

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2939**

BY DELEGATES CAPUTO, BOGGS, MAYNARD, SPONAUGLE,

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.