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April 9, 2026

The Honorable Christopher Cabaldon
Chair, Senate Privacy, Digital Technologies, and Consumer Protection
1020 N Street, Room 568
Sacramento, CA 95814

RE: SB 947 (McNerney), Employment automated decision systems – OPPOSE

Dear Senator Cabaldon,

I am writing on behalf of the Kern County Board of Supervisors, in lockstep with CSAC, Cal Cities, and many other public agencies, to express our strong opposition to SB 947 (McNerney). This bill would require employers to follow strict, time-consuming procedures whenever they use even simple automated tools to help make decisions about employee discipline. In practice, this could turn everyday technologies like scheduling systems or badge access tools into major administrative burdens, driving up costs and slowing down normal operations without clear evidence that such rules are needed.

To be clear, SB 947 is a successor to last year's SB 7 (McNerney), which was vetoed by Governor Newsom. In the Governor's veto message, he stated:

...rather than address specific way employers misuse this technology, the bill imposes unfocused notification requirements on any business using even the most innocuous tools. The proposed solution fails to directly address incidents of misuse.

To date, local governments have not been provided with specific examples of their misuse of automated decision system technologies.

SB 947 takes important and costly steps backwards from the enrolled version of SB 7, directly implicating the concerns raised by the Governor. SB 947 expands the requirements outlined in SB 7 to cover instances when an employer merely "uses" an ADS to "assist" in making decisions, thus significantly increasing the scope and scale of covered employer actions. SB 947 also requires the employer to direct a human reviewer to conduct an "independent investigation" and compile corroborating and supporting information. Corroboration is now required for any use of an ADS output to discipline, terminate, or deactivate a worker. The notification requirements of the bill have also grown more extensive and detailed. The combination of increasing the scope of the bill, and

increasing the burdens of compliance, will likely deter local governments from using these important emerging technologies and increase their litigation risk.

Kern is sympathetic to concerns about the slow creep of new technologies into daily life. However, the scope of this bill is vast and would deem banal tools used for everyday work to be Automated Decision Systems (ADS) whose use could be covered by this bill. Given the bill's broad scope, the burdens to meet compliance are significant.

SB 947 is an Unfunded Mandate on State and Local Budgets

The initial and ongoing obligations required by this bill will burden local human resources and information technology departments, increase costs and divert them from their core responsibilities. The bill requires the employer to provide, on request, a copy of the most recent 12 months of the worker's own data primarily used by an ADS to make a discipline, termination, or deactivation decision, once per year, together with detailed information and requirements to protect third parties. Complying with, and potentially analyzing, these voluminous data requests will divert public resources from core responsibilities.

The bill's enforcement provisions, including a private right of action, expose local governments to increased litigation risk and costs. For public employers with represented workforces, collective bargaining agreements already provide mechanisms for appealing personnel decisions. This bill's enforcement provisions overlay appeal rights for public employees that could create confusion, workload redundancy, and legal uncertainty. The bill also defines an "employer" subject to its provisions to also include all branches of state government (see Proposed Labor Code Section 1520(d)(1)). With the state and local agencies grappling with a substantial and growing decline in support from the federal government for a variety of programs and services, now is not the time for additional unfunded mandates, particularly without a clearly demonstrated need.

Applying SB 947 to Public Employers May Lead to Unintended Consequences

Local governments and other public agencies are responsible for essential services including operating and securing critical infrastructure, jails, hospitals, police and fire services. They may use an ADS to support and enhance these functions, but SB 947 would burden local government operations. For example, as the definitions are sweeping, health care providers using ADS for basic functions such as scheduling, billing, clinical recommendations, protecting patient safety through revealing drug theft or incorrect prescribing, and workplace safety initiatives could trigger the bill's significant requirements if the ADS output is used to make a discipline, termination, or deactivation decision – a line which may not always be clear, but which is critical due to resulting notification and human review requirements. This significant shift will lead to increased costs to public health care providers at a time of funding instability, without a meaningful reason to do so.

In addition, counties use ADS in a variety of ways, including for employee training and development and for scheduling. Meeting the requirements of this bill may prove challenging, particularly given the current timelines, the complexity of overlapping requirements, and the potential need for costly system modifications. These challenges could place a significant strain on already limited county budgets. As a result, counties may be forced to temporarily rely on alternative, and potentially less efficient, methods to carry out routine tasks while working toward full compliance.

Lastly, state law already prohibits local public employers from using workplace technology tools like ADS to deter or discourage union membership. Specifically, Government Code § 3550 provides that

a public employer shall not deter or discourage public employees, or applicants to be public employees, from becoming or remaining members of an employee organization. Section 3551.5 imposes significant penalties for violations of § 3550 and grants employee organizations standing to bring the claims. SB 947 creates a complication. It says a union contract can only be exempt from the bill if the contract *gives up* the bill's requirements and includes special protections against "algorithmic management." This could cause confusion. For example, in health care, people might think that basic systems used to run hospitals—like scheduling tools or patient-care software—must now be negotiated in union contracts. That could disrupt how those systems are supposed to work and make it harder to deliver health care effectively.

In the end, whether an employer follows the bill directly or signs a union contract that covers the same issues, the bill would actually reduce what unions and employers can negotiate over, instead of supporting open bargaining.

This bill is so complicated and tries so hard to fix a problem that doesn't exist, that it raises real questions about why it was introduced at all. It's a solution in search of a problem, exactly the kind of confusing, burdensome legislation that Sacramento should avoid and that counties can least afford in the face of serious budget uncertainty due to the impacts of H.R. 1.

For these reasons, the Kern County Board of Supervisors strongly opposes this measure and respectfully urges you to **vote NO on SB 947**.

Sincerely,



Phillip Peters, Chairman
Kern County Board of Supervisors

cc: Honorable Members, Senate Privacy, Digital Technologies, and Consumer Protection
Honorable Members, Kern Legislative Delegation
Kern County Human Resources Division
Kern County Counsel
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