

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5162

By Delegates Howell, Mallow, Adkins, Campbell,
DeVault, Householder, Jeffries, Thorne, Ferrell,
Foster, and Willis

[Introduced January 25, 2024; Referred to the
Committee on Workforce Development then
Education]

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, to amend and reenact §21-6-2 of said Code, all relating to creating
 4 the Youth Apprenticeship Program and expanding registered apprenticeship 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 and all other registered apprenticeship programs, there is herein
 2 created the "Youth Apprenticeship Program," which shall allow for any students who are in
 3 eleventh or twelfth grades, or are sixteen years or older, the opportunity to enroll in apprenticeship
 4 programs offered at public schools and the ability to gain secondary credits from said programs.

5 The student pursuing this program shall:

6 (1) Be granted release time from public school to work as an apprentice for any business
 7 enterprise which is approved by the West Virginia Department of Education (hereinafter "the
 8 department) as a qualified employer under the educational "apprenticeship program" as that term
 9 is defined in §21-1E-2 of this code.

10 (2) Receive secondary credit for such apprenticeship when the apprenticeship is approved
 11 by the department and in keeping with the rules of the Division of Labor (hereinafter "the division.")

12 (b) The department is authorized to establish a Youth Apprenticeship Program and to
 13 promulgate such policies, standards, procedures, criteria, and administrative requirements as
 14 may be necessary to implement the program by rules and regulations. The department shall
 15 consult the division and the West Virginia Adult Education programs within the department when
 16 developing best practices.

17 (c) Each apprenticeship must meet expectations and standards created by the

18 department. Said expectations and standards include, but are not limited to:

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

21 (2) A minimum of 144 classroom hours of related academic instruction and training;

22 (3) A minimum of 2,000 hours of on-the-job training;

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

24 (5) On-site evaluation of the pupil's performance;

25 (6) Training remediation as necessary at the school site;

26 (7) A broad range of skills, including those specifically focused on manufacturing and
27 engineering technology, administration and office technology, and health care;

28 (8) Development of materials by the business, industry, and labor community in
29 conjunction with the department to promote the awareness of apprenticeships for high school
30 students and to encourage recruitment;

31 (9) Create a structural linkage between secondary and postsecondary components of the
32 program leading to the school awarding a high school diploma and postsecondary certification of
33 occupational skills to the student.

34 (d) The department shall develop pilot projects for the 2024-2025 school year and shall
35 implement and direct a comprehensive apprenticeship program for all school systems by the
36 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 "Apprentice" means someone who is enrolled in an apprenticeship program.

3 "Apprenticeship program" means a program offered by an employer to provide supervised

4 on-the-job training to employees approved by the United States Department of Labor.

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

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

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

11 "Youth Apprenticeship Program" means the program for job training described in §18-2-7g
12 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 in the
6 "Youth Apprenticeship Program" described in §18-2-7g of this code shall count towards any and all
7 certifications or licensures described in this code.

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 A child under eighteen 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 eighteen years of age may not be employed or permitted to work in a bar,
26 or be permitted, employed, or suffered to sell, dispense, or serve alcoholic beverages in any place
27 or establishment where the consumption of alcoholic beverages is permitted by law.
- 28 (c) A child under eighteen 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 sixteen and eighteen years who is enrolled in,
31 participating in, or has completed the minimum training requirements of the West Virginia State

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

NOTE: The purpose of this bill is to create the Youth Apprenticeship Program and expanding registered apprenticeship programs.

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