional Office and the information recorded into a data base.

5. Q: How will records of mine foremen trained be made available to interested parties?

A: §22A-7-7 (h) The office shall make available to operators and other interested parties a list of individuals whose mine foreman-fire boss certification is in suspension or has been revoked pursuant to this section. This list will be made available on the WVOMHST website.

6. Q: What if I use the program developed by the State and I run out of time before I complete the core material?

A: All tentatively approved instructors should review the course in its entirety and set the class schedule accordingly.

7. Q: Can we use alternate material in place of some material in State program?

A: Yes, if the material has prior approval from the Board of Coal Mine Health and Safety.

§22A-7-7 (e) The board may approve alternative training programs tailored to specific mines.

Some Continuing Education courses may allow material to be substituted with mine specific material. It will be detailed in the course instructions for that particular module.

8. Q: Do we have to meet with the State and go over material before we are designated as being a tentatively approved instructor?

A: Yes

9. Q: How much notice do we have to give WVOMHST before we give a class?

A: Under most circumstances a 10-day notice should be sufficient.

10. Q: What if the representative of the state is unable to attend our training? A: **You may still conduct the class as scheduled.**

11. Q: Will we be tentatively approved instructors until we are monitored?

A: Yes. Upon completion of the monitored class the instructor application and appropriate documentation should be given to the representative of the Office of Miners' Health, Safety and Training (OMHST) who monitored the class.

12. Q: Are there any standard forms for the class list?

A: Yes. A standard Continuing Education Roster is available at the WVMHS&T website.

13. Q: Who is responsible for training miners who have mine foreman papers but do not act in that capacity at a mine?

A: Approved instructors can make available to all mine foreman/fire boss who are interested in maintaining their certificate.

14. Q: Will there be any charge for the class if I take the class through WVU or Southern Community College?

A: If interested in taking the course through WVU or Southern or any other institution, please contact that facility for any possible fees that they might require.

15. Q: Will the OMHST provide classes for those mine foremen that are unemployed? If so, will there be any charge?

A: (§22A-7-7 (g) The office shall make a program of instruction that meets the requirements for continuing education set forth in this section regularly available in regions of the state, based on demand, for individuals possessing mine foreman-fire boss certifications who are not serving in a mine foreman-fire boss capacity: *Provided*, that the office may collect a fee from program participants to offset the cost of the program.

16. Q: Will mine foremen completing the class be issued a certificate, card, etc.?

A: The course instructor will issue a completed MSHA 5000-23 form indicating that the individual has completed the 8 hour continuing education requirements to that individual. The instructor shall also complete the Continuing Education Roster and submit to WVOMHST. WVOMHST will then update the data into its system and make the information available on the WVOMHST website.

17. Q: How long do I have if I don't take the Continuing Education class before I'll have to retake the mine foreman exam?

A: §22A-7-7 (f) Failure to complete the requirements of this section shall result in suspension of a mine foreman-fire boss certification pending completion of the continuing education requirements. During the pendency of the suspension, the individual may not perform statutory duties assigned to a mine foreman-fire boss under West Virginia law. The office shall send notice of any suspension to the last address the certified mine foreman-fire boss reported to the director. If the requirements are not met within two years of the suspension date, the director may file a petition with the board of appeals pursuant to the procedures set forth in section thirty-one, article one of this chapter and, upon determining that the requirements have not been met, the board of appeals may revoke the mine foreman-fire boss' certification, which shall not be renewed except upon successful completion of the examination prescribed by law for mine foreman-fire bosses or upon completion of other training requirements

established by the board: *Provided*, that an individual having his or her mine foreman-fire boss certification suspended pursuant to this section who also holds a valid mine foreman-fire boss certification from another state may have the suspension lifted by completing training requirements established by the board.

18. Q: Virginia has a Continuing Education class that is only 4 hours long; will this be accepted as comparable training to that of WV or will I have to have an additional 4 hours training before I can act as a mine foreman in WV. (I have mine foreman certificates in both states.)

A: **§22A-7-7 (b)** In order to receive continuing education credit pursuant to this section, a mine foreman-fire boss shall satisfactorily complete a mine foreman-fire boss continuing education course approved by the board and taught by a qualified instructor approved by the director. The mine foreman-fire boss shall not suffer a loss in pay while attending a continuing education course. The mine foreman-fire boss shall submit documentation to the office certified by the instructor that indicates the required continuing education has been completed prior to the deadlines set forth in this subsection: *Provided*, that a mine foreman-fire boss may submit documentation of continuing education completed in another state for

19. Q: I have certificates that qualify me as a safety instructor, but I do not have 2 years underground experience, can I teach the Continuing Education Course?

A: **CRITERIA FOR QUALIFICATION**

- Applicant must possess a degree in education or other mining related field or have an underground miner's certificate and at least two (2) years underground experience.
- Applicant must present proper identification.
- Application shall include the name and address of the person who should be notified as to the candidate's approval or disapproval.

20. Q: I just received my mine foreman certificate; do I have to take this class now?

A: **§22A-7-7 (a)** An existing underground mine foreman-fire boss certified pursuant to this article shall complete the continuing education requirements in this section within two years from the effective date of this section and every two years thereafter. An underground mine foreman-fire boss certified pursuant to this article on or after the effective date of this section shall complete the continuing education requirements in this section within two years of their certification and every two years thereafter. The continuing education requirements of this section may not be satisfied by the completion of other training requirements mandated by the provisions of this chapter.

21. Q: I have my mine foreman certificate can I include myself on my class roster if I teach the course or will I have to attend a class taught by someone else?

A: **Yes**

22. Q: If I am employed by WVOMHST or MSHA will I have to take the course to keep my card active?

A: **(§22A-7-7 (g) The office shall make a program of instruction that meets the requirements for continuing education set forth in this section regularly available in regions of the state, based on demand, for individuals possessing mine foreman-fire boss certifications who are not serving in a mine foreman-fire boss capacity: *Provided*, that the office may collect a fee from program participants to offset the cost of the program.**

23. Q: The course material listed on the CE disk is only WV OMHST why was MSHA law changes left off?

A: **The material provided reflects the major changes in our industry in the last few years. In developing the course, we had to select material that could be completed in an eight (8) hour time frame. We were unable to include every detail of all regulations of both MSHA and OMHST along with the core components. We realize that ALL regulations are important (both Federal and State) and if you wish to you can modify the program to fit your needs and use that program with prior approval from the Board of Coal Mine Health and Safety.**

24. Q: How often does the material have to be updated?

A: **The course material will be updated by the Office of Miners' Health, Safety and Training every two (2) years. An updated version will be available by 07-01-09.**

****Note: Anyone may develop their own course material as long as it has the core components as stated in §22A-7-7 and is approved by the Board of Coal Mine Health and Safety.**

25. Q: Are there forms available for the Continuing Education Instructor? A:

Yes, the forms are posted on this website and may be downloaded.

26. Q: When can I start teaching the class?

A: A person may start teaching as soon as he/she is qualified as a tentatively approved instructor for the underground mine foreman/fire boss continuing education course by the Office of Miners' Health, Safety and Training.

27. Q: If I don't develop my own course where can I get updated material?

A: The Office of Miners' Health, Safety and Training.

28. Q: Can I use the material that has been developed and approved from another coal company for my class?

A: Yes

29. Q: After I have received my Continuing Education Instructor Certificate will I still have to continue to notify the OMHST of each class that I give? How much notice do I have to give OMHST?

A: Yes. Each time you plan a continuing education course the regional office should be notified ten (10) days prior to such class.

30. Q: Say I take the class at the first part of the initial 2 years can I take the next required class at the end of the next 2 years? (This would be almost 4 years between classes.)

A: The course must be completed as stated in §22A-7-7. An existing underground mine foreman-fire boss certified pursuant to this article shall complete the continuing education requirements in this section within two years from the effective date of this section and every two years thereafter.

31. Q: What happens if I miss a Continuing Education Course?

A: If you fail to take the Continuing Education Course within 2 years of your certification, your card will become invalid at that time. Upon completion of the current 8 hour Continuing Education Course the mine foreman-fire boss certification will become valid and the individual can resume mine foreman-fire boss duties.