



## Inviting Robo-Recruiters to the Office Party: *Guidelines for Artificial Intelligence in the Workplace*

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April 18, 2024

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## Understanding Key Terms

**Artificial  
Intelligence**

The simulation of human intelligence processes by computer systems.

**Algorithm**

A set of rules or instructions that are used to train models and make predictions based on data.

**Large Language  
Models**

Models that are pre-trained on vast amounts of data. They can understand and generate human-like text, including answering questions, generating summaries, translating between languages, and composing creative content.



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## Understanding Key Terms

### GENERATIVE AI

Creates images, text, video, and software code based on user prompts.

### PREDICTIVE AI

Uses large data sets to recognize patterns across time and draw inferences to suggest outcomes and future trends.



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## Common uses of AI in employment:

### Recruitment and Hiring

Analyze Resumes

Screen Candidates

### Employee Onboarding

Personalized Learning

Virtual Reality

### Performance Management

Productivity Metrics

Identify trends to predict future outcomes

### Task Management

Optimize Scheduling

Reallocate Resources

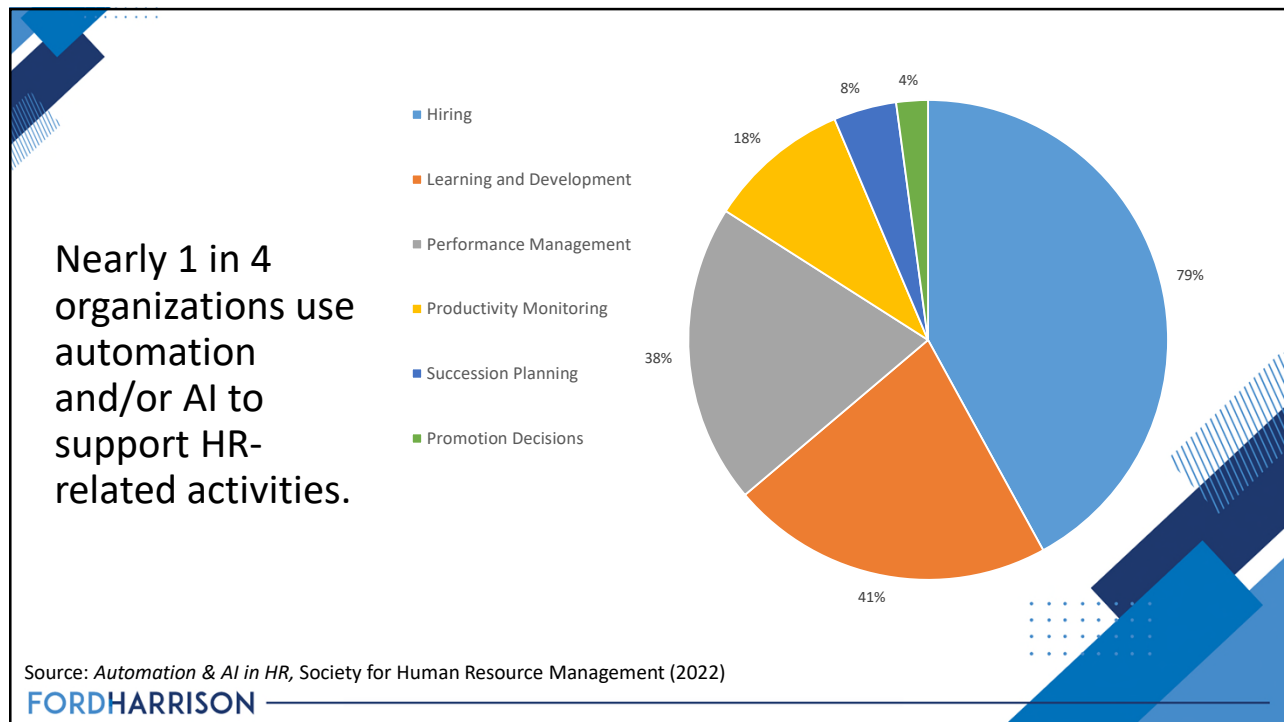
### HR Administration and Compliance

Payroll Processing

Benefits Administration



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## Federal Anti-Discrimination Statutes

### » Title VII of the Civil Rights Act of 1964

- » Race, color, religion, sex (including pregnancy, sexual orientation, and gender identity) and national origin.

### » Americans with Disabilities Act of 1990

- » A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

### » Age Discrimination in Employment Act

- » Individuals who are 40 years of age or older.



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# Theories of Liability

## Disparate Treatment

- » Intentional discrimination against individuals based on their protected characteristics.

vs.

## Disparate Impact

- » Doesn't require proof of intentional discrimination. Instead, it focuses on policies or practices that, while neutral on their face, disproportionately harm individuals based on their protected characteristics.



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The slide features a dark blue background on the left and a light blue background on the right. The left side contains the FH logo and the text 'REGULATORY ACTION AT THE FEDERAL LEVEL'. The right side contains a list of items: '» EEOC Guidance', '» Word from the White House', and '» Case Study: iTutorGroup'. The background of the right side shows a blurred image of an airport terminal with rows of chairs and a plane flying in the sky.

**FH**

**REGULATORY  
ACTION AT THE  
FEDERAL LEVEL**

- » **EEOC Guidance**
- » **Word from the White House**
- » **Case Study: iTutorGroup**

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## Case Study: iTutorGroup

- » In August 2023, the EEOC and iTutorGroup, Inc. reached an agreement that iTutorGroup would pay **\$365,000** to a class of over 200 applicants.
- » iTutorGroup allegedly programmed their tutor application software to automatically reject female applicants age 55 or older and male applicants age 60 or older. iTutorGroup ended up rejecting more than 200 qualified applicants **because of** their age.



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The graphic is split into two vertical panels. The left panel has a dark blue background with a grid pattern and a faint image of airport seating. It features the 'FH' logo in a white circle at the top left and the text 'REGULATORY ACTION AT THE STATE LEVEL' in white, bold, sans-serif font. The right panel has a light blue background with a grid pattern and a faint image of an airplane in flight. It features a list of three items, each preceded by a right-pointing chevron symbol (»): 'Illinois', 'Maryland', and 'Case Study: New York'.

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## Case Study: New York

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- » Annual bias audits
- » Notice to applicants at application and interview stage
- » Restricts ability of employers to monitor their workers
- » Private right of action
- » Vendors and developers subject to liability



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## BEST PRACTICES

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- » Onus will fall on Human Resources Professionals
- » Identify AI tools and processes
- » Bring the experts to the table
- » Regular self-audits and monitoring
  - » Testing
  - » Gather documentation and data
  - » Fact-checking
- » Develop clearly-defined policies and procedures
- » Regular user training



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## Questions?

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