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 the "New York call center jobs act".

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

    ARTICLE 21
    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:

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

LBD02106-07-9
1. The term "call center" means a facility or other operation whereby
employees receive phone calls or other electronic communication for the
purpose of providing customer assistance or other service.

2. (a) The term "call center 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
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 from New York state to a foreign coun-
try or any other state, or reduce call volume handled at call centers in
New York state by at least thirty percent, measured as the call volume
of the previous calendar month compared to the average monthly call
volume of the previous twelve months, and intends to relocate such oper-
ations 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 or reduce call volume pursuant to subdivision
one of this section, and such list shall be made available to the public
and shall prominently display a link to the list on the department's
website.

4. The commissioner shall make the list created pursuant to subdivi-
sion three of this section, available to the public and shall prominence-
ly 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 governmental support for a period
of five 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 past five years. The provisions of this
subdivision shall apply to grants, loans, tax benefits 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 call center 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 call center 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 call center 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 contracts for call center and
customer service work be performed by state contractors or other agents
or subcontractors entirely within the state of New York. State contrac-
tors 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 call center employers
that relocate 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 a call center 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.