

SENATE No. 2056

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act discouraging employers from closing call centers and customer service operations in the Commonwealth and relocating overseas, and for other purposes.

PETITION OF:

NAME:

Paul R. Feeney

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 2056

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 2056) of Paul R. Feeney for legislation to discourage employers from closing call centers and customer service operations in the Commonwealth and relocating overseas, and for other purposes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act discouraging employers from closing call centers and customer service operations in the Commonwealth and relocating overseas, and for other purposes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: SHORT TITLE

2 This Act may be cited as the “Save Massachusetts Call Center Jobs Act of 2021”.

3 SECTION 2: DEFINITIONS

4 In this Act:

5 1. CALL CENTER – The term “employer” means any business enterprise that employs,
6 for the purpose of customer service or back-office operations –

7 A. 50 or more employees, excluding part-time employees; or

8 B. 50 or more employees who in the aggregate work at least 1,500 hours per week

9 (exclusive of hours of overtime).

10 2. AGENCY – The term “agency” means a state executive agency.

11 3. PART-TIME EMPLOYEE – The term “part-time employee” means an employee who
12 is employed for an average of fewer than 20 hours per week or who has been employed for fewer
13 than 6 of the 12 months preceding the date on which notice is required.

14 4. SECRETARY – The term “Secretary” means the Secretary of Labor and Workforce
15 Development.

16 SECTION 3: LIST OF CALL CENTERS THAT MOVE OVERSEAS

17 a) Notice Requirement

18 1. IN GENERAL – An employer that intends to relocate a call center, or one or more
19 facilities or operating units within a call center comprising at least 30% of the call center’s, or
20 operating unit’s, total volume when measured against the previous 12 month average call volume
21 of operations or substantially similar operations, from Massachusetts to a foreign country shall
22 notify the Secretary of Labor and Workforce Development at least 120 days before such
23 relocation.

24 2. PENALTY – An employer that violates paragraph 1 shall be subject to a civil penalty
25 not to exceed an amount of \$10,000 for each day of such violation, except that the Secretary of
26 Labor and Workforce Development may reduce such amount for just cause shown.

27 b) List

28 1. COMPILATION – The Secretary of Labor and Workforce Development shall compile
29 a semiannual list of all employers that relocate a call center, or one or more facilities or operating

30 units within a call center comprising at least 30% of the call center's total volume of operations,
31 from the Commonwealth of Massachusetts to a foreign country.

32 2. DISTRIBUTION – The Secretary of Labor and Workforce Development shall
33 distribute the list required in paragraph 1 to all agencies under the jurisdiction of the Secretary.

34 SECTION 4: GRANTS OR GUARANTEED LOANS

35 a) INELIGIBILITY – Except as provided in subsection (b) and notwithstanding any other
36 provision of law, an employer that appears on the list described in section 3(b)(1) shall be
37 ineligible for any direct or indirect State grants, State guaranteed loans or tax benefit for 5 years
38 after the date such list is published.

39 b) REVERSION – Except as provided in subsection (c) and notwithstanding any other
40 provision of law, an employer that appears on the list described in section 3(b)(1) shall remit the
41 unamortized value of any grant, guaranteed loans, tax benefits, or any other governmental
42 support it has previously received to the Secretary of Labor and Workforce Development.

43 c) EXCEPTIONS – The Secretary of Labor and Workforce Development in consultation
44 with the appropriate agency providing a loan or grant, may waive the ineligibility requirement
45 provided under subsection (a) if the employer applying for such loan or grant demonstrates that a
46 lack of such loan or grant would –

47 1) Result in substantial job loss in the Commonwealth of Massachusetts; or

48 2) Harm the environment.

49 SECTION 5: IN-STATE PROCUREMENT

50 The head of each agency shall ensure that all state-business-related call center and
51 customer service work be performed by state contractors or their agents or subcontractors
52 entirely within the Commonwealth of Massachusetts. State contractors who currently perform
53 such work outside the Commonwealth of Massachusetts shall have two years following the
54 enactment of this Act to comply with this Section 5; provided, that if any such grandfathered
55 contractors add customer service employees who will perform work on such contracts, those new
56 employees shall immediately be employed within the Commonwealth of Massachusetts.

57 SECTION 6: STATE BENEFITS FOR WORKERS

58 No provision of this Act shall be construed to permit withholding or denial of payments,
59 compensation, or benefits under any other State law (including state unemployment
60 compensation, disability payments, or worker retraining or readjustment funds) to workers
61 employed by employers that relocate to a foreign country.

62 SECTION 7: EFFECTIVE DATE

63 This Act shall become effective 180 days after the date of enactment of this Act.