

REFERENCE TITLE: call center relocation; notice; penalty

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2733

Introduced by
Representatives Gallego, Gonzales, Hale, Miranda C, Miranda R, Pancrazi,
Patterson, Tovar, Wheeler: Alston, Arredondo, Campbell, Farley, Hobbs,
Saldate, Senator Gallardo

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 35; RELATING
TO CALL CENTER RELOCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding
3 chapter 35, to read:

4 CHAPTER 35

5 CALL CENTER RELOCATION

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7801. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "AGENCY" MEANS ANY DEPARTMENT OR AGENCY OF THE EXECUTIVE BRANCH OF
10 STATE GOVERNMENT.

11 2. "EMPLOYER" MEANS ANY BUSINESS ENTITY THAT EMPLOYS EITHER OF THE
12 FOLLOWING FOR THE PURPOSE OF CUSTOMER SERVICE OR BACK OFFICE OPERATIONS:

13 (a) FIFTY OR MORE EMPLOYEES, EXCLUDING PART-TIME EMPLOYEES.

14 (b) FIFTY OR MORE EMPLOYEES WHO IN THE AGGREGATE WORK AT LEAST ONE
15 THOUSAND FIVE HUNDRED HOURS PER WEEK, NOT INCLUDING OVERTIME HOURS.

16 3. "PART-TIME EMPLOYEE" MEANS AN EMPLOYEE WHO IS EMPLOYED FOR AN
17 AVERAGE OF FEWER THAN TWENTY HOURS PER WEEK OR WHO HAS BEEN EMPLOYED FOR
18 FEWER THAN SIX OF THE TWELVE MONTHS PRECEDING THE DATE ON WHICH NOTICE IS
19 REQUIRED.

20 44-7802. Call center relocation; notification; civil penalty

21 A. AN EMPLOYER THAT INTENDS TO RELOCATE A CALL CENTER FROM THIS STATE
22 TO A FOREIGN COUNTRY SHALL NOTIFY THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC
23 SECURITY OF THAT INTENTION AT LEAST ONE HUNDRED TWENTY DAYS BEFORE THE
24 RELOCATION. FOR THE PURPOSES OF THIS SUBSECTION, "CALL CENTER" INCLUDES A
25 CALL CENTER OR ONE OR MORE FACILITIES OR OPERATING UNITS WITHIN A CALL CENTER
26 THAT COMPRISES AT LEAST THIRTY PER CENT OF THE CALL CENTER'S OR OPERATING
27 UNIT'S TOTAL VOLUME WHEN MEASURED AGAINST THE PREVIOUS TWELVE MONTH AVERAGE
28 CALL VOLUME OF OPERATIONS OR SUBSTANTIALLY SIMILAR OPERATIONS.

29 B. AN EMPLOYER THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
30 PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS FOR EACH DAY OF THE VIOLATION
31 EXCEPT THAT THE DIRECTOR OF THE INDUSTRIAL COMMISSION MAY REDUCE THE AMOUNT
32 FOR JUST CAUSE.

33 44-7803. Semiannual employer list; distribution

34 A. THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY SHALL COMPILE A
35 SEMIANNUAL LIST OF ALL EMPLOYERS THAT RELOCATE A CALL CENTER FROM THIS STATE
36 TO A FOREIGN COUNTRY. FOR THE PURPOSES OF THIS SUBSECTION, "CALL CENTER"
37 INCLUDES A CALL CENTER OR ONE OR MORE FACILITIES OR OPERATING UNITS WITHIN A
38 CALL CENTER THAT COMPRISE AT LEAST FORTY PER CENT OF THE CALL CENTER'S TOTAL
39 VOLUME OF OPERATIONS.

40 B. THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY SHALL
41 DISTRIBUTE THE LIST REQUIRED IN THIS SECTION TO ALL AGENCIES.

1 44-7804. Ineligibility for grants and loans: remittance of
2 monies: exceptions

3 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION AND
4 NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYER THAT APPEARS ON THE LIST
5 PRESCRIBED BY SECTION 44-7803:

6 1. IS NOT ELIGIBLE FOR ANY DIRECT OR INDIRECT STATE GRANTS OR STATE
7 GUARANTEED LOANS FOR FIVE YEARS AFTER THE DATE THAT THE LIST IS PUBLISHED.

8 2. SHALL REMIT THE UNAMORTIZED VALUE OF ANY GRANT, GUARANTEED LOANS,
9 TAX BENEFITS OR OTHER GOVERNMENTAL SUPPORT THE EMPLOYER HAS PREVIOUSLY
10 RECEIVED TO THIS STATE.

11 B. THE ARIZONA COMMERCE AUTHORITY, IN CONSULTATION WITH THE
12 APPROPRIATE AGENCY PROVIDING A LOAN OR GRANT, MAY WAIVE THE INELIGIBILITY OR
13 REMITTANCE REQUIREMENT PRESCRIBED IN SUBSECTION A OF THIS SECTION IF THE
14 EMPLOYER APPLYING FOR THE LOAN OR GRANT DEMONSTRATES THAT A LACK OF THE LOAN
15 OR GRANT WOULD DO ANY OF THE FOLLOWING:

16 1. THREATEN NATIONAL SECURITY.

17 2. RESULT IN SUBSTANTIAL JOB LOSS IN THIS STATE.

18 3. HARM THE ENVIRONMENT.

19 44-7805. State business call center in this state

20 A. THE DIRECTOR OF EACH AGENCY SHALL ENSURE THAT ALL CALL CENTERS
21 RELATED TO STATE BUSINESS AND ALL CUSTOMER SERVICE WORK IS PERFORMED BY STATE
22 CONTRACTORS OR THEIR AGENTS OR SUBCONTRACTORS ENTIRELY WITHIN THIS STATE.

23 B. STATE CONTRACTORS WHO CURRENTLY PERFORM THE WORK OUTSIDE OF THIS
24 STATE SHALL COMPLY WITH THIS SECTION BY NOVEMBER 1, 2014 EXCEPT THAT
25 BEGINNING NOVEMBER 1, 2012 ALL NEW CUSTOMER SERVICE EMPLOYEES HIRED BY A
26 CONTRACTOR TO PERFORM WORK ON THE CONTRACTS SHALL IMMEDIATELY BE EMPLOYED
27 WITHIN THIS STATE.

28 44-7806. State benefits for workers

29 THIS ACT SHALL NOT BE CONSTRUED TO PERMIT THE WITHHOLDING OR DENIAL OF
30 PAYMENTS, COMPENSATION OR BENEFITS UNDER ANY OTHER LAW TO WORKERS WHO ARE
31 EMPLOYED BY EMPLOYERS THAT RELOCATE TO A FOREIGN COUNTRY.

32 Sec. 2. Effective date

33 This act is effective from and after October 31, 2012.

34 Sec. 3. Short title

35 This act may be cited as the "Save Arizona Call Center Jobs Act of
36 2012".