§ 791. Terminated call center contract. 1. Before termination of a call center contract in circumstances where a successor call center contractor will undertake to provide services that were the subject of the terminating contract, the terminating call center contractor shall provide to the successor call center contractor, upon the request of a successor contractor, a full and accurate list containing the name, address, date of hire and employment classification of each call center employee whose work includes providing call center services that were the subject of the terminating contract.

2. Upon termination of a call service contract in circumstances in which services provided under that contract will be performed by a successor call center contractor, the successor call center contractor may retain those call center employees who performed such services for the former call center contractor immediately prior to termination of that contract. It may be considered a material term of the call center contract that such employees shall be retained for a ninety-day transition employment period.

3. If the successor call center contractor determines that fewer call center employees are required to perform the services that are the subject of the contract than had been required to perform such services by the former call center contractor, the successor call center contractor may fill the positions that it determines are needed with the call center employees with the greatest seniority within job classification; provided, that during the ninety-day transition period, the successor call center contractor may maintain a preferential hiring list of those call center employees not retained, and those on the preferential hiring list may be given a right of first refusal to any jobs within their classifications that become available during that period.

4. Except as provided in subdivision three of this section, during the ninety-day transition period, the successor call center contractor shall not discharge without cause a call center employee retained pursuant to this article.

5. At the end of the ninety-day transition period, the successor call center contractor shall perform a performance evaluation for each call center employee retained pursuant to this article. If such employee's performance during the ninety-day transition period is satisfactory, the successor call center contractor shall offer such employee continued employment.

6. If the successor call center contractor engages a subcontractor or other entity to perform call center services provided for in a successor call center contract, that successor call center contractor shall require the subcontractor or other entity to adhere to all of the obligations of this article.