
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 462 Session of
2013

INTRODUCED BY STACK, WILLIAMS, SMITH, WASHINGTON, RAFFERTY,
FONTANA, SOLOBAY, COSTA AND BOSCOLA, FEBRUARY 11, 2013

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 11, 2013

AN ACT

1 Requiring employers that intend to relocate call centers
2 overseas to notify the Secretary of Labor and Industry;
3 imposing powers and duties on the Secretary of Labor and
4 Industry; and prescribing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Call Center
9 Jobs Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Call center." One or more locations that utilize
15 telecommunications services in one or more of the following
16 activities:

- 17 (1) customer services;
18 (2) soliciting sales;
19 (3) reactivating dormant accounts;

- 1 (4) conducting surveys or research;
- 2 (5) fundraising;
- 3 (6) collection of receivables;
- 4 (7) receiving reservations; or
- 5 (8) receiving orders or taking orders.

6 "Employer." Any business enterprise that employs for the
7 purpose of customer service or back-office operations:

8 (1) fifty or more employees, excluding part-time
9 employees; or

10 (2) fifty or more employees who in the aggregate work at
11 least 1,500 hours per week, exclusive of overtime.

12 "Part-time employee." An employee who is employed for an
13 average of fewer than 20 hours per week or who has been employed
14 for fewer than six of the 12 months preceding the date on which
15 notice is required.

16 "Secretary." The Secretary of Labor and Industry of the
17 Commonwealth.

18 Section 3. Notice to secretary.

19 (a) General rule.--

20 (1) An employer that intends to relocate a call center
21 or one or more facilities or operating units within a call
22 center comprising at least 30% of the call center's or
23 operating unit's total volume when measured against the
24 previous 12-month average call volume of operations or
25 substantially similar operations from this Commonwealth to a
26 foreign country shall notify the secretary at least 120 days
27 before the relocation.

28 (2) An employer that violates paragraph (1) shall be
29 subject to a civil penalty of not more than \$10,000 for each
30 day of such violation, except that the secretary may reduce

1 such amount for just cause shown.

2 (b) Duties of secretary.--The secretary shall compile a
3 semiannual list of all employers that notify the secretary of an
4 intent to relocate a call center or one or more facilities or
5 operating units within a call center comprising at least 40% of
6 the call center's total volume of operations from this
7 Commonwealth to a foreign country. The secretary shall
8 distribute the list to all State agencies.

9 Section 4. Effect on grants or guaranteed loans.

10 (a) Ineligibility.--Except as provided in subsection (b),
11 and notwithstanding any other provision of law, an employer that
12 appears on the list provided for in section 3 shall be
13 ineligible for any direct or indirect State grants or State-
14 guaranteed loans for five years after the date on which the list
15 is published.

16 (b) Reversion.--Except as provided in subsection (c) and
17 notwithstanding any other provision of law, an employer that
18 appears on the list provided for in section 3 shall remit to the
19 State Treasurer the unamortized value of any grant, guaranteed
20 loans, tax benefits or any other governmental support it has
21 previously received.

22 (c) Exceptions.--The secretary, in consultation with the
23 appropriate agency providing a loan or grant, may waive the
24 ineligibility requirement provided under subsection (a) if the
25 employer applying for the loan or grant demonstrates that a lack
26 of such loan or grant would:

27 (1) threaten national security;

28 (2) result in substantial job loss in this Commonwealth;

29 or

30 (3) harm the environment.

1 Section 5. In-State procurement.

2 (a) General rule.--The head of each State agency shall
3 ensure that all State-business-related call center and customer
4 service work be performed by State contractors or their agents
5 or subcontractors entirely within this Commonwealth.

6 (b) Existing State contractors.--

7 (1) A State contractor who, on the effective date of
8 this section, performs such work outside this Commonwealth
9 shall comply with the provisions of this act within two years
10 of the effective date of this section.

11 (2) If a State contractor subject to paragraph (1) adds
12 a customer service employee who will perform work on such
13 contract, then the new employee shall immediately be employed
14 within this Commonwealth.

15 Section 6. State benefits for workers.

16 No provision of this act shall be construed to permit
17 withholding or denial of payments, compensation or benefits
18 under any State law, including, but not limited to, unemployment
19 compensation, disability payments or workers' compensation to
20 persons employed by employers that relocate to a foreign
21 country.

22 Section 7. Effective date.

23 This act shall take effect in 60 days.