

LBD01678-03-6

WEEK, EXCLUDING OVERTIME HOURS, FOR THE PURPOSE OF STAFFING A CALL CENTER.

(B) THE TERM "PART-TIME EMPLOYEE" MEANS AN EMPLOYEE WHO IS EMPLOYED FOR AN AVERAGE OF FEWER THAN TWENTY HOURS PER WEEK OR WHO HAS BEEN EMPLOYED FOR FEWER THAN SIX OF THE TWELVE MONTHS PRECEDING THE DATE ON WHICH NOTICE IS REQUIRED UNDER THIS ARTICLE.

S 771. LIST OF RELOCATED CALL CENTERS. 1. A CALL CENTER EMPLOYER THAT INTENDS TO RELOCATE A CALL CENTER, OR ONE OR MORE FACILITIES OR OPERATING UNITS WITHIN A CALL CENTER COMPRISING AT LEAST THIRTY PERCENT OF THE CALL CENTER'S, OR OPERATING UNIT'S, TOTAL VOLUME WHEN MEASURED AGAINST THE PREVIOUS TWELVE MONTH AVERAGE CALL VOLUME OF OPERATIONS OR SUBSTANTIALLY SIMILAR OPERATIONS, FROM NEW YORK STATE TO A FOREIGN COUNTRY SHALL NOTIFY THE COMMISSIONER AT LEAST ONE HUNDRED DAYS BEFORE SUCH RELOCATION.

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

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

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

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

2. EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CALL CENTER EMPLOYER THAT APPEARS ON THE LIST DESCRIBED IN SECTION SEVEN HUNDRED SEVENTY-ONE OF THIS ARTICLE SHALL REMIT THE UNAMORTIZED VALUE OF ANY GRANT OR GUARANTEED LOANS, OR ANY TAX BENEFITS OR OTHER GOVERNMENTAL SUPPORT IT HAS PREVIOUSLY RECEIVED TO THE COMMISSIONER. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO GRANTS, LOANS, TAX BENEFITS AND FINANCIAL GOVERNMENTAL ASSISTANCE THAT IS RECEIVED ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

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

(A) THREATEN STATE OR NATIONAL SECURITY;

(B) RESULT IN SUBSTANTIAL JOB LOSS IN THE STATE OF NEW YORK; OR

(C) HARM THE ENVIRONMENT.

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

1 ON SUCH CONTRACTS, THOSE NEW EMPLOYEES SHALL IMMEDIATELY BE EMPLOYED  
2 WITHIN THE STATE OF NEW YORK.

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

9 S 775. NO PRIVATE RIGHT OF ACTION. NOTHING SET FORTH IN THIS ARTICLE  
10 SHALL BE CONSTRUED AS CREATING, ESTABLISHING, OR AUTHORIZING A PRIVATE  
11 CAUSE OF ACTION BY AN AGGRIEVED PERSON AGAINST AN EMPLOYER WHO HAS  
12 VIOLATED, OR IS ALLEGED TO HAVE VIOLATED, ANY PROVISION OF THIS ARTICLE.

13 S 3. This act shall take effect on the one hundred eightieth day after  
14 it shall have become a law.