

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4005

By Delegates Browning, Dean, Worrell, McCormick,
Pritt, Martin, Hott, Bell, Pinson, Stephens, and Watt

[Originating in the Committee on Government
Organization; Reported on January 19, 2026]

1 A BILL to amend and reenact §18-2-7G and §21-6-2 of the Code of West Virginia, 1931, as
2 amended; to clarify the categories of employment which are prohibited or authorized for
3 persons in West Virginia who are under the age of 18 and to clarify youth apprenticeships
4 prohibited or authorized in such categories of employment and to be known as "The
5 Workforce Development Act of 2026".

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 public, private, or home school student
3 in the eleventh or twelfth grade, or are 16 years or older, the opportunity to enroll in apprenticeship
4 programs: Provided, That, no apprenticeship program shall be authorized for any occupation
5 prohibited for children under the age of 16 in accordance with the requirements of §21-6-2 of this
6 code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 21. LABOR

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~~ 16 years of age or older:

2 (1) may ~~May~~ not be employed, permitted, or suffered to work in, about, or in connection
3 with any ~~nonagricultural category of employment prohibited by the U.S. Department of Labor for~~
4 individuals in such age range, pursuant to federal law or Hazardous Occupation Order issued by
5 the U.S. Secretary of Labor pursuant to federal law, subject to any and all special provisions
6 permitting employment of minors or exemptions from any Hazardous Occupation Orders for
7 Apprentices and Student-Learners granted by the U.S. Department of Labor; but

8 (2) May work in hazardous occupations in agriculture and with hours and times in
9 accordance with those authorized by federal law or exemptions issued by the U.S. Secretary of
10 Labor pursuant to federal law for such agricultural occupations, unless expressly prohibited by the
11 commissioner pursuant to §21-6-2(d) of this code.

12 (b) Children under the age of 16 may only be employed as specifically authorized by
13 exceptions and special provisions issued by the U.S. Secretary of Labor pursuant to federal law,
14 unless expressly prohibited by the commissioner pursuant to §21-6-2(d) of this code. of the
15 following occupations:

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

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

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

22 (4) Logging and saw milling occupations;

23 (5) Power-driven woodworking machine occupations;

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

25 (7) Power-driven hoisting apparatus occupations;

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

~~(9) Mining, including coal mining;~~

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

~~(11) Power-driven bakery machines;~~

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

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

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

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

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

~~(17) Excavation operations.~~

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

~~(e)~~ (d) A child at least 16 years old but under 18 years of age may not be employed or permitted to work in any occupation not otherwise prohibited by §21-6-2(a), §21-6-2(b) or §21-6-2(c) of this code, or which is expressly prohibited by West Virginia state law, or expressly determined by the commissioner by legislative rulemaking to be dangerous or injurious: *Provided,* That a child between the ages of 16 and 18 years who is enrolled in, participating in, or has completed the minimum training requirements of the West Virginia State Fire Commission, West Virginia Department of Education Public Service Training, or West Virginia University fire service extension, or equivalent approved program, and who has the written consent of his or her parents or guardian, may be employed by or elected as a member of a volunteer fire department to perform firefighting functions: *Provided, however,* That no child may be permitted to operate any fire fighting vehicles, enter a burning building in the course of his or her employment or work or enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other emergency to be an area of danger exposing the child to physical harm by reason of impending

collapse of a building or explosion, unless the child is under the immediate supervision of a fire line officer.

~~(d)(e)~~ Students enrolled in a Youth Apprenticeship Program pursuant to §18-2-7g of this code are authorized to work on machinery associated with any occupations not listed in prohibited by §21-6-2(a) , §21-6-2(b) or §21-6-2(d) of this code ~~only on an occasional and incidental basis while under mandatory direct supervision. For the purposes of this section, the term "occasional and incidental use" means use done for training purposes and for no more than five percent of the student's training hours a day.~~

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

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

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

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

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

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

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

~~(f)~~ (g) Other limited exemptions for nonagricultural work in compliance with U.S. Child

- 79 Labor Provisions for nonagricultural occupations under the Fair Standards Act, Child Labor
- 80 Bulletin 101 may be permitted by the department.

NOTE: The purpose of this bill is to clarify the categories of employment which are prohibited or authorized for persons in West Virginia who are under the age of 18 and to clarify youth apprenticeships prohibited or authorized in such categories of employment and to be known as "The Workforce Development Act of 2026".

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.