

[First Reprint]

ASSEMBLY, No. 1992

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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Co-Sponsored by:

Assemblyman Lagana, Assemblywoman Jimenez, Assemblymen Zwicker, Egan, Johnson, Assemblywomen Pinkin, McKnight, Downey, Timberlake, Lopez, Senators Stack, Greenstein and Assemblywoman Jasey

SYNOPSIS

“New Jersey Call Center Jobs Act.”

CURRENT VERSION OF TEXT

As amended by the Senate on March 25, 2019.

(Sponsorship Updated As Of: 1/14/2020)

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 ¹**[70]** 65¹ percent of customer volume of telephone calls,
25 emails, or other electronic communications, when measured against
26 the previous six month average volume of those operations,
27 originating in the State of New Jersey or an account with a service
28 address within the State of New Jersey. If the staffing level of a
29 call center falls below the amount required pursuant to this
30 subsection, the employer shall notify the commissioner
31 immediately.

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

40 c. Any employer that violates the notification requirement
41 pursuant to this section shall be subject to a civil penalty in an
42 amount not to exceed \$7,500 for each day the employer fails to
43 provide the notification, collectible by the commissioner in a
44 summary proceeding pursuant to the “Penalty Enforcement Law of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted March 25, 2019.

1 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The commissioner
2 shall have the authority to waive this penalty.

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

13
14 5. ¹[a.] Notwithstanding any other provision of law, rule, or
15 regulation to the contrary, an employer that is added to the list
16 compiled and maintained by the commissioner pursuant to section 4
17 of this act shall be ineligible to receive any direct or indirect State
18 grant, guaranteed loan, tax benefit, and any other financial support
19 for the 36 months following the date upon which the employer is
20 added to the list, except that the employer’s inclusion on the list
21 shall not prevent the employer from receiving any grant to provide
22 training or other employment assistance to individuals who are
23 members of specific groups selected as being in particular need of
24 training or other employment assistance, including, but not limited
25 to, employees of the employer whose employment is being affected
26 due to the transfer or relocation of the employer’s facility or
27 operating unit, veterans, minority groups and women.

28 ¹[b. An employer that is added to the list compiled and
29 maintained by the commissioner pursuant to section 4 of this act
30 shall remit to the appropriate governmental entity the unamortized
31 value of any direct or indirect State grant, guaranteed loan, tax
32 benefit, and any other financial support provided to the employer by
33 the State governmental entity, except that the employer’s inclusion
34 on the list shall not require the employer to remit any portion of a
35 grant to provide training or other employment assistance to
36 individuals who are members of specific groups selected as being in
37 particular need of training or other employment assistance,
38 including, but not limited to, employees of the employer whose
39 employment is being affected due to the transfer or relocation of the
40 employer’s facility or operating unit, veterans, minority groups and
41 women.

42 c. The commissioner, in consultation with the appropriate
43 governmental entity providing any direct or indirect State grant,
44 guaranteed loan, tax benefit, or any other financial support to an
45 employer, may waive the requirement provided for in subsection b.
46 of this section if it is demonstrated, to the satisfaction of the
47 commissioner, that the requirement of subsection b. of this section

1 would result in a substantial loss of jobs in this State or harm the
2 environment.】

3 As used in this section, “tax benefit” means a tax advantage
4 awarded by a State governmental entity that has the effect of
5 reducing a taxpayer’s liability under the “New Jersey Gross Income
6 Tax Act,” N.J.S.54A:1-1 et seq., or section 5 of P.L.1945, c.162
7 (C.54:10A-5).¹

8
9 6. Notwithstanding any provision of law, rule, or regulation to
10 the contrary, a State department or agency, in making or awarding a
11 contract for call center services, shall grant a preference for such
12 contract to qualified businesses located in the State and employing
13 residents of the State, up to the limits set forth under rules and
14 regulations promulgated pursuant to section 8 of this act.

15
16 7. Nothing in this act shall be construed to permit the
17 withholding or denial of payments, compensation, or benefits under
18 any State law, including unemployment benefits, disability benefits,
19 or worker retraining or readjustment benefits to workers employed
20 by employers that relocate a call center or transfer one or more
21 facilities or operating units of a call center to a foreign country.

22
23 8. The commissioner shall promulgate rules and regulations,
24 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
25 (C.52:14B-1 et seq.) to identify qualified businesses under section 6
26 of this act. The rules and regulations shall also set forth limits on
27 the amount of preference that may be given to a qualified business
28 located in the State employing residents of the State.

29
30 9. This act shall take effect on the first day of the sixth month
31 following the date of enactment, and shall apply to a relocation of a
32 call center, or to a transfer of one or more facilities or operating
33 units of a call center, occurring after the effective date.