

STATE OF NEW YORK

567--A

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 -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, HEVESI, LENTOL, 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

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.

12 775. No private right of action.

13 776. Regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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