As Introduced

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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

A BILL

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

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

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

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

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

(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.

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:

(1) A call center;

(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.

(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.

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.

(C) A court may reduce a civil penalty imposed under
division (B) of this section if the court determines that an employer has shown just cause why a notification under division (A) of this section was not made in the time required.

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

(1) A call center;

(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.

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

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

Sec. 4113.90. (A) Except as provided in division (C) of this section and notwithstanding any other provision of the Revised Code to the contrary, an employer that appears on a list created under section 4113.89 of the Revised Code is ineligible to receive from a state agency any grant, guaranteed loan, tax benefit, or other economic incentive until five years after the date on which the employer relocated a call center or one or more facilities or operating units within a call center comprising at least thirty per cent of the call center's total volume. If an employer appears on that list, the director of
development services shall charge the employer for the   
unamortized value of any grant, guaranteed loan, tax benefit, or   
other economic incentive that the employer has received from a   
state agency on or after the effective date of this section. The   
employer shall remit that amount to the development services   
agency.

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

(1) Substantial job loss in the state;

(2) Harm to the environment;

(3) A significant economic impact to the state.

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

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

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

Sec. 4113.92. Sections 4113.87 to 4113.92 of the Revised   
Code do not permit withholding or denial of payments,   
compensation, or benefits under Chapter 4121., 4123., 4127.,
4131., 4141., or 6301. of the Revised Code or under any other state law to employees employed by employers that relocate to a foreign country.

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

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