

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 536**

**Representatives Lepore-Hagan, Ghanbari**

**Cosponsors: Representatives Sykes, Galonski, Weinstein, Smith, K., Rogers, Patton, Clites, Miller, J., Skindell, Brown, Crossman, Kelly, O'Brien, Boyd, Sweeney, Strahorn, Sobecki, Upchurch, Brent, Denson, Boggs, Crawley, Miranda, West, Lightbody, Blair, Hicks-Hudson, Robinson, Howse**

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**A BILL**

To enact sections 4113.87, 4113.88, 4113.89, 1  
4113.90, 4113.91, and 4113.92 of the Revised 2  
Code to enact the Consumer Protection Call 3  
Center Act regarding the eligibility of 4  
employers that relocate a call center to a 5  
foreign country to receive state grants, loans, 6  
and other benefits. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4113.87, 4113.88, 4113.89, 8  
4113.90, 4113.91, and 4113.92 of the Revised Code be enacted to 9  
read as follows: 10

**Sec. 4113.87.** As used in sections 4113.87 to 4113.92 of 11  
the Revised Code: 12

(A) "Employer" means a business that employs, for the 13  
purpose of customer service or back-office operations, fifty or 14  
more individuals, excluding part-time employees. 15

(B) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government. "State agency" does not include the general assembly, any legislative agency, a court, or any judicial agency. 16  
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(C) "Part-time employee" means an individual employed by an employer for an average of fewer than twenty hours each week or for fewer than six of the twelve months before the date on which a determination is made. 21  
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**Sec. 4113.88.** (A) An employer that intends to relocate either of the following from this state to a foreign country shall notify the director of job and family services at least one hundred twenty days before that relocation: 25  
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(1) A call center; 29

(2) One or more facilities or operating units within a call center comprising at least thirty per cent of the call center's total volume when measured against the previous twelve-month average call volume of operations. 30  
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(B) No employer shall fail to provide the notice required under division (A) of this section. If an employer fails to provide that notice, the director shall inform the attorney general. The attorney general shall commence an action for a civil penalty against that employer in the court of common pleas of a county in which the employer's business is located. 34  
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On a finding that an employer has violated this division, the court shall assess a civil penalty of not more than ten thousand dollars against the employer for each day the employer failed to provide the notice. 40  
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(C) A court may reduce a civil penalty imposed under 44

division (B) of this section if the court determines that an 45  
employer has shown just cause why a notification under division 46  
(A) of this section was not made in the time required. 47

**Sec. 4113.89.** (A) Beginning six months after the effective 48  
date of this section, and every six months thereafter, the 49  
director of job and family services shall compile a list of 50  
every employer that has relocated either of the following from 51  
this state to a foreign country during the preceding six months: 52

(1) A call center; 53

(2) One or more facilities or operating units within a 54  
call center comprising at least thirty per cent of the call 55  
center's total volume. 56

(B) The director of job and family services shall include 57  
on the list the name of the employer and the date on which the 58  
call center or facility was relocated. The director of job and 59  
family services shall submit that list to the director of 60  
development services. 61

(C) The director of development services shall distribute 62  
the list created in this section to every state agency. 63

**Sec. 4113.90.** (A) Except as provided in division (C) of 64  
this section and notwithstanding any other provision of the 65  
Revised Code to the contrary, an employer that appears on a list 66  
created under section 4113.89 of the Revised Code is ineligible 67  
to receive from a state agency any grant, guaranteed loan, tax 68  
benefit, or other economic incentive until five years after the 69  
date on which the employer relocated a call center or one or 70  
more facilities or operating units within a call center 71  
comprising at least thirty per cent of the call center's total 72  
volume. If an employer appears on that list, the director of 73

development services shall charge the employer for the 74  
unamortized value of any grant, guaranteed loan, tax benefit, or 75  
other economic incentive that the employer has received from a 76  
state agency on or after the effective date of this section. The 77  
employer shall remit that amount to the development services 78  
agency. 79

(B) The development services agency, in consultation with 80  
the executive agency providing a loan or grant, may waive the 81  
disqualification and payment specified in division (A) of this 82  
section if the employer applying for the loan or grant 83  
demonstrates that one of the following will happen if the loan 84  
or grant is not provided: 85

(1) Substantial job loss in the state; 86

(2) Harm to the environment; 87

(3) A significant economic impact to the state. 88

**Sec. 4113.91.** Each state agency shall ensure that all call 89  
center and customer service work performed for the agency is 90  
performed entirely within the state. 91

No contractor who performs call center or customer service 92  
work for the state shall hire an individual to perform that work 93  
at a location outside of the state. 94

Beginning two years after the effective date of this 95  
section, every individual employed by a contractor to perform 96  
call center or customer service work for the state shall perform 97  
that work within the state. 98

**Sec. 4113.92.** Sections 4113.87 to 4113.92 of the Revised 99  
Code do not permit withholding or denial of payments, 100  
compensation, or benefits under Chapter 4121., 4123., 4127., 101

4131., 4141., or 6301. of the Revised Code or under any other 102  
state law to employees employed by employers that relocate to a 103  
foreign country. 104

**Section 2.** Section 4113.91 of the Revised Code, as enacted 105  
by this act, applies to contracts entered into on or after the 106  
effective date of this section. 107

**Section 3.** This act shall be referred to as the "Consumer 108  
Protection Call Center Act." 109