

FAVORABLE
Senate Bill 957
Labor and Employment – Automated Employment Decision Tools -
Prohibition

Senate Finance Committee
March 14, 2024

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Government Relations

The Maryland State Education Association supports Senate Bill 957. Senate Bill 957 establishes important safeguards on the use of automated employment decision tools (AEDTs) by employers. The legislation, in part, prohibits an employer from using an AEDT to screen job applicants for employment or help the employer decide compensation or other terms, conditions, or privileges of employment, unless the employer has subjected the AEDT to an impact assessment within a specified timeframe. Additionally, the employer must notify relevant job applicants that an AEDT was used in connection with their application.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

The increasing utilization of artificial intelligence systems in the employer-employee relationship calls for the federal and state governments to enact protections for job applicants and workers from potential discrimination. In May 2023, the Equal Employment Opportunity Commission released technical assistance related to the use of artificial intelligence in employment and implications for Title VII of the Civil Rights Act.¹ In August 2023, the EEOC reached a settlement with a tutoring company

¹ U.S. Equal Employment Opportunity Commission, *Select Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures*



regarding allegations of AI discrimination in hiring in violation of the Age Discrimination in Employment Act, the first of its kind.² Relatedly, certain states have proposed legislation to establish protections for job applicants and workers to address potential discrimination from AEDTs.³

Workers and job applicants are not in a position to know if and when an employer is using an AEDT that could impact their economic livelihood. Legislation and regulations are needed to ensure job applicants and workers are not unknowingly subjected to adverse employment actions from these tools.

MSEA encourages the General Assembly to act now to establish standards and safeguards on the use of AEDTs to prevent discrimination in the workplace.

We urge the committee to issue a Favorable Report on Senate Bill 957.

Under Title VII of the Civil Rights Act of 1964 (May 18, 2023), <https://www.eeoc.gov/laws/guidance/select-issues-assessing-adverse-impact-software-algorithms-and-artificial>.

² Annelise Gilbert, *EEOC Settles First-of-Its-Kind AI Bias in Hiring Lawsuit*, Bloomberg Law (August 10, 2023), <https://news.bloomberglaw.com/daily-labor-report/eeoc-settles-first-of-its-kind-ai-bias-lawsuit-for-365-000>.

³ Chris Marr and Zach Williams, *New York State Bills Push AI Worker Bias Guardrails Past NYC Law*, Bloomberg Law (March 13, 2024), <https://news.bloomberglaw.com/us-law-week/new-york-state-bills-push-ai-worker-bias-guardrails-past-nyc-law>.