SYNOPSIS
Requires employer notification when relocating call center services outside the United States.

CURRENT VERSION OF TEXT
As reported by the Senate Labor Committee on December 17, 2012, with amendments.

AN ACT concerning the relocation of call centers and supplementing chapter 21 of Title 34 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known and may be cited as the “Save New Jersey Call Center Jobs Act.”
2. For the purposes of this act:

“Call center” means a facility or other operation whereby workers receive telephone calls or emails or other electronic communication for the purpose of providing customer assistance or other service.

“Commissioner” means the Commissioner of Labor and Workforce Development.

“Employer” means any business entity that employs 50 or more full-time workers or 50 or more workers that in the aggregate work at least 1,500 hours per week, excluding overtime hours, for the purpose of staffing a call center.

3. a. Any employer that relocates a call center, or transfers one or more facilities or operating units comprising at least 30 percent of a call center’s total operating volume of telephone calls, emails, or other electronic communications when measured against the previous 12 month average volume of those operations, from the State of New Jersey to one or more foreign countries shall notify the commissioner at least 120 days prior to the relocation or transfer of operations.

b. Any employer that violates the notification requirement pursuant to subsection a. of this section shall be subject to a civil penalty in an amount not to exceed $10,000 for each day the employer fails to provide the notification, collectible by the commissioner in a summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The commissioner shall have the authority to waive this penalty.

c. Nothing set forth in this act shall be construed as creating, establishing, or authorizing a private cause of action by an aggrieved person against an employer who has violated, or is alleged to have violated, subsection a of this section.

4. The commissioner shall compile and maintain a list of all employers that provide notification pursuant to subsection a. of section 3 of this act. The commissioner shall update the list on a monthly basis and an employer shall remain on the list for a period not to exceed two years following the date upon which the employer is added to the list, except that the employer’s inclusion on the list shall not prevent the employer from receiving any grant to provide training or other employment assistance to individuals who are members of specific groups selected as being in particular need of training or other employment assistance, including, but not limited to, veterans, minority groups and women.

b. An employer that is added to the list compiled and maintained by the commissioner pursuant to section 4 of this act shall remit to the appropriate governmental entity the unamortized value of any direct or indirect
State grant, guaranteed loan, tax benefit, and any other financial support provided to the employer by the State
governmental entity\(^1\), except that the employer’s inclusion on the list shall not require the employer to remit
any portion of a grant to provide training or other employment assistance to individuals who are members of
specific groups selected as being in particular need of training or other employment assistance, including, but
not limited to, veterans, minority groups and women\(^1\).

c. The commissioner, in consultation with the appropriate governmental entity providing any direct or
indirect State grant, guaranteed loan, tax benefit, or any other financial support to an employer, may waive the
requirement provided for in subsection b. of this section if it is demonstrated, to the satisfaction of the
commissioner, that the requirement of subsection b. of this section would result in a substantial loss of jobs in
this State or harm the environment.

6. Notwithstanding any provision of law, rule, or regulation to the contrary, a State department or agency,
in making or awarding a contract for call center services, shall grant a preference for such contract to qualified
businesses located in the State and employing residents of the State, up to the limits set forth under rules and
regulations promulgated pursuant to section 8 of this act.

7. Nothing in this act shall be construed to permit the withholding or denial of payments, compensation,
or benefits under any State law, including unemployment benefits, disability benefits, or worker retraining or
readjustment benefits to workers employed by employers that relocate a call center or transfer one or more
facilities or operating units of a call center to a foreign country.

8. The commissioner shall promulgate rules and regulations, pursuant to the “Administrative Procedure
Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to identify qualified businesses under section 6 of this act. The
rules and regulations shall also set forth limits on the amount of preference that may be given to a qualified
business located in the State employing residents of the State.

9. This act shall take effect 181 days following the date of enactment, and shall apply to a relocation of a
call center, or to a transfer of one or more facilities or operating units of a call center, occurring after the
effective date.