STATE OF NEW YORK

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7859

2023-2024 Regular Sessions

IN ASSEMBLY

July 7, 2023
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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 deci-
    sion tools

    **The People of the State of New York, represented in Senate and Assem-
    bly, do enact as follows:**

 1   Section 1. The labor law is amended by adding a new section 203-f to
 2 read as follows:
 3   § 203-f. Automated employment decision tools. 1. Definitions. For the
 4 purposes of this section, the following terms shall have the following
 5 meanings:
 6   (a) "Automated employment decision tool" means any computational proc-
 7 ess, derived from machine learning, statistical modeling, data analyt-
 8 ics, or artificial intelligence, that issues simplified output, includ-
 9 ing a score, classification, or recommendation, that is used to
10 substantially assist or replace discretionary decision making for making
11 employment decisions that impact natural persons. "Automated employment
12 decision tool" does not include a tool that does not automate, support,
13 substantially assist, or replace discretionary decision-making processes
14 and that does not materially impact natural persons, including, but not
15 limited to, a junk email filter, firewall, antivirus software, calcula-
16 tor, spreadsheet, database, data set, or other compilation of data.
17   (b) "Employment decision" means to screen candidates for employment.
18   2. Notices required. (a) Any employer or employment agency that uses
19 an automated employment decision tool to screen candidates who have
20 applied for a position for an employment decision shall notify each such
21 candidate of the following:
22   (i) That an automated employment decision tool will be used in
23 connection with the assessment or evaluation of such candidate;

1   (ii) The job qualifications and characteristics that such automated
2 employment decision tool will use in the assessment of such candidate;
3 and
4   (iii) Information about the type of data collected for such automated
5 employment decision tool, the source of such data, and the employer or
6 employment agency's data retention policy.
7   (b) The notice required by paragraph (a) of this subdivision shall be
8 made no less than ten business days before the use of such automated
9 employment decision tool and shall allow such candidate to request an
10 alternative selection process or accommodation.
11   3. Construction. The provisions of this section shall not be construed
12 as to limit any right of any candidate for employment to bring a civil
13 action in any court of competent jurisdiction, or to limit the authority
14 of the division of human rights to enforce the provisions of article
15 fifteen of the executive law.
16   § 2. This act shall take effect on the first of January next succeed-
17 ing the date on which it shall have become a law.