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:

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

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

ARTICLE 21
SAVE NEW YORK CALL CENTER JOBS ACT

Section 770. Definitions.

771. List of relocated call centers.
772. Grants, guaranteed loans and tax benefits.
773. Procurement contracts.
774. State benefits for workers.
775. No private right of action.
776. Regulations.

§ 770. Definitions. As used in this article:

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

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

(b) The term "part-time employee" means an employee who is employed 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.
employed for fewer than six of the twelve months preceding the date on
which notice is required under this article.

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

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

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

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

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

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

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

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

§ 773. Procurement contracts. The head of each state agency shall
ensure that all state-business-related call center and customer service
work be performed by state contractors or other agents or subcontractors
to be performed by state contractors or other agents or subcontractors
entirely within the state of New York. State contractors who currently
perform such work outside the state of New York shall have two years
following the effective date of this article to comply with this
section; provided, that if any such contractors which perform work
outside this state adds customer service employees who will perform work
on such contracts, those new employees shall immediately be employed
within the state of New York, except that businesses subject to a
contract agreed to prior to the effective date of this article with
terms extending beyond a date greater than two years after the effective
date of this article shall be subject to the provisions of this subdivi-
sion at the next point in which the contract is subject to renewal.
§ 774. State benefits for workers. No provision of this article shall
be construed to permit withholding or denial of payments, compensation,
or benefits under any other state law, including but not limited to
state unemployment compensation, disability payments or worker retrain-
ing or readjustment funds, to workers employed by employers that relo-
cate to a foreign country.
§ 775. No private right of action. Nothing set forth in this article
shall be construed as creating, establishing, or authorizing a private
cause of action by an aggrieved person against an employer who has
violated, or is alleged to have violated, any provision of this article.
§ 776. Regulations. The commissioner shall promulgate such rules and
regulations as shall be necessary and proper to effectuate the purposes
and provisions of this article.
§ 3. This act shall take effect on the one hundred eightieth day after
it shall have become a law.