

# SENATE BILL No. 204

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-28-43.

**Synopsis:** Call center worker and consumer protection. Requires the Indiana economic development corporation (IEDC) to compile a list of all employers that relocate a call center to a foreign country and to disqualify employers on that list from state grants, loans, and tax credits. Requires an employer receiving a state grant, loan, or tax credit to notify the IEDC if the employer intends to relocate a call center. Imposes a civil penalty on an employer that does not notify the IEDC.

**Effective:** July 1, 2022.

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**Niezgodski**

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January 6, 2022, read first time and referred to Committee on Pensions and Labor.

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Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

# SENATE BILL No. 204

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-28-43 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2022]:
- 4 **Chapter 43. Consumer Call Center Employee Protection**
- 5 **Sec. 1. As used in this chapter, "employer" means a business**
- 6 **that employs, for the purpose of customer service or back-office**
- 7 **operations, either of the following:**
- 8 **(1) Fifty (50) or more individuals, excluding part-time**
- 9 **employees.**
- 10 **(2) Fifty (50) or more individuals who, in the aggregate, work**
- 11 **at least one thousand five hundred (1,500) hours each week**
- 12 **for the employer, not including overtime hours.**
- 13 **Sec. 2. As used in this chapter, "grant" has the meaning set**
- 14 **forth in IC 5-28-28-2.**
- 15 **Sec. 3. As used in this chapter, "loan" has the meaning set forth**
- 16 **in IC 5-28-28-3.**
- 17 **Sec. 4. As used in this chapter, "part-time employee" means an**



1 individual employed by an employer for an average of fewer than  
 2 twenty (20) hours each week or for fewer than six (6) of the twelve  
 3 (12) months before the date on which a determination is made.

4 **Sec. 5.** As used in this chapter, "tax credit" has the meaning set  
 5 forth in IC 5-28-28-4.

6 **Sec. 6. (a)** An employer that intends to relocate either of the  
 7 following from Indiana to a foreign country shall notify the  
 8 secretary of commerce at least one hundred twenty (120) days  
 9 before the relocation:

10 (1) A call center.

11 (2) One (1) or more facilities or operating units within a call  
 12 center comprising at least thirty percent (30%) of the call  
 13 center's total volume when measured against the previous  
 14 twelve (12) month average call volume of operations.

15 (b) If an employer fails to provide the notice under subsection  
 16 (a), the secretary of commerce shall inform the attorney general.  
 17 The attorney general shall commence an action to impose a civil  
 18 penalty against that employer in the county in which the  
 19 employer's business is located. On a finding that an employer has  
 20 violated subsection (a), the court shall assess a civil penalty of not  
 21 more than ten thousand dollars (\$10,000) against the employer for  
 22 each day the employer failed to provide the notice.

23 (c) A court may reduce a civil penalty imposed under subsection  
 24 (b) if the court determines that an employer has shown just cause  
 25 why a notification under subsection (a) was not made in the time  
 26 required.

27 **Sec. 7. (a)** Beginning July 1, 2022, and every six (6) months  
 28 thereafter, the corporation shall compile a list of every employer  
 29 that has relocated an operation or facility described in section  
 30 6(a)(1) or 6(a)(2) of this chapter.

31 (b) The corporation shall include on the list the name of the  
 32 employer and the date on which the call center or facility was  
 33 relocated.

34 (c) The corporation shall immediately notify each state agency  
 35 that is providing the employer with any grant, loan, or tax credit.

36 (d) The corporation shall include the list in the economic  
 37 incentives and compliance report required by IC 5-28-28.

38 **Sec. 8. (a)** Except as provided in subsection (c), an employer that  
 39 appears on a list compiled by the corporation under section 7 of  
 40 this chapter is ineligible to receive from the state any grant, loan,  
 41 or tax credit until five (5) years after the date on which the  
 42 employer relocated the operation or facility described in section



1 6(a)(1) or 6(a)(2) of this chapter.

2 (b) Except as provided in subsection (c), if an employer appears  
3 on a list compiled under section 7 of this chapter, the corporation  
4 shall recapture from the employer an amount equal to the  
5 unamortized value of any grant, loan, or tax credit that the  
6 employer has received from the state after June 30, 2022. The  
7 employer shall pay the recapture amount to the corporation within  
8 thirty (30) days after receiving the recapture demand.

9 (c) The corporation may waive the ineligibility under subsection  
10 (a) if the employer applying for the grant, loan, or tax credit  
11 demonstrates that one (1) or more of the following will happen if  
12 the grant, loan, or tax credit is not provided:

13 (1) Substantial job loss in Indiana.

14 (2) Harm to the environment.

15 (3) A significant economic impact to Indiana.

16 Sec. 9. (a) This section applies to contracts entered into on or  
17 after July 1, 2022.

18 (b) Each state agency within the executive department shall  
19 ensure that all call center and customer service work performed  
20 for the agency is performed entirely within Indiana.

21 (c) A contractor that performs call center or customer service  
22 work for the state shall not hire an individual to perform that work  
23 at a location outside Indiana.

24 (d) Beginning July 1, 2024, every individual employed by a  
25 contractor to perform call center or customer service work for the  
26 state shall perform that work within Indiana.

27 Sec. 10. This chapter does not permit withholding or denial of  
28 payments, compensation, or benefits to employees.

