

## BOARD OF COAL MINING EXAMINERS

### SUMMARY OF MEETING

May 7, 2019

**The following is a summary of the May Meeting:**

- I. The Meeting was called to order at 9:03 a.m. by Board Chairman, Randy Moore. Members polled indicating their presence was Bennie Johnson Jr., Douglas Deel and Larance E. Middleton. Board member Phillip Hale was absent from the meeting. Also present were DMME Deputy Director, Bradley Lambert; Regulatory Board Administrator, Mary Gibson; and DMME Hearings Coordinator, Darlene Gibson.
- II. Motion and seconded to accept May 7, 2019 Meeting Agenda by Bennie Johnson, Jr. and Douglas Deel, respectively. All members present were in favor to approve.
- III. Motion and seconded to approve the April 2, 2019 Meeting Summary by Bennie Johnson, Jr. and Douglas Deel, respectively. All members present were in favor to approve.
- IV. Review of Virginia Substance Abuse Cases (Closed Session)  
Motion and seconded to approve to enter into Closed Session at 9:08 a.m. by Douglas Deel and Bennie Johnson, Jr., respectively. All members present were in favor to approve. Of the cases that resulted in hearings, evidence were 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/or took other disciplinary actions including revocation of all certifications held by miners.
- V. Open Session reconvened at 10:55 a.m. by the reading of the certification statement of compliance with the Virginia Freedom of Information Act by Bennie Johnson, Jr. Board Chairman Randy Moore certified the statement to be true with the remaining members; Bennie Johnson, Jr., Douglas Deel and Larance Eugene Middleton polled by Darlene Gibson with all members indicating the statement to be true.

Summary of Closed Session Activity was read into record by Regulatory Board Administrator, Mary Gibson for the following docket items:

#11123-05- (2<sup>nd</sup> Violation) -Attended

#11186-07- Remain in revoke

#14154-03- Reviewed by the board and permanent revocation was made.

#16341-07- Remain in revoke

#19092-02- Revoked (2<sup>nd</sup> Meeting)

#19127-01- Rescheduled

#19127-02- Attended

#19127-03- Attended

#19155-01- Attended (previously scheduled for June and rescheduled due to entering into an agreement)

Motion and seconded to approve by Bennie Johnson, Jr. and Larance E. Middleton, respectively; with all members present in favor to approve for Regulatory Board Administrator, Mary Gibson to follow-through on the actions agreed upon during closed sessions.

- VI. Open Agenda items were discussed as follows as presented by Regulatory Board Administrator, Mary Gibson and Board Chairman, Randy Moore:
- a. Randy Moore met with DMME OMIS staff in regards to the programming to remove the first aid section of the exams for the certifications discussed at the last meeting. It was estimated it will only take a half-day to complete. The requirement sheets have been prepared and until the completion of the programming, the first aid section will remain the same in the exams. Upon programming completion, the new requirement sheets will be posted on the website.
  - b. A Memorandum of Agreement (MOA) has been completed for Ohio; it is currently under review by Mary Gibson with a final review to be completed by Randy Moore to ensure all items are incorporated as provided by Ohio. Currently Ohio does not have a substance abuse policy/law and will require a letter of Good Standing from Virginia for reciprocity to occur. Whereas; Virginia having a substance abuse law will require a letter of Good Standing along with the requirement to be in compliant with substance abuse law for reciprocity to occur from Ohio. Upon final review, the requirement sheets will have all requirements properly documented prior to posting on the website.
  - c. Initial contact has been made with Alabama to obtain a Memorandum of Agreement (MOA) but currently there has not been a response, therefore; the need to follow-up is necessary.
  - d. Currently there is a heavy demand for exams resulting in the requirement of having two exam sessions for the segmented classes. The recent purchase of ten (10) additional iPad's will assist with the demand as well as the availability when

general maintenance such as battery replacement issues occurs. OMIS is currently in the process of programming the iPad's.

- e. Assistance is being made for those completing applications online with ongoing efforts to encourage individuals to complete on their own to help minimize excessive staff involvement. Also the transition from the current system (Dynaterm) to a more user-friendly process (E-forms) will assist in the utilization of online applications but overall, good progress is being made.
- f. The Virginia Coal Mine Safety Board meeting was held last week with several new members. Harry Childers was elected as Chairman of the board. There were many topics of discussion with an emphasis regarding the accident at Buchanan, Deep Mine #41 in regards to the use of the Kevlar sleeve as the probable cause. Randy Moore, Brett Holbrook and Harry Childers will be attending a meeting at Buchanan to discuss the ongoing concerns of the sleeve's usage. There was a synopsis of the BCME drug testing and substance abuse program presented. The Coal Mine Safety Awards were nominated and currently in process of being put together. The awards will be presented to Surface Mines, Prep Plants as well as individuals having gone five (5) years without accidents.

VII. Next Meeting  
June 4, 2019

VIII. Adjournment  
Motion and seconded to adjourn the meeting at 11:09 a.m. by Douglas Deel and Bennie Johnson, Jr., respectively. All members present were in favor to approve.