

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5162

By Delegates Howell, Mallow, Adkins, Campbell,

Devault, Householder, Jeffries, Throne, Ferrell,

Foster, and Willis

[Originating in the Committee on Education; Reported

on February 19, 2024]

1 A BILL 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 and expanding registered apprenticeship
5 programs.

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 the
2 "Youth Apprenticeship Program," which shall allow for any student in the eleventh or twelfth grade,
3 or are 16 years or older, the opportunity to enroll in apprenticeship programs offered at public,
4 private, or home schools and the ability to gain secondary credits by participating in the program.

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 shall receive secondary credit for the
8 apprenticeship when the apprenticeship is approved by the local county board of education and in
9 keeping with the rules of the Division of Labor (hereinafter "the division.")

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

14 (e) Each apprenticeship must meet the department's criteria which may include, but is not
15 limited to:

- 16 (1) A detailed training plan between the employer and the apprentice that identifies specific
17 work tasks that will develop workplace competency;
- 18 (2) A minimum of 135 classroom hours of related academic instruction and training;
19 (3) A minimum of 400 hours of on-the-job training;
20 (4) A progressive wage schedule established by the participating employer;
21 (5) On-site evaluation of the student's performance;
22 (6) Training remediation as necessary at the school site;
23 (7) A broad range of skills, including those specifically focused on manufacturing and
24 engineering technology, administration and office technology, and health care;
- 25 (8) Development of materials by the business, industry, and labor community in
26 conjunction with the department and/or the local county board of education to promote the
27 awareness of apprenticeships for high school students and to encourage recruitment; and
- 28 (9) Create a structural linkage between secondary and postsecondary components of the
29 program leading to the school awarding a high school diploma and postsecondary certification of
30 occupational skills to the student.
- 31 (d) The department shall develop pilot projects for the 2024-2025 school year and shall
32 implement and direct a comprehensive apprenticeship program for all school systems by the
33 beginning of the 2025-2026 school year.

CHAPTER 21. LABOR

ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS

§21-1E-2.

Definitions.

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

2 (a) "Apprentice" means someone who is enrolled in an apprenticeship program.

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

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

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

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

11 (f) "Youth Apprenticeship Program" means the program created in §18-2-7g of this code.

§21-1E-3. Recognition of training and apprenticeships.

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

ARTICLE 6. CHILD LABOR.

**§21-6-2. Employment of children under eighteen in certain occupations; determination as
to other occupations; appeal to supreme court.**

1 (a) Except as otherwise authorized under the "Youth Apprenticeship Program" established
2 in §18-2-7g of this code, Aa child under 18 years of age may not be employed, permitted, or
3 suffered to work in, about, or in connection with any of the following occupations:

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

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

- 8 (3) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or in
9 any other place in which the heating, melting or heat treatment of metals is carried on;
- 10 (4) Logging and saw milling occupations;
- 11 (5) Power-driven woodworking machine occupations;
- 12 (6) Occupations involving exposure to radioactive substances and ionizing radiations;
- 13 (7) Power-driven hoisting apparatus occupations;
- 14 (8) Power-driven metal-forming, punching, and shearing machine occupations;
- 15 (9) Mining, including coal mining;
- 16 (10) Occupations involving slaughtering, meat-packing, or processing or rendering;
- 17 (11) Power-driven bakery machines;
- 18 (12) Power-driven paper-products machine occupations;
- 19 (13) Occupations involved in the manufacturing of brick, tile, and kindred products;
- 20 (14) Occupations involved in the operation of power-driven circular saws, band saws, and
21 guillotine shears;
- 22 (15) Occupations involved in wrecking, demolition, and ship-breaking operations;
- 23 (16) Roofing operations above ground level; and
- 24 (17) Excavation operations.
- 25 (b) A child under 18 years of age may not be employed or permitted to work in a bar, or be
26 permitted, employed, or suffered to sell, dispense, or serve alcoholic beverages in any place or
27 establishment where the consumption of alcoholic beverages is permitted by law.
- 28 (c) A child under 18 years of age may not be employed or permitted to work in any
29 occupation prohibited by law or determined by the commissioner to be dangerous or injurious:
30 *Provided*, That a child between the ages of 16 and 18 years who is enrolled in, participating in, or
31 has completed the minimum training requirements of the West Virginia State Fire Commission,
32 West Virginia Department of Education Public Service Training, or West Virginia University fire
33 service extension, or equivalent approved program, and who has the written consent of his or her

34 parents or guardian may be employed by or elected as a member of a volunteer fire department to
35 perform firefighting functions: *Provided, however,* That no child may be permitted to operate any
36 fire fighting vehicles, enter a burning building in the course of his or her employment or work or
37 enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other
38 emergency to be an area of danger exposing the child to physical harm by reason of impending
39 collapse of a building or explosion, unless the child is under the immediate supervision of a fire line
40 officer.

41 (d) This article shall comply with the Child Labor Provisions of the Fair Labor Standards
42 Act.