Expand Work-Based Learning (WBL) Experiences for Students: Match Select State and Federal Standards

Roanoke City Public Schools

Current Reality: Virginia CTE students in select programs are at a competitive disadvantage with peers in other states. Virginia students in Work-Based Learning (WBL) experiences in auto service are prohibited from using car lifts, and students in welding programs are prohibited from using a grinder to finish their welding project.

The U.S. Department of Labor (DOL) *permits* minors aged 16 to 18 to perform these workplace tasks, but the Virginia Department of Labor and Industry (DOLI) currently restricts these tasks.

> Example A – Use of Lifts to Raise Cars: The Wage and Hour Division (WHD) of the U.S. DOL specifically states on Fact Sheet #43: Child Labor Provisions of the Fair Labor Standards Act (FLA) for Nonagricultural Occupations under HO 7: "Power-driven hoisting apparatus... Does not apply to…electric and pneumatic lifts used to raise cars in garages and gasoline service stations." However, Code of Virginia Administrative Code 16VAC15-30-80, Power-driven hoisting apparatus occupations, prohibits minors from operating power-driven hoists but does not mention, nor does the VA DOLI, the exclusion of lifts used to raise cars in a manner that would align with the U.S. DOL guidance.
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> Example B – Use of "Abrasive Cutting Discs" (Grinders): The federal Code of Federal Regulations § 570.65, Occupations involving the operation of listed equipment, including "abrasive cutting discs" (Order 14), defines certain occupations as hazardous for minors, but makes an exemption: "This section shall not apply to the employment of apprentices or student-learners under the conditions..." However, the Code of Virginia Title 40.1. Labor and Employment Chapter 5. Child Labor § 40.1-100. Certain employment prohibited or limited has been listed in this HO in Section A. 2, with a note at the end of Section A that allows the Commissioner to regulate whether or not an apprentice or student-learner can perform any of the hazardous occupations in Section A. At this time, the Virginia DOLI does not allow a minor to use an abrasive disc, even if employed as a welding apprentice or student-learner.

Legislative Recommendation: RCPS recommends that the General Assembly direct the Virginia DOLE to align these regulations with federal wording and regulations, as appropriate. We strongly support providing safe work environments for our youth, but proper instructional environments enable student-learners and apprentices to work safely.

- Proposal: Use a statement similar to the U.S. DOL as an amendment to 16VAC15-30-80. Power-driven hoisting apparatus occupations. This statement could be added after the Exception section and state: Note: This section does not apply to electric, hydraulic, or pneumatic lifts used to raise cars in garages and at gasoline service stations.

- Proposal: Revise statement on § 40.1-100. Certain employment prohibited or limited at the end of section A to read: The exemptions for properly certified apprentices and student-learners apply to this restriction.