

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2939

BY DELEGATES CAPUTO, BOGGS, MAYNARD, PETHTEL,
LONGSTRETH, SPONAUGLE, HARTMAN, WILLIAMS,
ANGELUCCI, LOVEJOY AND STAGGERS

[Introduced February 8, 2019; Referred
to the Committee on Small Business,
Entrepreneurship and Economic Development then
Government Organization.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto seven new
 2 sections designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4, §21-1E-5, §21-1E-6, and
 3 §21-1E-7, all relating to saving West Virginia call center jobs remaining in this state;
 4 providing for a short title; providing for definitions; providing for creation of a list of call
 5 centers that move overseas; providing for ineligibility for state grants or guaranteed loans;
 6 providing for in-state procurement; providing for state benefits to workers; providing for an
 7 effective date; and providing severability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1E. WEST VIRGINIA CALL CENTER JOBS ACT OF 2019.

§ 21-1E-1. Short Title

1 This Act may be known and cited as the “West Virginia Call Center Jobs Act of 2019”.

§21-1E-2. Definitions.

1 For purposes of this article:

2 (a) The term “employer” means any business enterprise that employs, for the purpose of
 3 customer service or back-office operations:

4 (1) Fifty or more employees, excluding part-time employees; or

5 (2) Fifty or more employees who in the aggregate work at least 1,500 hours per week
 6 (exclusive of hours of overtime).

7 (b) The term “agency” means a state executive agency.

8 (c) The term “part-time employee” means an employee who:

9 (1) Works an average of 20 hours per week; or

10 (2) Has been employed for fewer than six of the 12 months preceding the date on which
 11 notice is required.

12 (d) The term “Commissioner” means the Commissioner of Labor.

§21-1E-3. List of call centers that move overseas.

1 (a) Notice Requirement – (1) An employer that intends to relocate a call center, or one or

2 more facilities or operating units within a call center comprising at least 30 percent of the call
3 center's or operating unit's total volume when measure against the precious 12 month average
4 call volume of operations or substantially similar operations, from West Virginia to a foreign
5 country shall notify the Commissioner of Labor at least 120 days before such relocation.

6 (2) An employer that violates this section shall be subject to a civil penalty not to exceed
7 an amount of \$10,000 for each day of such violation, except that the Commissioner of Labor may
8 reduce such amount for just cause shown.

9 (b) List. – (1) The Commissioner of Labor shall compile a semiannual list of all employers
10 that relocate a call center, or one or more facilities or operating units within a call center
11 comprising at least 30 percent of the call center's total volume of operations, from the state of
12 West Virginia to a foreign country.

13 (2) The Commissioner of Labor shall distribute the list required in this section to all
14 agencies under the Commissioner's jurisdiction.

§21-1E-4. Ineligible for government grants or guaranteed loans.

1 (a) Except as provided in subsection (b) of this section and notwithstanding any other
2 provision of law, an employer that appears on the list described in §21-1E-3 of this code shall be
3 ineligible for any direct or indirect state grants, state guaranteed loans, or tax benefits for five
4 years after the date the employer first appears on a published list.

5 (b) Except as provided in subsection (c) of this section and notwithstanding any other
6 provisions of law, an employer that appears on the list described in §21-1E-3 of this code shall
7 remit the unamortized value of any grant, guaranteed loans, tax benefits, or any other
8 governmental support the employer has precious received to the Commissioner of Labor within
9 120 days of the date the employer first appears on a published list.

10 (c) The Commissioner of Labor, in consultation with the appropriate agency providing a
11 loan or grant, may waiver the ineligibility requirement provided in subsection (a) of this section if
12 the employer applying for such loan or grant demonstrates that denial of a loan or grant would:

13 (1) Result in substantial job loss in West Virginia; or

14 (2) Harm the environment.

§21-1E-5. In-state procurement.

1 The head of each agency shall ensure that all state-business-related call center and
2 customer service work be performed by state contractors or their agents or subcontractors entirely
3 within the State of West Virginia. State contractors who currently perform such work outside this
4 state shall have two years following the enactment of this article to comply with this section;
5 Provided, That if any such grandfathered contractors add customer service employees who will
6 perform work on such contracts, those new employees shall immediately be employed within this
7 state.

§21-1E-6. State benefits for workers.

1 No provision of this article shall be construed to permit withholding or denial of payments,
2 compensation, or benefits under any other state law (including state unemployment
3 compensations, disability payments, or worker retraining or readjustment funds) to workers
4 employed by employers that relocated to a foreign country.

§21-1E-7. Effective date.

1 This article shall be effective on July 1, 2019.

§21-1E-7. Severability.

1 The provisions of this article are severable and accordingly, if any part of this article is
2 adjudged to be unconstitutional or invalid, that determination does not affect the continuing validity
3 of the remaining provisions of this article.

NOTE: The purpose of this bill is to create the West Virginia Call Center Jobs Act of 2019.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.