

# STATE OF NEW YORK

1804

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

AN ACT to amend the labor law, in relation to enacting the "save New York call center jobs act of 2017"

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 2017".

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.

22 (b) The term "part-time employee" means an employee who is employed  
23 for an average of fewer than twenty hours per week or who has been

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

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1 employed for fewer than six of the twelve months preceding the date on  
2 which notice is required under this article.

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

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

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

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

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

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

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

- 42 (a) threaten state or national security;  
43 (b) result in substantial job loss in the state of New York; or  
44 (c) harm the environment.

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

55 § 774. State benefits for workers. No provision of this article shall  
56 be construed to permit withholding or denial of payments, compensation,

1 or benefits under any other state law, including but not limited to  
2 state unemployment compensation, disability payments or worker retrain-  
3 ing or readjustment funds, to workers employed by employers that relo-  
4 cate to a foreign country.

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

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