
Labor & Workplace Standards Committee

HB 2401

Brief Description: Concerning the use of artificial intelligence in job applications.

Sponsors: Representatives Hudgins, Smith, Van Werven, Wylie and Kloba.

Brief Summary of Bill

- Requires employers who use artificial intelligence on applicant videos to provide certain information, obtain consent, and delete interviews upon request.
- Restricts the use of artificial intelligence on applicants and the sharing of applicant videos.

Hearing Date: 1/20/20

Staff: Lily Smith (786-7175).

Background:

Washington's Law Against Discrimination (WLAD) establishes that it is a civil right to be free from discrimination based on race, national origin, sex, and other enumerated factors. Under WLAD, the Human Rights Commission has issued, in rule, a preemployment inquiry guide that provides examples of fair and unfair inquiries of job applicants. Current law does not address the use of specific technologies in the employment application or hiring process.

Artificial intelligence (AI) is the capability of a machine to simulate behavior that is considered intelligent. An AI system or program can analyze and respond to data in a way that mirrors a level of decision-making normally demonstrated by people. An AI program can be used in the employment hiring context to screen or evaluate applicants for desired characteristics or performance.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Requires employers who use AI analysis of applicant-submitted videos to:

- notify applicants and provide information regarding the use of AI;
- obtain consent from the applicant; and
- delete all copies of an applicant's interviews upon request.

Prohibits employers from:

- using AI to evaluate applicants without consent;
- sharing applicant videos, unless necessary for evaluation; or
- rejecting an applicant for refusing to consent.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.