
DIGEST

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HB 421 Original

2026 Regular Session

Cox

Abstract: Provides relative to the use of automated decision systems with respect to employment decisions.

Proposed law defines "artificial intelligence", "authorized representative", "automated decision system", "ADS output", "employer", "employment-related decision", "essential job functions", "federal government", "individualized", "other information", "quota", "worker", "worker data", and "vendor".

Proposed law requires an employer to provide written notice to an affected worker, or his authorized representative, if the employer uses an automated decision system (ADS) to make certain employment-related decisions.

Proposed law provides that the aforementioned notice shall be provided at the following time periods:

- (1) At least 30 days before an ADS is first deployed by the employer.
- (2) If the employer is using an ADS to assist in making employment-related decisions at the time proposed law becomes effective.
- (3) To a new worker within 30 days of his hiring date.

Proposed law requires an employer to maintain an updated list of all ADS currently in use.

Proposed law provides that the notice shall meet the following requirements:

- (1) Written in plain language as a separate, standalone communication.
- (2) In the language in which routine communications and other information are provided to workers.
- (3) Provided via a simple and easy-to-use method, including but not limited to an email, hyperlink, or other written format.

Proposed law provides that the written notice shall contain all of the following information:

- (1) The type of employment-related decisions potentially affected by the ADS.
- (2) A general description of the categories of worker input data the ADS will use, the sources of worker input data, and how worker input data will be collected.
- (3) Any key parameters known to disproportionately affect the output of the ADS.
- (4) The individuals, vendors, or entities that created the ADS.
- (5) If applicable, a description of each quota set or measure by an ADS that the worker is subject to, including the certain numerical metrics and any potential adverse employment action that may be taken for failing to meet certain quotas.
- (6) A description of the worker's right to access and correct the worker's data used by the ADS.
- (7) That the employer is prohibited from retaliating against a worker who exercises his rights as provided in proposed law (R.S. 23:972(E)(6)).
- (8) That the worker has a right to appeal any decision that was made with the assistance of an ADS and the process to appeal that decision.

Proposed law requires an employer, who uses an ADS in making hiring decisions, to notify a job applicant that the employer utilizes an ADS for hiring decisions. Proposed law allows such notification to be made using an automatic reply mechanism or on the job posting.

Proposed law prohibits an employer from using an ADS to do any of the following:

- (1) Prevent compliance with or violate any federal, state, or local labor, occupational health and safety, employment, or civil rights laws or regulations.
- (2) Infer a worker's protected status as provided for in present law (R.S. 23:332).
- (3) Identify, profile, predict, or take adverse action against a worker for exercising his legal rights, including but not limited to rights guaranteed by state and federal employment and labor law.
- (4) Make predictions or inferences about a worker's behavior, beliefs, intentions, personality, emotional state, health, or other characteristics, or behavior that are unrelated to the worker's essential job functions.

Proposed law provides that in addition to the aforementioned prohibitions, an employer shall not use an ADS that utilizes facial recognition, gait, or emotion recognition technologies.

Proposed law prohibits an employer from using an ADS to collect worker data for a purpose that is

not disclosed in the written notice as required by proposed law.

Proposed law prohibits an employer from solely relying on an ADS when making discipline, termination, or deactivation decisions.

Proposed law requires an employer or a vendor to do all of the following, if the employer or vendor utilizes an ADS output to assist in making an employment-related decision:

- (1) Ensure the accuracy of the ADS output.
- (2) Use a designated internal reviewer to conduct a separate investigation and compile corroborating information for the decision.

Proposed law requires the designated internal reviewer to have all of the following:

- (1) Sufficient authority, discretion, resources, and time to corroborate the ADS output.
- (2) Sufficient expertise in the operation of similar systems and a sufficient understanding of the ADS in question to interpret its outputs as well as results of relevant impact assessments.
- (3) Education, training, or experience sufficient to allow the reviewer to make a well-informed decision.

Proposed law provides that the designated internal reviewer shall be protected from retaliation for exercising his responsibilities.

Proposed law prohibits an employer from relying on an ADS to make an employment-related decision, if the employer is unable to corroborate the ADS output or the human reviewer has concluded that the ADS output is inaccurate, incomplete, or misleading.

Proposed law requires an employer to allow a worker access to worker data collected, used by, or produced by an ADS and correct errors in any input or output data used by or produced by the ADS or used as corroborating evidence by a human reviewer.

Proposed law provides that an affected worker shall be allowed to choose an authorized representative to request access to the worker's data on his behalf.

Proposed law prohibits an employer from using an ADS that utilizes or relies on individualized worker data as inputs or outputs to determine or inform compensation, unless the employer can demonstrate all of the following:

- (1) The input data is directly related to the ability of the worker to complete the task based on his education, training, experience, or seniority.
- (2) The inputs used are clearly communicated to the worker such that the worker knows his

compensation is a function of the identified attributes.

- (3) He does not use the ADS more than once per a six-month period per worker.
- (4) He does not use the ADS for the purpose of hiring, promoting, or making any other meaningful changes in work duties.

Proposed law prohibits an employer from using customer ratings as the only or primary input data for an ADS to make employment-related decisions.

Proposed law allows a worker to request a copy of his own data, within the last 12 months, that was used by an ADS to make a discipline, termination, or deactivation decision. Proposed law provides, however, that the worker is only allowed to request one copy every 12 months.

Proposed law requires an employer to provide written notice to an affected worker, if the employer primarily relies on an ADS to make a discipline, termination, or deactivation decision. Proposed law requires the notice to satisfy the following requirements:

- (1) Written in plain language as a separate, standalone communication.
- (2) In the language in which routine communications and other information are provided to workers.
- (3) Provided via a simple and easy-to-use method, including but not limited to an email, hyperlink, or other written format.

Proposed law provides that the notice shall contain all of the following:

- (1) The human individual to contact for more information about the decision and the ability to request a copy of the worker's own worker data relied on in the decision.
- (2) That the employer used an ADS to assist the employer in any discipline, termination, or deactivation decisions with respect to the worker.
- (3) That the worker has the right to request a copy of the worker's data used by the ADS.
- (4) That the employer is prohibited from retaliating against the worker for exercising his right.
- (5) The worker's right to appeal the decision as provided in proposed law (R.S. 23:975).

Proposed law provides that, if an employer has used an ADS to make an employment-related decision about a worker, the affected worker shall have the right to appeal that decision, request a human review, request submission of additional information, and correct any errors in the data used by the ADS.

Proposed law provides that an employer or a vendor that used an ADS to make an employment-related decision shall provide an affected worker with a form or a hyperlink to an electronic form that provides that the worker has a right to appeal the decision within 30 days from the date that the worker was notified.

Proposed law requires the appeal form to include all of the following:

- (1) The option to request access to the data used as input to or as output from the ADS.
- (2) The option to request access to any corroborating or supporting evidence provided by a human reviewer to verify output from the ADS.
- (3) The worker's reason or justification for an appeal and any evidence to support the appeal.
- (4) A designation for an authorized representative who can also access the data.

Proposed law states that an employer who complies with the notice requirements as required by proposed law shall not be required to comply with any other state law with substantially similar notice provisions related to automated decision systems used for employment-related decisions.

Proposed law prohibits an employer from taking certain retaliatory actions against a worker for using or attempting to exercise his rights, alleging a violation, cooperating in the investigation or prosecution of an alleged violation, or taking any action to invoke or assist in the enforcement of proposed law.

Proposed law provides that an employer shall not be prohibited from complying with regulatory or contractual requirements concerning products or services for the federal government.

Proposed law provides that proposed law shall not apply to parties covered by a collective bargaining agreement if the agreement explicitly waives proposed law in clear and unambiguous terms, expressly provides for the wages or earnings, working conditions, and other terms and conditions of work, and provides protection from algorithmic management.

Proposed law provides that nothing in proposed law shall preempt any city or parish ordinance that provides equal or greater protection to workers who are covered in proposed law.

Proposed law provides that an employer who violates proposed law shall be subjected to a civil penalty of \$500.

Proposed law requires La. Works to enforce proposed law by investigating alleged violations, issuing citations against an employer, and ordering appropriate temporary relief to mitigate violations or maintain the status quo pending the completion of a full investigation or hearing.

Proposed law requires a civil action to be brought in the judicial district court in the parish where the violation occurred, the employee resides, employer is located.

Proposed law authorizes and directs La. Works to promulgate rules and regulations necessary for the implementation of proposed law.

(Adds R.S. 23:971-980)