

STATE OF NEW YORK

1826

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

Introduced by Sens. KENNEDY, ADDABBO, GAUGHRAN, STAVISKY -- 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"

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.

13 776. Regulations.

§ 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
24

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 or
9 any other state shall notify the commissioner at least one hundred days
10 before such 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 an annual 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 or to other state.

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

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

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

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

48 (a) threaten state or national security;

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

50 (c) harm the environment.

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

1 section; provided, that if any such contractors which perform work
2 outside this state adds customer service employees who will perform work
3 on such contracts, those new employees shall immediately be employed
4 within the state of New York, except that businesses subject to a
5 contract agreed to prior to the effective date of this article with
6 terms extending beyond a date greater than two years after the effective
7 date of this article shall be subject to the provisions of this subdivi-
8 sion at the next point in which the contract is subject to renewal.

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

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

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

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