

1 SB110
2 197553-2
3 By Senator Ward
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 19-MAR-19

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to call centers; to require certain
12 employers relocating call centers to provide notice prior to
13 the relocation within a specified time frame; to provide for
14 civil penalties and benefit recapture from employers that fail
15 to provide notification; to require state agencies to ensure
16 that call centers used by the agency or entity are located
17 within the state; and to preclude contractors performing call
18 center or customer service work from performing work at a
19 location outside of the state.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. For the purposes of this act, the
22 following words shall have the following meanings:

23 (1) CALL CENTER. A physical location within the
24 State of Alabama at which 50 or more individuals receive by
25 telephone, email, or other electronic forms of communication
26 requests for service and repairs and assist with a resolution.
27 The term does not include locations within this state at which

1 similar calls are resolved in whole or in part by means of
2 computers, including, but not limited to, artificial
3 intelligence.

4 (2) DIRECTOR. The Director of the Department of
5 Economic and Community Affairs.

6 (3) EMPLOYER. A call center that employs either of
7 the following:

8 a. Fifty or more individuals, excluding part-time
9 employees.

10 b. Fifty or more individuals who, in the aggregate,
11 work at least 1,500 hours each week for the employer, not
12 including overtime hours.

13 (4) PART-TIME EMPLOYEE. An individual employed for
14 an average of fewer than 20 hours each week or for fewer than
15 six of the 12 months before the date on which a determination
16 to relocate is made.

17 Section 2. (a) An employer that intends to relocate
18 a call center, or one or more facilities or operating units
19 within a call center consisting of at least 30 percent of the
20 call center's total volume when measured against the previous
21 12-month average call volume from this state, shall notify the
22 director at least 120 days before the relocation is scheduled
23 to occur.

24 (b) If the employer fails to provide notice pursuant
25 to subsection (a), the director shall notify the Attorney
26 General of the failure, and the Attorney General shall
27 commence an action for assessment of a civil penalty against

1 the employer in the circuit court in the county where the
2 employer's call center is located. Upon a finding that an
3 employer has violated subsection (a), the court shall assess a
4 civil penalty of not more than ten thousand dollars (\$10,000)
5 against the employer for each day the employer failed to
6 provide the notice.

7 (c) A court may reduce a civil penalty imposed under
8 subsection (b) if the court determines that an employer has
9 shown just cause as to why notification under subsection (a)
10 was not made in the time frame required.

11 Section 3. (a) Beginning October 1, 2019, and every
12 six months thereafter, the director shall compile a list of
13 every employer that has relocated a call center, or one or
14 more facilities or operating units within a call center
15 consisting of at least 30 percent of the call center's total
16 volume when measured against the previous 12-month average
17 call volume, from this state.

18 (b) The director shall include on the list the name
19 of each employer and the date on which the call center was
20 relocated.

21 (c) The director shall immediately distribute the
22 list to each state agency and political subdivision of the
23 state that provides the employers with any grants, loans, or
24 tax credits.

25 Section 4. (a) Except as provided in subsection (c),
26 an employer that appears on a list compiled by the director
27 pursuant to Section 3 is ineligible to receive from the state

1 or any political subdivision of the state any grant, loan, or
2 tax credit until five years after the date on which the
3 employer relocated the call center.

4 (b) Except as provided in subsection (c), if an
5 employer appears on a list compiled under Section 3, the
6 director shall recapture from the employer an amount equal to
7 the unamortized value of any grant, loan, or tax credit that
8 the employer received from the state or any political
9 subdivision of the state on or after the effective date of
10 this act. The employer shall pay the recapture amount to the
11 director within 30 days of receiving the recapture demand.

12 (c) The director may waive the disqualification
13 provided for in subsection (a) if the employer applying for
14 the grant, loan, or tax credit demonstrates that one or more
15 of the following will happen if the grant, loan, or tax credit
16 is not provided:

17 (1) Substantial job loss in the state.

18 (2) Harm to the environment of the state.

19 (3) A significant economic impact to the state.

20 Section 5. (a) This section applies to contracts
21 entered into on or after the effective date of this act.

22 (b) Each state agency within the executive
23 department shall ensure that all call center and customer
24 service work performed for the agency is performed entirely
25 within the state.

1 (c) A contractor that performs call center or
2 customer service work for the state may not hire an individual
3 to perform the work at a location outside of the state.

4 (d) Beginning October 1, 2020, each individual
5 employed by a contractor to perform call center or customer
6 service work for the state shall perform the work within the
7 state.

8 Section 6. This act may not be construed as
9 permitting the withholding or denial of payments,
10 compensation, or benefits from employees.

11 Section 7. The Alabama Medicaid Agency and the
12 Alabama Department of Human Resources are excluded from this
13 act in its entirety.

14 Section 8. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Economic
Development..... 19-MAR-19

Read for the second time and placed on the calen-
dar 1 amendment..... 18-APR-19

Read for the third time and passed as amended 23-APR-19

Yeas 32
Nays 0

Patrick Harris,
Secretary.