

AMENDED IN ASSEMBLY APRIL 19, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2217

Introduced by Assembly Member Pan
(Coauthors: Assembly Members Beall and Mendoza)

February 24, 2012

An act to *amend Section 1400 of, and to add Chapter 5 (commencing with Section 1410) to Part 4 of Division 2 of, the Labor Code, relating to employment.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2217, as amended, Pan. Call centers: ~~relocation.~~

Existing law prohibits employers from ordering a mass layoff, relocation, or termination, as defined, of an industrial or commercial facility employing a prescribed number of people, without first giving 60 days' notice to affected employees and specified government agencies.

~~This bill would require an employer, as defined, to inform the Department of Industrial Relations of relocations of call centers within 30 days after a relocation occurs. The department would be required to post on its Internet Web site a list of employers that have relocated one or more call centers in the preceding year and the location to which each call center was relocated~~ *make these provisions applicable to a call center employer that employs, or has employed within the preceding 12 months, 50 or more persons.*

The bill would require a customer service representative who receives or makes a telephone call to a customer residing in the state to identify to the customer the location of the call center from which the customer service representative is calling. The bill would require the customer

service representative to transfer the customer to a call center located within the United States, upon request of the customer.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1400 of the Labor Code is amended to
2 read:
3 1400. The definitions set forth in this section shall govern the
4 construction and meaning of the terms used in this chapter:
5 (a) “Covered establishment” means any industrial or commercial
6 facility or part thereof that employs, or has employed within the
7 preceding 12 months, 75 or more persons, *or a call center, as*
8 *defined in Section 1410, that employs, or has employed within the*
9 *preceding 12 months, 50 or more persons.*
10 (b) “Employer” means any person, as defined by Section 18,
11 who directly or indirectly owns and operates a covered
12 establishment. A parent corporation is an employer as to any
13 covered establishment directly owned and operated by its corporate
14 subsidiary.
15 (c) “Layoff” means a separation from a position for lack of
16 funds or lack of work.
17 (d) “Mass layoff” means a layoff during any 30-day period of
18 50 or more employees at a covered establishment.
19 (e) “Relocation” means the removal of all or substantially all
20 of the industrial or commercial operations in a covered
21 establishment to a different location 100 miles or more away.
22 (f) “Termination” means the cessation or substantial cessation
23 of industrial or commercial operations in a covered establishment.
24 (g) (1) This chapter does not apply where the closing or layoff
25 is the result of the completion of a particular project or undertaking
26 of an employer subject to Wage Order 11, regulating the
27 Broadcasting Industry, Wage Order 12, regulating the Motion
28 Picture Industry, or Wage Order 16, regulating Certain On-Site
29 Occupations in the Construction, Drilling, Logging and Mining
30 Industries, of the Industrial Welfare Commission, and the
31 employees were hired with the understanding that their employment
32 was limited to the duration of that project or undertaking.

1 (2) This chapter does not apply to employees who are employed
2 in seasonal employment where the employees were hired with the
3 understanding that their employment was seasonal and temporary.

4 (h) "Employee" means a person employed by an employer for
5 at least 6 months of the 12 months preceding the date on which
6 notice is required.

7 **SECTION 1.**

8 *SEC. 2.* Chapter 5 (commencing with Section 1410) is added
9 to Part 4 of Division 2 of the Labor Code, to read:

10
11 **CHAPTER 5. CALL CENTERS**

12
13 1410. As used in this chapter, the following terms have the
14 following meanings:

15 (a) "Employer" means a person that employs at least 50
16 employees, excluding part-time employees, at one or more call
17 centers.

18 (b) "Call center" means a building, facility, or operation where
19 customer service is provided by telephone.

20 ~~1411. (a) An employer that relocates a call center to any~~
21 ~~location within or outside of the state shall inform the department~~
22 ~~of the location that the call center was relocated to within 30 days~~
23 ~~after the relocation occurs.~~

24 ~~(b) The department shall annually post on its Internet Web site~~
25 ~~a list of employers that have relocated one or more call centers in~~
26 ~~the preceding year and the location to which each call center was~~
27 ~~relocated.~~

28 ~~1412.~~

29 *1411.* (a) A customer service representative who receives or
30 makes a telephone call to a customer who resides in the state shall
31 identify to the customer the location of the call center from which
32 the customer service representative is calling.

33 (b) Upon request of the customer, a customer service
34 representative shall transfer the customer to a call center located
35 within the United States.

36 ~~1415.~~

37 *1412.* The provisions of this chapter are severable. If any
38 provision of this chapter or its application is held invalid, that

- 1 invalidity shall not affect other provisions or applications that can
- 2 be given effect without the invalid provision or application.

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