

# STATE OF NEW YORK

567

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. L. ROSENTHAL, COLTON, PAULIN, ARROYO, BARRON, CARROLL, STECK, WALKER, RAMOS, ABINANTI, HYNDMAN, JEAN-PIERRE, DICKENS, PEOPLES-STOKES, SEAWRIGHT, RYAN, ORTIZ, DE LA ROSA, FAHY, BENEDETTO, GLICK, PERRY, D'URSO, RAIA, GARBARINO, DINOWITZ, RICHARDSON, OTIS, GOTTFRIED, ROZIC, CUSICK, SIMON, WOERNER, MOSLEY, BUCHWALD, WALLACE, AUBRY, BICHOTTE, QUART, GALEF, STIRPE, LUPARDO, CRESPO, SANTABARBARA, WILLIAMS, M. L. MILLER, WEPRIN, B. MILLER, TAYLOR, NORRIS, DAVILA, EPSTEIN -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, HEVESI, LENTOL, McDONOUGH, RODRIGUEZ, THIELE, WRIGHT -- read once and referred to the Committee on Ways and Means

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

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".

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:

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

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

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

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

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

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

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

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

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

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

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

49 (a) threaten state or national security;

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

51 (c) harm the environment.

52 § 773. Procurement contracts. The head of each state agency shall  
53 ensure that all state-business-related call center and customer service  
54 work be performed by state contractors or other agents or subcontractors  
55 entirely within the state of New York. State contractors who currently  
56 perform such work outside the state of New York shall have two years

1 following the effective date of this article to comply with this  
2 section; provided, that if any such contractors which perform work  
3 outside this state adds customer service employees who will perform work  
4 on such contracts, those new employees shall immediately be employed  
5 within the state of New York.

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

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

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