

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 44

BY SENATOR HAMILTON

[Introduced February 10, 2021; referred
to the Committee on the Workforce; and then to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §21-1F-1, §21-1F-2, §21-1F-3, §21-1F-4, §21-1F-5, §21-1F-6, §21-1F-7, and
 3 §21-1F-8, 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 for severability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1F. WEST VIRGINIA CALL CENTER JOBS ACT OF 2021.

§ 21-1F-1. Short Title

1 This article may be known and cited as the “West Virginia Call Center Jobs Act of 2021”.

§21-1F-2. Definitions.

1 For purposes of this article:

2 “Employer” means any business enterprise that employs, for the purpose of customer
 3 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 “Agency” means a state executive agency.

8 “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 “Commissioner” means the Commissioner of Labor.

§21-1F-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 measured against the previous 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.

§21-1F-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 previously 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 waive 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.

§21-1F-5. In-state procurement.

1 The head of each agency shall ensure that all state business-related call centers 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.

§21-1F-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, worker retraining, or readjustment funds, to workers
4 employed by employers that relocated to a foreign country.

§21-1F-7. Effective date.

1 This article shall be effective on July 1, 2021.

§21-1F-8. 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 2021.

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