

As Introduced

**129th General Assembly
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S. B. No. 369

Senator Schiavoni

Cosponsor: Senator Skindell

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To enact sections 4174.01, 4174.02, 4174.03, 4174.04, 1
4174.05, 4174.06, and 4174.07 of the Revised Code 2
to require the Director of Commerce to keep a list 3
of Ohio call centers, or facilities or operating 4
units within a call center, that transfer or 5
relocate to a foreign country, to prohibit call 6
centers operating in a foreign country from 7
receiving state funds, and to require call center 8
employees to disclose their location to United 9
States consumers if the call center is operating 10
in a foreign country and transfer a consumer to a 11
United States call center upon request. 12

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

Section 1. That sections 4174.01, 4174.02, 4174.03, 4174.04, 13
4174.05, 4174.06, and 4174.07 of the Revised Code be enacted to 14
read as follows: 15

Sec. 4174.01. As used in this chapter: 16

(A) "Call center" means a facility or other operation whereby 17
employees receive telephone calls or other electronic 18
communication for the purpose of providing customer assistance or 19
other service. 20

(B) "Consumer" means any individual within the territorial jurisdiction of the United States who is involved in a transaction primarily for personal, family, or household purposes. 21
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(C) "Customer service communication" means any telecommunication or wire communication between a consumer and a call center in furtherance of commerce. 24
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(D) "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting in the interest of an employer that employs fifty or more full-time employees or fifty or more employees that in the aggregate work at least one thousand five hundred hours per week, excluding overtime hours, for the purpose of staffing a call center. 27
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(E) "Facility or operating unit" means a section of a call center comprising at least thirty per cent of the call center's total operating volume of telephone calls or other electronic communications when measured against the average volume of those operations during the immediately previous twelve months. 34
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Sec. 4174.02. (A) An employer shall notify the director of commerce at least one hundred twenty days prior to either of the following: 39
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(1) The relocation or transfer of a call center from this state to a foreign country; 42
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(2) The relocation or transfer of a facility or operating unit within a call center from this state to a foreign country. 44
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(B) After a hearing conducted in accordance with Chapter 119. of the Revised Code, an employer found in violation of the notification requirement of division (A) of this section shall be subject to a civil penalty in an amount that shall not exceed ten thousand dollars for each day the employer fails to provide the 46
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notification. The director may reduce the penalty or waive the 51
penalty upon the showing of just cause. 52

(C) Beginning six months after the effective date of this 53
section, and every six months thereafter, the director shall 54
compile a list of all call center employers that relocate a call 55
center or one or more facilities or operating units within a call 56
center from this state to a foreign country. An employer shall 57
remain on the list for a period not to exceed three years after 58
each instance of relocation to a foreign country. 59

(D) If an employer relocates or transfers a call center, or a 60
facility or operating unit within a call center, from this state 61
to a foreign country, but subsequently returns that same call 62
center, facility, or operating unit to the United States, the 63
employer may notify the director of the return. If the employer's 64
name is on the list required under division (C) of this section 65
because of the relocation or transfer of the returned call center, 66
facility, or operating unit at the time the employer notifies the 67
director, the director shall remove the employer's name from this 68
list. 69

(E) The director shall make the list required under division 70
(C) of this section available to the public. 71

Sec. 4174.03. (A) Notwithstanding any other provision of law 72
to the contrary, an employer that appears on the list described in 73
division (C) of section 4174.02 of the Revised Code is ineligible 74
to receive any direct or indirect state grant, state guaranteed 75
loan, tax benefit, or other financial support from the state until 76
the employer no longer appears on the list. 77

(B) The director of commerce, in consultation with the 78
appropriate state agency providing any financial support described 79
in division (A) of this section, may waive the requirement 80
provided in division (A) of this section if the employer 81

demonstrates to the director that the requirement would do any of 82
the following: 83

(1) Threaten state or national security; 84

(2) Result in substantial job loss in this state; 85

(3) Harm the environment. 86

(C) Notwithstanding any other provision of law to the 87
contrary, a department or agency of this state, in making or 88
awarding a contract for call center services, shall grant a 89
preference for the contract to an otherwise qualified business 90
that is located in this state and that employs residents of this 91
state. 92

Sec. 4174.04. (A) A call center that initiates or receives a 93
customer service communication shall require that each employee or 94
agent of the call center participating in the communication to 95
disclose the employee's or agent's physical location at the 96
beginning of each customer service communication that is initiated 97
or received except in either of the following circumstances: 98

(1) The employee or agent of the call center involved in the 99
customer service communication is physically located in the United 100
States. 101

(2) The consumer initiates the communication with the call 102
center employee or agent who is physically located outside of the 103
United States and the consumer knows or reasonably should know 104
that the employee or agent is physically located outside of the 105
United States. 106

(B) A call center that is subject to the requirements of 107
division (A) of this section shall, at the request of a consumer, 108
transfer the consumer to a customer service agent who is 109
physically located inside the United States. 110

Sec. 4174.05. Nothing in this chapter shall be construed to 111
permit the withholding or denial of payments, compensation, or 112
benefits under any state law, including unemployment compensation 113
benefits, disability benefits, or worker retraining or 114
readjustment benefits, to employees employed by an employer that 115
relocates a call center or transfers one or more facilities or 116
operating units within a call center to a foreign country. 117

Sec. 4174.06. Nothing in this chapter shall be construed as 118
creating, establishing, or authorizing a private cause of action 119
by an aggrieved person against an employer who has violated, or is 120
alleged to have violated, any provision of this chapter. 121

Sec. 4174.07. The director of commerce shall adopt rules in 122
accordance with Chapter 119. of the Revised Code as the director 123
considers appropriate to carry out the purposes of this chapter. 124