

2026 -- S 2499 SUBSTITUTE A

LC004709/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ARTIFICIAL INTELLIGENCE USE
AND FAIR EMPLOYMENT PRACTICES

Introduced By: Senators Gu, DiPalma, Zurier, Urso, Ciccone, Burke, McKenney, Bell,
and Appollonio

Date Introduced: February 06, 2026

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR RELATIONS"

2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 5.2

4 ARTIFICIAL INTELLIGENCE USE AND FAIR EMPLOYMENT PRACTICES

5 **28-5.2-1. Definitions.**

6 (a) As used in this chapter, the following words shall have the following meanings unless
7 the context clearly requires otherwise:

8 (1) "Authorized representative" means any person or organization appointed by the worker
9 to serve as a representative of the worker including, but not limited to, a labor organization as
10 defined in the Rhode Island labor relations act § 28-7-3, the National Labor Relations Act 29 U.S.C.
11 § 152(5) and 5 U.S.C. § 7103(a)(4), and 45 U.S.C. § 151. "Authorized representative" shall not
12 include a worker's employer.

13 (2) "Automated decision system (ADS)" means any computational process, automated
14 system, or algorithm utilizing machine learning, statistical modeling, data analytics, artificial
15 intelligence, or similar methods, that issues an output, including a score, classification, ranking, or
16 recommendation, that is used to assist or replace human decision making, on issues that impact
17 natural persons. "ADS" does not include a tool that does not assist or replace employment decision
18 processes and that does not materially impact natural persons including, but not limited to, a junk

1 email filter, firewall, antivirus software, calculator, spreadsheet, database, data set, or other
2 compilation of data.

3 (3) "Automated decision system (ADS) output" means any information, data, assumptions,
4 predictions, scoring, recommendations, decisions, or conclusions generated by an ADS.

5 (4) "Candidate" means any natural person or their authorized representative seeking
6 employment through an application, or who is screened or evaluated for recruitment, for a position
7 of employment by a business operating in this state.

8 (5) "Continuous incremental time-tracking tool" means any system, application or
9 instrument that continuously measures, records and/or tallies increments of time within a day
10 during which an employee is or is not doing a particular activity or set of activities.

11 (6) "Department" means the department of labor and training.

12 (7) "De-identified employee data" means employee data that an employer has sought from
13 their own electronic systems, from a vendor, or from a third-party source, aggregated, combined,
14 or collected together, in a summary or other form so that the employee data cannot be identified as
15 belonging to any specific employee.

16 (8) "Electronic monitoring tool" means any system, application, or instrument that
17 facilitates the collection of data concerning worker activities or communications by any means
18 other than direct observation by a natural person including, but not limited to, the use of a computer,
19 telephone, wire, radio, camera, electromagnetic, photoelectronic, or photo-optical system, or
20 obtaining employee data from a third-party.

21 (9) "Employee" shall have the same meaning as contained in § 28-7-3.

22 (10) "Employee information" (also referred to as "information" or "employee data") means
23 any information that identifies, relates to, describes, is reasonably capable of being associated with,
24 or could reasonably be linked, directly or indirectly, with a particular employee, regardless of how
25 the information is collected, inferred, or obtained. "Employee information" includes, but is not
26 limited to, the following: personal identity information, including the individual's name, contact
27 information, government-issued identification numbers, financial information, criminal
28 background, or employment history; biometric information, health, medical, lifestyle, and wellness
29 information, including the individual's medical history, physical or mental condition, diet or
30 physical activity patterns, heart rate, medical treatment or diagnosis by a healthcare professional,
31 health insurance policy number, subscriber identification number, or other unique identifier used
32 to identify the individual; related to workplace activities, including the following:

33 (i) Human resources information means the contents of an individual's personnel file
34 including performance evaluations;

1 (ii) Work process information, such as data relating to an individual employee's
2 performance or productivity including, but not limited to, the quality and quantities of tasks
3 performed, quality and quantities of items or materials handled or produced, rates or speeds of tasks
4 performed, measurements or metrics of employee performance in relation to a quota, and time
5 categorized as performing tasks or not performing tasks;

6 (iii) Device usage and data including, but not limited to, key stroke recording, website,
7 software, and application utilization, calls placed or geolocation information;

8 (iv) Audio, photo, or video data or other information collected from sensors, including
9 movement tracking, thermal sensors, voiceprints, or facial recognition, emotion, and gait
10 recognition;

11 (v) Inputs to or outputs generated by an automated decision system (ADS) that are linked
12 to the individual;

13 (vi) Data collected through electronic monitoring or continuous incremental time-tracking
14 tools; and

15 (vii) Data collected or generated on workers to mitigate the spread of infectious diseases,
16 including COVID-19, or to comply with public health measures.

17 (11) "Employer" means any person acting on behalf of or in the interest of an employer,
18 directly or indirectly, with or without their knowledge, but a labor organization or any officer or its
19 agent, shall only be considered an employer of individuals employed by the organization.

20 (12) "Employment-related decision" means a decision made by the employer that affects
21 wages, benefits, other compensation, hours, schedule, performance evaluation, hiring, recruitment,
22 discipline, promotion, termination, duties, assignment of work, access to work opportunities,
23 productivity requirements, workplace health and safety, or other terms or conditions of
24 employment. For persons classified as independent contractors or for candidates for employment,
25 this means the equivalent of these decisions based on their contract with or relationship to the
26 employer.

27 (13) "Essential job functions" means the fundamental duties of a position, based upon work
28 duties actually performed over the duration of employment, as revealed by objective evidence,
29 including the amount of time workers spend performing each function, the consequences of not
30 requiring individuals to perform the function, the terms of any applicable collective bargaining
31 agreement, workers' past and present work experiences and performance in the position in question,
32 and the employer's reasonable, nondiscriminatory judgment as to which functions are essential.
33 Past and current written job descriptions may be evidence as to which functions are essential for
34 achieving the purposes of the job, but may not be the sole basis for this determination, absent the

1 objective evidence described in this subsection.

2 (14) "Impact assessment" means an impartial evaluation by an independent auditor that
3 complies with § 28-5.2-2.

4 (15) "Meaningful human oversight" means a process that includes, at a minimum:

5 (i) That sufficient authority and discretion be granted to the designated internal reviewer to
6 dispute, rerun, or recommend the rejection of an output suspected to be invalid, inaccurate, or
7 discriminatory; and

8 (ii) That the designated internal reviewer has the time and resources available to review
9 and evaluate the tool output and to review employee requests to correct erroneous data in
10 accordance with § 28-5.2-2.

11 (16) "Periodic assessment of worker performance" means assessing worker performance
12 over the course of units of time equal to or greater than one calendar day.

13 (17) "Vendor" means any person or entity who sells, distributes, or develops for sale an
14 automated decision system to be used in an employment decision made by an employer in the state.
15 "Vendor" includes any of the vendor's agents, contractors, or subcontractors.

16 **28-5.2-2. Electronic monitoring tools.**

17 (a) An employer shall not rely primarily on employee data collected through electronic
18 monitoring, when making hiring, promotion, disciplinary decisions up to and including
19 termination, or compensation decisions. For an employer to satisfy the requirements of this
20 subsection:

21 (1) An employer shall establish meaningful human oversight of such decisions that are
22 based, in whole or in part, on data collected through electronic monitoring;

23 (2) A human decision-maker shall review any information collected through electronic
24 monitoring, verify that such information is accurate and up to date, review any pending employee
25 requests to correct erroneous data, and exercise independent judgment in making each such
26 decision; and

27 (3) The human decision-maker shall consider information other than information collected
28 through electronic monitoring, when making each such decision including, but not limited to,
29 supervisory or managerial evaluations, personnel files, employee work products, or peer reviews.

30 (b) When an employer makes a hiring, promotion, termination, disciplinary or
31 compensation decision, based, in whole or in part, on data gathered through the use of electronic
32 monitoring, it shall disclose to affected employees and their authorized representative within thirty
33 (30) days of the decision being made or going into effect, whichever is sooner:

34 (1) That the decision was based, in whole or in part, on data gathered through electronic

1 monitoring;

2 (2) The specific electronic monitoring tool or tools used to gather such data, how the tools
3 work to gather and analyze the data, and the increments of time in which the data is gathered;

4 (3) The specific data, and judgments based upon such data, used in the decision-making
5 process; and

6 (4) Any information used in the decision-making process gathered through sources other
7 than electronic monitoring.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ARTIFICIAL INTELLIGENCE USE
AND FAIR EMPLOYMENT PRACTICES

- 1 This act would create a comprehensive statutory framework to address and regulate the use
- 2 of artificial intelligence in the workplace, considering the interests of employers and employees.
- 3 This act would take effect upon passage.

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