

# STATE OF NEW YORK

1804--A

2017-2018 Regular Sessions

## IN SENATE

January 11, 2017

Introduced by Sens. KENNEDY, ADDABBO, AVELLA, STAVISKY, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to enacting the "save New York call center jobs act of 2018"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "save New York call center jobs act of 2018".

3 § 2. The labor law is amended by adding a new article 21 to read as  
4 follows:

### ARTICLE 21

#### SAVE NEW YORK CALL CENTER JOBS ACT

##### Section 770. Definitions.

8 771. List of relocated call centers.

9 772. Grants, guaranteed loans and tax benefits.

10 773. Procurement contracts.

11 774. State benefits for workers.

12 775. No private right of action.

##### § 770. Definitions. As used in this article:

14 1. The term "call center" means a facility or other operation whereby  
15 employees receive telephone calls or other electronic communication for  
16 the purpose of providing customer assistance or other service.

17 2. (a) The term "employer" means any business entity that employs  
18 fifty or more employees, excluding part-time employees; or fifty or more  
19 employees that in the aggregate work at least fifteen hundred hours per  
20 week, excluding overtime hours, for the purpose of staffing a call  
21 center.

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

LBD00830-03-8

1 (b) The term "part-time employee" means an employee who is employed  
2 for an average of fewer than twenty hours per week or who has been  
3 employed for fewer than six of the twelve months preceding the date on  
4 which notice is required under this article.

5 § 771. List of relocated call centers. 1. A call center employer that  
6 intends to relocate a call center, or one or more facilities or operat-  
7 ing units within a call center comprising at least thirty percent of the  
8 call center's, or operating unit's, total volume when measured against  
9 the previous twelve month average call volume of operations or substan-  
10 tially similar operations, from New York state to a foreign country  
11 shall notify the commissioner at least one hundred days before such  
12 relocation.

13 2. A call center employer that violates subdivision one of this  
14 section shall be subject to a civil penalty not to exceed ten thousand  
15 dollars for each day of such violation, except that the commissioner may  
16 reduce such amount for just cause shown.

17 3. The commissioner shall compile a semiannual list of all call center  
18 employers that relocate a call center, or one or more facilities or  
19 operating units within a call center comprising at least thirty percent  
20 of the call center's total volume of operations, from New York state to  
21 a foreign country.

22 4. The commissioner shall distribute the list required in this section  
23 to all agencies in the state.

24 § 772. Grants, guaranteed loans and tax benefits. 1. Except as  
25 provided in subdivision three of this section and notwithstanding any  
26 other provision of law, a call center employer that appears on the list  
27 described in section seven hundred seventy-one of this article shall be  
28 ineligible for any direct or indirect state grants, state guaranteed  
29 loans, tax benefits or other financial governmental support for a period  
30 of five years from the date such list is published.

31 2. Except as provided in subdivision three of this section and  
32 notwithstanding any other provision of law, a call center employer that  
33 appears on the list described in section seven hundred seventy-one of  
34 this article shall remit the unamortized value of any grant or guaran-  
35 teed loans, or any tax benefits or other governmental support it has  
36 previously received to the commissioner. The provisions of this subdivi-  
37 sion shall apply to grants, loans, tax benefits and financial govern-  
38 mental assistance that is received on or after the effective date of  
39 this article.

40 3. The commissioner, in consultation with the appropriate agency  
41 providing a loan or grant, may waive the requirement provided under  
42 subdivision two of this section if the employer demonstrates that such  
43 requirement would:

44 (a) threaten state or national security;

45 (b) result in substantial job loss in the state of New York; or

46 (c) harm the environment.

47 § 773. Procurement contracts. The head of each state agency shall  
48 ensure that all state-business-related call center and customer service  
49 work be performed by state contractors or other agents or subcontractors  
50 entirely within the state of New York. State contractors who currently  
51 perform such work outside the state of New York shall have two years  
52 following the effective date of this article to comply with this  
53 section; provided, that if any such contractors which perform work  
54 outside this state adds customer service employees who will perform work  
55 on such contracts, those new employees shall immediately be employed  
56 within the state of New York.

1     § 774. State benefits for workers. No provision of this article shall  
2 be construed to permit withholding or denial of payments, compensation,  
3 or benefits under any other state law, including but not limited to  
4 state unemployment compensation, disability payments or worker retrain-  
5 ing or readjustment funds, to workers employed by employers that relo-  
6 cate to a foreign country.

7     § 775. No private right of action. Nothing set forth in this article  
8 shall be construed as creating, establishing, or authorizing a private  
9 cause of action by an aggrieved person against an employer who has  
10 violated, or is alleged to have violated, any provision of this article.

11     § 3. This act shall take effect on the one hundred eightieth day after  
12 it shall have become a law.