

ASSEMBLY BILL NO. 271—ASSEMBLYWOMAN PETERS

MARCH 15, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to call centers.
(BDR 53-900)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment; requiring an employer who operates a call center to provide certain notice to the Labor Commissioner before relocating the call center to a foreign country; requiring such an employer to repay any incentives for economic development provided to the employer by a state agency; providing that such an employer is ineligible to receive incentives for economic development for a certain period of time; requiring a state contractor who provides customer service or related functions through a call center to perform all such functions entirely within this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires an employer who relocates a call center or certain operations of a call center to a foreign country to notify the Labor Commissioner at least 120 days before the relocation. **Section 7** of this bill authorizes the Labor Commissioner to impose civil penalties on an employer who fails to comply with this requirement. **Section 6** requires the Labor Commissioner to compile a list of employers who have given notice of a relocation of a call center to a foreign country. Under **section 6**, an employer on this list is ineligible, for a period of 5 years, to receive an incentive for economic development from a state agency, including, without limitation, a grant, loan, tax credit or abatement and must repay the appropriate state agency the amount of any grant, tax credit or abatement provided to the employer for the purposes of economic development. **Section 6** authorizes the Labor Commissioner to waive the provision making an employer ineligible for incentives under certain circumstances.



Section 8 of this bill requires a person who enters into a contract with a state agency to perform customer service or related functions through a call center to perform all such functions entirely within the State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Call center" means a facility or other operation whereby workers receive telephone calls or other electronic communication for the purpose of providing customer service or related functions.*

Sec. 4. *"Employer" means a person in this State who, for the purpose of staffing a call center, employs:*

1. Fifty or more employees, not including part-time employees; or

2. Fifty or more employees who, in the aggregate, work 1,500 hours or more per week, not including overtime.

Sec. 5. *"Part-time employee" means an employee who:*

1. Is employed for an average of less than 20 hours per week; or

2. Has been employed for less than 6 of the 12 months preceding the date on which the notice required pursuant to section 6 of this act is required to be given to the Labor Commissioner.

Sec. 6. *1. An employer who relocates a call center, or one or more facilities or operating units within a call center comprising at least 30 percent of the total operating volume of telephone calls or other electronic communications when measured against the average volume of those operations from the previous 12 months, from this State to a foreign country shall notify the Labor Commissioner at least 120 days before such relocation.*

2. The Labor Commissioner shall, at least semiannually, compile a list of employers who have provided notice pursuant to subsection 1. The Labor Commissioner shall distribute the list to all state agencies as necessary to carry out the provisions of sections 2 to 10, inclusive, of this act.



3. Except as otherwise provided in subsection 5, an employer who is added to the list compiled by the Labor Commissioner pursuant to subsection 2 is ineligible to receive from a state agency any incentive for economic development, including, without limitation, any grant, loan, tax credit or abatement for a period of 5 years following the date upon which the employer is added to the list.

4. An employer who is added to the list compiled by the Labor Commissioner pursuant to subsection 2 shall repay to the appropriate state agency the amount of any grant, tax credit or abatement provided to the employer for the purposes of economic development.

5. The Labor Commissioner may, in consultation with the appropriate state agency that wishes to provide an incentive for economic development to an employer, waive the requirement provided for in subsection 3 for good cause shown. For the purposes of this subsection, "good cause shown" may include a demonstration by an employer that not being provided an incentive would cause job loss or an adverse impact on this State.

Sec. 7. If an employer fails to provide the notice required by subsection 1 of section 6 of this act, the Labor Commissioner shall:

1. Impose against the employer a civil penalty not to exceed \$10,000 for each day the employer fails to provide the notice; or

2. Conduct a study, at the expense of the employer, to determine the financial impact of the failure of the employer to provide the required notice on the community surrounding the call center and impose against the employer a civil penalty in an amount based upon the results of the study.

Sec. 8. A person who enters into a contract with a state agency to perform customer service or related functions through a call center and each employee, agent and subcontractor of the person shall perform such functions entirely within this State.

Sec. 9. The provisions of sections 2 to 10, inclusive, of this act must not be construed to authorize the withholding or denial of payments, compensation or benefits under any law of this State, including, without limitation, unemployment compensation, a disability benefit or a payment for the purposes of retraining or readjustment to an employee of an employer who relocates a call center to a foreign country.

Sec. 10. The Labor Commissioner may adopt such regulations as are necessary to carry out the provisions of sections 2 to 10, inclusive, of this act.

Sec. 11. Notwithstanding the provisions of section 8 of this act, a person who has entered into a contract with a state agency



1 before January 1, 2020, to provide customer service or related
2 functions through a call center, as defined in section 3 of this act, is
3 not required to comply with the provisions of section 8 of this act
4 until January 1, 2022, except that any new employee hired by the
5 person to perform customer service or related functions for the state
6 agency after January 1, 2020, shall perform the functions entirely
7 within this State.

8 **Sec. 12.** This act becomes effective:

9 1. Upon passage and approval for the purpose of adopting any
10 regulations and performing any other preparatory administrative
11 tasks that are necessary to carry out the provisions of this act; and

12 2. On January 1, 2020, for all other purposes.

