



Implementing New York City's New Artificial Intelligence Hiring Law

Ensuring NYC Job Applicants Are Notified When
Automated Decisionmaking Systems Are
Used in Hiring and Employment

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Executive Summary

This playbook provides rulemaking guidelines and considerations for the NYC Department of Consumer and Worker Protection (DCWP) regarding the **notice requirement** outlined in NYC Law 2021/144 (hereby referred to as the *NYC AI Hiring Law*). The *NYC AI Hiring Law* aims to tackle discrimination in algorithmic employment decisions by ensuring transparency as employers rapidly adopt **automated employment decision tools** (AEDTs) to assist in hiring. Given the complicated tradeoffs in using AEDTs for hiring, the *NYC AI Hiring Law* seeks to balance employer needs with job candidate rights by mandating that candidates be notified of the use of such tools. The notice requirement lays the groundwork for employers' accountability, as it is the only mechanism that provides public transparency around the use of AEDTs.

The City of New York has not yet determined how it will implement the AEDT notice requirement. This playbook provides the following regulatory recommendations for how NYC DCWP can best do so:

- 1. Establish specific rules for employers on what information about AEDT use must be disclosed to candidates.** DCWP should require employers and employment agencies to send an *AEDT Notice* and *AEDT Opt-Out Request* to job candidates. The *AEDT Notice* is a short statement sent by employers to notify NYC job candidates that an AEDT will be used in connection with a hiring decision. The *AEDT Opt-Out Request* is a short form sent out by employers or employment agencies that gives job applicants the right to

request an employer-specified alternative to the use of an AEDT or request an accommodation. The playbook uses the term *AEDT Notification Package* to describe the combined *AEDT Notice* and the *AEDT Opt-Out Request* (i.e., when they are used together).

2. **Establish specific delivery rules for how and when employers must disclose information to candidates.** DCWP should standardize how and when employers deliver the *AEDT Notification Package*. This playbook takes into consideration various ways in which employers and employment agencies may wish to fulfill their notification obligations and tailors recommendations accordingly.
3. **Establish specific rules and requirements for employers' AEDT data practices disclosures.** DCWP should establish a minimum level of mandatory information for employers and employment agencies' *AEDT Data Practices* disclosure.

This playbook focuses on the notice requirement provision of the *NYC AI Hiring Law*; we do not provide guidance on how the bias audit requirements in the law may be met or how the bias audit results may be disseminated.

The recommendations outlined in this playbook are consistent with NYC Department of Consumer and Worker Protection's rulemaking authority.¹ The proposed recommendations would clarify how employers and employment agencies could comply with the NYC AI Hiring Law, and enable greater transparency for job applicants to understand how AEDTs could impact their employment prospects.



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Terms and Definitions

Automated Employment Decision Tool (AEDT)

As defined in NYC Law 2021/144 (AI Hiring Law), “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 substantially assist or replace discretionary decision making that impacts natural persons.” According to the law, the category of AEDT “does not include a tool that does not automate, support, substantially assist or replace discretionary decision-making processes and that does not materially impact natural persons, including, but not limited to, a junk email filter, firewall, antivirus software, calculator, spreadsheet, database, data set, or other compilation of data.”²

AEDT Opt-Out Request

A short form sent out by employers or employment agencies that gives job candidates the right to request an employer-specified alternative to the use of an AEDT, or to request an accommodation.

AEDT Data Practices

The type of data collected for use in an automated employment decision tool, the source of such data, and the employer or employment agency's data retention policy.

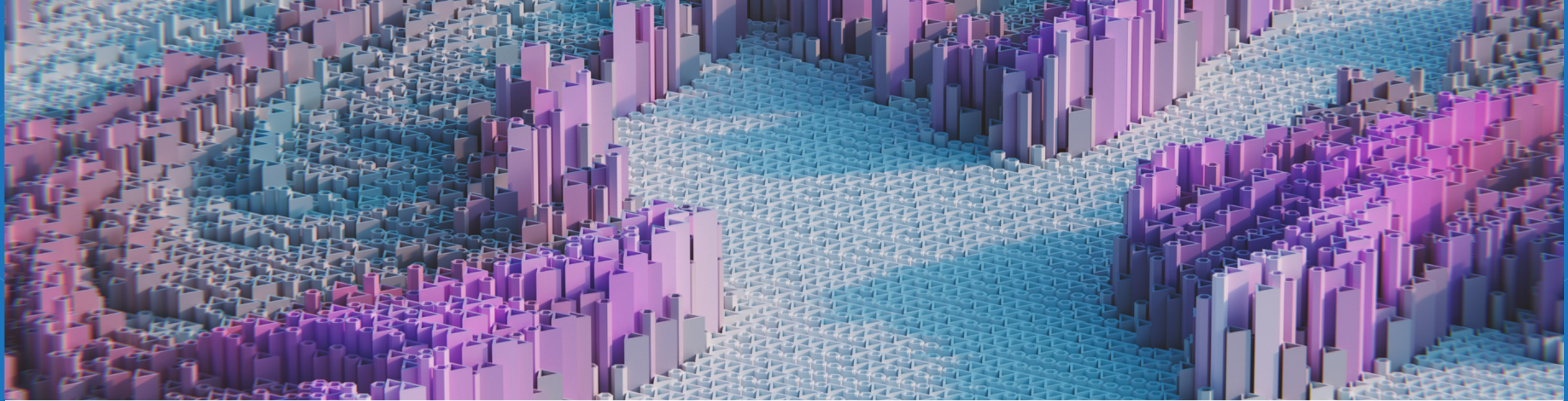


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AEDT Notice

A short statement sent out by employers or employment agencies to notify NYC job candidates that an AEDT will be used in connection with a hiring or employment decision.

AEDT Notification Package

The term used throughout this playbook to describe the combined AEDT Notice and AEDT Opt-Out Request.

Algorithm

A step-by-step set of instructions and rules that computers use to carry out a task.

Job Candidate

The term used throughout this playbook to describe a new applicant for potential hire or an existing employee for potential promotion that is based in New York City.

Machine Learning

A subset of artificial intelligence (AI) that uses computer algorithms to automatically improve or "learn" from training data without following explicit instructions; often used in cases where it is too difficult to specify exact rules for carrying out a task, but where it is possible to collect examples of the task being performed.

NYC AI Hiring Law

The term used throughout this playbook to reference NYC Law 2021/144.

Background

Automated employment decision tools (AEDTs) are automated and computerized tools that substantially assist in making hiring and employment decisions. To address [the potential for bias and discrimination](#) that could result from using AEDTs in the hiring process, NYC passed [Law 2021/144](#) (the *NYC Hiring Law*). This law aims to build on the city's efforts to eliminate bias in how companies make assessments and create a more level playing field for job applicants, as it targets AEDTs as a site of potential discrimination.³ The law seeks to add transparency and accountability mechanisms to the hiring process by requiring annual bias audits of AEDTs and by requiring that job applicants be notified when AEDTs are used in the hiring process. This playbook focuses on the notice requirement.⁴

THE NYC AI HIRING LAW

What the law requires regarding notices: NYC-based employers and employment agencies are required to meet the following **notification criteria** if they use AEDTs for hiring:⁵

1. **Use:** Employers and employment agencies residing in NYC must notify a job candidate residing in NYC of the use of an AEDT in the hiring process.
2. **Advance Notice:** Employers and employment agencies must notify job candidates at least 10 business days before the use of an AEDT.

3. **Qualifications and Characteristics:** Employers and employment agencies must notify a job candidate or employee residing in NYC of the job qualifications and characteristics used by the AEDT, at least 10 business days before such use.
4. **Alternative or Accommodation:** The job candidate may request an alternative to the use of an AEDT process or request an accommodation.
5. **Data Practices:** Information about the type and source of data used by an AEDT, as well as the employer or employment agency's data retention policy, must be made available to the job candidate upon request. The employer or employment agency can publish this information on their website or provide this information within 30 days of receiving a written request. Disclosure is not required where doing so would violate local, state, or federal law, or would interfere with a law enforcement investigation.

Rulemaking Authority: NYC DCWP has rulemaking authority for Title 20: Consumer and Worker Protection, Chapter 5, Subchapter 25: Automated Employment Decision Tools of the NYC Administrative Code, as evidenced by Section 1043(a) of the NYC Citywide Administrative Procedure Act (CAPA).

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Regulatory Recommendations

This playbook outlines three recommendations for the NYC Department of Consumer and Worker Protection (DCWP):

1. Establish specific rules for employers on what information about AEDT use must be disclosed to candidates.
2. Establish specific rules for how and when employers must disclose such information to candidates.
3. Establish specific rules and requirements for employers' AEDT Data Practices disclosures.

RECOMMENDATION 1: ESTABLISH SPECIFIC RULES FOR EMPLOYERS ON WHAT INFORMATION ABOUT AEDT USE MUST BE DISCLOSED TO CANDIDATES

CONTEXT

This recommendation specifies how NYC DCWP should implement the provisions of the *NYC AI Hiring Law* that require NYC employers to:

- ▶ Notify NYC job candidates that an AEDT will be used in connection with their hiring/employment at least 10 business days before such use;
- ▶ Declare the qualifications and job characteristics that will be considered and evaluated with an AEDT; and
- ▶ Allow candidates to request an alternative or accommodation to an AEDT.

We provide details on how and what information should be disclosed in an *AEDT Notification Package* in order to comply with these requirements.

RECOMMENDATION

We recommend that NYC DCWP require employers and employment agencies to send every candidate an *AEDT Notice* and an *AEDT Opt-Out Request* before they may use AEDTs to evaluate that candidate. The *AEDT Notice* is a short statement sent out by employers or employment agencies to notify NYC job candidates that an AEDT will be used in connection with a hiring or employment decision. The *AEDT Opt-Out Request* is a short form sent out by employers or employment agencies that gives job applicants the right to request an employer-specified alternative to the use of an AEDT or request an accommodation. When combined, the two statements are referred to as the *AEDT Notification Package*.

While the full *AEDT Notification Package* will typically be delivered at once, some cases may involve the *AEDT Notice* being disseminated before the *AEDT Opt-Out Request*. For this reason, both components are provided individually, and further guidance on how they may be used together or separately is provided in Recommendation 2.

AEDT Notice

An *AEDT Notice* is sent out by employers and employment agencies to disclose to job candidates that an AEDT will be used in connection with a hiring or employment decision. DCWP should establish rules requiring that this notice include the following information:

- a. **Notice date:** The notice should indicate the date the notice is being disseminated. AEDT use may begin no earlier than 10 business days from this date.
- b. **Notice expiration date:** The notice should specify an expiration date no more than 6 months from *Notice Date*. AEDT use after the expiration date will require disseminating a new *AEDT Notice* and receiving its associated *AEDT Opt-Out Request*. Given the rapidly shifting information regarding AEDT use, a 6-month expiration allows job candidates to reassess their need to request an alternative to the use of an AEDT with the best information available at the time.
- c. **10 business day waiting period before use:** The *AEDT Notice* should disclose that employers must wait at least 10 business days from the *Notice Date* before using an AEDT.
- d. **Employer or employment agency name:** The notice should specify the name of the employer or employment agency that will be using an AEDT.
- e. **Position title(s):** The notice should indicate the position(s) for which the job candidate is being evaluated.
- f. **Brief explanation of AEDTs:** The notice should give a non-technical explanation of what an AEDT is, written for a general audience. An example of this kind of explainer built by the authors of this report is here: <https://mwyang.github.io/AEDT-Explainer/>.
- g. **AEDT use purpose(s):** The notice should indicate the purposes for which the AEDT will be used, including (but not limited to) “assessing fit for job” and “assessing past job performance.”
- h. **AEDTs used:** This could include, but is not limited to, resume screening, automated background checks, automated interviews, psychometric puzzles or games, and retention prediction. Each tool used should be separately disclosed along with a brief description.
- i. **Job qualifications and characteristics:** The *AEDT Notice* should disclose the job qualifications or characteristics that will be evaluated by each

individual AEDT used. Such job qualifications and characteristics include, but are not limited to, resume information, educational background, employment history, credit information, residential information, facial recognition and monitoring information, speech recognition or analysis information, cognitive test performance, census data, web activity or online behavioral data, and social media information.⁶

- j. **Right to request an alternative or accommodation:** The notice should declare that candidates will be able to request an alternative to or accommodation for AEDT use in an *AEDT Opt-Out Request* form. If the *AEDT Opt-Out Request* is disseminated separately from the *AEDT Notice*, the notice should specify how and when candidates will receive a copy of the *AEDT Opt-Out Request* form.
- k. **AEDT data practices disclosure:** The notice should either contain a link to the employer or the third-party vendor's website describing their *AEDT Data Practices* (see Recommendation 3), or inform candidates that they can request a copy of the employer's *AEDT Data Practices* through the *AEDT Opt-Out Request*.

Please see **Appendix A** for a sample *AEDT Notice*.

AEDT Opt-Out Request

An *AEDT Opt-Out Request* is sent out by employers or employment agencies to grant job candidates the right to request an accommodation or alternative to each AEDT used, as declared in an associated *AEDT Notice*. We recommend that DCWP establish the following rules for this form:

- a. **The AEDT Opt-Out Request must be distributed with its associated AEDT Notice.**⁷
- b. **The AEDT Opt-Out Request should include:**
 - i. **Impact of request for alternative and accommodation:** Employers should specify how they intend to handle requests for alternatives and accommodations for each AEDT used. Employers should also disclose if the alternative they provide may disadvantage a job candidate's application (for example, if a candidate's application will take longer to review without the use of an AEDT).
 - ii. **Option to request alternatives or accommodations:** The statement should give candidates the option to request an accommodation or the employer's specified alternative for each of the declared AEDTs on the associated *AEDT Notice*.
 - iii. **AEDT data practices disclosure:** The statement should either contain a link to the employer's or the third-party vendor's website describing their *AEDT Data Practices* (see Recommendation 3), or allow candidates to request a copy of the employer's *AEDT Data Practices* via personal communication.

- iv. **Date and signature request:** The statement should collect the applicant's signature (electronic signatures are acceptable) and the date of consent for AEDT use.
- v. **Declaration of notice date and 10 business day waiting period:** The statement should restate the Notice Date on an associated *AEDT Notice*, and specify that AEDT use may only begin 10 business days from the Notice Date.
- c. **Completed statement authorization:** A completed *AEDT Opt-Out Request* must contain the date and the candidate's signature.

We further recommend that DCWP establish rules that AEDT Notification Packages do NOT authorize the use of AEDTs for:

1. Job positions that are substantially different from the positions listed in the aforementioned notice.
2. Any AEDT type other than the AEDT type(s) declared in the notice.
3. Any AEDT purpose other than the AEDT purpose declared in the notice.
4. Job qualifications and characteristics in an AEDT other than as disclosed in the notice.
5. Evaluating a candidate who has not received the *AEDT Opt-Out Request* and been given the opportunity to opt out.

If an employer or employment agency wishes to use AEDTs for a purpose other than what was already disclosed, or take into consideration job qualifications or characteristics other than those already disclosed, they should send the job candidate or employee a new notification package.

Please see [Appendix B](#) for a Sample *AEDT Opt-Out Request*.

DCWP AUTHORITY

NYC DCWP has the authority to require specific disclosures in an AEDT Notification Package for employers and employment agencies in accordance with the NYC AI Hiring Law. Recommendation 1 complies with § 20-851 section b, [notices required](#), and sub sections b-1 (regarding use and alternative) and b-2 (regarding qualifications and characteristics to disclose).

RECOMMENDATION 2: ESTABLISH SPECIFIC RULES FOR HOW AND WHEN EMPLOYERS MUST DISCLOSE INFORMATION TO JOB CANDIDATES

CONTEXT

The NYC AI Hiring Law requires employers and employment agencies to notify job candidates at least 10 business days prior to use of an AEDT. However, the NYC AI Hiring Law does not provide guidance on the mechanism or delivery rules for this notification.

RECOMMENDATION

We recommend that NYC DCWP establish specific employer delivery rules for an *AEDT Notification Package*, i.e., specify how and when an *AEDT Notice* and an *AEDT Opt-Out Request* must be delivered. There are 3 primary ways an *AEDT Notice* may be disseminated: on the job posting, on the job application, or via personal communication. Additionally, employers may fulfill their notification obligations immediately, or choose to stagger their notifications if AEDTs are used later on in the hiring process. Given that employers and employment agencies may establish different workflows to meet their AEDT notification obligations, these recommendations are tailored accordingly.

The DCWP should establish the following rules for how employers and employment agencies must deliver the *AEDT Notification Package*:

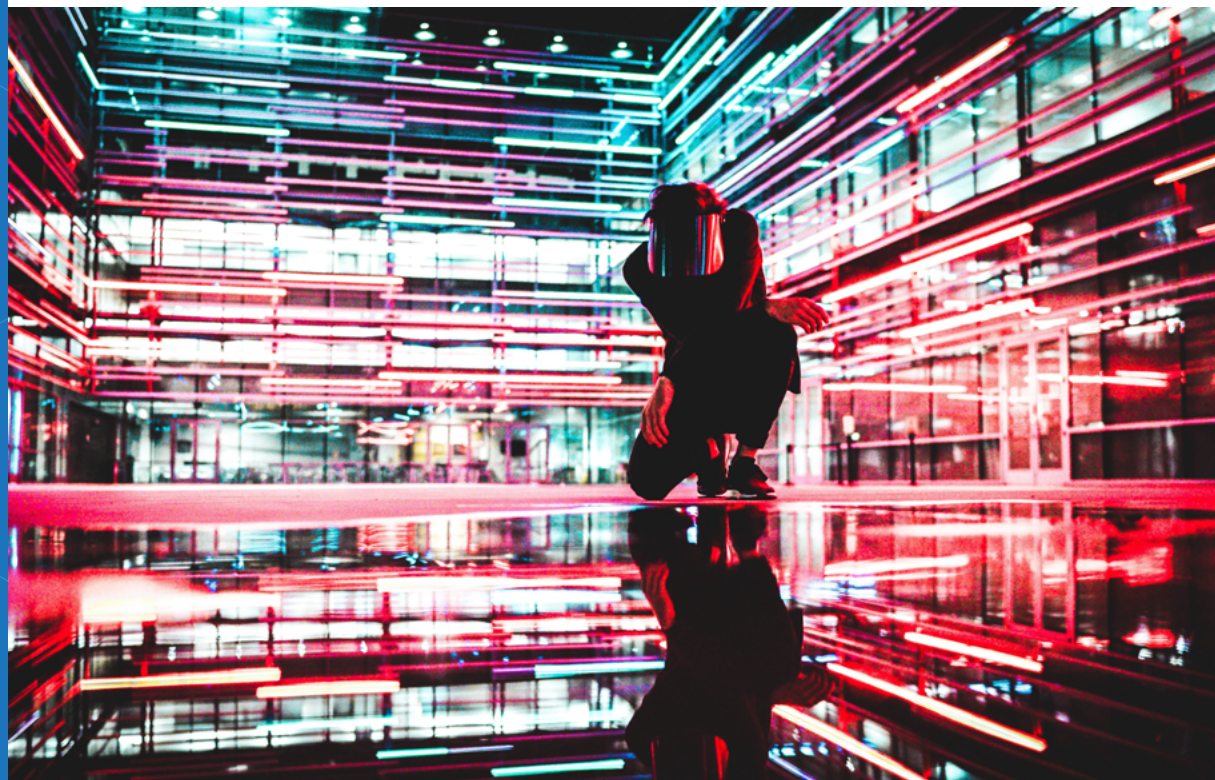
1. The *AEDT Notice* may be disseminated on a public job posting, job application, or via personal communication, such as email or mail.
2. Employers or employment agencies may request the *AEDT Opt-Out Request* along with (or after) the dissemination of the *AEDT Notice* on a job application or via personal communication such as email, electronic forms, or mail.
3. Employers may only use AEDTs to evaluate a job candidate for the purposes declared in an *AEDT Notice*, and may only do so 10 business days after the declared *Notice Date*.
4. Employers may choose to deliver the full notification package at once or deliver the *AEDT Notice* before the *AEDT Opt-Out Request* to get a head start on the 10-day waiting period from the *Notice Date*. However, employers may only do so in a manner that allows a candidate the opportunity to receive and submit an *AEDT Opt-Out Request* before AEDT use commences.⁸ If the *AEDT Notice* is disseminated before the *AEDT Opt-Out Request* (e.g., with a job posting or via personal communication), an identical copy of the *AEDT Notice* (and a link or reference to the original notice) must be reproduced above the *AEDT Opt-Out Request*.

5. Employers have two choices on when to deliver the *AEDT Notices*: (a) Declare all AEDT uses up front in a single *AEDT Notice* and request a single *AEDT Opt-Out Request* for all declared AEDT uses, which allows all declared AEDT use 10 business days from the *Notice Date*; or (b) Disseminate an *AEDT Notice* for only some of the expected AEDT uses at any given time based on the employer's need to maintain flexibility, but wait a minimum of 10 business days from the *Notice Date* on each *AEDT Notice* before the specified AEDT use may begin.
6. Personal information collected for the purpose of disseminating an *AEDT Notification Package* may not be used for any other purposes.

DCWP AUTHORITY

NYC DCWP has the authority to establish specific rules for the delivery of the *AEDT Notification Package* for employers and employment agencies to comply with the NYC AI Hiring Law. NYC DCWP's general rulemaking authority is outlined under Title 20: Consumer and Worker Protection, Chapter 5, Subchapter 25: Automated Employment Decision Tools of the NYC Administrative Code and Section 1043(a) of the NYC Citywide Administrative Procedure Act (CAPA).

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RECOMMENDATION 3: ESTABLISH SPECIFIC RULES AND REQUIREMENTS FOR EMPLOYERS' AEDT DATA PRACTICES DISCLOSURES

CONTEXT

Employers and employment agencies using AEDTs are required to make available their AEDT Data Practices, including information on the type and source of data used by the AEDT as well as the employer's or employer agency's data retention policy. This information must either be made publicly available on the website or communicated within 30 days of a written request.

The law requires disclosure of "information about the type of data collected for the automated employment decision tool." This certainly applies to the information collected by the employer as an input for the tool, i.e., the information provided by the candidate. However, it is not clear if the law should also apply to information that was collected to create the AEDT. For example, the AEDT might incorporate machine learning techniques, which often require additional "training data" in order to produce the final AEDT. Thus, there is ambiguity in the law about what kind of data an employer must disclose.

In order to uphold the spirit of the law – which aims to promote transparency around the use of AEDTs – our recommendation is that DCWP require disclosure of both types of data: 1) that collected by employers as an input for the tool, and 2) data collected by the employers or vendors to create the AEDT. The [FAQ on AEDT Law for Vendors and Employers](#) outlines what is necessary in order for employers to work with vendors to meet these requirements.

RECOMMENDATION

DCWP should establish rules requiring:

1. **Disclosure of data sources used by an AEDT**, including the type of data collected, by whom the data was collected, the original date of collection, the date of most recent modification, and the states or localities where the data was collected. The type of data collected can include, but is not limited to, resume information, educational background, employment history, credit information, residential information, facial recognition and monitoring information, speech recognition or analysis information, cognitive test performance, demographic data, web activity or online behavioral data, and social media information.
 - a. We recommend that the DWCP **resolve the aforementioned ambiguity** by including the data used to create the AEDT as part of the disclosure requirement. Doing so will help the law achieve its goal of making AEDTs more transparent for millions of affected job candidates.

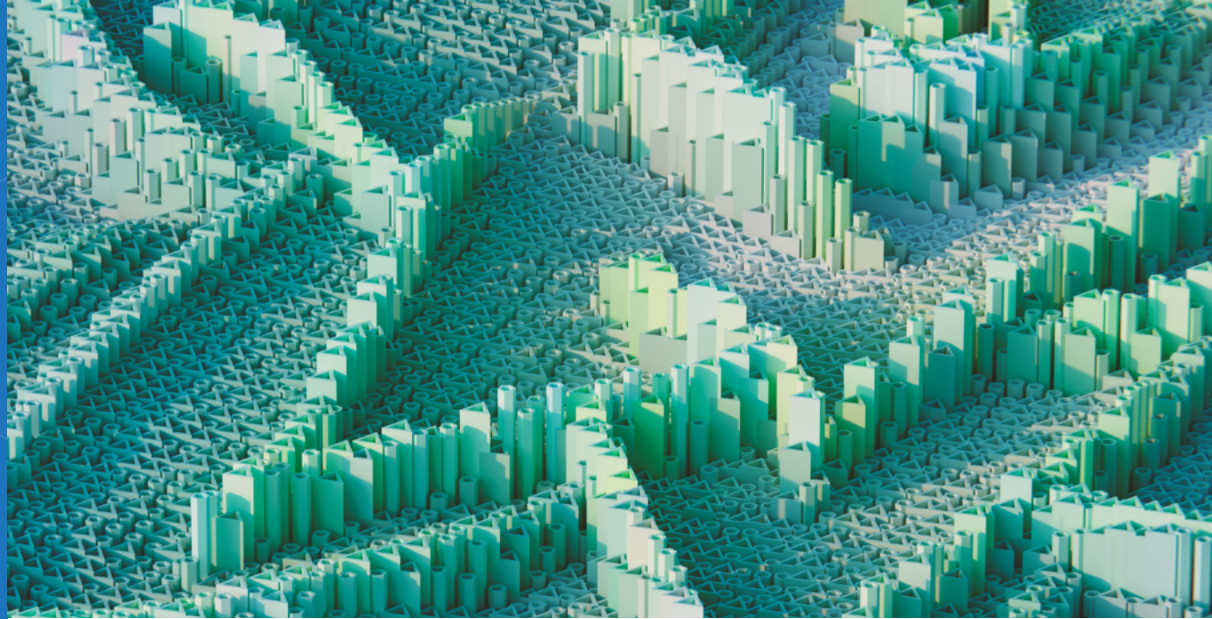


Image by Deepmind on Unsplash

- b. In all likelihood, most or all of the kinds of data listed here will have to be provided to the employer by the vendor of the AEDT.
2. **Disclosure of data retained by an AEDT**, including how long each of the different types of data gathered by the AEDT will be retained, and whether it will be used to improve the AEDT.

This information may be disclosed on the employer's website, the website of a third-party vendor, or made available via personal communication, such as email. Either the *AEDT Notice* must contain a link to the employer's or vendor's disclosure website, or the *AEDT Opt-Out Request* must allow candidates to request the disclosure via personal communication.

Please see [Appendix C](#) for a sample *AEDT Data Practices Disclosure*.

DCWP Authority

NYC DCWP has authority to establish specific disclosures regarding AEDT Data Practices for employers and employment agencies to follow in accordance with the NYC AI Hiring Law. Recommendation 3 is in compliance with § 20-851 section b, *notices required*, sub-section b-3 regarding data disclosures.

Conclusion

This playbook offers three recommendations to help NYC DCWP effectively implement the notice requirement of the *NYC AI Hiring Law*, ensuring that job candidates are notified when employers and employment agencies use AEDTs.

1. **Establish specific rules for employers on what information about AEDT use must be disclosed to candidates.** The NYC DCWP should require employers and employment agencies using AEDTs to send job candidates an *AEDT Notice* and provide them the opportunity to submit an *AEDT Opt-Out Request*. In doing so, NYC DCWP will (1) ensure that employers and employment agencies are in compliance with the law, (2) make future auditing of employers' and employment agencies' compliance with the notice requirement easier, and (3) ensure that job candidates' right to be properly notified is upheld. This playbook provides a sample *AEDT Notice* in Appendix A and a sample *AEDT Opt-Out Request* in Appendix B.
2. **Establish specific rules for how and when employers must disclose information to candidates.** We outline specific rules that NYC DCWP should establish for employers and employment agencies when delivering the *AEDT Notice* and the *AEDT Opt-Out Request* to job candidates. In doing so, NYC DCWP will fill a gap in the NYC AI Hiring Law, which does not provide employers and employment agencies with guidance on adequate delivery mechanisms to comply with the notification provision of the law.
3. **Establish specific rules and requirements for employers' AEDT Data Practices Disclosures.** We recommend that NYC DCWP establish a minimum level of mandatory disclosures for employers' and employment agencies' AEDT Data Practices. In doing so, NYC DCWP would create a citywide standard that would prioritize transparency and accountability in regard to job candidates' data rights.

The proposed recommendations provide guidance that balances employers' and employment agencies' hiring needs with job candidates' rights. Compliance with the notification provision of the law is critical for all NYC residents, as it provides transparency into the use of AEDTs.

Appendix A: Template and Sample AEDT Notice

Fields highlighted in gray must be filled in by the employer.

TEMPLATE FOR EMPLOYERS AND EMPLOYMENT AGENCIES: Automated Employment Decision Tool (AEDT) Notice

Notice Date: [date], [link/reference to original notice if this is a copy of previously disseminated notice]

Notice Expiration Date: [date, no more than 6 months from Notice Date]

An AEDT is a computerized tool that assists employers in making hiring decisions, using information such as (but not limited to) your job application and interview performance.

[Employer or Employment Agency Name] will use an AEDT for [AEDT Use Purpose(s)] for the role of [Position Title(s)]. AEDTs may be used for the declared purpose no earlier than 10 business days from the Notice Date listed above.

See below for a list of the employer's declared AEDTs and their associated considerations below:

- [1. [AEDT Used 1]: [Job qualifications and characteristics taken into consideration].
- [2. [AEDT Used 2]: [Job qualifications and characteristics taken into consideration].
- [3. [AEDT Used 3]: [Job qualifications and characteristics taken into consideration].

New York City residents have the right to request accommodations or alternatives to the use of any AEDT listed above through an AEDT Opt-Out Request that employers are required to distribute. [Description of how candidates will receive the AEDT Opt-Out Request.]

[You can read more about the data practices of the AEDTs here (link to AEDT Data Practices disclosure)]

OR

[You will also be able to request further details about the employer's AEDT data practices through the AEDT Opt-Out Request.]

READ MORE about AEDTs [here](#) [live link to a non-technical AEDT explainer].

SAMPLE FOR EMPLOYERS AND EMPLOYMENT AGENCIES: Automated Employment Decision Tool (AEDT) Notice

Notice Date: Feb 02, 2022

Notice Expiration Date: Aug 02, 2022

An AEDT is a computerized tool that assists employers in making hiring decisions, using information such as (but not limited to) your job application and interview performance.

Acme Corporation will use an automated decision making system (AEDT) for assessing your fit for the role of Administrative Assistant. AEDTs may be used for the declared purpose no earlier than 10 business days from the Notice Date listed above.

See below for a list of the employer's declared AEDTs and their associated considerations:

1. Resume screening: resume information
2. AI interview: facial recognition and speech recognition
3. Automated background checks: residential data, credit score, and social media history

New York City residents have the right to request accommodations or alternatives to the use of any AEDT listed above through an AEDT Opt-Out Request that employers are required to distribute. Applicants for this job may access and submit their AEDT Opt-Out Request form when they submit their online application. Applicants may also request further details about the employer's AEDT data practices through the AEDT Opt-Out Request.

READ MORE about AEDTs [here](#)

Appendix B: Template and Sample AEDT Opt-Out Request

Fields with gray highlights must be filled in by the employer.

**TEMPLATE FOR EMPLOYERS AND EMPLOYMENT AGENCIES:
AEDT Opt-Out Request**

As a NYC resident, you have the right to request accommodations or alternatives to the use of any automated employment decision tool (AEDT) declared in the AEDT Notice.

For each AEDT below, select whether you consent to its use, request the employer-specified alternative, or request a different alternative or accommodation.

	I request the employer's specified alternative	I request the following alternative or accommodation*:
[AEDT Use 1] [Alternative: Employer's Alternative and Impact]:	<input type="radio"/>	[Text box]
[AEDT Use 2] [Alternative: Employer's Alternative and Impact]:	<input type="radio"/>	[Text box]
[AEDT Use 3] [Alternative: Employer's Alternative and Impact]:	<input type="radio"/>	[Text box]

*** The employer may contact you to further discuss such requests.**

[You can read more about our data practices for AEDTs [here](#) (link to AEDT Data Practices disclosure)] OR

I wish to request a copy of the employer's AEDT Data Practices. (Textbox for email or mailing address)]

Notice Date on associated "AEDT Notice": [date]

AEDTs may be used for the declared purpose no earlier than 10 business days from the Notice Date.

Signature:

Date:

**SAMPLE FOR EMPLOYERS AND EMPLOYMENT AGENCIES:
AEDT Opt-Out Request**

As a NYC resident, you have the right to request accommodations or alternatives to the use of any automated employment decision tool (AEDT) declared in the AEDT Notice.

For each AEDT below, select whether you consent to its use, request the employer-specified alternative, or request a different alternative or accommodation.

	I request the employer's specified alternative	I request the following alternative or accommodation*:
1. Resume Screening Tool Alternative: Applicants may request manual resume screening. Please note that this may slow down processing of your application.	<input type="radio"/>	[Text box]
2. AI Interview Alternative: Applicants may request human interviewers. This will not negatively impact your application.	<input type="radio"/>	[Text box]
3. Automated Background Check Alternative: We are unable to provide an alternative at this time.	<input type="radio"/>	[Text box]

*** The employer may contact you to further discuss such requests.**

I wish to request a copy of the employer's AEDT Data Practices by:

- Email: [text box]
- Mail: [text box]

Notice Date on associated "AEDT Notice": Feb 10, 2022

AEDTs may be used for the declared purpose no earlier than 10 business days from the Notice Date.

Signature:

Date:

Appendix C: Template and Sample AEDT Data Practices Disclosure

Fields with gray highlights must be filled in by the employer. The entries shown in the table are for illustration purposes only.

**TEMPLATE FOR EMPLOYERS AND EMPLOYMENT AGENCIES:
AEDT Data Policies**

Date: *[today]*

Information on data sources used by *[AEDT]*:

Type of Data	Collected By	Original Date of Collection	Most Recent Modification	States/Localities Where Data was Collected
<i>[Data Type 1]</i>	<i>[Collector 1]</i>	<i>[Date 1]</i>	<i>[Date 1]</i>	<i>[Location 1]</i>
<i>[Data Type 2]</i>	<i>[Collector 2]</i>	<i>[Date 2]</i>	<i>[Date 2]</i>	<i>[Location 2]</i>
<i>[Data Type 3]</i>	<i>[Collector 3]</i>	<i>[Date 3]</i>	<i>[Date 3]</i>	<i>[Location 3]</i>

Information on data retained by *[AEDT]*:

Data Collected by AEDT Use	Retained Until	Used for Further Improvement of AEDT
<i>[Data Type 1]</i>	<i>[Date 1]</i>	<i>[Yes/No]</i>
<i>[Data Type 2]</i>	<i>[Date 2]</i>	<i>[Yes/No]</i>
<i>[Data Type 3]</i>	<i>[Date 3]</i>	<i>[Yes/No]</i>

**SAMPLE FOR EMPLOYERS AND EMPLOYMENT AGENCIES:
AEDT Data Policies**

Information on data sources used by the ranking algorithm

Type of Data	Collected By	Original Date of Collection	Most Recent Modification	States/Localities Where Data was Collected
1. Resume data	Acme Consultancy	Jan 18, 2021	Jan 18, 2021	Georgia, California, Oregon, Washington
2. Demographic Data	U.S. Census Bureau	2020	2020	U.S.A.
3. Credit Scores	Credits R Us	Mar 15, 2009	Oct 20, 2018	Alabama, Kentucky, Louisiana, Mississippi, Missouri

Information on Data Retained by Ranking Algorithm

Data Collected by AEDT Use	Retention Policy [set by employer]	Used for Further Improvement of AEDT
1. Facial Recognition	90 days	No
2. Speech Data	Indefinite	No
3. Online Behavioral Data	Indefinite	Yes

Appendix D: Job Qualifications and Characteristics

As outlined in Recommendation 1, the *AEDT Notice* should disclose the job qualifications or characteristics taken into consideration by each individual *AEDT Used*. Below is a table for employers and employment agencies providing a non-comprehensive list of job qualifications and characteristics that different AEDTs may consider when assessing a job candidate's application.

Type of AEDT	Phase of Use	Examples of Existing Vendors	Job Qualifications/ Characteristics
Automated Background Checks	Any Phase	GoodHire, Fama, Predictim, Hiretual	Demographic data; employment history; educational background; credit ratings; social media data
Resume Screening	Early Hiring	Applicant tracking systems, such as Lever, Greenhouse, SmartRecruiter, SquarePeg, or Workday	Demographic data; employment history; educational background
Automated Interviews	Mid Hiring	HireVue	Facial recognition; speech or audio data; cognitive assessments
Psychometric Puzzles or Games	Mid & Late Hiring	Pymetrics	Facial recognition; speech or audio data; cognitive assessments
Retention prediction	Late Hiring	Visier, Oracle Recruiting Cloud	Demographic data; employment history; details about offer or current compensation, like salary

Endnotes

- 1 NYC Citywide Administrative Procedure Act, §1043(a) (2020).
- 2 Automated employment decision tools, § 20-870 (2021), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4344524&GUID=B051915D-A9AC-451E-81F8-6596032FA3F9&Options=&Search..>
- 3 City Council Stated Meeting, Before Council Members, 47-48 (2020) (Corey Johnson), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4344524&GUID=B051915D-A9AC-451E-81F8-6596032FA3F9&Options=&Search..>
- 4 See Automated employment decision tools, *supra* note 1.
- 5 See Automated employment decision tools, *supra* note 1.
- 6 These qualifications are explained in greater detail in Appendix D: Job Qualifications and Characteristics.
- 7 As this playbook outlines in Recommendation 2, while the *AEDT Opt-Out Request* must always appear appended to the associated *AEDT Notice*, the *AEDT Notice* may initially be disseminated prior to the *AEDT Opt-Out Request*.
- 8 [The FAQ on AEDT Law for Vendors and Employers](#) outlines examples of allowed and prohibited ways of breaking up the Notification Package.

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