

The AI-Powered Workplace of Today and Tomorrow

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AI in a Nutshell

Traditional AI: Scope of operations limited. Model *uses data analysis to identify patterns, make predictions, and perform specific tasks.* Commonly used in spam filtering, voice assistants, recommendation systems.



Examples: Voice assistants; recommendation engines; search engines

Generative AI: *Creates original data based on human input and data analysis.* Can operate as a creative assistant. Employed in content creation like writing, music composition, and image generation.

Examples: ChatGPT; Google AI; deep fakes

AI

Artificial intelligence The term “artificial intelligence” means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to— (A) perceive real and virtual environments; (B) abstract such perceptions into models through analysis in an automated manner; and (C) use model inference to formulate options for information or action. – 15 U.S.C. § 9401(3)

Polling Question #1

Is your company currently using generative AI in the following areas?

1. Human resources (e.g., resume screening, interviewing, performance management)
2. Legal (e.g., contract analysis, legal research and writing)
3. Billing (e.g., reviewing invoices, flagging errors)

Polling Question #2

How often are you personally using generative AI in your work?

- a. Daily
- b. Weekly
- c. Monthly
- d. Not at all

Where is HR Utilizing Automation and AI?

- Recruitment and Hiring
- Learning and Development
- Performance Management
- Productivity Monitoring



Recruiting, Interviewing, and/or Hiring

- Resume Screening
- Candidate Sourcing
- Chatbots and Virtual Assistants
- Candidate Matching
- Diversity and Inclusion
- Video Interview Analysis
- Predictive Analytics
- Skill Assessment
- Interview Scheduling
- Onboarding Support



AI Video Interview Tech



AI in Hiring

AI in Hiring: How Companies Use It Now and Plan To in 2025



Job Description

Write a job description for a Human Resources generalist at a 75 person privately held company.

Job Title: Human Resources Generalist

Location: [Company Location]

Company: [Company Name]

About Us: [Company Name] is a dynamic and innovative privately-held company with a team of 75 dedicated professionals. We pride ourselves on fostering a collaborative and inclusive work environment where every team member can thrive. As we continue to grow, we are seeking a motivated and experienced Human Resources Generalist to join our team and support our HR initiatives.

Job Summary: The Human Resources Generalist will play a key role in supporting the HR department and ensuring the smooth operation of HR functions. This position will be responsible for a wide range of HR activities, including recruitment, onboarding, employee relations, performance management, benefits administration, and compliance. The ideal candidate will have a strong understanding of HR best practices, excellent communication skills, and the ability to work effectively in a fast-paced environment.

Key Responsibilities:

1. Recruitment and Onboarding:

- Manage the full-cycle recruitment process, including job postings, candidate screening, interviewing, and selection.
- Coordinate and conduct new hire orientations and ensure a smooth onboarding experience for new employees.
- Develop and maintain relationships with recruitment agencies, job boards, and other talent sources.

2. Employee Relations:

- Serve as a point of contact for employee inquiries and provide guidance on HR policies and procedures.
- Address employee concerns and resolve conflicts in a fair and timely manner.
- Foster a positive work environment and promote employee engagement initiatives.

3. Performance Management:

- Assist in the development and implementation of performance management programs.
- Support managers in conducting performance reviews and providing constructive feedback.
- Identify training and development needs and coordinate relevant programs.

4. Benefits Administration:

- Administer employee benefits programs, including health insurance, retirement plans, and other perks.

Performance/Productivity Management and Training

- Automated Time Tracking
- Workforce Analytics
- Activity and Application Monitoring
- Screen Capture and Screenshots
- Productivity Dashboards
- Automated Report Generation
- Idle Time Detection
- Email and Communication Analysis
- Task Prioritization
- Customized Recommendations
- Training



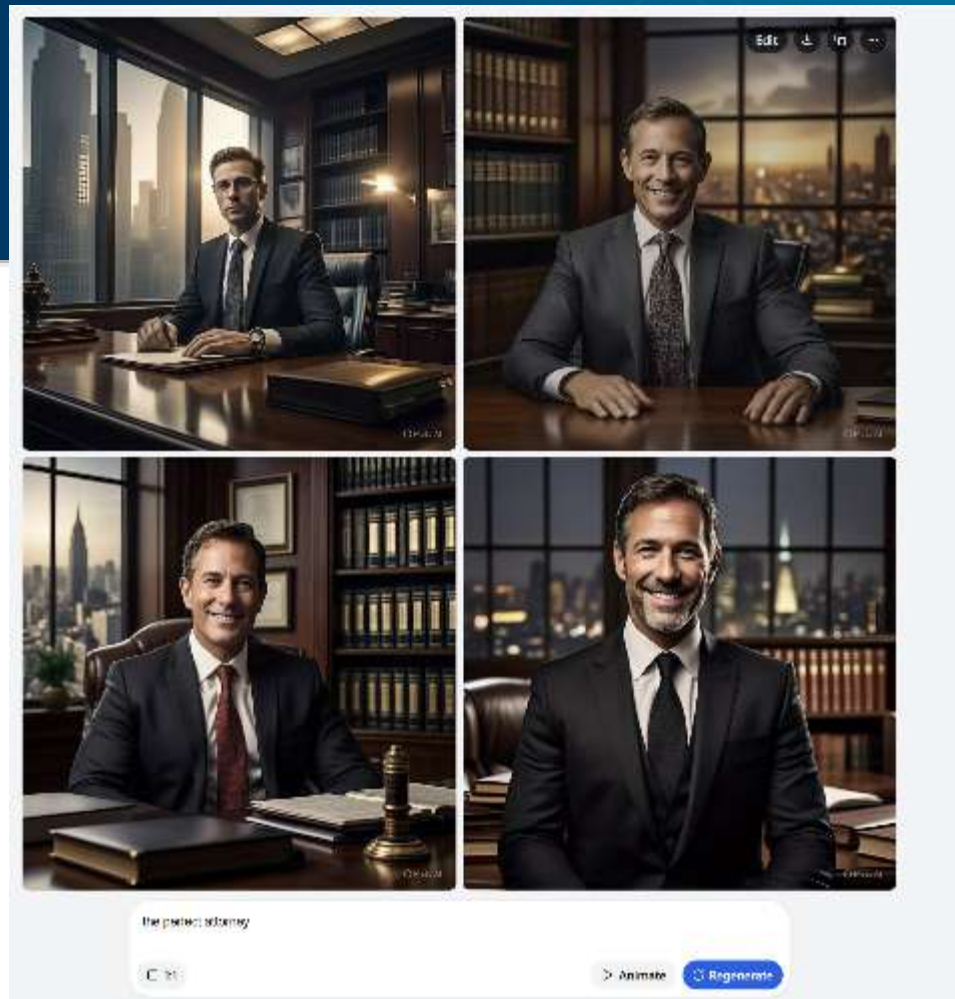
Risks of AI in the Workplace

- AI technology is advancing faster than the development of regulatory frameworks to govern its use.



- **Algorithmic Bias**
 - Training Bias – Occurs when AI systems are trained using historical data that may contain inherent biases, leading to skewed outcomes.
 - Programming Bias – Intentional or Unintentional
- **Confidentiality and Security**
 - Ensuring the protection and privacy of sensitive information belonging to applicants and employees.

AI Bias Example



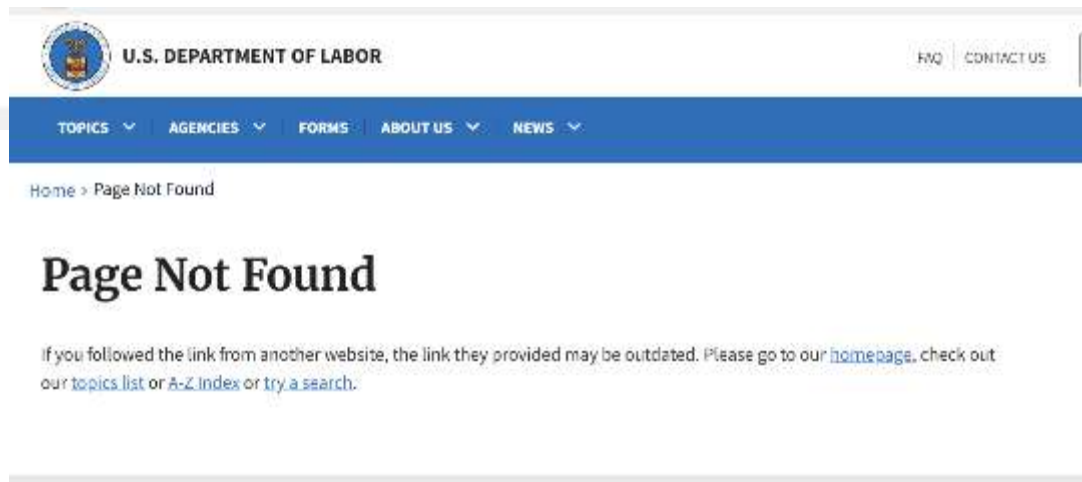
Trump Administration is Pro-AI

AI Under President Trump

"This order revokes certain existing AI policies and directives that act as barriers to American AI innovation, clearing a path for the United States to act decisively to retain global leadership in artificial intelligence."



Government Guidance On AI



Prior EEOC and DOL Guidance Still Instructive

Disparate Impact Changes?



Anticipated Trends and Challenges

- Trajectory of AI development changing under new administration
- Federal agency AI momentum may be impacted by elimination of *Chevron* doctrine and anti-regulatory sentiment (EEOC, DOL, DOJ, FTC)
- But tension between anti-regulation and national security exists – may lead to some oversight
- States likely to fill the gap
- In the meantime, employers should self-regulate

Local/State Law Trends

- No federal statute regulating the use of AI in employment decisions
- New York City AI Law
 - Requires Bias Audit
 - Notice and Posting Requirement
- California, Colorado, and Illinois
- Proposed laws in many states

Colorado Leading The Way

- Colorado's First-In-The-Nation Artificial Intelligence Act goes into effect on February 1, 2026.
- Prohibits developers of high-risk artificial intelligence (AI) systems from engaging in “algorithmic discrimination” in consequential decision-making; also applies to organizations that deploy high-risk AI systems.
- Requires:
 - Notices
 - Audits
 - Creating risk management program and policy

HR AI Best Practices

At work – approved
tech only!

Always, always, always
independently review
any output by an
AI tool

Out in world – stick
with known tech
(for now . . .)

Be aware of
hallucinations

Be aware of bias

Regularly audit results

Human oversight
essential

AI Governance – Best Practices



Ethics work groups/committees: Monitoring legal developments; establishing and enforcing practices and guidance; vetting technology



AI risk assessment: Evaluating new tools—validation and auditing



Training programs: Enhancing organization-wide AI literacy; consider having super users who can promote use/answer questions



Cross-functional collaboration: Integrating legal, IT, operations, and HR



Ongoing monitoring: Ensuring continued fairness and compliance

AI Policies – Why?



Define the scope of acceptable AI use and establish uniformity among employees.



Help to ensure careful use of new and emerging technology by employees.



Help to protect confidential information and trade secrets.



Help mitigate potential legal liability if used appropriately.



Address growing trend to require such policies.

Approaches to AI Use Policies

AI Forbidden

- Lowest risk
- But is it practical?

Certain Approved AI Allowed

- Generally lists parameters of use
- Generally lists approved tools

Any AI Allowed

- Generally still includes guardrails
 - May have restrictions depending on role
- Have our privacy attorneys weighed in?

What should be in an AI Use Policy?



Define AI



Confidential information reminder



Identification of AI applications approved for use



Guidelines for each AI application generally used

What should be in an AI Use Policy?



Obligation to Report Policy Violations



Violations of the Policy



Recordings Through AI Tools



Cross-References to Other Applicable Policies
(Acceptable Use Policies, Code of Conduct, etc.)

Considerations for Choosing an AI Vendor

- Vetting AI Vendors:
 - What are the limitations of AI tool?
 - Will it use company data to learn?
 - Can features be turned on/off in different locations?
 - Can the tool be modified to address accommodations?
- Make sure AI tool users understand basics of how the tool works
- Review published audit reports on the tool
- Understand how the tool works, generates answers and what data it is trained on
- Consider seeking representations of legal compliance and broad indemnification

Takeaways

Your organization already is or will soon be using AI

AI guidance and regulation will keep evolving and various legal areas are implicated

- Develop internal responsibilities for monitoring

Proactive governance is critical

- Develop now before issues arise
- Focus on AI literacy across the organization

It is possible to embrace both innovation and responsible AI use

- Be comfortable with regular review and changes to AI policies and procedures

Contact Us

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We have received a "Law Firm of the Year" designation in at least one category from Best Law Firms® 13 years in a row.

In the current Best Law Firms® report, we received 8 National Tier 1 rankings and 156 Metro rankings.



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About the Firm

Ogletree Deakins is one of the largest labor and employment law firms representing management in all types of employment-related legal matters.

The firm has more than 1100 attorneys located in 60 offices across the United States and in Europe, Canada, and Mexico.

We represent a diverse range of clients, from small businesses to Fortune 50 companies.



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