

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5162

BY DELEGATES HOWELL, MALLOW, ADKINS, CAMPBELL,
DEVAULT, HOUSEHOLDER, JEFFRIES, THORNE, FERRELL,
FOSTER, AND WILLIS

[Passed March 9, 2024; in effect ninety days from
passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-2-7g; to amend and reenact §21-1E-2 of said Code; to amend and reenact
3 §21-1E-3 of said Code; and to amend and reenact §21-6-2 of said Code, all relating to
4 creating the Youth Apprenticeship Program which allows certain students to enroll in
5 apprenticeship programs; allowing any student participating in the program to receive
6 secondary credit or other credentialing for the apprenticeship under certain conditions;
7 making the West Virginia Department of Education responsible for establishing the
8 program; requiring the program to include a broad range of skills including those
9 specifically focused in certain areas; requiring the county boards of education to develop
10 materials in conjunction with industry to promote awareness of apprenticeship for students
11 and to encourage recruitment; requiring program to create a structural linkage between
12 secondary and postsecondary components of the program leading to the school awarding
13 a high school diploma and postsecondary certification of occupational skills to the student;
14 requiring the department to develop pilot projects for the 2024-2025 school year and to
15 implement and direct a comprehensive apprenticeship program for all school systems by
16 the beginning of the 2025-2026 school year; requiring each apprenticeship to meet the
17 department's criteria; specifying minimum criteria; adding definition of "Youth
18 Apprenticeship Program"; providing that training hours accumulated by a student's
19 participation in the program count towards the student's certifications or licensures, if
20 appropriate; requiring maintenance of a list of current apprenticeships throughout the state
21 along with certain other resources, planning materials, credentials, certifications, and
22 exams; authorizing students enrolled in a Youth Apprenticeship Program to work on
23 machinery associated with certain listed occupations otherwise prohibited for a child under
24 18 years of age on an occasional and incidental basis while under mandatory direct
25 supervision; providing exemptions for certain students performing roofing operations
26 under certain conditions; and allowing the department to grant other limited exemptions

27 for nonagricultural work in compliance with the U.S. Child Labor Provisions for
28 nonagricultural occupations under the Fair Standards Act, Child Labor Bulletin 101.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-7G. Youth Apprenticeship Program.

1 (a) In addition to any other registered apprenticeship programs, there is herein created
2 the "Youth Apprenticeship Program," which shall allow for any public, private, or home school
3 student in the eleventh or twelfth grade, or are 16 years or older, the opportunity to enroll in
4 apprenticeship programs.

5 (b) For the purposes of this section, "apprenticeship program" shall have the same
6 meaning as defined in §21-1E-2 of this code.

7 (c) Any student participating in the program may receive secondary credit or other
8 credentialing for the apprenticeship when the apprenticeship is approved by the local county
9 board of education and in keeping with the rules of the Division of Labor (hereinafter "the
10 division.")

11 (d) The West Virginia Department of Education (hereinafter "the department") is
12 responsible for establishing the Youth Apprenticeship Program, including setting standards,
13 providing guidelines for county boards of education to approve local enterprise and granting
14 release time from public schools to participate in the program.

15 (1) The Youth Apprenticeship Program shall include a broad range of skills, including
16 those specifically focused on manufacturing, engineering technology, administration and office
17 technology, and health care.

18 (2) The county boards of education shall develop materials in conjunction with industry to
19 promote awareness of apprenticeship for students and to encourage recruitment.

20 (3) The program shall create a structural linkage between secondary and postsecondary
21 components of the program leading to the school awarding a high school diploma and
22 postsecondary certification of occupational skills to the student.

23 (e) The department shall develop pilot projects for the 2024-2025 school year and shall
24 implement and direct a comprehensive apprenticeship program for all school systems by the
25 beginning of the 2025-2026 school year.

26 (f) Each apprenticeship shall meet the department's criteria which shall include, but is not
27 limited to:

28 (1) A detailed training plan between the employer and the apprentice that identifies specific
29 work tasks that will develop workplace competency;

30 (2) A minimum of 135 classroom hours of related academic instruction and training;

31 (3) A minimum of 400 hours of on-the-job training;

32 (4) A progressive wage schedule established by the participating employer;

33 (5) On-site evaluation of the student's performance; and

34 (6) Training remediation as necessary at the school site.

CHAPTER 21. LABOR

ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS

§21-1E-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

1 "Apprentice" means someone who is enrolled in an apprenticeship program.

2 "Apprenticeship program" means a program offered by an employer to provide supervised
3 on-the-job training to employees approved by the United States Department of Labor.

4 "Employer sponsored training program" means a program approved in accordance with a
5 rule promulgated pursuant to authority established in §21-1E-4 of this code.

6 "License" means a valid and current certification or license issued by the Commissioner
7 of Labor in accordance with the provisions of this article.

8 "Career technical education" means programs of study, clusters, and pathways approved
9 by the West Virginia Board of Education pursuant to state board policy.

10 "Youth Apprenticeship Program" means the program created in §18-2-7g of this code and
11 is subject to the definition of "apprentice" set forth in this section.

**§21-1E-3. Recognition of training and apprenticeships; maintenance of current list of
apprenticeships.**

1 (a) Beginning July 1, 2019, applicants for certification or licensure shall be permitted to
2 apply training hours earned via career technical education provided by West Virginia public
3 schools or an apprenticeship program or employer-sponsored training program towards the
4 requirements for certification and/or licensure in the same occupation in accordance with the
5 standards and procedures authorized in accordance with this article. The training hours
6 accumulated by a student's participation in the "Youth Apprenticeship Program" created in §18-
7 2-7g of this code shall count towards the student's certifications or licensures, if appropriate.

8 (b) The State Board of Education, Higher Education Policy Commission, and Department
9 of Commerce shall jointly maintain a list of current apprenticeships throughout the state along
10 with free career exploration resources and planning materials for postsecondary opportunities in
11 addition to credentials, certifications, and/or exams that reflect industry requirements or lead to
12 postsecondary credit.

ARTICLE 6. CHILD LABOR.

**§21-6-2. Employment of children under eighteen in certain occupations; determination as
to other occupations; exemptions for certain students performing roofing
operations.**

1 (a) A child under 18 years of age may not be employed, permitted, or suffered to work in,
2 about, or in connection with any of the following occupations:

3 (1) Motor vehicle driver and outside helper whose work includes riding on a motor vehicle
4 outside the cab for the purpose of assisting in transporting or delivery of goods;

5 (2) The manufacture, storage, handling or transportation of explosives or highly flammable
6 substances;

7 (3) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or
8 in any other place in which the heating, melting, or heat treatment of metals is carried on;

9 (4) Logging and saw milling occupations;

10 (5) Power-driven woodworking machine occupations;

11 (6) Occupations involving exposure to radioactive substances and ionizing radiations;

12 (7) Power-driven hoisting apparatus occupations;

13 (8) Power-driven metal-forming, punching, and shearing machine occupations;

14 (9) Mining, including coal mining;

15 (10) Occupations involving slaughtering, meat-packing, or processing or rendering;

16 (11) Power-driven bakery machines;

17 (12) Power-driven paper-products machine occupations;

18 (13) Occupations involved in the manufacturing of brick, tile, and kindred products;

19 (14) Occupations involved in the operation of power-driven circular saws, band saws, and
20 guillotine shears;

21 (15) Occupations involved in wrecking, demolition, and ship-breaking operations;

22 (16) Roofing operations above ground level, subject to subsection (d) of this section; and

23 (17) Excavation operations.

24 (b) A child under 18 years of age may not be employed or permitted to work in a bar, or
25 be permitted, employed, or suffered to sell, dispense, or serve alcoholic beverages in any place
26 or establishment where the consumption of alcoholic beverages is permitted by law.

27 (c) A child under 18 years of age may not be employed or permitted to work in any
28 occupation prohibited by law or determined by the commissioner to be dangerous or injurious:

29 *Provided*, That a child between the ages of 16 and 18 years who is enrolled in, participating in, or
30 has completed the minimum training requirements of the West Virginia State Fire Commission,
31 West Virginia Department of Education Public Service Training, or West Virginia University fire
32 service extension, or equivalent approved program, and who has the written consent of his or her
33 parents or guardian, may be employed by or elected as a member of a volunteer fire department
34 to perform firefighting functions: *Provided, however*, That no child may be permitted to operate
35 any fire fighting vehicles, enter a burning building in the course of his or her employment or work
36 or enter into any area determined by the fire chief or fireman in charge at the scene of a fire or
37 other emergency to be an area of danger exposing the child to physical harm by reason of
38 impending collapse of a building or explosion, unless the child is under the immediate supervision
39 of a fire line officer.

40 (d) Students enrolled in a Youth Apprenticeship Program pursuant to §18-2-7g of this code
41 are authorized to work on machinery associated with occupations listed in §21-6-2(a) of this code
42 only on an occasional and incidental basis while under mandatory direct supervision. For the
43 purposes of this section, the term “occasional and incidental use” means use done for training
44 purposes and for no more than five percent of the student’s training hours a day.

45 (e) In compliance with U.S. Child Labor Provisions for nonagricultural occupations under
46 the Fair Labor Standards Act, Child Labor Bulletin 101, exemptions shall be made for students 16
47 years of age or older performing roofing operations above ground level for the express purpose
48 of learning how to install, wire, or repair a rooftop or other equipment provided the student is
49 employed under the following conditions:

50 (1) The student is enrolled in a course of study and training in a cooperative vocational
51 training program under a recognized state or local educational authority or in a course of study in
52 a substantially similar program conducted by a private school;

53 (2) Written consent of the parent or legal guardian for the student to perform roofing
54 operations pursuant to this subsection is submitted to both the cooperative vocational training
55 program or private school, as applicable, and the employer; and

56 (3) The student is employed under a written agreement which stipulates that:

57 (A) The work will be intermittent and under the direct and close supervision of a qualified
58 and experienced person;

59 (B) Safety instruction will be provided by the school and coordinated with the employer
60 through on-the-job training; and

61 (C) A schedule of organized and progressive work processes be performed.

62 (f) Other limited exemptions for nonagricultural work in compliance with U.S. Child Labor
63 Provisions for nonagricultural occupations under the Fair Standards Act, Child Labor Bulletin 101
64 may be permitted by the department.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor