STATE OF NEW YORK

10251

IN ASSEMBLY

February 12, 2026

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

AN ACT to amend the labor law, in relation to limiting the use of automatic data systems in connection with employment

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 article 38 to read as follows:

ARTICLE 38

AUTOMATED DECISION SYSTEMS

Section 1075. Definitions.
1076. Automated decision system pre-use notice.
1077. Employer requirements.
1078. Automated decision system post-use notice.
1079. Enforcement.
1080. Construction.
1081. Severability.

§ 1075. Definitions. For the purposes of this article:

1. "Artificial intelligence" means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

2. "Authorized representative" means any person or organization appointed by the worker to serve as an agent of the worker. Authorized representative shall not include a worker's employer.

3. "Automated decision system" or "ADS" 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 assist or replace human discretionary decision making and materially impacts natural persons. An automated decision system does not include a spam email filter, firewall, antivirus software, identity and access management tools, calculator, database, dataset, or other compilation of data.

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

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4. "ADS output" means any information, data, assumptions, predictions, scoring, recommendations, decisions, or conclusions generated by an ADS.

5. "Employer" means any person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, benefits, other compensation, hours, working conditions, access to work or job opportunities, or other terms or conditions of employment, of any worker. This shall include all branches of state government, or the several counties, cities and counties, and municipalities thereof, or any other political subdivision of the state, or a school district, or any special district, or any authority, commission, or board or any other agency or instrumentality thereof.

6. "Employment-related decision" means any decision by an employer that materially impacts a worker's wages, benefits, compensation, work hours, work schedule, performance evaluation, hiring, discipline, promotion, termination, job tasks, skill requirements, work responsibilities, assignment of work, access to work and training opportunities, productivity requirements, or workplace health and safety.

7. "Quota" means a work standard under which a worker is assigned or required to perform at a specified productivity speed, to perform a quantified number of tasks, or to handle or produce a quantified amount of material, within a defined time period and under which the worker may suffer an adverse employment action if they fail to complete the performance standard.

8. "Worker" means any natural person who is an employee of, or an independent contractor providing service to, or through, a business or a state or local governmental entity in any workplace.

9. "Worker data" means any information that identifies, relates to, or describes a worker, regardless of how the information is collected, inferred, or obtained.

§ 1076. Automated decision system pre-use notice. 1. An employer shall provide a written notice that an ADS, for the purpose of making employment-related decisions, not including hiring, is in use at the workplace to a worker who will foreseeably be directly affected by the ADS, or their authorized representative, according to the following:

(a) at least thirty days before an ADS is first deployed by the employer;

(b) if the employer is using an ADS to assist in making employment-related decisions on the effective date of this article, no later than January first, two thousand twenty-seven; or

(c) to a new worker within thirty days of hiring the worker.

2. An employer shall maintain an updated list of all ADS currently in use.

3. The notice required by subdivision one of this section shall comply with all of the following:

(a) it shall be written in plain language as a separate, stand-alone communication;

(b) it shall be written in the language in which routine communications and other information are provided to workers;

(c) it shall be provided via a simple and easy-to-use method, including, but not limited to, an email, hyperlink, or other written format; and

(d) it shall contain the following information:

(i) the type of employment-related decisions potentially affected by the ADS;

(ii) a general description of the categories of worker input data the ADS will use, the sources of worker input data, and how worker input data will be collected;

(iii) any key parameters known to disproportionately affect the output of the ADS;

(iv) the names and contact information of the individuals, vendors, or entities that created the ADS;

(v) if applicable, a description of each quota set or measured by an ADS to which the worker is subject, including the quantified number of tasks to be performed or products to be produced, and any potential adverse employment action that could result from failure to meet the quota, as well as whether those quotas are subject to change and if any notice is given of changes in quotas;

(vi) a description of the worker's right to access and correct the worker's data used by the ADS; and

(vii) a statement that the employer is prohibited from retaliating against workers for exercising the rights described in subparagraph (vi) of this paragraph.

4. An employer shall notify a job applicant upon receiving the application that the employer utilizes an ADS when making hiring decisions, if the employer will use the ADS in making decisions for that position. Notifications may be made using an automatic reply mechanism or on a job posting.

§ 1077. Employer requirements. 1. An employer shall not use an ADS to do any of the following:

(a) prevent compliance with or violate any federal, state, or local labor, occupational health and safety, employment, or civil rights laws or regulations;

(b) infer a worker's protected status covered under paragraph (a) of subdivision one of section two hundred ninety-six of the executive law;

(c) identify, profile, predict, or take adverse action against a worker for exercising their legal rights, including, but not limited to, rights guaranteed by state and federal employment and labor law; or

(d) collect worker data for a purpose that is not disclosed pursuant to the notice requirements in section one thousand seventy-six of this article.

2. (a) An employer shall not rely solely on an ADS when making a discipline, termination, or deactivation decision.

(b) When an employer relies primarily on ADS output to make a discipline, termination, or deactivation decision, the employer shall use a human reviewer to review the ADS output and compile and review other information that is relevant to the decision, if any. For purposes of this paragraph, "other information" may include, but is not limited to, any of the following:

(i) supervisory or managerial evaluations;

(ii) personnel files;

(iii) work product of workers;

(iv) peer reviews; and

(v) witness interviews, that may include relevant online customer reviews.

(c) An employer shall not use customer ratings as the only or primary input data for an ADS to make employment-related decisions.

3. A worker shall have the right to request, and an employer shall provide, a copy of the most recent twelve months of the worker's own data primarily used by an ADS to make a discipline, termination, or deactivation decision. A worker is limited to one request every twelve

months for a copy of their own data used by an ADS to make a discipline, termination, or deactivation decision.

4. For purposes of safeguarding the privacy rights of consumers, workers, and individuals, when an employer is required to provide worker data pursuant to this part, that worker data shall be provided in a manner that anonymizes the customer's, other worker's, or individual's personal information.

§ 1078. Automated decision system post-use notice. An employer that primarily relied on an ADS to make a discipline, termination, or deactivation decision shall provide the affected worker with a written notice at the time the employer informs the worker of the decision. The notice shall comply with all of the following:

1. it shall be written in plain language as a separate, stand-alone communication;

2. it shall be written in the language in which routine communications and other information are provided to workers;

3. it shall be provided via a simple and easy-to-use method, including, but not limited to, an email, hyperlink, or other written format; and

4. it shall contain the following information:

(a) the human to contact for more information about the decision and the ability to request a copy of the worker's own worker data relied on in the decision;

(b) that the employer used an ADS to assist the employer in one or more discipline, termination, or deactivation decisions with respect to the worker;

(c) that the worker has the right to request a copy of the worker's data used by the ADS; and

(d) that the employer is prohibited from retaliating against the worker for exercising their rights under paragraph (c) of this subdivision.

§ 1079. Enforcement. 1. An employer shall not discharge, threaten to discharge, demote, suspend, or in any manner discriminate or retaliate against any worker for using or attempting to use their rights under this part, filing a complaint alleging a violation of this part, cooperating in an investigation or prosecution of an alleged violation of this part, or any action taken by the worker to invoke or assist in any manner the enforcement of this part, or for exercising or attempting to exercise any right protected under this part.

2. (a) The commissioner shall enforce this article, including investigating an alleged violation, and ordering appropriate temporary relief to mitigate a violation or maintain the status quo pending the completion of a full investigation or hearing by the department, including issuing a citation against an employer who violates this article and filing a civil action.

(b) Any violation of this article shall be subject to enforcement in the same manner as prescribed in section two hundred fifteen of this chapter.

3. In any civil action brought pursuant to paragraph (a) or (b) of subdivision two of this section in superior court in any county wherein the violation in question is alleged to have occurred, or wherein the person resides or transacts business, the petitioner may seek appropriate temporary or preliminary injunctive relief, including punitive damages, and reasonable attorney's fees and costs as part of the costs of any such action for damages.

4. An employer who violates this part shall be subject to a civil penalty of five hundred dollars per violation. Use of an ADS in

violation of this article with respect to multiple workers simultaneously or with respect to one worker on separate occasions will constitute separate violations.

§ 1080. Construction. 1. This article does not preempt any city, county, or city and county ordinance that provides equal or greater protection to workers who are covered by this article.

2. An employer who complies with the requirements related to notice under this part is not required to comply with any substantially similar notice provisions related to automated decision systems used for employment-related decisions required under any other state law.

3. The provisions of this part shall not apply to parties covered by a collective bargaining agreement if the agreement explicitly waives this part in clear and unambiguous terms, expressly provides for the wages or earning, working conditions, and other terms and conditions of work, and provides protection from algorithmic management.

4. This part does not prohibit any employer from complying with regulatory or contractual requirements in the provision of products or services to the federal government.

§ 1081. Severability. If any clause, sentence, paragraph, subdivision, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this article would have been enacted even if such invalid provisions had not been included herein.

§ 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.