upwage

# Summary of Bias Audit Results

**Official Document**
**Last Update: 10/30/2024**

# Report on Upwage AI recruiting platform and on the suitability of its design and operating effectiveness relevant to automated employment decision tool bias and associated risks

Oct 30, 2024

Pursuant to Reporting on the New York City Local Law 2021/144 – Title: A Local Law to amend the administrative code of the city of New York, in relation to automated employment decision tools.

**Audit Checklist** *0 flagged, 100%*

| | | | |
|---|---|---|---|
| Dates Conducted: | April 30 2024 - October 8, 2024 | Conducted By: | Jeremy McMinis |
| Audit Scope: | SuperSorter | Report Issued On / By: | October 30th, 2024 / Evonne Johnson |

| | |
|---|---|
| Bias audits are performed quarterly, including disparate impact assessments & a review of all bias mitigation policies.<br><br>See Bias Audit | **YES** |
| We closely monitor the evolving legislative landscape around AI to ensure our practices remain compliant with new regulations.<br><br>See Legislation Tracker | **YES** |
| We stay informed about the latest developments and best practices around AI bias mitigation & governance<br><br>See New Research Findings | **YES** |
| We track and report incidents to inform customers of performance and to inform our product development.<br><br>See Incidences Tracker | **YES** |

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# Assertion of Management

## Purpose

We ("Upwage") have conducted an impartial audit ("Bias Audit") to identify bias and sources of bias in our processes, AI and software design and resulting products and reporting ("Products and Services"). In accordance, we provide here a Bias Audit report (this document) including a Summary of Results and, if needed, any recommendations.

## Scope

We confirm, to the best of our knowledge and belief, there is no relevant audit information in our possession, custody, or control that we did not subject to thorough review and reflects how our AI systems operated from July 2024 to October 2024.

_____

**Full Name**

_____

**Title**

_____

**Location and Date**

_____

**Signature**

**Please direct questions to: evonne@upwage.com**

# Executive Summary

## Purpose

We ("Upwage") have conducted an impartial audit ("Bias Audit") to identify bias and sources of bias in our processes, AI and software design and resulting products and reporting. In accordance, we provide here a Bias Audit report (this document) including a Summary of Results and, if needed, any recommendations.

## Scope

We confirm, to the best of our knowledge and belief, there is no relevant audit information in our possession, custody, or control that we did not subject to thorough review and reflects how our AI systems operated from July 2024 to October 2024.

## Key Findings

No adverse impact found across Component 1 categories in Standalone and Intersectional calculable impact ratios in regard to the application of the four-fifths rule[1].

### Non-intersectional, Gender, sorted by Scoring rate

| Gender | Candidates | Selection Rate | EEOC Impact Ratio Threshold | Impact Ratio (Error) |
|---|---|---|---|---|
| Female | 16060 | 0.96 | 0.80 | **1.00 (0.00)** |
| Male | 11347 | 0.96 | 0.80 | **0.99 (0.00)** |
| Unknown | 2906 | 0.97 | 0.80 | **1.01 (0.00)** |

### Non-intersectional, Race/Ethnicity

| Race/Ethnicity | Candidates | Selection Rate | EEOC Impact Ratio Threshold | Impact Ratio (Error) |
|---|---|---|---|---|
| Asian | 428 | 0.95 | 0.80 | **NA*** |
| Black | 8650 | 0.96 | 0.80 | **1.00 (0.00)** |
| Hispanic | 3351 | 0.95 | 0.80 | **0.98 (0.00)** |
| Unknown | 261 | 0.95 | 0.80 | **NA*** |

[1] https://www.eeoc.gov/laws/guidance/select-issues-assessing-adverse-impact-software-algorithms-and-artificial

| | | | | |
|---|---|---|---|---|
| Other | 19 | 0.95 | 0.80 | **NA*** |
| White | 17605 | 0.96 | 0.80 | **1.00 (0.00)** |

**Intersectional, Gender and Race/Ethnicity**

| Gender | Race/ Ethnicity | Candidates | Selection Rate | EEOC Impact Ratio Threshold | Impact Ratio (Error) |
|---|---|---|---|---|---|
| Female | Asian | 168 | 0.95 | 0.80 | **NA*** |
| Female | Black | 5466 | 0.97 | 0.80 | **1.00 (0.00)** |
| Female | Hispanic | 1686 | 0.95 | 0.80 | **0.99 (0.01)** |
| Female | Unknown | 46 | 0.93 | 0.80 | **NA*** |
| Female | Other | 12 | 0.92 | 0.80 | **NA*** |
| Female | White | 8682 | 0.96 | 0.80 | **1.00 (0.00)** |
| Male | Asian | 189 | 0.94 | 0.80 | **NA*** |
| Male | Black | 2292 | 0.95 | 0.80 | **0.98 (0.00)** |
| Male | Hispanic | 1404 | 0.94 | 0.80 | **0.97 (0.01)** |
| Male | Unknown | 19 | 1.00 | 0.80 | **NA*** |
| Male | Other | 6 | 1.00 | 0.80 | **NA*** |
| Male | White | 7437 | 0.96 | 0.80 | **1.00 (0.00)** |
| Unknown | Asian | 71 | 0.97 | 0.80 | **NA*** |
| Unknown | Black | 892 | 0.97 | 0.80 | **1.01(0.01)** |
| Unknown | Hispanic | 261 | 0.95 | 0.80 | **NA*** |
| Unknown | Unknown | 196 | 0.95 | 0.80 | **NA*** |
| Unknown | Other | 1 | 1.00 | 0.80 | **NA*** |
| Unknown | White | 1485 | 0.98 | 0.80 | **1.01 (0.00)** |

* Data from this category constitutes less than 2% of the data and therefore was excluded from impact ratio calculations.

## Recommendations

Quarterly audit with the next date set at January 30, 2024.

In the next quarterly audit, it is recommended to investigate alternative approaches to creating test data, e.g. alternative providers of race/ethnicity and gender data and/or creating synthetic data. Component 1 race and ethnicity categories to be

reported under 2000e-8 of title 42 of the United States code lists Native Hawaiian / Pacific Islander, American Indian / Alaska Native and Two or more races in addition to White, Black, Hispanic and Asian. In the bias audit results in this report, the “Other” category includes these races (which, even in aggregate, are very small in total count relative to the total sample size). Other approaches may enable additional exploration of these harder to assess categories.

It is also recommended to explore collecting candidate demographic data (gender and/or race/ethnicity) from employers and/or in the interview screening process. This would enable the collection of the most accurate and robust candidate demographic data.

# Bias Audit

## Objective

The purpose of this Bias Audit is to audit the AI Products and Services of Upwage, specifically the SuperSorter product. The SuperScreener conducts behavioral interviews to gather answers to a set of interview questions defined in collaboration with Upwage's customers to assess a set of professional competencies that are required for a given role. The SuperSorter assesses candidate interview transcripts, produced by the SuperScreener, for the competencies defined by each customer.

The SuperScreener produces a transcript of a text-based interview between the SuperScreener and a given candidate. For each candidate transcript, the SuperSorter produces an assessment ranking for each competency of "Low", "Medium", or "High" as well as an overall ranking, also defined as "Low", "Medium" or "High". Both the SuperScreener and SuperSorter are designed for human-centric use and not as automated decision-making tools. Human recruiters calibrate both the inputs (interview questions, competencies) and outputs (determining order of examination of candidate transcripts and SuperSorter results, outreach to candidates and other actions according to recruiter and business judgment and preferences).

We aim to obtain reasonable assurance that:

- The output of our AI systems and models are causing no adverse impact to our candidate populations
- Our processes and policies for for identifying and mitigating bias remain at the forefront of the latest developments in the field
- When opportunities to further mitigate bias arise, we are tracking and acting on these opportunities in a timely manner.

## Methodology

The Bias Audit is comprised of four major stages:

1. **Scoping** - Relevant materials and data are collected. Data is correctly formatted. (Week 1)

   During the Scoping phase, Upwage reviews the requirements of the audit as well as identifying the key systems and begins extracting the associated data

for conducting the audit. This includes reviewing relevant definitions and requirements of existing and new AI legislation (Table 1).

**Table 1.** Relevant AI Legislation

| **Legislation** | **Definitions & Requirements** | **Source** |
|---|---|---|
| NYC Local Law 144<br>**in effect 7/5/23** | Annual Bias Audit | NY Local Law 144 |
| Colorado AI Act<br>**to be in effect 2/1/26** | Annual Impact Assessment | Senate Bill 24-205 |

2. **Data Cleaning and Analysis** - Data is cleaned, if and where needed, and analyzed using the appropriate metrics for the type of data provided. (Week 1-2)

   During the Data Cleaning and Analysis phase, Upwage aims to methodologically understand any changes to the system that may impact the key information it uses and outputs it produces. Any changes are reflected in this report in the system description and Bias Audit objective and methodology.

3. **Report** - The Bias Audit report is curated on the audited system that includes updated system descriptions (if necessary), updated descriptions to Bias Audit objectives or scope (if necessary), impact ratios and recommendations. (Week 3-4)

   The Bias Audit report (this document) is generated outlining the details of the Products and Services being audited, the methodology used to conduct the audit, key findings, and recommendations. Findings are presented in terms of impact ratios. Upwage's auditing team then performs a review of the outcome of the audit using the four- fifths threshold[2] as a guide to determine whether exceptions should be further analyzed.

[2] https://www.eeoc.gov/laws/guidance/select-issues-assessing-adverse-impact-software-algorithms-and-artificial

Per the Equal Employment Opportunity Commission Guidelines :

*A selection rate for any race, sex, or ethnic group which is less than four-fifths ( 4/5) (or eighty percent) of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of adverse impact, while a greater than four-fifths rate will generally not be regarded by Federal enforcement agencies as evidence of adverse impact.* (29 CFR § 1607.4 - Information on impact.)[3]

Any analyses based on small sample sizes are indicated with an asterisk.

4. **Ongoing Monitoring** - The output of Upwage's AI systems and models are monitored regularly and re-audited at least quarterly or after major changes. (Week 4+)

   Given that AI and other automated systems and the legislation that regulates them regularly change and are updated as additional data and insights become available, Upwage audits its systems quarterly and as needed following any major updates or modifications or following the implementation of relevant mitigation procedures to examine their effectiveness at reducing bias or the risk of other relevant verticals. In the case of additional audits, the audit report and summary of results are reproduced to reflect the latest changes.

## Data Extraction and Quality Assurance

The data and results herein disclosed are based on the following time periods and data samples. The data includes a diversity of hiring cycles, job roles, industries and geographical spread. This diversity is consistent with the model's total historical output. All outputs were captured recently in 2024 and reflect the current state and performance of the SuperSorter product. This data was selected to ensure a comprehensive and unbiased view of the model's performance over time while respecting customer confidentiality.

| | |
|---|---|
| Time Period: | 2024-04-30 and before 2024-10-08 |

[3] https://www.law.cornell.edu/cfr/text/29/1607.4

| | |
|---|---|
| Product Scope: | SuperSorter |
| Model Versioning: | **gpt-4-0125-preview** and prompt version **0208ec99-47dd-42f8-ad5f-35c03636ec9c** (otherwise known as v2) |
| Data Sample: | The data was generated by candidates interacting with our AI Screener which produces candidate transcripts. Those transcripts are then assessed using our SuperSorter product.<br><br>The sample includes all production data produced from the SuperSorter during the time period, including a diversity of hiring cycles, job roles, industries and geographical spread. This diversity is consistent with the model's total historical output. All outputs were captured recently in 2024 and reflect the current state and performance of the tool.<br><br>All test / non-candidate sessions were removed.<br>Only sessions where the candidate completed the interview (sessionStatus = "completed") were included.<br>Competency groups with fewer than 100 sessions were excluded due to lack of statistics.<br><br>Total sessions = 30,313 |
| Data Modifications: | None |

*Demographics*

Our data sample (n=30,313) did not include candidate demographic information – specifically, race and gender/ethnicity. Having complete demographic information allows for a thorough and comprehensive analysis of potential biases. Without this data, any conclusions drawn could be incomplete or skewed, undermining the integrity of the audit. In particular, missing demographic information can introduce bias if the missing data is not randomly distributed. To reduce the risk of this type of

bias, leading to more accurate and reliable results, we derive demographic information where possible for each candidate.

Using established datasets (e.g., UC Irvine ML Repository's Gender by Name, Harvard Dataverse's Race and Ethnicity data) and verified methods (such as LLMs followed by manual review) ensures that our approach is systematic and replicable. Further, by clearly documenting our methods for deriving demographic information, we maintain transparency in our auditing process, allowing for scrutiny and validation by stakeholders.

We derived gender using each candidate's first name according to UC Irvine ML Repository's Gender by Name dataset[4]. We flagged names that did not exist or did not have a close match in the dataset and therefore gender could not be inferred. We asked an LLM (Claude-3-Opus) to derive gender based on the first name and manually reviewed the results. This procedure resulted in an additional 455 candidates with gender derived out of the total of 286 that could not be matched via either approach. These unmatched candidates are referred to as "Unknown" ) in the audit results.

To derive race and ethnicity, we used Harvard Dataverse's Race and Ethnicity data[5]. We chose the most likely ethnicity for each last name. For Last names that do not exist in the dataset we asked an LLM (Claude-3-Opus) to derive their race and ethnicity and then manually reviewed the results. This procedure resulted in an additional 98 candidates with race and ethnicity derived out of the total of 451 that could not be matched via either approach. These unmatched candidates are referred to as "Unknown" in the audit results. The candidates whose indicator is "Other" consist of American Indian, Pacific Islander, and Alaskan Indian ethnicities.

*Selection Rate*

Candidate's overall fit ratings are categorized as "High", "Medium" or "Low", where "High" is the strongest fit with the competencies that employers have defined for the role. Practically, employers tend to use these categories as a prioritization tool, considering "High" and "Medium" candidates before evaluating "Low" candidates.

[4] Gender by Name. (2020). UCI Machine Learning Repository. https://doi.org/10.24432/C55G7X.

[5] Rosenman, Evan; Olivella, Santiago; Imai, Kosuke, 2022, "Race and ethnicity data for first, middle, and last names", https://doi.org/10.7910/DVN/SGKW0K, Harvard Dataverse, V9, UNF:6:Z4OdPbRiTIYpwYm8CCktow== [fileUNF]

The “Selection Rate” is defined as the ratio of candidates scoring “High” or “Medium” out of the total candidate population for a given group. The grouping of the top two categories together reflects typical use amongst employers, who may prioritize both “High” and “Medium” candidates above “Low” candidates.

*Impact Ratio*

The Impact ratio is the ratio of each demographic group’s selection rate to the largest statistically significant selection rate (greater than 2% of population: 135 people). If the group has less than 2% of the total population (too small to be statistically significant) then the impact ratio is NA.

## Bias Audit Results

The “Unknown” category includes candidates where gender and/or race/ethnicity information could not be inferred. The “Other” category includes all other race categories, including Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native and Two or more races..

### Non-intersectional, Gender, sorted by Scoring rate

| Gender | Candidates | Selection Rate | EEOC Impact Ratio Threshold | Impact Ratio (Error) |
|---|---|---|---|---|
| Female | 16060 | 0.96 | 0.80 | **1.00 (0.00)** |
| Male | 11347 | 0.96 | 0.80 | **0.99 (0.00)** |
| Unknown | 2906 | 0.97 | 0.80 | **1.01 (0.00)** |

### Non-intersectional, Race/Ethnicity

| Race/Ethnicity | Candidates | Selection Rate | EEOC Impact Ratio Threshold | Impact Ratio (Error) |
|---|---|---|---|---|
| Asian | 428 | 0.95 | 0.80 | **NA*** |
| Black | 8650 | 0.96 | 0.80 | **1.00 (0.00)** |
| Hispanic | 3351 | 0.95 | 0.80 | **0.98 (0.00)** |
| Unknown | 261 | 0.95 | 0.80 | **NA*** |
| Other | 19 | 0.95 | 0.80 | **NA*** |
| White | 17605 | 0.96 | 0.80 | **1.00 (0.00)** |

### Intersectional, Gender and Race/Ethnicity

| Gender | Race/ Ethnicity | Candidates | Selection Rate | EEOC Impact Ratio Threshold | Impact Ratio (Error) |
|---|---|---|---|---|---|
| Female | Asian | 168 | 0.95 | 0.80 | **NA*** |
| Female | Black | 5466 | 0.97 | 0.80 | **1.00 (0.00)** |
| Female | Hispanic | 1686 | 0.95 | 0.80 | **0.99 (0.01)** |
| Female | Unknown | 46 | 0.93 | 0.80 | **NA*** |
| Female | Other | 12 | 0.92 | 0.80 | **NA*** |

| | | | | | |
|---|---|---|---|---|---|
| Female | White | 8682 | 0.96 | 0.80 | **1.00 (0.00)** |
| Male | Asian | 189 | 0.94 | 0.80 | **NA*** |
| Male | Black | 2292 | 0.95 | 0.80 | **0.98 (0.00)** |
| Male | Hispanic | 1404 | 0.94 | 0.80 | **0.97 (0.01)** |
| Male | Unknown | 19 | 1.00 | 0.80 | **NA*** |
| Male | Other | 6 | 1.00 | 0.80 | **NA*** |
| Male | White | 7437 | 0.96 | 0.80 | **1.00 (0.00)** |
| Unknown | Asian | 71 | 0.97 | 0.80 | **NA*** |
| Unknown | Black | 892 | 0.97 | 0.80 | **1.01(0.01)** |
| Unknown | Hispanic | 261 | 0.95 | 0.80 | **NA*** |
| Unknown | Unknown | 196 | 0.95 | 0.80 | **NA*** |
| Unknown | Other | 1 | 1.00 | 0.80 | **NA*** |
| Unknown | White | 1485 | 0.98 | 0.80 | **1.01 (0.00)** |

* Data from this category constitutes less than 2% of the data and therefore was excluded from impact ratio calculations.

## Legislation Tracker

Our Legislation Tracker is regularly updated here.

New legislation identified:

Green = Legislation identified as relevant to Upwage's AI Products and Services; flagged for ongoing monitoring

| Legislation | Status | Scope | Relevant Stipulations |
|---|---|---|---|
| B 114<br>District of Columbia (District) | Referred to Committee on Business and Economic Development, and Committee on Judiciary and Public Safety | Algorithmic eligibility determinations | Candidate disclosures<br>Data policy |

| | | | |
|---|---|---|---|
| | with comments from the Committee on Public Works and Operations | | |
| HB 3373 Illinois State | **Signed** into law Aug 9, 2024; effective Jan 1 2026 | AI in Employment | Candidate disclosure |
| HB 5116 Illinois State | Referred to Rules Committee | Algorithmic discrimination | Annual bias audit Candidate disclosure Governance documentation |
| HB 5322 Illinois State | Referred to Rules Committee | Automated decision tools | Governance documentation |
| SB 5 Indiana State | Signed into law May 1, 2023; effective Jan 1 2026 | Consumer data protection | N/A - exclusion for employment |
| HCR 66 Louisiana State | Presented to Secretary of State | Joint legislative committee for AI | N/A |
| HB 102 Maryland State | Signed into law May 11, 2020 | Facial recognition during interviews | N/A |

| | | | |
|---|---|---|---|
| H 1873<br>Massachusetts State | Referred to House Committee on Rules | Automated decision systems | Candidate disclosure<br>Data policy<br>Governance documentation<br>Annual bias audit |
| "Massachusetts Information Privacy and Security Act (MIPSA)" H 60 (also S 227)<br>Massachusetts State | House: Referred to Advanced Information Technology, the Internet and Cybersecurity committee<br>Senate: Referred to Economic Development and Emerging Technologies committee | Data privacy | Data policy<br>Annual bias audit<br>Governance documentation |
| "Massachusetts Data Privacy Protection Act"<br>H 83<br>Massachusetts State | Referred to House Ways and Means Committee | Data privacy and automated decision systems | Candidate disclosure<br>Governance documentation<br>Annual bias audit<br>Data policy |
| HF 2309 | House: Referred to | Consumer data rights | Data policy<br>Candidate disclosure |

| | | | |
|---|---|---|---|
| (also SF 2915) Minnesota State | Ways and Means Committee Senate: Referred to Rules and Administration Committee | | Government documentation |
| "Consumer Data Privacy Act" SB 384 Montana State | Signed into law May 19, 2023; effective Oct 1 2024 | Consumer data privacy | N/A - exclusion for employment |
| SB 255 New Hampshire State | Signed into law March 6, 2024; effective Jan 1 2025 | Consumer privacy | N/A - exclusion for employment |
| A 3854 New Jersey State | Referred to Assembly Labor Committee | Automated decision tools in employment | Annual bias audit Candidate disclosure Data policy |
| S 1588 (also A 4030) New Jersey State | Senate: Referred to Labor Committee General Assembly: Referred to Science, | Automated hiring tools | Annual bias audit Candidate disclosure |

| | | | |
|---|---|---|---|
| | Innovation and Technology Committee | | |
| S 2964 (also A 3855) New Jersey State | Senate: Referred to Senate Labor Committee General Assembly: Reported from Assembly Comm. as a Substitute, 2nd Reading | Automated employment decision tools | Annual bias audit Candidate disclosure |
| S 3015 (also A 3911) New Jersey State | Senate: Referred to Senate Labor Committee General Assembly: Referred to Assembly Science, Innovation and Technology Committee | Video interviews | N/A |
| "Personal Data Protection Act" S 332 (also A 1971) New Jersey | Signed into law January 16, 2024; effective Jan 16 2025 | Personal data | N/A - exclusion for employment |

| | | | |
|---|---|---|---|
| State | | | |
| S 3357 (also A 4400) New Jersey State | Senate: Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee General Assembly: Referred to Assembly Science, Innovation and Technology Committee | Establishes NJ Artificial Intelligence Advisory Council. | N/A |
| "NY Privacy Act" A 3593 New York State | Referred to Assembly Consumer Affairs and Protection Committee | Privacy | Candidate disclosure<br>Data policy<br>Annual bias audit |
| A 7501 New York State | Referred to Assembly Science and Technology Committee | Creates a state Office of Algorithmic Innovation | N/A |
| A 7859 New York State | Referred to Assembly Labor Committee | Automated employment decision tools | Candidate disclosure |

| | | | |
|---|---|---|---|
| "Advanced Artificial Intelligence Licensing Act" A 8195 New York State | Referred to Assembly Science and Technology Committee | Advanced Artificial Intelligence systems | Licensing<br>Governance documentation |
| A 9314 New York State | Referred to Assembly Labor Committee | Automated employment decision tools | Annual bias audit |
| A 9315 New York State | Referred to Assembly Ways and Means Committee | Automated employment decision tool | Annual bias audit<br>Governance documentation<br>Candidate disclosure<br>Data policy |
| "Digital Fairness Act" S 2277 (also A 3308) New York State | Senate: Referred to Internet and Technology Committee<br>Assembly: Referred to Consumer Affairs and Protection Committee | Digital fairness | Annual bias audit<br>Candidate disclosure<br>Data policy |
| S 5641 New York State | Referred to Senate Labor Committee | Automated employment decision tools | Annual bias audit<br>Governance documentation<br>Candidate disclosure |

| | | | |
|---|---|---|---|
| S 7623 New York State | Referred to Senate Labor Committee | Automated employment decision tool | Annual bias audit<br>Governance documentation<br>Candidate disclosure |
| S 8206 (also A 8105) New York State | Senate: Referred to Internet and Technology Committee<br>Assembly: Referred to Consumer Affairs and Protection Committee | Advanced artificial intelligence systems | N/A |
| "New York Artificial Intelligence Bill of Rights"<br>S 8209 (also A 8129) New York State | Senate: Referred to Internet and Technology Committee<br>Assembly: Referred to Science and Technology Committee | Artificial Intelligence decision-making | Governance documentation<br>Data policy |
| S 8214 (also A 10364) New York State | Senate: Referred to Internet and Technology Committee<br>Assembly: Referred to | AI products and services | Licensing |

| | | | |
|---|---|---|---|
| | Science and Technology Committee | | |
| "New York Artificial Intelligence Ethics Commission Act" S 8755 New York State | Referred to Senate Internet and Technology Committee | AI systems | Governance documentation Candidate disclosure |
| S 9104 (also A 10231) New York State | Senate: Referred to Governmental Operations Committee Assembly: Referred to Governmental Operations Committee | Establishes the position of Chief Artificial Intelligence Officer. | N/A |
| S 9381 (also A 10494) New York State | Senate: Referred to Internet and Technology Committee Assembly: Consumer Affairs and Protection Committee | AI decision-making | Data policy Government documentation |

| | | | |
|---|---|---|---|
| “Workforce Stabilization Act” S 9401 New York State | Referred to Senate Labor Committee | Establishes the New York workforce stabilization act requiring certain businesses to conduct artificial intelligence impact assessments on the application and use of such artificial intelligence. | Annual bias audit<br>Displacement surcharge |
| S 9450 (also A 10103) New York State | Senate: Passed<br>Assembly: On Floor Calendar | Gen AI warning | Candidate disclosure |
| HB 3453 Oklahoma State | Referred to Judiciary Committee | AI use disclosure | Candidate disclosure<br>Governance documentation<br>Data policy |
| HB 3835 Oklahoma State | Referred to Rules Committee | Automated decision tools | Annual bias audit |
| SB 619 Oregon State | Signed into law July 18, 2023 | Consumer personal data | Data policy<br>Data protection assessment |
| “Consumer | Re-committed | Automated decisions | Data policy |

| | | | |
|---|---|---|---|
| Data Privacy Act" HB 1201 Pennsylvania State | to Communications and Technology Committee | | Candidate disclsoure |
| HB 1947 Pennsylvania State | Referred to Consumer Protection, Technology and Utilities Committee | Consumer data | Data policy |
| HB 49 Pennsylvania State | Referred to Commerce Committee | AI systems | Licensing |
| HB 708 Pennsylvania State | Referred to Commerce Committee | Personal data | Data policy<br>Data protection assessment<br>Candidate disclosure |
| HB 7521 Rhode Island State | Committee recommended measure be held for further study | Automated decision tools | Annual bias audit<br>Candidate disclosure<br>Governance documentation |
| HB 1181 (also SB 0073) Tennessee State | Signed into law May 11, 2023 | Consumer privacy | Data protection assessment |

| | | | |
|---|---|---|---|
| HB 4<br>Texas State | Signed into law June 18, 2023 | Consumers personal data | N/A |
| H 710<br>Vermont State | Referred to House Committee on Commerce and Economic Development | High-risk artificial intelligence | Governance documentation<br>Annual bias audit<br>Candidate disclosure<br>Data policy |
| H 711<br>Vermont State | Referred to House Committee on Commerce and Economic Development | High-risk artificial intelligence | Governance documentation<br>Annual bias audit |
| "Artificial Intelligence Developer Act"<br>HB 747<br>Virginia State | Continued to 2025 with substitute in Communications, Technology and Innovation Committee | High-risk artificial intelligence | Candidate disclosure<br>Governance documentation<br>Annual bias audit |
| "Virginia Consumer Data Protection Act"<br>SB 1392 (also HB 2307) | Signed into law March 2, 2021 | Personal data | N/A (data processed in the context of employment or recruitment is exempt) |

| | | | |
|---|---|---|---|
| Virginia State | | | |
| HB 1951 Washington State | Referred to House Committee on Consumer Protection & Business | Algorithmic discrimination | Annual bias audit |

## New Research Findings

No new research findings to report.

## Incidents Tracker

We report incidents where Upwage's AI Products or Services has caused or is reasonably likely to have caused algorithmic discrimination within 90 days.

No incidents to report.

## Revisions

| Date | Editor | Changes |
|---|---|---|
| 2024-10-30 | Evonne Johnson | Initial publication |
| | | |
| | | |