

1 AN ACT relating to call centers.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 337 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Call center" means a facility or operation where workers receive incoming
7 and make outgoing telephone calls, e-mail messages, or other electronic
8 communication to provide customer assistance or other customer service.

9 (b) "Employer" means any business enterprise that employs for the purpose of
10 staffing customer service or back-office operations:

11 1. Fifty (50) or more employees, excluding part-time employees; or

12 2. Fifty (50) or more employees who, in the aggregate, work at least one
13 thousand five hundred (1,500) hours per week, not including overtime
14 hours.

15 (c) "Part-time employee" means an employee who is employed by an employer
16 for an average of fewer than twenty (20) hours per week or for fewer than
17 six (6) of the twelve (12) months preceding the date on which notice is
18 required under this section.

19 (d) "State agency" means any state executive branch agency.

20 (2) An employer that intends to relocate from Kentucky to a foreign country a call
21 center, or one (1) or more facilities or operating units within a call center
22 comprising at least thirty percent (30%) of the total volume of the call center or
23 operating unit when measured against the average call volume of operations or
24 substantially similar operations over the previous twelve (12) months, shall notify
25 the secretary of the Labor Cabinet at least one hundred and twenty (120) days
26 before such a relocation.

27 (3) (a) Beginning six (6) months after the effective date of this Act, and every six

1 (6) months thereafter, the secretary of the Labor Cabinet shall compile a list
2 of every employer that has relocated to a foreign country a call center or
3 one (1) or more facilities or operating units within a call center comprising
4 at least thirty percent (30%) of the total volume of the call center or
5 operating unit when measured against the average call volume of
6 operations or substantially similar operations over the previous twelve (12)
7 months.

8 (b) The secretary of the Labor Cabinet shall make the list of employers
9 available to the public, display the list on the Internet Web site of the Labor
10 Cabinet, and distribute the list to all state agencies.

11 (4) (a) Except as provided in paragraph (b) of this subsection, and notwithstanding
12 any other provision of law, an employer that appears on the list described in
13 subsection (3) of this section shall not be eligible for any direct or indirect
14 state grants, state-guaranteed loans, or state tax benefit for five (5) years
15 after the date the list is published.

16 (b) The secretary of the Labor Cabinet, in consultation with the appropriate
17 state agency proving a loan or grant, may waive the ineligibility
18 requirement provided under this subsection if the employer applying for the
19 loan or grant has demonstrated that a lack of the loan or grant would result
20 in substantial job loss in the Kentucky, or would harm the environment in
21 Kentucky.

22 (5) The head of each state agency shall ensure that all state-business-related call
23 center and customer service work is performed by state contractors or other
24 agents or subcontractors entirely within Kentucky. State contractors who perform
25 such work outside of Kentucky shall have two (2) years following the effective
26 date of this Act to comply with this subsection; provided, that if any such
27 contractor that performs work outside of Kentucky adds customer service

1 employees who will perform work on such contracts, those new employees shall
2 immediately be employed in Kentucky.

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

8 ➔Section 2. KRS 337.990 is amended to read as follows:

9 The following civil penalties shall be imposed, in accordance with the provisions in KRS
10 336.985, for violations of the provisions of this chapter:

11 (1) Any firm, individual, partnership, or corporation that violates KRS 337.020 shall be
12 assessed a civil penalty of not less than one hundred dollars (\$100) nor more than
13 one thousand dollars (\$1,000) for each offense. Each failure to pay an employee the
14 wages when due him under KRS 337.020 shall constitute a separate offense.

15 (2) Any employer who violates KRS 337.050 shall be assessed a civil penalty of not
16 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

17 (3) Any employer who violates KRS 337.055 shall be assessed a civil penalty of not
18 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
19 for each offense and shall make full payment to the employee by reason of the
20 violation. Each failure to pay an employee the wages as required by KRS 337.055
21 shall constitute a separate offense.

22 (4) Any employer who violates KRS 337.060 shall be assessed a civil penalty of not
23 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
24 and shall also be liable to the affected employee for the amount withheld, plus
25 interest at the rate of ten percent (10%) per annum.

26 (5) Any employer who violates the provisions of KRS 337.065 shall be assessed a civil
27 penalty of not less than one hundred dollars (\$100) nor more than one thousand

1 dollars (\$1,000) for each offense and shall make full payment to the employee by
2 reason of the violation.

3 (6) Any person who fails to comply with KRS 337.070 shall be assessed a civil penalty
4 of not less than one hundred dollars (\$100) nor more than one thousand dollars
5 (\$1,000) for each offense and each day that the failure continues shall be deemed a
6 separate offense.

7 (7) Any employer who violates any provision of KRS 337.275 to 337.325, KRS
8 337.345, and KRS 337.385 to 337.405, or willfully hinders or delays the
9 commissioner or the commissioner's authorized representative in the performance
10 of his or her duties under KRS 337.295, or fails to keep and preserve any records as
11 required under KRS 337.320 and 337.325, or falsifies any record, or refuses to
12 make any record or transcription thereof accessible to the commissioner or the
13 commissioner's authorized representative shall be assessed a civil penalty of not less
14 than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). A
15 civil penalty of not less than one thousand dollars (\$1,000) shall be assessed for any
16 subsequent violation of KRS 337.285(4) to (9) and each day the employer violates
17 KRS 337.285(4) to (9) shall constitute a separate offense and penalty.

18 (8) Any employer who pays or agrees to pay wages at a rate less than the rate applicable
19 under KRS 337.275 and 337.285, or any wage order issued pursuant thereto shall be
20 assessed a civil penalty of not less than one hundred dollars (\$100) nor more than
21 one thousand dollars (\$1,000).

22 (9) Any employer who discharges or in any other manner discriminates against any
23 employee because the employee has made any complaint to his or her employer, to
24 the commissioner, or to the commissioner's authorized representative that he or she
25 has not been paid wages in accordance with KRS 337.275 and 337.285 or
26 regulations issued thereunder, or because the employee has caused to be instituted
27 or is about to cause to be instituted any proceeding under or related to KRS

1 337.385, or because the employee has testified or is about to testify in any such
2 proceeding, shall be deemed in violation of KRS 337.275 to 337.325, KRS 337.345,
3 and KRS 337.385 to 337.405 and shall be assessed a civil penalty of not less than
4 one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

5 (10) Any employer who violates KRS 337.365 shall be assessed a civil penalty of not
6 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

7 (11) A person shall be assessed a civil penalty of not less than one hundred dollars
8 (\$100) nor more than one thousand dollars (\$1,000) when that person discharges or
9 in any other manner discriminates against an employee because the employee has:

10 (a) Made any complaint to his or her employer, the commissioner, or any other
11 person; or

12 (b) Instituted, or caused to be instituted, any proceeding under or related to KRS
13 337.420 to 337.433; or

14 (c) Testified, or is about to testify, in any such proceedings.

15 **(12) Any employer who violates subsection (2) of Section 1 of this Act shall be**
16 **assessed a civil penalty of not more than one thousand dollars (\$1,000) for each**
17 **day of such a violation.**

18 ➔Section 3. This Act may be called the Save Kentucky Call Center Jobs Act of
19 2020.

20 ➔Section 4. This Act takes effect January 1, 2021.