

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:

1 Section 1. The labor law is amended by adding a new article 38 to read
2 as follows:

ARTICLE 38

AUTOMATED DECISION SYSTEMS

Section 1075. Definitions.

6 1076. Automated decision system pre-use notice.

7 1077. Employer requirements.

8 1078. Automated decision system post-use notice.

9 1079. Enforcement.

10 1080. Construction.

11 1081. Severability.

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

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

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

20 3. "Automated decision system" or "ADS" means any computational proc-
21 ess derived from machine learning, statistical modeling, data analytics,
22 or artificial intelligence that issues simplified output, including a
23 score, classification, or recommendation, that is used to assist or
24 replace human discretionary decision making and materially impacts
25 natural persons. An automated decision system does not include a spam
26 email filter, firewall, antivirus software, identity and access manage-
27 ment 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.

LBD14684-01-6

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

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

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

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

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

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

30 § 1076. Automated decision system pre-use notice. 1. An employer shall
31 provide a written notice that an ADS, for the purpose of making employ-
32 ment-related decisions, not including hiring, is in use at the workplace
33 to a worker who will foreseeably be directly affected by the ADS, or
34 their authorized representative, according to the following:

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

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

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

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

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

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

47 (b) it shall be written in the language in which routine communi-
48 cations and other information are provided to workers;

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

52 (d) it shall contain the following information:

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

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

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

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

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

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

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

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

24 § 1077. Employer requirements. 1. An employer shall not use an ADS to
25 do any of the following:

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

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

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

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

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

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

45 (i) supervisory or managerial evaluations;

46 (ii) personnel files;

47 (iii) work product of workers;

48 (iv) peer reviews; and

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

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

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

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

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

8 § 1078. Automated decision system post-use notice. An employer that
9 primarily relied on an ADS to make a discipline, termination, or deacti-
10 vation decision shall provide the affected worker with a written notice
11 at the time the employer informs the worker of the decision. The notice
12 shall comply with all of the following:

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

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

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

20 4. it shall contain the following information:

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

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

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

29 (d) that the employer is prohibited from retaliating against the work-
30 er for exercising their rights under paragraph (c) of this subdivision.

31 § 1079. Enforcement. 1. An employer shall not discharge, threaten to
32 discharge, demote, suspend, or in any manner discriminate or retaliate
33 against any worker for using or attempting to use their rights under
34 this part, filing a complaint alleging a violation of this part, cooper-
35 ating in an investigation or prosecution of an alleged violation of this
36 part, or any action taken by the worker to invoke or assist in any
37 manner the enforcement of this part, or for exercising or attempting to
38 exercise any right protected under this part.

39 2. (a) The commissioner shall enforce this article, including investi-
40 gating an alleged violation, and ordering appropriate temporary relief
41 to mitigate a violation or maintain the status quo pending the
42 completion of a full investigation or hearing by the department, includ-
43 ing issuing a citation against an employer who violates this article and
44 filing a civil action.

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

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

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

1 violation of this article with respect to multiple workers simultaneous-
2 ly or with respect to one worker on separate occasions will constitute
3 separate violations.

4 § 1080. Construction. 1. This article does not preempt any city, coun-
5 ty, or city and county ordinance that provides equal or greater
6 protection to workers who are covered by this article.

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

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

16 4. This part does not prohibit any employer from complying with regu-
17 latory or contractual requirements in the provision of products or
18 services to the federal government.

19 § 1081. Severability. If any clause, sentence, paragraph, subdivision,
20 section or part of this article shall be adjudged by any court of compe-
21 tent jurisdiction to be invalid, such judgment shall not affect, impair,
22 or invalidate the remainder thereof, but shall be confined in its opera-
23 tion to the clause, sentence, paragraph, subdivision, section or part
24 thereof directly involved in the controversy in which such judgment
25 shall have been rendered. It is hereby declared to be the intent of the
26 legislature that this article would have been enacted even if such
27 invalid provisions had not been included herein.

28 § 2. This act shall take effect on the first of January next succeed-
29 ing the date upon which it shall have become a law. Effective immediate-
30 ly, the addition, amendment and/or repeal of any rule or regulation
31 necessary for the implementation of this act on its effective date are
32 authorized to be made and completed on or before such effective date.