

As Introduced

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

H. B. No. 540

Representative McNally

Cosponsors: Representatives Brennan, Grim, Dell'Aquila

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 48
date of this section, and every six months thereafter, the 49
director of job and family services shall compile a list of 50
every employer that has relocated either of the following from 51
this state to a foreign country during the preceding six months: 52

(1) A call center; 53

(2) One or more facilities or operating units within a 54
call center comprising at least thirty per cent of the call 55
center's total volume. 56

(B) The director of job and family services shall include 57
on the list the name of the employer and the date on which the 58
call center or facility was relocated. The director of job and 59
family services shall submit that list to the director of 60
development. 61

(C) The director of development shall distribute the list 62
created in this section to every state agency. 63

Sec. 4113.90. (A) Except as provided in division (B) of 64
this section and notwithstanding any other provision of the 65
Revised Code to the contrary, an employer that appears on a list 66
created under section 4113.89 of the Revised Code is ineligible 67
to receive from a state agency any grant, guaranteed loan, tax 68
benefit, or other economic incentive until five years after the 69
date on which the employer relocated a call center or one or 70
more facilities or operating units within a call center 71
comprising at least thirty per cent of the call center's total 72
volume. If an employer appears on that list, the director of 73
development shall charge the employer for the unamortized value 74
of any grant, guaranteed loan, tax benefit, or other economic 75
incentive that the employer has received from a state agency on 76

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
Section 3. This act shall be referred to as the Consumer	107
Protection Call Center Act.	108