HOUSE DOCKET, NO. 1735 FILED ON: 2/10/2021

HOUSE . . . . . No. 1958

The Commonwealth of Massachusetts

PRESENTED BY:

Carol A. Doherty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to discourage employers from closing call centers and other customer service operations in the Commonwealth of Massachusetts and relocating overseas, and for other purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Carol A. Doherty	*3rd Bristol*	*2/10/2021*
Brian W. Murray	*10th Worcester*	*2/24/2021*
Susan L. Moran	*Plymouth and Barnstable*	*2/25/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*2/25/2021*
Jessica Ann Giannino	*16th Suffolk*	*2/25/2021*
James K. Hawkins	*2nd Bristol*	*2/26/2021*
Paul W. Mark	*2nd Berkshire*	*2/26/2021*
James B. Eldridge	*Middlesex and Worcester*	*2/26/2021*
David Henry Argosky LeBoeuf	*17th Worcester*	*3/10/2021*
Marcos A. Devers	*16th Essex*	*3/19/2021*
Maria Duaime Robinson	*6th Middlesex*	*4/1/2021*
Walter F. Timilty	*Norfolk, Bristol and Plymouth*	*4/15/2021*
Adam G. Hinds	*Berkshire, Hampshire, Franklin and Hampden*	*4/20/2021*
Carmine Lawrence Gentile	*13th Middlesex*	*5/3/2021*
Marc R. Pacheco	*First Plymouth and Bristol*	*5/4/2021*
Mary S. Keefe	*15th Worcester*	*5/6/2021*

Christine P. Barber	*34th Middlesex*	*5/6/2021*
Paul A. Schmid, III	*8th Bristol*	*5/12/2021*
Tram T. Nguyen	*18th Essex*	*5/12/2021*
Jonathan D. Zlotnik	*2nd Worcester*	*5/25/2021*
Tackey Chan	*2nd Norfolk*	*6/10/2021*
Natalie M. Higgins	*4th Worcester*	*9/3/2021*
Erika Uyterhoeven	*27th Middlesex*	*1/31/2022*

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HOUSE . . . . . No. 1958

By Ms. Doherty of Taunton, a petition (accompanied by bill, House, No. 1958) of Carol A. Doherty and others for legislation to discourage employers from relocating call centers to foreign countries. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to discourage employers from closing call centers and other customer service operations in the Commonwealth of Massachusetts and relocating overseas, and for other purposes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: SHORT TITLE

This Act may be cited as the "Save Massachusetts Call Center Jobs Act of 2021".

SECTION 2: DEFINITIONS

In this Act:

1. CALL CENTER – The term "employer" means any business enterprise that employs, for the purpose of customer service or back-office operations –

A. 50 or more employees, excluding part-time employees; or

B. 50 or more employees who in the aggregate work at least 1,500 hours per week (exclusive of hours of overtime).

2. AGENCY – The term “agency” means a state executive agency.

3. PART-TIME EMPLOYEE – The term “part-time employee’ means an employee who is employed for an average of fewer than 20 hours per week or who has been employed for fewer than 6 of the 12 months preceding the date on which notice is required.

4. SECRETARY – The term “Secretary” means the Secretary of Labor and Workforce Development.

SECTION 3: LIST OF CALL CENTERS THAT MOVE OVERSEAS

a) Notice Requirement

1. IN GENERAL – An employer that intends to relocate a call center, or one or more facilities or operating units within a call center comprising at least 30% of the call center’s, or operating unit’s, total volume when measured against the previous 12 month average call volume of operations or substantially similar operations, from Massachusetts to a foreign country shall notify the Secretary of Labor and Workforce Development at least 120 days before such relocation.

2. PENALTY – An employer that violates paragraph 1 shall be subject to a civil penalty not to exceed an amount of $10,000 for each day of such violation, except that the Secretary of Labor and Workforce Development may reduce such amount for just cause shown.

b) List

1. COMPILATION – The Secretary of Labor and Workforce Development shall compile a semiannual list of all employers that relocate a call center, or one or more facilities or operating

units within a call center comprising at least 30% of the call center's total volume of operations, from the Commonwealth of Massachusetts to a foreign country.

2. DISTRIBUTION – The Secretary of Labor and Workforce Development shall distribute the list required in paragraph 1 to all agencies under the jurisdiction of the Secretary.

SECTION 4: GRANTS OR GUARANTEED LOANS

a) INELIGIBILITY – Except as provided in subsection (b) and notwithstanding any other provision of law, an employer that appears on the list described in section 3(b)(1) shall be ineligible for any direct or indirect State grants, State guaranteed loans or tax benefit for 5 years after the date such list is published.

b) REVERSION – Except as provided in subsection (c) and notwithstanding any other provision of law, an employer that appears on the list described in section 3(b)(1) shall remit the unamortized value of any grant, guaranteed loans, tax benefits, or any other governmental support it has previously received to the Secretary of Labor and Workforce Development.

c) EXCEPTIONS – The Secretary of Labor and Workforce Development in consultation with the appropriate agency providing a loan or grant, may waive the ineligibility requirement provided under subsection (a) if the employer applying for such loan or grant demonstrates that a lack of such loan or grant would –

1) Result in substantial job loss in the Commonwealth of Massachusetts; or

2) Harm the environment.

SECTION 5: IN-STATE PROCUREMENT

The head of each agency shall ensure that all state-business-related call center and customer service work be performed by state contractors or their agents or subcontractors entirely within the Commonwealth of Massachusetts. State contractors who currently perform such work outside the Commonwealth of Massachusetts shall have two years following the enactment of this Act to comply with this Section 5; provided, that if any such grandfathered contractors add customer service employees who will perform work on such contracts, those new employees shall immediately be employed within the Commonwealth of Massachusetts.

SECTION 6: STATE BENEFITS FOR WORKERS

No provision of this Act shall be construed to permit withholding or denial of payments, compensation, or benefits under any other State law (including state unemployment compensation, disability payments, or worker retraining or readjustment funds) to workers employed by employers that relocate to a foreign country.

SECTION 7: EFFECTIVE DATE

This Act shall become effective 180 days after the date of enactment of this Act.