

1 SB110  
2 200324-4  
3 By Senator Ward  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 19-MAR-19

1 SB110

2  
3  
4 ENROLLED, An Act,

5 Relating to call centers; to require certain  
6 employers relocating call centers to provide notice prior to  
7 the relocation within a specified time frame; to provide for  
8 civil penalties and benefit recapture from employers that fail  
9 to provide notification; and to preclude contractors  
10 performing call center or customer service work from  
11 performing work at a location outside of the state.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. For the purposes of this act, the  
14 following words shall have the following meanings:

15 (1) CALL CENTER. A physical location within the  
16 State of Alabama at which 50 or more individuals receive by  
17 telephone, email, or other electronic forms of communication  
18 requests for service and repairs and assist with a resolution.  
19 The term does not include locations within this state at which  
20 similar calls are resolved in whole or in part by means of  
21 computers, including, but not limited to, artificial  
22 intelligence.

23 (2) DIRECTOR. The Director of the Department of  
24 Economic and Community Affairs.

1           (3) EMPLOYER. A call center that employs either of  
2 the following:

3           a. Fifty or more individuals, excluding part-time  
4 employees.

5           b. Fifty or more individuals who, in the aggregate,  
6 work at least 1,500 hours each week for the employer, not  
7 including overtime hours.

8           This term does not apply to the State of Alabama or  
9 its agencies or departments.

10          (4) PART-TIME EMPLOYEE. An individual employed for  
11 an average of fewer than 20 hours each week or for fewer than  
12 six of the 12 months before the date on which a determination  
13 to relocate is made.

14          Section 2. (a) An employer that intends to relocate  
15 a call center, or one or more facilities or operating units  
16 within a call center consisting of at least 30 percent of the  
17 call center's total volume when measured against the previous  
18 12-month average call volume from this state, shall notify the  
19 director at least 120 days before the relocation is scheduled  
20 to occur.

21          (b) If the employer fails to provide notice pursuant  
22 to subsection (a), the director shall notify the Attorney  
23 General of the failure, and the Attorney General shall  
24 commence an action for assessment of a civil penalty against  
25 the employer in the circuit court in the county where the

1 employer's call center is located. Upon a finding that an  
2 employer has violated subsection (a), the court shall assess a  
3 civil penalty of not more than ten thousand dollars (\$10,000)  
4 against the employer for each day the employer failed to  
5 provide the notice.

6 (c) A court may reduce a civil penalty imposed under  
7 subsection (b) if the court determines that an employer has  
8 shown just cause as to why notification under subsection (a)  
9 was not made in the time frame required.

10 Section 3. (a) Beginning October 1, 2019, and every  
11 six months thereafter, the director shall compile a list of  
12 every employer that has relocated a call center, or one or  
13 more facilities or operating units within a call center  
14 consisting of at least 30 percent of the call center's total  
15 volume when measured against the previous 12-month average  
16 call volume, from this state.

17 (b) The director shall include on the list the name  
18 of each employer and the date on which the call center was  
19 relocated.

20 (c) The director shall immediately distribute the  
21 list to each state agency and political subdivision of the  
22 state that provides the employers with any grants, loans, or  
23 tax credits.

24 Section 4. (a) Except as provided in subsection (c),  
25 an employer that appears on a list compiled by the director

1 pursuant to Section 3 is ineligible to receive from the state  
2 or any political subdivision of the state any grant, loan, or  
3 tax credit until five years after the date on which the  
4 employer relocated the call center.

5 (b) Except as provided in subsection (c), if an  
6 employer appears on a list compiled under Section 3, the  
7 director shall recapture from the employer an amount equal to  
8 the unamortized value of any grant, loan, or tax credit that  
9 the employer received from the state or any political  
10 subdivision of the state on or after the effective date of  
11 this act. The employer shall pay the recapture amount to the  
12 director within 30 days of receiving the recapture demand.

13 (c) The director may waive the disqualification  
14 provided for in subsection (a) if the employer applying for  
15 the grant, loan, or tax credit demonstrates that one or more  
16 of the following will happen if the grant, loan, or tax credit  
17 is not provided:

18 (1) Substantial job loss in the state.

19 (2) Harm to the environment of the state.

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

21 Section 5. This section applies to contracts entered  
22 into on or after the effective date of this act.

23 Section 6. This act may not be construed as  
24 permitting the withholding or denial of payments,  
25 compensation, or benefits from employees.

1                   Section 7. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB110

Senate 23-APR-19

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

---

House of Representatives  
Amended and passed 23-MAY-19

---

Senate concurred in House amendment 28-MAY-19

---

By: Senator Ward