

CHAPTER 470

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:

C.34:21-8 Short title.

1. This act shall be known and may be cited as the “New Jersey Call Center Jobs Act.”

C.34:21-9 Definitions relative to relocation of call centers.

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.

C.34:21-10 Maintenance of staffing level of call center.

3. a. Any employer with a call center within the State of New Jersey shall maintain a staffing level capable of handling no less than 65 percent of customer volume of telephone calls, emails, or other electronic communications, when measured against the previous six-month average volume of those operations, originating in the State of New Jersey or an account with a service address within the State of New Jersey. If the staffing level of a call center falls below the amount required pursuant to this subsection, the employer shall notify the commissioner immediately.

- b. Any employer that relocates a call center, or transfers one or more facilities or operating units comprising at least 20 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 90 days prior to the relocation or transfer of operations.

- c. Any employer that violates the notification requirement pursuant to this section shall be subject to a civil penalty in an amount not to exceed \$7,500 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.34:21-11 List of employers providing notification.

4. The commissioner shall compile and maintain a list of all employers that provide notification pursuant to 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 36 months after each instance of notification pursuant to section 3 of this act. The commissioner shall make the list of employers available to the public and prominently display a link to the list on the Internet website of the Department of Labor and Workforce Development.

C.34:21-12 Ineligibility for certain employers to receive certain financial benefits.

5. Notwithstanding any other provision of law, rule, or regulation to the contrary, an employer that is added to the list compiled and maintained by the commissioner pursuant to section 4 of this act shall be ineligible to receive any direct or indirect State grant, guaranteed loan, tax benefit, and any other financial support for the 36 months 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, employees of the employer whose employment is being affected due to the transfer or relocation of the employer's facility or operating unit, veterans, minority groups and women.

As used in this section, "tax benefit" means a tax advantage awarded by a State governmental entity that has the effect of reducing a taxpayer's liability under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., or section 5 of P.L.1945, c.162 (C.54:10A-5).

C.34:21-13 Preference for making, awarding contract.

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.

C.34:21-14 Construction of 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.

C.34:21-15 Rules, regulations.

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 on the first day of the sixth month 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.

Approved January 21, 2020.