

1 SB249  
2 210125-2  
3 By Senator Scofield  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 23-FEB-21

1 SB249

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4 ENROLLED, An Act,

5 Relating to call centers; to amend Sections 1, 2,  
6 and 6 of Act 2019-374, 2019 Regular Session, now appearing as  
7 Sections 41-23-230, 41-23-231, and 41-23-235, Code of Alabama  
8 1975, to define certain terms; to require employers relocating  
9 call centers to notify the Secretary of the Alabama Department  
10 of Commerce of the relocation rather than the Director of the  
11 Alabama Department of Economic and Community Affairs; to limit  
12 the amount of civil penalties assessed to an employer; and to  
13 provide for retroactive effect to September 1, 2019.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 1, 2, and 6 of Act 2019-374,  
16 2019 Regular Session, now appearing as Sections 41-23-230,  
17 41-23-231, and 41-23-235, Code of Alabama 1975, are amended to  
18 read as follows:

19 "§41-23-230.

20 "For the purposes of this article, the following  
21 words shall have the following meanings:

22 "(1) CALL CENTER. A physical location within the  
23 State of Alabama at which the predominant activity conducted  
24 at the location is described by NAICS Code 561422 and at which  
25 50 or more individuals are employed to conduct that activity

1 ~~receive by telephone, email, or other electronic forms of~~  
2 ~~communication requests for service and repairs and assist with~~  
3 ~~a resolution. The term does not include locations within this~~  
4 ~~state at which similar calls are resolved in whole or in part~~  
5 ~~by means of computers, including, but not limited to,~~  
6 ~~artificial intelligence. The term does not include data~~  
7 ~~centers.~~

8 "(2) CONTRACT. An economic development agreement  
9 between an employer and the state or a political subdivision  
10 of the state that directly provides the employer with a grant,  
11 loan, or tax credit as an incentive to locate a call center in  
12 Alabama.

13 ~~"(2)(3) DIRECTOR. The Director of the Department of~~  
14 ~~Economic and Community Affairs Secretary of the Department of~~  
15 ~~Commerce.~~

16 ~~"(3)(4) EMPLOYER. A call center that has received a~~  
17 ~~grant, loan, or tax credit from the state or any political~~  
18 ~~subdivision of the state and employs either of the following:~~

19 "a. Fifty or more individuals, excluding part-time  
20 employees.

21 "b. Fifty or more individuals who, in the aggregate,  
22 work at least 1,500 hours each week for the employer, not  
23 including overtime hours.

24 "This term does not apply to the State of Alabama or  
25 its agencies or departments.

1           "(5) GRANT, LOAN, OR TAX CREDIT. An economic  
2 development incentive included in a contract that is directly  
3 related to an employer's call center. This term does not  
4 include any grant, loan, or tax credit that is not directly  
5 related to an employer's call center.

6           "~~(4)~~(6) PART-TIME EMPLOYEE. An individual employed  
7 for an average of fewer than 20 hours each week or for fewer  
8 than six of the 12 months before the date on which a  
9 determination to relocate is made.

10           "(7) RELOCATE or RELOCATION. The act of moving a  
11 call center physically located within the State of Alabama to  
12 a location physically located outside the State of Alabama.  
13 This term does not apply to the closure of, or a reduction in  
14 force at, a call center, or one or more facilities or  
15 operating units within a call center, due to reasons other  
16 than relocation.

17           "§41-23-231.

18           "(a) An employer that intends to relocate a call  
19 center, or one or more facilities or operating units within a  
20 call center consisting of at least 30 percent of the call  
21 center's total volume when measured against the previous  
22 12-month average call volume, from this state, shall notify  
23 the director at least 120 days before the relocation is  
24 scheduled to occur if the employer has entered into a contract

1 for the relocated call center within the five years preceding  
2 the relocation.

3 "(b) If the employer fails to provide notice  
4 pursuant to subsection (a), the director shall notify the  
5 Attorney General of the failure, and the Attorney General  
6 shall commence an action for assessment of a civil penalty  
7 against the employer in the circuit court in the county where  
8 the employer's call center is located. Upon a finding that an  
9 employer has violated subsection (a), the court shall assess a  
10 civil penalty of not more than ten thousand dollars (\$10,000)  
11 against the employer for each day the employer failed to  
12 provide the notice. The assessed civil penalty may not exceed  
13 the value of the unamortized value of any grant, loan, or tax  
14 credit that the employer received from the state or any  
15 political subdivision of the state on or after September 1,  
16 2019.

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

21 "§41-23-235.

22 "This article may not be construed as permitting the  
23 withholding or denial of payments, compensation, or benefits  
24 from employees. Further, the act adding this amendatory  
25 language shall not be construed to alter or modify, and shall

1 not have the effect of altering or modifying, the terms of a  
2 contract."

3           Section 2. This act shall become effective  
4 immediately, following its passage and approval by the  
5 Governor, or its otherwise becoming law, and shall be  
6 retroactive to September 1, 2019.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB249  
Senate 25-FEB-21  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 13-APR-21

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By: Senator Scofield