

Assembly Bill No. 271–Assemblywoman Peters

CHAPTER.....

AN ACT relating to employment; requiring an employer who operates a call center to provide certain notice to the Labor Commissioner and affected employees before relocating the call center to a foreign country; providing that such an employer is ineligible to receive incentives for economic development from a state agency for a certain period of time with certain exceptions; authorizing the Labor Commissioner to impose certain penalties upon such employers for the failure to provide the required notice; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 et. seq., requires certain employers to provide a notice containing certain information to employees and certain other entities at least 60 days before ordering a plant closing or a mass layoff. (29 U.S.C. § 2102) **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 provide certain notice to the Labor Commissioner and the employees who will be displaced due to the relocation not later than 90 days before the relocation. If the employer has received an incentive for economic development from a state agency within the immediately preceding 10 years, **section 6** requires the employer to notify the Labor Commissioner and the affected employees of the relocation and the number of employees displaced due to the relocation. If the employer has not received an incentive for economic development within the immediately preceding 10 years, **section 6** requires the employer to provide a notice to the Labor Commissioner and the affected employees that contains certain information set forth in the federal Worker Adjustment and Retraining Notification Act.

Under **section 6**, an employer who has provided the required notice 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. **Section 6** authorizes the Labor Commissioner to waive the provision making an employer ineligible for incentives upon the request of a state agency that wishes to provide such an incentive in certain circumstances.

Section 7 of this bill requires the Labor Commissioner to: (1) impose certain civil penalties on an employer who fails to provide the notice required by **section 6**; or (2) require an employer who has received an incentive for economic development from a state agency within the immediately preceding 10 years and fails to provide the notice required by **section 6** to 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 and impose a civil penalty in an amount based on the results of that study.

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



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 and 4 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 50 or more call center employees.*

Sec. 5. (Deleted by amendment.)

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, not later than 90 days before such relocation:*

(a) If the employer has received any incentive from a state agency for economic development, including, without limitation, any grant, loan, tax credit or abatement within the 10 years immediately preceding the relocation, notify the Labor Commissioner and the employees who will be displaced due to the relocation of:

(1) The relocation; and

(2) The number of employees who will be displaced due to the relocation; or

(b) If the employer is not an employer described in paragraph (a), provide to the Labor Commissioner and the employees who will be displaced due to the relocation a notice containing the information required to be included in the notice required pursuant to the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 et. seq., and the regulations adopted pursuant thereto.

2. *Except as otherwise provided in subsection 3, an employer who has provided the notice required by subsection 1 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 such notice was provided to the Labor Commissioner.

3. The Labor Commissioner may waive the provisions of subsection 2 for a state agency that wishes to provide an incentive for economic development to an employer who has provided the notice required by subsection 1 upon the request of the state agency if:

(a) The employer demonstrates to the satisfaction of the state agency that not being provided the incentive would cause job loss or an adverse impact on this State; and

(b) The state agency notifies the Labor Commissioner that the employer complied with paragraph (a) within 15 days after the state agency makes the determination of compliance.

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

(a) Impose against the employer a civil penalty not to exceed \$5,000 for each day the employer fails to provide the notice; or

(b) Require the employer to 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.

2. If an employer fails to provide the notice required by paragraph (b) of subsection 1 of section 6 of this act, the Labor Commissioner shall impose against the employer a civil penalty of \$5,000 and an additional civil penalty of \$500 for each day the employer fails to provide the notice, up to a maximum of 30 days.

Sec. 8. (Deleted by amendment.)

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. (Deleted by amendment.)



Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On January 1, 2020, for all other purposes.

