

# STATE OF NEW YORK

567--B

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, NIOU, REYES, BURKE, BRAUNSTEIN, FALL, ZEBROWSKI, STERN, SIMOTAS, BRONSON, LIPETRI, REILLY -- Multi-Sponsored by -- M. of A. DenDEKKER, ENGLEBRIGHT, HEVESI, LENTOL, LIFTON, McDONOUGH, RODRIGUEZ, THIELE, WRIGHT -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to enacting the "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 "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

#### 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.

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

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1           775. No private right of action.

2           776. Regulations.

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

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

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

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

16       § 771. List of relocated call centers. 1. A call center employer that  
17 intends to relocate a call center from New York state to a foreign coun-  
18 try or any other state, or reduce call volume handled at call centers in  
19 New York state by at least thirty percent, measured as the call volume  
20 of the previous calendar month compared to the average monthly call  
21 volume of the previous twelve months, and intends to relocate such oper-  
22 ations from New York state to a foreign country or any other state,  
23 shall notify the commissioner at least one hundred days before such  
24 relocation.

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

29       3. The commissioner shall compile an annual list of all call center  
30 employers that relocate or reduce call volume pursuant to subdivision  
31 one of this section, and such list shall be made available to the public  
32 and shall prominently display a link to the list on the department's  
33 website.

34       4. The commissioner shall make the list created pursuant to subdivi-  
35 sion three of this section, available to the public and shall prominent-  
36 ly display a link to the list on the department's website.

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

44       2. Except as provided in subdivision three of this section and  
45 notwithstanding any other provision of law, a call center employer that  
46 appears on the list described in section seven hundred seventy-one of  
47 this article shall remit the unamortized value of any grant or guaran-  
48 teed loans, or any tax benefits or other governmental support it has  
49 previously received in the past five years. The provisions of this  
50 subdivision shall apply to grants, loans, tax benefits and financial  
51 governmental assistance that is received on or after the effective date  
52 of this article. Nothing in this subdivision shall be deemed to prevent  
53 the call center employer from receiving any grant to provide training or  
54 other employment assistance to individuals who are selected as being in  
55 particular need of training or other employment assistance due to the

1 transfer or relocation of the call center employer's facility or operat-  
2 ing units.

3 3. The commissioner, in consultation with the appropriate agency  
4 providing a loan or grant, may waive the requirement provided under  
5 subdivision two of this section if the call center employer demonstrates  
6 that such requirement would:

7 (a) threaten state or national security;

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

9 (c) harm the environment.

10 § 773. Procurement contracts. The head of each state agency shall  
11 ensure that all state-business-related contracts for call center and  
12 customer service work be performed by state contractors or other agents  
13 or subcontractors entirely within the state of New York. State contrac-  
14 tors who currently perform such work outside the state of New York shall  
15 have two years following the effective date of this article to comply  
16 with this section; provided, that if any such contractors which perform  
17 work outside this state adds customer service employees who will perform  
18 work on such contracts, those new employees shall immediately be  
19 employed within the state of New York, except that businesses subject to  
20 a contract agreed to prior to the effective date of this article with  
21 terms extending beyond a date greater than two years after the effective  
22 date of this article shall be subject to the provisions of this subdivi-  
23 sion at the next point in which the contract is subject to renewal.

24 § 774. State benefits for workers. No provision of this article shall  
25 be construed to permit withholding or denial of payments, compensation,  
26 or benefits under any other state law, including but not limited to  
27 state unemployment compensation, disability payments or worker retrain-  
28 ing or readjustment funds, to workers employed by call center employers  
29 that relocate to a foreign country.

30 § 775. No private right of action. Nothing set forth in this article  
31 shall be construed as creating, establishing, or authorizing a private  
32 cause of action by an aggrieved person against a call center employer  
33 who has violated, or is alleged to have violated, any provision of this  
34 article.

35 § 776. Regulations. The commissioner shall promulgate such rules and  
36 regulations as shall be necessary and proper to effectuate the purposes  
37 and provisions of this article.

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