



COMPLIANCE GUIDE · FREE GUIDE

The Anti-Bias Hiring Checklist

The 2026 standard for fair, audit-ready AI hiring — what regulators expect, what auditors test, and what actually moves the needle.

BUILT BY SCREEQ

Screeq is the AI recruiting platform that screens hundreds of candidates with structured async interviews, ranked shortlists, and audit-ready scoring. Start a free trial — no credit card — at screeq.com.

Why this guide exists

Three jurisdictions now define the floor for AI hiring tools: New York City (Local Law 144), Colorado (SB 24-205, effective Feb 1, 2026), and the EU (AI Act, Annex III obligations active Aug 2, 2026). If you hire in any of them, this checklist is no longer optional.

Underneath the legal text is a simpler question: *can you explain why a specific candidate was rejected?* If the answer is 'because the AI said so' you are out of compliance everywhere. This guide turns the regulatory text into a working operations checklist.

01 - The regulatory floor — what's binding now

United States

- **NYC Local Law 144** — Independent bias audit within prior 12 months, public posting of audit results, written candidate notice before any automated employment decision tool is used.
- **EEOC guidance (Apr 2024)** — Title VII, ADA and ADEA apply when AI screens resumes, evaluates video interviews, or recommends hires. Employer liability survives delegation to a vendor.
- **Colorado SB 24-205** — Reasonable-care duty against algorithmic discrimination; impact assessments mandatory for high-risk hiring AI from 1 Feb 2026.

European Union

- **EU AI Act, Annex III** classifies recruitment AI as high-risk: conformity assessments, technical documentation, human oversight, transparency, and post-market monitoring.
- **Fines** — Up to €30 M or 6 % of global annual turnover for high-risk violations; up to €35 M / 7 % for prohibited practices.

02 - The pre-deployment checklist (10 items)

- 1. Documented business need for the tool and a defined hiring stage.
- 2. Independent bias audit dated within 12 months covering all protected classes relevant to your jurisdictions.
- 3. Vendor contract obligating: audit results, full candidate-decision log export, data-processing addendum, model-change notification.
- 4. Public posting of audit summary on your careers page (NYC).
- 5. Pre-application candidate notice + plain-language explanation of what the tool does.
- 6. Documented human-override workflow and a target rate of human review on rejections.

- 7. Quarterly internal review of pass-through rates by demographic group (compliant, aggregated reporting).
- 8. Impact assessment template per Colorado SB 24-205 / EU AI Act.
- 9. Incident-response plan for a discovered bias event (who is notified, in what window, with what remediation).
- 10. Retention schedule for candidate data tied to legitimate interest and minimum-necessary principles.

03 - What auditors actually test

- Impact ratio (4/5 rule): pass-through rate of each protected group ÷ rate of the highest-passing group ≥ 0.80 .
- Consistency: same candidate scored twice within 24 hrs should produce the same outcome. Model drift > threshold triggers re-audit.
- Documentation: rubric versioning, decision rationale, change history. If you can't show the rubric used on a specific date, you fail.

Reality check (peer-reviewed evidence). A 2024 AAAI/AIES audit found LLM-based resume-screening tools significantly favoured White-associated names in 85.1 % of simulated selections, with Black males disadvantaged in up to 100 % of cases across 9 occupations. Bias-audit theatre is real — independence and methodology of the audit matter more than the existence of the audit.

04 - What actually works to reduce bias

- **Structured interviews.** Strongest single selection predictor in current meta-analyses (Sackett 2023 corrected estimates).
- **Same rubric, same anchors, every candidate.** The single biggest reduction in inter-rater bias is rubric standardisation, not vendor selection.
- **Two reviewers per shortlisted candidate.** Cuts individual-rater variance.
- **Blind-screen the first stage.** Strip names, photos, education brand from the application before AI & human review.
- **Quarterly disparity review.** Not annual — drift happens fast.

The numbers that should shape your strategy

Eight current data points — every one drawn from a 2024–2026 primary or peer-reviewed report. Tap any superscript on the next page to open the source.

July 2023 NYC AEDT bias-audit enforcement began.	1 Feb 2026 Colorado SB 24-205 impact-assessment deadline.
2 Aug 2026 EU AI Act high-risk hiring obligations activate.	€35M / 7% max EU AI Act fine for prohibited practices (global turnover).
85.1% of cases LLM resume screeners favoured White-associated names (AAAI 2024).	Apr 2024 EEOC re-affirms anti-discrimination law applies to AI hiring tools.
8% / 70% candidates who say AI hiring is fair vs hiring managers who trust AI.	64% of candidates say AI is equal-or-fairer than humans (HireVue 2024).

Sources & citations

Every URL below was fetched and verified before publication. If a link breaks, the publisher name and report title will let you re-locate it.

[1] NYC Local Law 144 requires an annual independent bias audit, public posting, and candidate notice before any AEDT use.

NYC Department of Consumer & Worker Protection ·

<https://www.nyc.gov/site/dca/about/automated-employment-decision-tools.page>

[2] AEDT defined broadly: any ML / statistical / data-analytics / AI tool that 'substantially assists or replaces' hiring or promotion discretion.

NYC DCWP AEDT FAQ (PDF) · <https://www.nyc.gov/assets/dca/downloads/pdf/about/DCWP-AEDT-FAQ.pdf>

[3] EEOC (Apr 2024) confirms Title VII, ADA, ADEA apply to AI resume screening, video evaluation, and hiring recommendations; employer liability survives vendor delegation.

EEOC — 'Employment Discrimination and AI for Workers' · https://www.eeoc.gov/sites/default/files/2024-04/20240429_Employment%20Discrimination%20and%20AI%20for%20Workers.pdf

[4] Colorado SB 24-205 — first US state comprehensive AI law; impact assessments for high-risk hiring AI mandatory from 1 Feb 2026.

Colorado General Assembly · <https://leg.colorado.gov/bills/sb24-205>

[5] EU AI Act Annex III classifies recruitment AI as high-risk; obligations activate 2 Aug 2026.

European Commission AI Act Service Desk · <https://ai-act-service-desk.ec.europa.eu/en/ai-act/annex-3>

[6] EU AI Act fines: up to €30M / 6% of global turnover (high-risk); up to €35M / 7% (prohibited practices).

Freshfields — EU AI Act unpacked #11 (Jul 2024) · <https://www.freshfields.com/en/our-thinking/blogs/technology-quotient/eu-ai-act-unpacked-11-understanding-fines-under-the-ai-act-102jem0>

[7] LLM-based resume screeners favoured White-associated names in 85.1 % of simulated selections; Black males disadvantaged in up to 100 % of cases across 9 occupations.

Wilson & Caliskan, AAAI / AIES 2024 · <https://ojs.aaai.org/index.php/AIES/article/view/31748>

[8] Only 8 % of job seekers consider AI-driven hiring fair; 70 % of hiring managers trust AI for faster & better decisions (n = 4,100+, 4 countries).

Greenhouse 2025 AI in Hiring Report · <https://www.greenhouse.com/newsroom/an-ai-trust-crisis-70-of-hiring-managers-trust-ai-to-make-faster-and-better-hiring-decisions-only-8-of-job-seekers-call-it-fair>

[9] 64 % of candidates say AI is equal-or-fairer than humans for hiring decisions (HireVue, n = 3,100, Jul 2024).

HireVue 2024 Report (GlobeNewswire) · <https://www.globenewswire.com/news-release/2024/07/11/2911784/0/en/New-HireVue-Report-Shows-Growing-Acceptance-of-AI-in-Hiring-Among-Candidates-and-HR-Leaders.html>

[10] Sackett, Zhang, Berry & Lievens (2023) revise meta-analytic validity estimates for structured interviews, reframing the validity–diversity trade-off.

Industrial and Organizational Psychology, 16, 283–300 · https://www.cambridge.org/core/services/aop-cambridge-core/content/view/A20984B138319E3D432E643978BF026D/S175494262300024Xa.pdf/revisiting_the_design_of_selection_systems_in_light_of_new_findings_regarding_the_validity_of_widely_used_predictors.pdf

Ready to put this guide into production?

Screeq ships the audit trail out of the box: rubric versioning, candidate-decision log export (CSV / API), human-override workflow, candidate notice templates for NYC / Colorado / EU, and impact-ratio reporting. Bring your compliance officer to the demo — they'll ask the right questions.

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screeq.com — no credit card, no setup fees, full product access. Questions? Email **coffee@screeq.com** — a human replies within one business day.