A BILL FOR AN ACT

Concerning the protection of Colorado call center jobs, and, in connection therewith, keeping Colorado consumer information safe.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill requires a business to notify the office of economic development (OED) of any plans to terminate customer service employee positions and employees who are employed by or work on behalf of a call center in those positions in the state and relocate those positions outside of the United States. The bill specifies that a violation of the requirement...
to notify results in a civil penalty that the state's attorney general may recover.

The bill requires the OED to maintain and make public a list of businesses that have terminated and relocated customer service employee positions outside of the United States. The bill provides a method for a business to remove their name from the list after a certain period of time.

The bill specifies that a public entity may not award or provide a public subsidy to a business that has its name on the list maintained by the OED, but allows a waiver for this limitation in certain specific circumstances.

The bill requires a business to ensure that each customer service employee who communicates with a customer on behalf of the business:

- Enables the customer to speak to an employee of the business on whose behalf the call center is communicating with the customer;
- Transfers the call to a person in the state if the customer service employee is not in the state; and
- Discloses to the customer:
  - The state and country where the customer service employee is located;
  - The customer service employee's employee number;
  - The name of the customer service employee's employer.

The bill specifies that a public entity must give preference to a business that does not appear on the list of businesses maintained by the OED when awarding a contract for services.

The bill requires all call center services performed for a public entity to be performed in the state by customer service employees employed in the state.

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**Be it enacted by the General Assembly of the State of Colorado:**

**SECTION 1.** In Colorado Revised Statutes, add 24-48.5-125 as follows:

**24-48.5-125. Protecting Colorado call center jobs - definitions.**

(1) **As used in this section, unless the context otherwise requires:**

(a) "**Business**" means any lawful activity performed by an entity, whether or not engaged in for profit, that contracts
WITH OR OPERATES A CALL CENTER. "BUSINESS" ALSO MEANS TAXPAYER AS THAT TERM IS USED IN TITLE 39.

(b) "CALL CENTER" MEANS A BUSINESS ENTITY OR A DIVISION OF A BUSINESS ENTITY WHOSE PRIMARY PURPOSE INCLUDES INITIATING OR RECEIVING TELEPHONE COMMUNICATIONS ON BEHALF OF A PERSON FOR THE PURPOSE OF INITIATING SALES, INCLUDING MAKING A TELEPHONE SOLICITATION, OR PROVIDING OR RECEIVING INFORMATION IN CONNECTION WITH THE PROVISION OF SERVICES, AND THAT HAS:

(I) AT LEAST FIFTY CUSTOMER SERVICE EMPLOYEES LOCATED IN THE STATE, NOT INCLUDING CUSTOMER SERVICE EMPLOYEES WHO WORK LESS THAN TWENTY HOURS PER WEEK; OR

(II) AT LEAST FIFTY CUSTOMER SERVICE EMPLOYEES LOCATED IN THE STATE WHO, IN THE AGGREGATE, WORK A TOTAL OF AT LEAST ONE THOUSAND FIVE HUNDRED HOURS PER WEEK.

(c) "CUSTOMER" MEANS A RESIDENT OF THE STATE WHO RECEIVES A CALL FROM OR PLACES A CALL TO A CALL CENTER.

(d) "CUSTOMER SERVICE EMPLOYEE" MEANS A PERSON EMPLOYED BY OR WORKING ON BEHALF OF A CALL CENTER.

(e) "OFFICE" MEANS THE OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

(f) "PUBLIC ENTITY" MEANS THE STATE AND ANY OF ITS DEPARTMENTS, BOARDS, AGENCIES, INSTRUMENTALITIES, AUTHORITIES, AND COMMISSIONS.

(g) "PUBLIC SUBSIDY" MEANS A PROGRAM, BENEFIT, OR ASSISTANCE OF ANY TYPE OFFERED BY A PUBLIC ENTITY THAT IS DESIGNED TO STIMULATE THE ECONOMIC DEVELOPMENT OF A CORPORATION, INDUSTRY, OR SECTOR OF THE STATE'S ECONOMY OR TO CREATE OR RETAIN...
JOBS IN THE STATE. THE TERM INCLUDES GRANTS, LOANS, LOAN
GUARANTEES, FEE WAIVERS, LAND PRICE SUBSIDIES, MATCHING FUNDS,
TAX REFUNDS, TAX REBATES, TAX ABATEMENTS, INFRASTRUCTURE
DEVELOPMENT AND IMPROVEMENTS DESIGNED TO PRINCIPALLY BENEFIT
A SINGLE BUSINESS OR DEFINED GROUP OF BUSINESSES, AND ANY BENEFIT
ALLOWED IN AN ENTERPRISE ZONE.

(2) (a) A BUSINESS SHALL NOTIFY THE OFFICE IF THE BUSINESS
PLANS TO:

(I) TERMINATE CUSTOMER SERVICE EMPLOYEE POSITIONS IN THE
STATE THAT HANDLE AT LEAST FIFTY PERCENT OF TOTAL CUSTOMER
SERVICE CALL VOLUME FOR THE BUSINESS, AS MEASURED AGAINST THE
PREVIOUS TWELVE MONTHS AVERAGE CUSTOMER SERVICE CALL VOLUME
OF THE BUSINESS; AND

(II) RELOCATE THE DUTIES OF THOSE POSITIONS TO PERSONS IN
ONE OR MORE CALL CENTERS LOCATED OUTSIDE OF THE UNITED STATES.

(b) THE BUSINESS SHALL NOTIFY THE OFFICE OF THE INTENT
DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION AT LEAST ONE
HUNDRED TWENTY DAYS BEFORE THE TERMINATION OR RELOCATION OF
THE POSITIONS.

(c) A BUSINESS THAT VIOLATES THIS SUBSECTION (2) IS LIABLE TO
THE STATE FOR A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FIVE
THOUSAND DOLLARS FOR EACH DAY THAT THE BUSINESS IS IN VIOLATION.

(d) THE ATTORNEY GENERAL MAY BRING SUIT TO RECOVER THE
CIVIL PENALTY IMPOSED UNDER SUBSECTION (2)(c) OF THIS SECTION.

(3) (a) THE OFFICE SHALL MAINTAIN A LIST OF BUSINESSES THAT
HAVE TERMINATED AND RELOCATED CUSTOMER SERVICE EMPLOYEE
POSITIONS AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.
(b) The office shall make the list available to the public and shall semiannually distribute the list to all public entities and any better business bureau.

(c) Except as provided in subsection (3)(d) of this section, a business that is added to the list may not be removed from the list before the fifth anniversary of the date the business was added to the list.

(d) The office shall remove a business from the list if the business relocates as many customer service employee positions in the state as the business terminated and relocated when the business was added to the list.

(4) (a) Except as provided in subsection (4)(b) of this section, a public entity may not award or provide a public subsidy to a business that appears on the list maintained under subsection (3) of this section.

(b) (I) Nothing in this section may be construed to permit the withholding or denial of payments, compensation, or benefits, including state unemployment compensation, disability payments, or worker retraining or readjustment funds, to any customer service employees.

(II) A public entity, after consulting with the office, may award a public subsidy if the business applying for the public subsidy provides demonstrable evidence that the refusal to grant the subsidy would:

(A) Result in substantial job loss in the state; or

(B) Harm the environment.

(c) A business that has received a public subsidy and that
IS PLACED ON THE LIST MAINTAINED UNDER SUBSECTION (3) OF THIS
SECTION AFTER THE BUSINESS WAS AWARDED THE PUBLIC SUBSIDY SHALL
REPAY THE FULL AMOUNT OF THE PUBLIC SUBSIDY. THE BUSINESS SHALL
REMIT THE REPAYMENT TO THE STATE TREASURER AND THE STATE
TREASURER SHALL CREDIT THE AMOUNT TO THE GENERAL FUND.

(5) ON THE REQUEST OF A CUSTOMER, A BUSINESS SHALL ENSURE
THAT EACH CUSTOMER SERVICE EMPLOYEE WHO COMMUNICATES WITH A
CUSTOMER ON BEHALF OF THE BUSINESS:

(a) ENABLES THE CUSTOMER TO SPEAK TO AN EMPLOYEE OF THE
BUSINESS ON WHOSE BEHALF THE CALL CENTER IS COMMUNICATING WITH
THE CUSTOMER;

(b) TRANSFERS THE CALL TO A PERSON IN THE STATE IF THE
CUSTOMER SERVICE EMPLOYEE IS NOT IN THE STATE; AND

(c) DISCLOSES TO THE CUSTOMER:

(I) THE STATE AND COUNTRY WHERE THE CUSTOMER SERVICE
EMPLOYEE IS LOCATED;

(II) THE CUSTOMER SERVICE EMPLOYEE'S EMPLOYEE NUMBER; AND

(III) THE NAME OF THE CUSTOMER SERVICE EMPLOYEE'S
EMPLOYER.

(6) NOTWITHSTANDING ARTICLES 101 TO 112 OF THIS TITLE 24 TO
THE CONTRARY, WHEN AWARDING A CONTRACT FOR SERVICES, A PUBLIC
ENTITY SHALL GIVE PREFERENCE TO A VENDOR, BIDDER, CONTRACTOR, OR
SUBCONTRACTOR THAT DOES NOT APPEAR ON THE LIST MAINTAINED
UNDER SUBSECTION (3) OF THIS SECTION.

(7) ALL CALL CENTER SERVICES PERFORMED FOR A PUBLIC ENTITY
MUST BE PERFORMED IN THE STATE BY CUSTOMER SERVICE EMPLOYEES
EMPLOYED IN THE STATE. ANY CALL CENTER SERVICES PERFORMED FOR A
PUBLIC ENTITY OUTSIDE OF THE STATE AS OF THE EFFECTIVE DATE OF THIS
SUBSECTION (7) MUST BE RELOCATED TO THE STATE WITHIN TWO YEARS
FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION (7).

SECTION 2. Act subject to petition - effective date -
applicability. (1) This act takes effect at 12:01 a.m. on the day following
the expiration of the ninety-day period after final adjournment of the
general assembly (August 8, 2018, if adjournment sine die is on May 9,
2018); except that, if a referendum petition is filed pursuant to section 1
(3) of article V of the state constitution against this act or an item, section,
or part of this act within such period, then the act, item, section, or part
will not take effect unless approved by the people at the general election
to be held in November 2018 and, in such case, will take effect on the
date of the official declaration of the vote thereon by the governor.

(2) This act applies to a bid for a contract submitted or an
application for a public subsidy filed on or after the applicable effective
date of this act.