

1 As used in this article:

2 (1) The term "call center" means one or more locations that
3 utilize telecommunications services in one or more of the following
4 activities: Customer services, soliciting sales, reactivating
5 dormant accounts, conducting surveys or research, fund raising,
6 collection of receivables, receiving reservations, receiving orders
7 or taking orders.

8 (2) The term "employer" means any business enterprise that
9 employs for the purpose of customer service or back-office
10 operations:

11 (A) Fifty or more employees, excluding part-time employees; or
12 (B) Fifty or more employees who in the aggregate work at least
13 one thousand five hundred hours per week (exclusive of overtime).

14 (3) The term "part-time employee" means an employee who is
15 employed for an average of fewer than twenty hours per week or who
16 has been employed for fewer than six of the twelve months preceding
17 the date on which notice is required.

18 (4) The term "commissioner" means the State Commissioner of
19 Labor.

20 (5) The term "division" means the West Virginia Division of
21 Labor.

22 **§21-16-3. List of call centers that move overseas; notice and**
23 **penalties.**

24 (a) Notice requirement.-- (1) In General - An employer that

1 intends to relocate a call center, or one or more facilities or
2 operating units within a call center comprising at least thirty
3 percent of the call center's, or operating unit's total volume when
4 measured against the previous twelve-month average call volume of
5 operations or substantially similar operations, from West Virginia
6 to a foreign country shall notify the commissioner at least one
7 hundred twenty days before such relocation.

8 (2) Penalty. -- An employer that violates subdivision (1) of
9 this subsection is subject to a civil penalty not to exceed an
10 amount of \$10,000 for each day of such violation, except that the
11 commissioner may reduce such amount for just cause shown.

12 (b) List.--

13 (1) Compilation.-- The commissioner shall compile a semiannual
14 list of all employers that relocate a call center, or one or more
15 facilities or operating units within a call center comprising at
16 least forty percent of the call center's total volume of
17 operations, from West Virginia to a foreign country.

18 (2) Distribution.-- The commissioner shall distribute the list
19 required in subdivision (1) of this subsection to all state
20 agencies.

21 **§21-16-4. Grants or guaranteed loans.**

22 (a) Ineligibility.-- Except as provided in subsection (b), and
23 notwithstanding any other provision of law, an employer that

1 appears on the list described in subsection (b), section three of
2 this article is ineligible for any direct or indirect state grants
3 or state guaranteed loans for five years after the date such list
4 is published.

5 (b) Reversion.-- Except as provided in subsection (c) and
6 notwithstanding any other provision of law, an employer that
7 appears on the list described in subsection (b), section three of
8 this article shall remit the unamortized value of any grant,
9 guaranteed loans, tax benefits, or any other governmental support
10 it has previously received to the state Treasurer .

11 (c) Exceptions.- - The commissioner in consultation with the
12 appropriate agency providing a loan or grant, may waive the
13 ineligibility requirement provided under subsection (a) of this
14 section if the employer applying for such loan or grant
15 demonstrates that a lack of such loan or grant would:

16 (1) Threaten national security;

17 (2) Result in substantial job loss in West Virginia; or

18 (3) Harm the environment.

19 **§21-16-5. In-state procurement.**

20 The head of each agency shall ensure that all
21 state-business-related call center and customer service work be
22 performed by state contractors or their agents or subcontractors
23 entirely within the State of West Virginia. State contractors who
24 currently perform such work outside of West Virginia shall have two

1 years following the enactment of this article to comply with this
2 section; *Provided*, That if any such grand fathered contractors add
3 customer service employees who will perform work on such contracts,
4 those new employees shall immediately be employed within the State
5 of West Virginia.

6 **§21-16-6. State benefits for workers.**

7 No provision of this article may be construed to permit
8 withholding or denial of payments, compensation, or benefits under
9 any state law (including state unemployment compensation,
10 disability payments, or worker retraining or readjustment funds) to
11 workers employed by employers that relocate to a foreign country
12 —

NOTE: The purpose of this bill is to discourage employers from closing call centers and customer service operations in the State of West Virginia and relocating overseas.

This article is new; therefore, it has been completely underscored.