STATE OF NEW YORK

792

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to protection of employees of call center contractors of the state; and to repeal certain provisions of the labor law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 790 of the labor law, as added by a chapter of the laws of 2024 amending the labor law relating to preventing the displacement of call center workers who provide call center services for the government in certain circumstances, as proposed in legislative bills numbers S. 6328-B and A. 8939-B, is amended to read as follows:

3. The term "governmental body" means the state of New York [~~or any political subdivision thereof,~~] and any public authority or public benefit corporation in the state of New York.

§ 2. Sections 791 and 792 of the labor law, as added by a chapter of the laws of 2024 amending the labor law relating to preventing the displacement of call center workers who provide call center services for the government in certain circumstances, as proposed in legislative bills numbers S. 6328-B and A. 8939-B, are amended to read as follows:

§ 791. Terminated call center contract. 1. [~~No less than thirty calendar days before~~] **Before** termination of a call center contract in circumstances where a successor call center contractor will undertake to provide services that were the subject of the terminating contract, the terminating call center contractor shall provide to the successor call center contractor**, upon the request of a successor contractor,** a full and accurate list containing the name, address, date of hire and employment classification of each call center employee whose work includes providing call center services that were the subject of the terminating

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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contract. [~~The terminating call center contractor shall simultaneously post the list in a notice to the call center employees that also sets forth the rights provided by this article. The posting shall be in a manner or location reasonably calculated to be seen by affected employees. The posting may be electronic, provided that if it is electronic, it must be directed to each affected employee individually and may not be a general posting on a website. Such notice shall also be provided to the employees' collective bargaining representative, if any.~~]

2. Upon termination of a call service contract in circumstances in which services provided under that contract will be performed by a successor call center contractor, the successor call center contractor [~~shall~~] **may** retain those call center employees who performed such services for the former call center contractor immediately prior to termination of that contract. It [~~shall~~] **may** be considered a material term of the call center contract that such employees shall be retained for a ninety-day transition employment period.

3. If the successor call center contractor [~~is obligated to retain call center employees pursuant to subdivision two of this section, but~~] determines that fewer call center employees are required to perform the services that are the subject of the contract than had been required to perform such services by the former call center contractor, the successor call center contractor [~~shall~~] **may** fill the positions that it determines are needed with the call center employees with the greatest seniority within job classification; provided, that during the ninety-day transition period, the successor call center contractor [~~shall~~] **may** maintain a preferential hiring list of those call center employees not retained, and those on the preferential hiring list [~~shall~~] **may** be given a right of first refusal to any jobs within their classifications that become available during that period. [~~Upon determining which employees shall be retained for the ninety-day transition period, the successor call center contractor shall provide a list of such employees to the contracting governmental body.~~]

4. Except as provided in subdivision three of this section, during the ninety-day transition period, the successor call center contractor shall not discharge without cause a call center employee retained pursuant to this article.

5. At the end of the ninety-day transition period, the successor call center contractor shall perform a [~~written~~] performance evaluation for each call center employee retained pursuant to this article. If such employee's performance during the ninety-day transition period is satisfactory, the successor call center contractor shall offer such employee continued employment.

6. If the successor call center contractor engages a subcontractor or other entity to perform call center services provided for in a successor call center contract, that successor call center contractor shall require the subcontractor or other entity to adhere to all of the obligations of this article.

§ 792. Entering into a call center contract. 1. Whenever a governmental body shall undertake to procure call center services using a call center contractor, the governmental body [~~shall ensure~~] **may require** that the call center contract with such entity includes the [~~obligations~~] **obligation** pursuant to this article[~~, including, where applicable, the call center contractor's obligation~~] to retain call center employees of the former call center contractor. [~~The obligation to retain the terminating call center contractor's employees shall be considered a material term of the call center contract and included in the call center~~

~~contract irrespective of whether the terminating call center contractor's contract included the obligations pursuant to this article. Such obligations shall be set forth in requests for proposals or other solicitations and, in any event, shall be included in each call center contract. Whether or not the provisions are included in such contract, the obligations under this article shall apply to the successor call center contractor whenever such contractor begins performance on a successor call center contract on or after the effective date of this article.~~]

2. A governmental body intending to enter into a call center service contract, in circumstances in which such services had theretofore been performed by call center employees pursuant to a call center contract, [~~shall~~] **may** require any entity seeking to enter into such contract to demonstrate that it will establish the worksite for its performance in a location which is reasonably accessible to the employees who have been performing such services prior to the solicitation of bids for a successor call center contract. For the purposes of this section, a worksite shall be considered reasonably accessible if it is 10 miles or less from the location of the affected employees' worksite where such employees performed work-related duties in the course of their employment for the former call center contractor, provided that any worksite shall not include an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment. The requirements of this subdivision shall not apply to successor call center contractors that intend for the work-related duties of the affected call center employees previously employed by the former call center contractor to be performed remotely.

§ 3. Section 793 of the labor law, as added by a chapter of the laws of 2024 amending the labor law relating to preventing displacement of call center workers who provide call center services for the government in certain circumstances, as proposed in legislative bills numbers S. 6328-B and A. 8939-B, is REPEALED, and section 794 of such law is renumbered to be section 793.

§ 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the labor law relating to preventing the displacement of call center workers who provide call center services for the government in certain circumstances, as proposed in legislative bills numbers S. 6328-B and A. 8939-B, takes effect.