

Applicability of US State Employment AI Laws and Regulations

State	Technology	Role of Technology	Employment-Related Activities
California CCPA Regulations	Automated decision-making tool (ADMT) , defined as any technology that processes personal information and uses computation to replace human decision-making or substantially replace human decision-making.	ADMT must substantially replace human decision-making , which means that a business uses the technology's output to make a decision without human involvement. Human involvement requires the human reviewer to: (A) know how to interpret and use the technology's output to make the decision; (B) review and analyze the output of the technology, and any other information that is relevant to make or change the decision; and (C) have the authority to make or change the decision based on their analysis in (B).	Provision or denial of employment or independent contracting opportunities or compensation , which are hiring; allocation or assignment of work for employees; or salary, hourly or per-assignment compensation, incentive compensation such as a bonus, or another benefit; promotion; and demotion, suspension, and termination.
Colorado SB 189	ADMT , defined as technology that processes personal data and uses computation to generate output, including predictions, recommendations, classifications, rankings, scores, or other information that is used to make, guide, or assist a decision, judgment, or determination concerning an individual. ★ <i>Subject to exemptions.</i>	ADMT must materially influence an employment-related activity. Materially influence means an ADMT output is a non-de minimis factor that is used in making a consequential decision, and an ADMT output affects the outcome of a consequential decision, including by constraining, ranking, scoring, recommending, classifying, or otherwise meaningfully altering how a consequential decision is made. This does not include incidental, trivial, or clerical uses.	A decision, determination, or action made about a consumer that relates to the provision of, or a consumer's access to, eligibility for, selection for, or compensation for employment or an employment opportunity that creates or may create an employer-employee relationship . A decision, determination, or action about a consumer that relates to a differentiated price, cost sharing, compensation, or other material terms in a manner that is reasonably likely to materially limit, delay, effectively deny, or otherwise fundamentally alter the consumer's access, eligibility, or opportunity for employment or an employment opportunity that creates or may create an employer-employee relationship .
Connecticut SB 5	Automated employment decision tool (AEDT) , defined as any technology that processes personal data and uses computation to generate any output, including, but not limited to, any prediction, recommendation, classification, ranking, score or other information, that is a substantial factor used to make or materially influence an employment-related decision. ★ <i>Subject to exemptions.</i>	AEDT must be a substantial factor in making or materially influencing an employment related decision. Substantial factor is defined as a factor, including, but not limited to, a constraint, ranking, score, recommendation or classification, that meaningfully alters the outcome of an employment-related decision concerning an individual in Connecticut.	Employment-related decision , defined as any decision, made based on any individual's personal data, to hire, promote, discipline or discharge such individual, to renew such individual's employment, to select such individual for any training or apprenticeship or with respect to such individual's tenure or terms, privileges or conditions of employment, and (B) does not include any such decision that (i) results in any nonmaterial change in such individual's job tasks, work responsibilities, hours or work assignments, or (ii) is made with respect to workplace health and safety, scheduling and planning or productivity monitoring.

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Illinois Human Rights Act AI Amendments	Artificial intelligence (AI), defined as a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. AI includes generative AI. Generative AI means an automated computing system that, when prompted with human prompts, descriptions, or queries, can produce outputs that simulate human-produced content, including, but not limited to, the following: (1) textual outputs, such as short answers, essays, poetry, or longer compositions or answers; (2) image outputs, such as fine art, photographs, conceptual art, diagrams, and other images; (3) multimedia outputs, such as audio or video in the form of compositions, songs, or short-form or long-form audio or video; and (4) other content that would be otherwise produced by human means.	N/A	Recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, or the terms, privileges, or conditions of employment
New York City Local Law 144	AEDT, defined as any computational process, derived from machine learning, statistical modeling, data analytics, or AI, 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.	AEDT must substantially assist or replace discretionary decision making , which is defined to mean (1) to rely solely on a simplified output (score, tag, classification, ranking, etc.), with no other factors considered; (2) to use a simplified output as one of a set of criteria where the simplified output is weighted more than any other criterion in the set; or (3) to use a simplified output to overrule conclusions derived from other factors including human decision-making.	Employment decision , defined to mean to screen candidates for employment or employees for promotion within New York City.