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HOUSE BILL NO. 641

Offered January 11, 2012

Prefiled January 11, 2012

A BILL to amend and reenact §§ 40.1-79.01, 40.1-84, 40.1-87, 40.1-88, and 40.1-89 of the Code of Virginia, relating to child labor; employment certificate requirements.

Patron—Stolle

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-79.01, 40.1-84, 40.1-87, 40.1-88, and 40.1-89 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-79.01. Exemptions from chapter generally.

A. Nothing in this chapter, except the provisions of §§ 40.1-100 A, 40.1-100.1, 40.1-100.2, and 40.1-103, shall apply to:

1. A child engaged in domestic work when such work is performed in connection with the child's own home and directly for his parent or a person standing in place of his parent;

2. A child employed in occasional work performed outside school hours where such work is in connection with the employer's home but not in connection with the employer's business, trade, or profession;

3. A child 12 or 13 years of age employed outside school hours on farms, in orchards or in gardens with the consent of his parent or a person standing in place of his parent;

4. A child between the ages of 12 and 18 employed as a page or clerk for either the House of Delegates or the Senate of Virginia;

5. A child participating in the activities of a volunteer rescue squad;

6. A child under 16 18 years of age employed by his parent in an occupation other than manufacturing; or

7. A child 12 years of age or older employed by an eleemosynary organization or unit of state or local government as a referee for sports programs sponsored by that eleemosynary, state, or local organization or by an organization of referees sponsored by an organization recognized by the United States Olympic Committee under 36 U.S.C. § 220522.

B. Nothing in this chapter, except §§ 40.1-100.1, 40.1-100.2, and 40.1-103, shall be construed to apply to a child employed by his parent or a person standing in place of his parent on farms, in orchards or in gardens owned or operated by such parent or person.

§ 40.1-84. Employment certificate required.

No child under ~~sixteen~~ 18 years of age who has not obtained a standard diploma, advanced studies diploma, or general achievement diploma shall be employed, permitted, or suffered to work, in, about, or in connection with any gainful occupation with the exception of volunteer work or work on farms, orchards, and in gardens and except as provided in §§ 40.1-79.01, 40.1-101, and 40.1-102 unless the person, firm, or corporation employing such child; procures and keeps on file and accessible to any school attendance officer, representative of the Department, or other authorized persons; charged with the enforcement of this chapter; the employment certificate as hereinafter provided; issued for such child. Any individual who has obtained a standard diploma, advanced studies diploma, or general achievement diploma shall not be required to have an employment certificate.

§ 40.1-87. Vacation or part-time employment certificate.

A vacation or part-time employment certificate shall permit the employment of a child between ~~fourteen~~ 14 and ~~sixteen~~ 18 years of age only during school vacation periods or on days when school is not in session, or outside school hours on school days.

§ 40.1-88. Work-training certificate.

A work-training certificate shall permit the employment of a child between ~~fourteen~~ 14 and ~~sixteen~~ 18 years of age during school hours when enrolled in a regular school work-training program pursuant to a written agreement containing the same provisions as specified in § 40.1-89.

§ 40.1-89. Same; employment not allowed; revocation of certificate.

No child shall be employed pursuant to a work-training certificate as provided in § 40.1-88 where such employment requires such child to work in any occupation which is deemed hazardous under § 40.1-100 A or regulations promulgated thereunder. However, a child ~~sixteen~~ 16 or ~~seventeen~~ 17 years of age with a work-training certificate may be employed in certain such occupations as part of a work-training program in accordance with rules and regulations promulgated by the Commissioner. No

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59 child shall work in a work-training program except pursuant to a written agreement which shall provide:
60 (1) that the work of such child shall be incidental to his training, shall be intermittent and for short
61 periods of time and shall be under the direct and close supervision of a competent and experienced
62 person; (2) that safety instruction shall be given by the school and correlated with on-the-job training
63 given by the employer; and (3) that a schedule of organized and progressive work processes to be
64 performed shall have been prepared. Such written agreement shall set forth the name of the child so
65 employed and shall be signed by the employer and the coordinator of schools having jurisdiction. Copies
66 of such agreement shall be retained by the school and the employer, and a copy thereof shall be filed
67 with the Department.
68 Any such work-training certificate or written agreement may be revoked at any time that it shall
69 appear that reasonable precautions for the safety of such child have not been observed.