STATE OF NEW YORK

7859

2023-2024 Regular Sessions

IN ASSEMBLY

July 7, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to automated employment decision tools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The labor law is amended by adding a new section 203-f to read as follows:

§ 203-f. Automated employment decision tools. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Automated employment decision tool" means any computational process, derived from machine learning, statistical modeling, data analytics, or artificial intelligence, that issues simplified output, including a score, classification, or recommendation, that is used to substantially assist or replace discretionary decision making for making employment decisions that impact natural persons. "Automated employment decision tool" does not include a tool that does not automate, support, substantially assist, or replace discretionary decision-making processes and that does not materially impact natural persons, including, but not limited to, a junk email filter, firewall, antivirus software, calculator, spreadsheet, database, data set, or other compilation of data.

(b) "Employment decision" means to screen candidates for employment.

2. Notices required. (a) Any employer or employment agency that uses an automated employment decision tool to screen candidates who have applied for a position for an employment decision shall notify each such candidate of the following:

(i) That an automated employment decision tool will be used in connection with the assessment or evaluation of such candidate;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD11780-01-3

(ii) The job qualifications and characteristics that such automated employment decision tool will use in the assessment of such candidate; and

(iii) Information about the type of data collected for such automated employment decision tool, the source of such data, and the employer or employment agency's data retention policy.

(b) The notice required by paragraph (a) of this subdivision shall be made no less than ten business days before the use of such automated employment decision tool and shall allow such candidate to request an alternative selection process or accommodation.

3. Construction. The provisions of this section shall not be construed as to limit any right of any candidate for employment to bring a civil action in any court of competent jurisdiction, or to limit the authority of the division of human rights to enforce the provisions of article fifteen of the executive law.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.