

AWARENESS, ACCESSIBILITY, ASSURANCE

STEPS TO EXERCISE **PART 90 RIGHTS**

What is Part 90?

Part 90 is aimed at protecting coal miners who have been diagnosed with the development of pneumoconiosis. A miner who qualifies and exercises Part 90 has the right to work in a low dust environment, without having their pay reduced. There are also protections against discrimination, including termination.

Am I eligible?

The National Institute for Occupational Safety and Health (NIOSH) Approved Medical Examination Plan posted to your mine's bulletin board will instruct you about where you can be examined, which is free of charge and confidential. NIOSH will receive the results and evaluate them. If the examination reveals the development of pneumoconiosis, you will be notified that you are eligible to exercise rights under Part 90 at any time.

I am eligible and want to exercise my right, what happens now?

When you receive medical results and an exercise of option form fill it out and mail it in the prepaid and preaddressed envelope. Fill in the information about the mine that you are working at, sign and date the form and mail it. A miner who is eligible may also exercise by sending a written request to: Chief, Division of Health, Coal Mine Safety and Health, 201 12th Street South - Suite 400, Arlington, VA 22202-5452

What happens after submitting the exercise of option form, Part 90?

After MSHA receives an exercise of option form from the miner, the mine operator will then be notified. The operator has a 20 calendar-day grace period to determine and evaluate a low dust environment for the miner exercising Part 90 to work in. The operator must provide MSHA information about the miner's work assignment at the mine.

What is the transfer process?

After the 20-day grace period, the mine operator shall notify the District Manager of the transfer of the miner. The Part 90 miner will be transferred to an existing position at the same mine during the same shift. The miner may also be transferred to a new mine or a newly created position, or a position on a different shift or shift rotation only if the miner agrees in writing to a transfer of this nature.

Will there be a change in my pay?

A Part 90 miner is compensated at not less than the regular rate of pay received by that miner immediately before exercising the option, regardless of any transfer. A Part 90 miner must receive any future wage increases applicable to the position.

What does quarterly sampling entail?

The operator must collect five valid representative samples for the Part 90 miner while they are performing normal work duties during the 15 calendar days after the 20-day grace period to ensure the Part 90 miner remains in compliance with the lower dust standard. Non-compliance will result in enforcement action and required corrective measures.

What If I change my mind and don't want to be transferred?

A Part 90 miner may waive their Part 90 rights by giving written notification to the Chief, Division of Health, Coal Mine Safety and Health. There is no limit on the number of times a Part 90 miner may waive their rights. Once these rights are waived, the miner may re-exercise the option at any time, as long as they are employed at any coal mine.