

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 828

Representatives Mohamed, Sims

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

To enact section 4113.90 of the Revised Code 1
regarding the use of automated employment 2
decision tools. 3

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

Section 1. That section 4113.90 of the Revised Code be 4
enacted to read as follows: 5

Sec. 4113.90. (A) As used in this section: 6

(1) "Automated employment decision tool" means any 7
computational process to which both of the following apply: 8

(a) The process is derived from machine learning, 9
statistical modeling, data analytics, or artificial 10
intelligence. 11

(b) The result of the process is a simplified output, 12
including a score, classification, or recommendation, that is 13
used to automate, support, substantially assist, or replace 14
discretionary decision making in an employment determination 15
affecting an individual. 16

(2) "Employment determination" means a decision about a 17

worker's or prospective worker's suitability for hiring, 18
employment, promotion, retention, or disciplinary action, 19
including dismissal or nonrenewal of a contract. 20

(3) "Worker" means an individual who provides services for 21
an employer as an employee or an independent contractor. 22

(B) No employer, employment agency, or personnel placement 23
service shall rely solely on an automated employment decision 24
tool when making an employment determination. An employer, 25
employment agency, or personnel placement service may use an 26
automated employment decision tool as part of an employment 27
determination provided the automated employment decision tool's 28
output is reviewed for accuracy by a human reviewer. 29

(C) Any employer, employment agency, or personnel 30
placement service that uses an automated employment decision 31
tool in accordance with division (B) of this section shall 32
notify a worker or prospective worker in writing of all the 33
following: 34

(1) That an automated employment decision tool will be 35
used in connection with an employment determination affecting 36
the worker or prospective worker; 37

(2) The qualifications and characteristics the automated 38
employment decision tool will apply when it is used in 39
connection with an employment determination; 40

(3) The type of data collected for input into the 41
automated employment decision tool and the source of the data; 42

(4) The employer's, agency's, or service's policy 43
governing the retention of data collected for input into the 44
automated employment decision tool. 45

(D) An employer, employment agency, or personnel placement 46
service shall provide the notice required under division (C) of 47
this section to a worker or prospective worker not less than ten 48
days before using an automated employment decision tool in 49
connection with an employment determination affecting the worker 50
or prospective worker. The employer, agency, or service shall 51
allow a worker or prospective worker to request an alternative 52
assessment or evaluation that does not involve the use of an 53
automated employment decision tool. An employer, agency, or 54
service that receives a request from a worker or prospective 55
worker shall make the employment determination using the 56
alternative assessment or evaluation. 57