

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 344**

**Senators Schiavoni, Gentile**

**Cosponsors: Senators Yuko, Cafaro, Thomas, Sawyer**

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**A BILL**

To enact sections 4113.85, 4113.86, 4113.87, 1  
4113.88, 4113.89, and 4113.90 of the Revised 2  
Code to enact the Consumer Protection Call 3  
Center Act of 2016 to require the Department of 4  
Job and Family Services to compile a list of all 5  
employers that relocate a call center to a 6  
foreign country and to disqualify employers on 7  
that list from state grants, loans, and other 8  
benefits. 9

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

**Section 1.** That sections 4113.85, 4113.86, 4113.87, 10  
4113.88, 4113.89, and 4113.90 of the Revised Code be enacted to 11  
read as follows: 12

**Sec. 4113.85.** As used in sections 4113.85 to 4113.90 of 13  
the Revised Code: 14

(A) "Employer" means a business that employs, for the 15  
purpose of customer service or back-office operations, either of 16  
the following: 17

(1) Fifty or more individuals, excluding part-time 18

employees; 19

(2) Fifty or more individuals who, in the aggregate, work 20  
at least one thousand five hundred hours each week for the 21  
employer, not including overtime hours. 22

(B) "State agency" means every organized body, office, or 23  
agency established by the laws of the state for the exercise of 24  
any function of state government. "State agency" does not 25  
include the general assembly, any legislative agency, a court, 26  
or any judicial agency. 27

(C) "Part-time employee" means an individual employed by 28  
an employer for an average of fewer than twenty hours each week 29  
or for fewer than six of the twelve months prior to the date on 30  
which a determination is made. 31

**Sec. 4113.86.** (A) An employer that intends to relocate 32  
either of the following from this state to a foreign country 33  
shall notify the director of job and family services at least 34  
one hundred twenty days before that relocation: 35

(1) A call center; 36

(2) One or more facilities or operating units within a 37  
call center comprising at least thirty per cent of the call 38  
center's total volume when measured against the previous twelve 39  
month average call volume of operations. 40

(B) No employer shall fail to provide the notice required 41  
under division (A) of this section. If an employer fails to 42  
provide that notice, the director shall inform the attorney 43  
general. The attorney general shall commence an action for a 44  
civil penalty against that employer in the court of common pleas 45  
of a county in which the employer's business is located. 46

On a finding that an employer has violated division (A) of this section, the court shall assess a civil penalty of not more than ten thousand dollars against the employer for each day the employer failed to provide the notice. 47  
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(C) A court may reduce a civil penalty imposed under division (B) of this section if the court determines that an employer has shown just cause why a notification under division (A) was not made in the time required. 51  
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**Sec. 4113.87.** (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: 55  
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(1) A call center; 60

(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. 61  
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(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 services. 64  
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(C) The director of development services shall distribute the list created in this section to every state agency. 69  
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**Sec. 4113.88.** (A) Except as provided in division (C) of this section and notwithstanding any other provision of the Revised Code to the contrary, an employer that appears on a list distributed by the director of development services under division (C) of section 4113.87 of the Revised Code is 71  
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ineligible to receive from a state agency any grant, guaranteed 76  
loan, tax benefit, or other economic incentive until five years 77  
after the date on which the employer relocated a call center or 78  
one or more facilities or operating units within a call center 79  
comprising at least thirty per cent of the call center's total 80  
volume. 81

(B) Except as provided in division (C) of this section and 82  
notwithstanding any other provision of the Revised Code to the 83  
contrary, if an employer appears on a list compiled under 84  
section 4113.87 of the Revised Code, the director of development 85  
services shall charge the employer for the unamortized value of 86  
any grant, guaranteed loan, tax benefit, or other economic 87  
incentive that the employer has received from a state agency on 88  
or after the effective date of this section. The employer shall 89  
remit that amount to the department of development services. 90

(C) The department of development services, in 91  
consultation with the executive agency providing a loan or 92  
grant, may waive the disqualification of division (A) of this 93  
section if the employer applying for the loan or grant 94  
demonstrates that one of the following will happen if the loan 95  
or grant is not provided: 96

(1) Substantial job loss in the state; 97

(2) Harm to the environment; 98

(3) A significant economic impact to the state. 99

**Sec. 4113.89.** Each state agency shall ensure that all call 100  
center and customer service work performed for the agency is 101  
performed entirely within the state. 102

No contractor who performs call center or customer service 103  
work for the state shall hire an individual to perform that work 104

<u>at a location outside of the state.</u>	105
<u>Beginning two years after the effective date of this</u>	106
<u>section, every individual employed by a contractor to perform</u>	107
<u>call center or customer service work for the state shall perform</u>	108
<u>that work within the state.</u>	109
<u>Sec. 4113.90. Sections 4113.85 to 4113.90 of the Revised</u>	110
<u>Code do not permit withholding or denial of payments,</u>	111
<u>compensation, or benefits under Chapter 4123., 4141., or 6301.</u>	112
<u>of the Revised Code or under any other state law to employees</u>	113
<u>employed by employers that relocate to a foreign country.</u>	114
<b>Section 2.</b> Section 4113.89 of the Revised Code, as enacted	115
by this act, applies to contracts entered into on or after the	116
effective date of this section.	117
<b>Section 3.</b> This act shall be referred to as the "Consumer	118
Protection Call Center Act of 2016."	119