WEST VIRGINIA CODE: §21-6-2

§21-6-2. Employment of children under 16 in certain occupations; determination as to other occupations; exemptions for certain students performing roofing operations.

(a) A child 16 years of age or older may not be employed, permitted, or suffered to work in, about, or in connection with any nonagricultural category of employment prohibited by the U.S. Department of Labor for individuals in such age range, pursuant to federal law or Hazardous Occupation Order issued by the U.S. Secretary of Labor pursuant to federal law, except as subject to any and all special provisions permitting employment of such minors in such nonagricultural categories, or subject to any and all exemptions from specified Hazardous Occupation Orders for Apprentices and Student-Learners granted by the U.S. Department of Labor: *Provided*, That the following occupation(s) shall be subject to whatever applicable age restrictions and additional authorizations and prohibitions are established pursuant to federal law, the Code of West Virginia, or by legislative rule of the commissioner:

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

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

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

(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: *Provided*, That the prohibitions of this subsection shall be subject to the exceptions allowing retail sales by employees between the inclusive ages of 16 years and 20 years when directly supervised by a person 21 years of age or older as set forth in §60-3A-25(c), §§60-7-12(a)(10)(A)-(B), §60-8-20(g), and §11-16-18(d) of this code.

(d) A child at least 16 years old but under 18 years of age may 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

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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.

(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 prohibited by §21-6-2(a) , §21-6-2(b), or §21-6-2(d) of this code.

(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.

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

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