



## Jason M. Nutzman

Partner

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Jason focuses his practice on the Mine Safety and Health Act (MSHA) and represents both coal and metal/non-metal clients before the Federal Mine Safety and Health Review Commission in accident investigations, special investigations, and discrimination investigations conducted by the Department of Labor with respect to MSHA.

In his practice, he works with human resource managers and in-house counsel providing employment advice and litigation support to employers. Jason also provides employment counseling to employers from the beginning of the employment relationship through termination and employment advice covering all types of discrimination and wrongful discharge, FMLA, ADA, ADEA and FLSA issues, and non-compete agreements. In addition, he is experienced in representing clients regarding labor issues, including dealing with unions during a labor campaign and assisting management with a unionized workforce.

Jason is married to Robyn Eads Nutzman and has three daughters - Taylor, Payton, and Skylar.

### Services

- Employment
- Labor
- Workplace Safety
- Mine Safety & Health Administration
- Employment Discrimination Litigation
- Wage/Hour Law

- Collective Bargaining Negotiations
- NLRB Issues
- Strike Preparation/Litigation
- Occupational Safety & Health Administration
- Wrongful Discharge

## **Education**

- West Virginia University College of Law (J.D., 2006)
  - West Virginia Law Review, editor-in-chief
- College of Charleston (B.A., 2001)
  - History

## **Bar Admissions**

- West Virginia
- Colorado
- South Carolina (inactive)

## **Court Admissions**

- U.S. District Court for the Southern District of West Virginia
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of South Carolina

## **Affiliations/Memberships**

- Colorado Mining Association
- Energy and Mineral Law Foundation
- National Mining Association
- National Stone, Sand and Gravel Association
  - Safety & Health Committee
  - Council of counsel
- Mining Association of South Carolina, Safety and Health Committee
- West Virginia Coal Association

## **Distinctions**

- Future Star of South Carolina by *Benchmark Litigation* (2009 - 2011)
- West Virginia *Rising Stars*® (2013 - 2018)

## Experience

### **Decertification Defense**

When a miner was facing decertification proceedings from the West Virginia Office of Miners' Health Safety and Training, he turned to Dinsmore. Our client was accused of not properly locking and tagging a piece of equipment, which violates state law. As a result, the state of West Virginia sought permanent decertification of the miner. We conducted on-site research at the mine, interviewing witnesses and examining the company's safety policies, procedures and records. We determined the alleged violation did not rise to the level of permanent decertification and entered into negotiations with the state of West Virginia. We reached a settlement favorable to our client, allowing him to avoid permanent decertification and return to work.

## Publications

June 17, 2019

**How Operators Can Maximize the Benefits of MSHA's New and Improved Mine Data Retrieval System**

June 14, 2019

**Back to the Drawing Board (Somewhat) – D.C. Circuit Court of Appeals Invalidates Workplace Examination Final Rule**

March 16, 2018

**MSHA 2017 Year End Review**

January 20, 2017

**MSHA's Final Rule on Workplace Examinations in Metal/Nonmetal Mining Operations**

December 14, 2016

**MSHA Year End Review**

July 12, 2016

**The Impact of the Federal Aviation Administration's Final Drone Rule on the Mining Industry**

June 16, 2016

**A Practical Look at the Impact of MSHA's Proposed Rule on Workplace Examinations in Metal/Nonmetal Mining Operations**

May 12, 2016

**Rules to Live By IV – Preventing Common Mining Deaths**

April 18, 2016

**2016 MSHA Regulatory Initiatives**

March 18, 2016

**Safety Defects, Examination, Correction and Records: The Correlation Between 30 C.F.R. Section 56/57.14100 and Pre-Operational Examinations**

March 14, 2016

**“MSHA’s 2016 Proposed Rule on Workplace Examinations: A Call for Comment” – New Mexico Bureau of Mine Safety, August 2016 Newsletter (co-authored with Robert Beatty, Jr.)**

May 21, 2012

**Coal Talk: Second ALJ Dismisses Late-Filed Penalty Petition**

May 14, 2012

**Rock Talk: Truck Scales Not a Road Under MSHA’s Berm Standard**