As Introduced

136th General Assembly
Regular Session **H. B. No. 828**
2025-2026

Representatives Mohamed, Sims

Cosponsors: Representatives Brennan, Piccolantonio, Russo, Synenberg, White, E.

To enact section 4113.90 of the Revised Code regarding the use of automated employment decision tools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4113.90 of the Revised Code be enacted to read as follows:

Sec. 4113.90. (A) As used in this section:

(1) "Automated employment decision tool" means any computational process to which both of the following apply:

(a) The process is derived from machine learning, statistical modeling, data analytics, or artificial intelligence.

(b) The result of the process is a simplified output, including a score, classification, or recommendation, that is used to automate, support, substantially assist, or replace discretionary decision making in an employment determination affecting an individual.

(2) "Employment determination" means a decision about a

worker's or prospective worker's suitability for hiring, employment, promotion, retention, or disciplinary action, including dismissal or nonrenewal of a contract.

(3) "Worker" means an individual who provides services for an employer as an employee or an independent contractor.

(B) No employer, employment agency, or personnel placement service shall rely solely on an automated employment decision tool when making an employment determination. An employer, employment agency, or personnel placement service may use an automated employment decision tool as part of an employment determination provided the automated employment decision tool's output is reviewed for accuracy by a human reviewer.

(C) Any employer, employment agency, or personnel placement service that uses an automated employment decision tool in accordance with division (B) of this section shall notify a worker or prospective worker in writing of all the following:

(1) That an automated employment decision tool will be used in connection with an employment determination affecting the worker or prospective worker;

(2) The qualifications and characteristics the automated employment decision tool will apply when it is used in connection with an employment determination;

(3) The type of data collected for input into the automated employment decision tool and the source of the data;

(4) The employer's, agency's, or service's policy governing the retention of data collected for input into the automated employment decision tool.

(D) An employer, employment agency, or personnel placement service shall provide the notice required under division (C) of this section to a worker or prospective worker not less than ten days before using an automated employment decision tool in connection with an employment determination affecting the worker or prospective worker. The employer, agency, or service shall allow a worker or prospective worker to request an alternative assessment or evaluation that does not involve the use of an automated employment decision tool. An employer, agency, or service that receives a request from a worker or prospective worker shall make the employment determination using the alternative assessment or evaluation.