

1 CALL CENTER'S, OR OPERATING UNIT'S, TOTAL VOLUME WHEN MEASURED AGAINST
2 THE PREVIOUS TWELVE MONTH AVERAGE CALL VOLUME OF OPERATIONS OR SUBSTAN-
3 Tially SIMILAR OPERATIONS, FROM NEW YORK STATE TO A FOREIGN COUNTRY
4 SHALL NOTIFY THE COMMISSIONER AT LEAST ONE HUNDRED DAYS BEFORE SUCH
5 RELOCATION.

6 2. A CALL CENTER EMPLOYER THAT VIOLATES SUBDIVISION ONE OF THIS
7 SECTION SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND
8 DOLLARS FOR EACH DAY OF SUCH VIOLATION, EXCEPT THAT THE COMMISSIONER MAY
9 REDUCE SUCH AMOUNT FOR JUST CAUSE SHOWN.

10 3. THE COMMISSIONER SHALL COMPILE A SEMIANNUAL LIST OF ALL CALL CENTER
11 EMPLOYERS THAT RELOCATE A CALL CENTER, OR ONE OR MORE FACILITIES OR
12 OPERATING UNITS WITHIN A CALL CENTER COMPRISING AT LEAST THIRTY PERCENT
13 OF THE CALL CENTER'S TOTAL VOLUME OF OPERATIONS, FROM NEW YORK STATE TO
14 A FOREIGN COUNTRY.

15 4. THE COMMISSIONER SHALL DISTRIBUTE THE LIST REQUIRED IN THIS SECTION
16 TO ALL AGENCIES IN THE STATE.

17 S 772. GRANTS, GUARANTEED LOANS AND TAX BENEFITS. 1. EXCEPT AS
18 PROVIDED IN SUBDIVISION THREE OF THIS SECTION AND NOTWITHSTANDING ANY
19 OTHER PROVISION OF LAW, A CALL CENTER EMPLOYER THAT APPEARS ON THE LIST
20 DESCRIBED IN SECTION SEVEN HUNDRED SEVENTY-ONE OF THIS ARTICLE SHALL BE
21 INELIGIBLE FOR ANY DIRECT OR INDIRECT STATE GRANTS, STATE GUARANTEED
22 LOANS, TAX BENEFITS OR OTHER FINANCIAL GOVERNMENTAL SUPPORT FOR A PERIOD
23 OF FIVE YEARS FROM THE DATE SUCH LIST IS PUBLISHED.

24 2. EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION AND
25 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CALL CENTER EMPLOYER THAT
26 APPEARS ON THE LIST DESCRIBED IN SECTION SEVEN HUNDRED SEVENTY-ONE OF
27 THIS ARTICLE SHALL REMIT THE UNAMORTIZED VALUE OF ANY GRANT OR GUARAN-
28 TEED LOANS, OR ANY TAX BENEFITS OR OTHER GOVERNMENTAL SUPPORT IT HAS
29 PREVIOUSLY RECEIVED TO THE COMMISSIONER. THE PROVISIONS OF THIS SUBDIVI-
30 SION SHALL APPLY TO GRANTS, LOANS, TAX BENEFITS AND FINANCIAL GOVERN-
31 MENTAL ASSISTANCE THAT IS RECEIVED ON OR AFTER THE EFFECTIVE DATE OF
32 THIS ARTICLE.

33 3. THE COMMISSIONER, IN CONSULTATION WITH THE APPROPRIATE AGENCY
34 PROVIDING A LOAN OR GRANT, MAY WAIVE THE REQUIREMENT PROVIDED UNDER
35 SUBDIVISION TWO OF THIS SECTION IF THE EMPLOYER DEMONSTRATES THAT SUCH
36 REQUIREMENT WOULD:

- 37 (A) THREATEN STATE OR NATIONAL SECURITY;
38 (B) RESULT IN SUBSTANTIAL JOB LOSS IN THE STATE OF NEW YORK; OR
39 (C) HARM THE ENVIRONMENT.

40 S 773. PROCUREMENT CONTRACTS. THE HEAD OF EACH STATE AGENCY SHALL
41 ENSURE THAT ALL STATE-BUSINESS-RELATED CALL CENTER AND CUSTOMER SERVICE
42 WORK BE PERFORMED BY STATE CONTRACTORS OR OTHER AGENTS OR SUBCONTRACTORS
43 ENTIRELY WITHIN THE STATE OF NEW YORK. STATE CONTRACTORS WHO CURRENTLY
44 PERFORM SUCH WORK OUTSIDE THE STATE OF NEW YORK SHALL HAVE TWO YEARS
45 FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE TO COMPLY WITH THIS
46 SECTION; PROVIDED, THAT IF ANY SUCH CONTRACTORS WHICH PERFORM WORK
47 OUTSIDE THIS STATE ADDS CUSTOMER SERVICE EMPLOYEES WHO WILL PERFORM WORK
48 ON SUCH CONTRACTS, THOSE NEW EMPLOYEES SHALL IMMEDIATELY BE EMPLOYED
49 WITHIN THE STATE OF NEW YORK.

50 S 774. STATE BENEFITS FOR WORKERS. NO PROVISION OF THIS ARTICLE SHALL
51 BE CONSTRUED TO PERMIT WITHHOLDING OR DENIAL OF PAYMENTS, COMPENSATION,
52 OR BENEFITS UNDER ANY OTHER STATE LAW, INCLUDING BUT NOT LIMITED TO
53 STATE UNEMPLOYMENT COMPENSATION, DISABILITY PAYMENTS OR WORKER RETRAIN-
54 ING OR READJUSTMENT FUNDS, TO WORKERS EMPLOYED BY EMPLOYERS THAT RELO-
55 CATE TO A FOREIGN COUNTRY.

1 S 775. NO PRIVATE RIGHT OF ACTION. NOTHING SET FORTH IN THIS ARTICLE
2 SHALL BE CONSTRUED AS CREATING, ESTABLISHING, OR AUTHORIZING A PRIVATE
3 CAUSE OF ACTION BY AN AGGRIEVED PERSON AGAINST AN EMPLOYER WHO HAS
4 VIOLATED, OR IS ALLEGED TO HAVE VIOLATED, ANY PROVISION OF THIS ARTICLE.
5 S 3. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law.