

ASSEMBLY, No. 1992

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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District 35 (Bergen and Passaic)

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District 38 (Bergen and Passaic)

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District 37 (Bergen)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

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District 35 (Bergen and Passaic)

Co-Sponsored by:

**Assemblyman Lagana, Assemblywoman Jimenez, Assemblymen Zwicker
and Egan**

SYNOPSIS

“New Jersey Call Center Jobs Act.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/19/2018)

1 AN ACT concerning the relocation of call centers and
2 supplementing chapter 21 of Title 34 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the “New Jersey
8 Call Center Jobs Act.”

9

10 2. For the purposes of this act:

11 “Call center” means a facility or other operation whereby
12 workers receive telephone calls or emails or other electronic
13 communication for the purpose of providing customer assistance or
14 other service.

15 “Commissioner” means the Commissioner of Labor and
16 Workforce Development.

17 “Employer” means any business entity that employs 50 or more
18 full-time workers or 50 or more workers that in the aggregate work
19 at least 1,500 hours per week, excluding overtime hours, for the
20 purpose of staffing a call center.

21

22 3. a. Any employer with a call center within the State of New
23 Jersey shall maintain a staffing level capable of handling no less
24 than 70 percent of customer volume of telephone calls, emails, or
25 other electronic communications, when measured against the
26 previous six month average volume of those operations, originating
27 in the State of New Jersey or an account with a service address
28 within the State of New Jersey. If the staffing level of a call center
29 falls below the amount required pursuant to this subsection, the
30 employer shall notify the commissioner immediately.

31 b. Any employer that relocates a call center, or transfers one or
32 more facilities or operating units comprising at least 20 percent of a
33 call center’s total operating volume of telephone calls, emails, or
34 other electronic communications when measured against the
35 previous 12 month average volume of those operations, from the
36 State of New Jersey to one or more foreign countries shall notify
37 the commissioner at least 90 days prior to the relocation or transfer
38 of operations.

39 c. Any employer that violates the notification requirement
40 pursuant to this section shall be subject to a civil penalty in an
41 amount not to exceed \$7,500 for each day the employer fails to
42 provide the notification, collectible by the commissioner in a
43 summary proceeding pursuant to the “Penalty Enforcement Law of
44 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The commissioner
45 shall have the authority to waive this penalty.

46

47 4. The commissioner shall compile and maintain a list of all
48 employers that provide notification pursuant to section 3 of this act.

1 The commissioner shall update the list on a monthly basis and an
2 employer shall remain on the list for a period not to exceed 36
3 months after each instance of notification pursuant to section 3 of
4 this act. The commissioner shall make the list of employers
5 available to the public and prominently display a link to the list on
6 the Internet website of the Department of Labor and Workforce
7 Development.

8
9 5. a. Notwithstanding any other provision of law, rule, or
10 regulation to the contrary, an employer that is added to the list
11 compiled and maintained by the commissioner pursuant to section 4
12 of this act shall be ineligible to receive any direct or indirect State
13 grant, guaranteed loan, tax benefit, and any other financial support
14 for the 36 months following the date upon which the employer is
15 added to the list, except that the employer's inclusion on the list
16 shall not prevent the employer from receiving any grant to provide
17 training or other employment assistance to individuals who are
18 members of specific groups selected as being in particular need of
19 training or other employment assistance, including, but not limited
20 to, employees of the employer whose employment is being affected
21 due to the transfer or relocation of the employer's facility or
22 operating unit, veterans, minority groups and women.

23 b. An employer that is added to the list compiled and
24 maintained by the commissioner pursuant to section 4 of this act
25 shall remit to the appropriate governmental entity the unamortized
26 value of any direct or indirect State grant, guaranteed loan, tax
27 benefit, and any other financial support provided to the employer by
28 the State governmental entity, except that the employer's inclusion
29 on the list shall not require the employer to remit any portion of a
30 grant to provide training or other employment assistance to
31 individuals who are members of specific groups selected as being in
32 particular need of training or other employment assistance,
33 including, but not limited to, employees of the employer whose
34 employment is being affected due to the transfer or relocation of the
35 employer's facility or operating unit, veterans, minority groups and
36 women.

37 c. The commissioner, in consultation with the appropriate
38 governmental entity providing any direct or indirect State grant,
39 guaranteed loan, tax benefit, or any other financial support to an
40 employer, may waive the requirement provided for in subsection b.
41 of this section if it is demonstrated, to the satisfaction of the
42 commissioner, that the requirement of subsection b. of this section
43 would result in a substantial loss of jobs in this State or harm the
44 environment.

45
46 6. Notwithstanding any provision of law, rule, or regulation to
47 the contrary, a State department or agency, in making or awarding a
48 contract for call center services, shall grant a preference for such

1 contract to qualified businesses located in the State and employing
2 residents of the State, up to the limits set forth under rules and
3 regulations promulgated pursuant to section 8 of this act.

4
5 7. Nothing in this act shall be construed to permit the
6 withholding or denial of payments, compensation, or benefits under
7 any State law, including unemployment benefits, disability benefits,
8 or worker retraining or readjustment benefits to workers employed
9 by employers that relocate a call center or transfer one or more
10 facilities or operating units of a call center to a foreign country.

11
12 8. The commissioner shall promulgate rules and regulations,
13 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
14 (C.52:14B-1 et seq.) to identify qualified businesses under section 6
15 of this act. The rules and regulations shall also set forth limits on
16 the amount of preference that may be given to a qualified business
17 located in the State employing residents of the State.

18
19 9. This act shall take effect on the first day of the sixth month
20 following the date of enactment, and shall apply to a relocation of a
21 call center, or to a transfer of one or more facilities or operating
22 units of a call center, occurring after the effective date.

23
24

25 STATEMENT

26

27 This bill requires that any employer relocating a call center from
28 the State of New Jersey to one or more foreign countries must
29 notify the Commissioner of Labor and Workforce Development and
30 remit the unamortized value of any direct or indirect State grant,
31 guaranteed loan, tax benefit, and any other financial support
32 provided by the State to the employer.

33 The bill requires any employer that relocates a call center, or
34 transfers one or more facilities or operating units comprising at
35 least 20 percent of a call center's total operating volume of
36 communications, when measured against the previous 12 month
37 average volume of those operations, to one or more foreign
38 countries to notify the commissioner at least 90 days prior to the
39 relocation or transfer. The bill also requires any employer with a
40 call center within the State of New Jersey to maintain a staffing
41 level capable of handling no less than 70 percent of customer
42 volume of telephone calls, emails, or other electronic
43 communications, when measured against the previous six month
44 average volume of those operations, originating in the State of New
45 Jersey or an account with a service address within the State of New
46 Jersey. If the staffing level of a call center falls below the required
47 amount, the employer is required to notify the commissioner.

1 The bill makes any employer that violates a notification
2 requirement subject to a civil penalty of up to \$7,500 for each day
3 the violation continues.

4 The bill defines a “call center” as a facility or operation where
5 workers receive incoming telephone calls, emails, or other
6 electronic communication to provide customer assistance or other
7 service. The bill defines “employer” as a business entity that
8 employs 50 or more full-time workers or 50 or more workers at a
9 call center for at least 1,500 hours per week, excluding overtime
10 hours.

11 The bill requires the commissioner to maintain a list of all
12 employers that give a notice as required by the bill and update the
13 list on a monthly basis. An employer will remain on the list for a
14 period not to exceed 36 months after giving the required
15 notification. The bill also requires the commissioner to make the
16 list public, including through the internet. An employer’s being on
17 the list will not prevent the employer from receiving, or require the
18 employer to remit, training grants or other employment assistance
19 to members of groups with particular need of training or other
20 assistance, including veterans, minority groups and women.

21 The bill also bars any employer added to the list from receiving
22 any direct or indirect State grant, guaranteed loan, tax benefit, or
23 other financial support from the State for 36 months following the
24 date on which the employer is added to the list. An employer added
25 to this list is also required to remit to the commissioner the
26 unamortized value of any such financial support already provided to
27 the employer.

28 The commissioner may waive the remittance requirement if the
29 commissioner finds that the requirement would result in a
30 substantial loss of jobs in this State or harm the environment.

31 Finally, the bill provides that a State department or agency, in
32 making or awarding a contract for call center services, will grant a
33 preference to qualified businesses located in the State and
34 employing residents of the State, as set forth in regulations adopted
35 by the commissioner.