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3 HOUSE STATE GOVERNMENT COMMITTEE SUBSTITUTE FOR SB110, AS
4 ENGROSSED

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9 SYNOPSIS: This bill would require certain employers
10 relocating call centers from this state to notify
11 the Director of the Department of Economic and
12 Community Affairs within a specified time frame
13 prior to relocation.

14 This bill would also provide for the
15 assessment of penalties against employers who fail
16 to provide the notice and allows the director to
17 recapture certain benefits, such as grants, loans,
18 or tax credits.

19 This bill would preclude contractors with
20 the state performing these services from performing
21 work at a location outside the state.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 Relating to call centers; to require certain
2 employers relocating call centers to provide notice prior to
3 the relocation within a specified time frame; to provide for
4 civil penalties and benefit recapture from employers that fail
5 to provide notification; and to preclude contractors
6 performing call center or customer service work from
7 performing work at a location outside of the state.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 (1) CALL CENTER. A physical location within the
12 State of Alabama at which 50 or more individuals receive by
13 telephone, email, or other electronic forms of communication
14 requests for service and repairs and assist with a resolution.
15 The term does not include locations within this state at which
16 similar calls are resolved in whole or in part by means of
17 computers, including, but not limited to, artificial
18 intelligence.

19 (2) DIRECTOR. The Director of the Department of
20 Economic and Community Affairs.

21 (3) EMPLOYER. A call center that employs either of
22 the following:

23 a. Fifty or more individuals, excluding part-time
24 employees.

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

1 This term does not apply to the State of Alabama or
2 its agencies or departments.

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

7 Section 2. (a) An employer that intends to relocate
8 a call center, or one or more facilities or operating units
9 within a call center consisting of at least 30 percent of the
10 call center's total volume when measured against the previous
11 12-month average call volume from this state, shall notify the
12 director at least 120 days before the relocation is scheduled
13 to occur.

14 (b) If the employer fails to provide notice pursuant
15 to subsection (a), the director shall notify the Attorney
16 General of the failure, and the Attorney General shall
17 commence an action for assessment of a civil penalty against
18 the employer in the circuit court in the county where the
19 employer's call center is located. Upon a finding that an
20 employer has violated subsection (a), the court shall assess a
21 civil penalty of not more than ten thousand dollars (\$10,000)
22 against the employer for each day the employer failed to
23 provide the notice.

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

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

8 (b) The director shall include on the list the name
9 of each employer and the date on which the call center was
10 relocated.

11 (c) The director shall immediately distribute the
12 list to each state agency and political subdivision of the
13 state that provides the employers with any grants, loans, or
14 tax credits.

15 Section 4. (a) Except as provided in subsection (c),
16 an employer that appears on a list compiled by the director
17 pursuant to Section 3 is ineligible to receive from the state
18 or any political subdivision of the state any grant, loan, or
19 tax credit until five years after the date on which the
20 employer relocated the call center.

21 (b) Except as provided in subsection (c), if an
22 employer appears on a list compiled under Section 3, the
23 director shall recapture from the employer an amount equal to
24 the unamortized value of any grant, loan, or tax credit that
25 the employer received from the state or any political
26 subdivision of the state on or after the effective date of

1 this act. The employer shall pay the recapture amount to the
2 director within 30 days of receiving the recapture demand.

3 (c) The director may waive the disqualification
4 provided for in subsection (a) if the employer applying for
5 the grant, loan, or tax credit demonstrates that one or more
6 of the following will happen if the grant, loan, or tax credit
7 is not provided:

8 (1) Substantial job loss in the state.

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

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

11 Section 5. This section applies to contracts entered
12 into on or after the effective date of this act.

13 Section 6. This act may not be construed as
14 permitting the withholding or denial of payments,
15 compensation, or benefits from employees.

16 Section 7. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.