**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 41 SO AS TO ENACT THE “SOUTH CAROLINA CALL CENTER JOBS ACT” TO PROVIDE PROTECTIONS FOR EMPLOYEES OF CALL CENTERS WHOSE EMPLOYER RELOCATES OR INTENDS TO RELOCATE TO A FOREIGN COUNTRY AND TO PROVIDE NOTICE AND OTHER REQUIREMENTS IN REGARD TO THESE EMPLOYERS, AS WELL AS CERTAIN CIVIL PENALTIES AND OTHER SANCTIONS AGAINST THEM FOR SPECIFIC VIOLATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 41 of the 1976 Code is amended by adding:

“CHAPTER 26

Call Center Jobs Act

Section 41‑26‑10. This chapter is known and may be cited as the ‘South Carolina Call Center Jobs Act’.

Section 41‑26‑20. In this chapter:

(1) ‘Employer’ means a business enterprise that employs, for the purpose of customer service or back‑office operations:

(a) fifty or more employees, excluding part‑time employees; or

(b) fifty or more employees who in the aggregate work at least fifteen hundred hours per week, exclusive of hours of overtime.

(2) ‘Agency’ means a state agency or department in the executive branch.

(3) ‘Part‑time employee’ means an employee who is employed for an average of fewer than twenty hours per week or who has been employed for fewer than six of the twelve months preceding the date on which notice is required.

(4) ‘Director’ means the Director of the Department of Labor, Licensing and Regulation.

Section 41‑26‑30. (A) An employer that intends to relocate a call center or one or more facilities or operating units within a call center comprising at least thirty percent of the call center’s or operating unit’s total volume, when measured against the previous twelve month average call volume of operations or substantially similar operations, from South Carolina to a foreign country shall notify the director at least one hundred twenty days before the relocation.

(B) An employer that violates subsection (A) is subject to a civil penalty not to exceed ten thousand dollars for each day of the violation, except that the director may reduce the amount for just cause shown.

Section 41‑26‑40. (A) The director 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 thirty percent of the call center’s total volume of operations, from the State of South Carolina to a foreign country.

(B) The director shall distribute the list required in subsection (A) to all agencies and departments in the executive branch of state government.

Section 41‑26‑50. (A) Except as provided in subsection (B) and notwithstanding another provision of law, an employer that appears on the list described in Section 41‑26‑40(B) is ineligible for a direct or indirect state grant, state loan, or tax benefit reducing the employer’s state tax liability for five years after the date the list is published.

(B) Except as provided in subsection (C) and notwithstanding another provision of law, an employer that appears on the list described in Section 41‑26‑40(B) shall remit the unamortized value of a state grant, state loan, tax benefit reducing the employer’s state tax liability, or any other state governmental financial support it has previously received to the director for a deposit in the state general fund.

(C) The director, 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 the loan or grant demonstrates that a lack of the loan or grant would result in substantial job loss in the State of South Carolina or harm the environment.

Section 41‑26‑60. The head of each agency shall ensure that all state business‑related call center and customer service work of that agency which is contracted to an outside provider, be performed by outside contractors or their agents or subcontractors entirely within the State of South Carolina. Present outside contractors who currently perform work outside the State of South Carolina have two years following the enactment of this chapter to comply with the provisions of this section, provided, that if these grandfathered contractors add customer service employees who will perform work on these contracts, those new employees must be employed within the State of South Carolina.

Section 41‑26‑70. A provision of this chapter may not be construed to permit withholding or denial of payments, compensation, or benefits under another 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 2. This act takes effect upon approval by the Governor.

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