

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 540**

**Representative McNally**

**Cosponsors: Representatives Brennan, Grim, Dell'Aquila**

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**A BILL**

To enact sections 4113.87, 4113.88, 4113.89, 1  
4113.90, 4113.91, and 4113.92 of the Revised 2  
Code to enact the Consumer Protection Call 3  
Center Act regarding the eligibility of 4  
employers that relocate a call center to a 5  
foreign country to receive state grants, loans, 6  
and other benefits. 7

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

**Section 1.** That sections 4113.87, 4113.88, 4113.89, 8  
4113.90, 4113.91, and 4113.92 of the Revised Code be enacted to 9  
read as follows: 10

**Sec. 4113.87.** As used in sections 4113.87 to 4113.92 of 11  
the Revised Code: 12

(A) "Employer" means a business that employs, for the 13  
purpose of customer service or back-office operations, fifty or 14  
more individuals, excluding part-time employees. 15

(B) "State agency" means every organized body, office, or 16  
agency established by the laws of the state for the exercise of 17  
any function of state government. "State agency" does not 18

include the general assembly, any legislative agency, a court, 19  
or any judicial agency. 20

(C) "Part-time employee" means an individual employed by 21  
an employer for an average of fewer than twenty hours each week 22  
or for fewer than six of the twelve months before the date on 23  
which a determination is made. 24

**Sec. 4113.88.** (A) An employer that intends to relocate 25  
either of the following from this state to a foreign country 26  
shall notify the director of job and family services at least 27  
one hundred twenty days before that relocation: 28

(1) A call center; 29

(2) One or more facilities or operating units within a 30  
call center comprising at least thirty per cent of the call 31  
center's total volume when measured against the previous twelve- 32  
month average call volume of operations. 33

(B) No employer shall fail to provide the notice required 34  
under division (A) of this section. If an employer fails to 35  
provide that notice, the director shall inform the attorney 36  
general. The attorney general shall commence an action for a 37  
civil penalty against that employer in the court of common pleas 38  
of a county in which the employer's business is located. 39

On a finding that an employer has violated this division, 40  
the court shall assess a civil penalty of not more than ten 41  
thousand dollars against the employer for each day the employer 42  
failed to provide the notice. 43

(C) A court may reduce a civil penalty imposed under 44  
division (B) of this section if the court determines that an 45  
employer has shown just cause why a notification under division 46  
(A) of this section was not made in the time required. 47

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.

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

Sec. 4113.90. (A) Except as provided in division (B) 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 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 77  
remit that amount to the department of development. 78

(B) The department of development, in consultation with 79  
the state agency providing a loan or grant, may waive the 80  
disqualification and payment specified in division (A) of this 81  
section if the employer applying for the loan or grant 82  
demonstrates that one of the following will happen if the loan 83  
or grant is not provided: 84

(1) Substantial job loss in the state; 85

(2) Harm to the environment; 86

(3) A significant economic impact to the state. 87

**Sec. 4113.91.** Each state agency shall ensure that all call 88  
center and customer service work performed for the agency is 89  
performed entirely within the state. 90

No contractor who performs call center or customer service 91  
work for the state shall hire an individual to perform that work 92  
at a location outside of the state. 93

Beginning two years after the effective date of this 94  
section, every individual employed by a contractor to perform 95  
call center or customer service work for the state shall perform 96  
that work within the state. 97

**Sec. 4113.92.** Sections 4113.87 to 4113.92 of the Revised 98  
Code do not permit withholding or denial of payments, 99  
compensation, or benefits under Chapter 4121., 4123., 4127., 100  
4131., 4141., or 6301. of the Revised Code or under any other 101  
state law to employees employed by employers that relocate to a 102  
foreign country. 103

**Section 2.** Section 4113.91 of the Revised Code, as enacted 104

by this act, applies to contracts entered into on or after the	105
effective date of this section.	106
<b>Section 3.</b> This act shall be referred to as the Consumer	107
Protection Call Center Act.	108