

We Get AI for Work: What Employers Should Know About AI

By Joseph J. Lazzarotti & Eric J. Felsberg

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AI is transforming the workplace by enhancing productivity, driving innovation, and providing valuable insights through data analysis. AI's impact is felt in all aspects of business, from access to information to audio, video, and written content to decision-making and everyday human interactions. While AI's integration into business processes offers long-term benefits, adopting and implementing AI presents compliance challenges and potential risks.



Transcript

Joseph J. Lazzarotti

Principal and Privacy, Data and Cybersecurity Co-Leader

Thank you for joining us. I'm Joe Lazzarotti and I'm honored to be here with my partner and colleague, Eric Felsberg. We have the pleasure of leading our AI Client Services group here at Jackson Lewis.

We're grateful that many of you already enjoy our *We get work*™ podcast. If this is your first time listening, we hope you have come to enjoy it. But for those of you that have been listening, you know that our purpose is to bring you timely and insightful commentary on all things related to the workplace. And if you're a regular listener, you've probably already heard some excellent discussions on artificial intelligence.

In leading our AI Client Services group, we know that we need to continually do more to support our clients. AI's impact, whether on everyday human interactions, access to information, audio, video, written content, digital decision-making is enormous. Tools and applications leveraging AI technology are popping up everywhere. We see applicant selection and screening tools. Companies are implementing productivity monitoring software. Notetakers are popping up on calls, training aids, chat bots. Dash cams have AI embedded, wearables, the Internet of Things, and so on. It really can be overwhelming.

Many of you and others may have and will continue to have questions. We're seeing them come to us every day:

- What's coming next?
- What regulatory framework applies to our application?
- Do we have to provide a notice?
- Do we train the AI?
- How do we train our employees to use the AI?
- What questions should we ask our vendors at procurement?
- Are we compliant?

The list goes on. The reality is that as a practical matter, we are all just at the beginning of this groundbreaking technology that will develop, will expand and will no doubt have substantial implications for all of us, both personally and professionally.

For these reasons, as part of *We get work™*, we are launching a bi-monthly podcast dedicated to AI and generative AI, as well as related technologies as they impact the workplace. Each podcast will feature a regulatory update, followed by discussions of cutting edge and practical AI issues, as well as legal and compliance challenges that face organizations involving AI.

As an example of this regulatory update, Eric, can you give listeners a sense of the recent developments we've seen in Illinois?

Eric J. Felsberg

Principal and Artificial Intelligence Co-Leader

Thanks, Joe. The state of Illinois has been very active in its regulation of AI-related matters. In recent legislative sessions, Illinois passed two bills aimed at protecting individuals' likeness and publicity rights. And, following laws in places such as Colorado, New York City and Tennessee, the Illinois governor also recently signed the Limit Predictive Analytics Use Bill that amends the Illinois Human Rights Act by including AI to the list of actions by covered employers that could constitute civil rights violations.

Under the act, a violation can occur in two ways. First, an employer that uses AI in recruitment hiring, promotion, renewal of employment, selection for training or apprenticeship discharge, discipline, tenure or the terms, privileges or conditions of employment — pretty exhaustive list there — and which has the effect of subjecting employees to discrimination is one way in which the act may be violated. And second, the employer can also violate the act if it fails to provide notice to an employee that the employer is using AI for these purposes.

We've kind of seen a little bit of that in some other regulations across the country that have come out. Now, not intending to focus only on legal issues, future episodes of this podcast will cover practical topics such as:

- Top considerations for evaluating an AI vendor.
- Should our organization permit AI notetakers?
- When AI and biometrics merge, what are the key legal issues that we need to be aware of?
- AI and generative AI, what's the difference?

We've seen a lot of discussion around that, so hopefully we'll try to demystify

that distinction in future episodes.

- A discussion of the recent Colorado AI law.
- Bias audits, what do they entail? How do we go about preparing those?
- An examination of the AI bills passed at the end of California's most recent legislative session.

Of course, we welcome any thoughts any of you may have on issues that you would like to see us cover. To submit ideas, please feel free to email us at ai@JacksonLewis.com.

Our episodes will often feature guests, whether internal JL colleagues, industry experts, or in-house counsel and HR personnel. This is perhaps the part of this initiative that we are most excited about: It will bring to the table unique and practical perspectives on AI that will be a tremendous benefit to listeners — perspectives that you may not be able to get elsewhere.

So, if you're interested in joining us for an episode, we'd love to have you. Again, simply just email us at ai@JacksonLewis.com and we'll be in touch.

For this episode, that's going to be it. We're going to be signing off for now and hope you'll join us in the weeks and months ahead as we tackle AI issues facing the workplace.

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