

WHY USING AI AS AN HR PROFESSIONAL ISN'T AS SCARY AS IT SEEMS

PRESENTED BY: DR. JIM CASTAGNERA, ESQ.

- PRESIDENT, DR. JIM'S ONE-STOP HR SHOP
- PARTNER & TREASURER, PORTUM GROUP INTERNATIONAL
- OF COUNSEL, WILFTEK
- ADJ. PROFESSOR OF LAW & ADVISORY BOARD CHAIR,
PRIVACY, CYBERSECURITY & COMPLIANCE PROGRAM,
KLINE LAW SCHOOL OF DREXEL UNIVERSITY



SPONSORED BY:  GoCo

Introduction



Presented by HRMorning | Sponsored by GoCo

ChatGPT

“ChatGPT is an artificial-intelligence chatbot developed by OpenAI and launched in November 2022. It is built on top of OpenAI's GPT-3.5 and GPT-4 families of large language models and has been fine-tuned using both supervised and reinforcement learning techniques.”

<https://en.wikipedia.org/wiki/ChatGPT>

““ChatGPT is scary good. We are not far from dangerously strong AI.”

- Elon Musk, Vox, December 15, 2022





How Many Jobs Will Be Lost, Worldwide?

“AI could take the jobs of as many as one billion people globally and make 375 million jobs obsolete over the next decade.”

- <https://www.datarobot.com/newsroom/press/datarobots-state-of-ai-bias-report-reveals-81-of-technology-leaders-want-government-regulation-of-ai-bias/>

Presented by HRMorning | Sponsored by GoCo



Can These Jobs Be Replaced?

“Newer, better-paying jobs likely won’t replace those lost, so without widespread retraining and reskilling, ordinary people will have significant difficulty finding new work.”

- *Ibid.*

Some Jobs Likely to Be Eliminated?

- Customer service executives
- Bookkeeping and data entry
- Receptionists
- Proofreading
- Manufacturing and pharmaceutical work
- Retail services
- Courier services
- Doctors
- Soldiers
- Taxi and bus drivers
- Market research analysts
- Security guards

https://www.zippia.com/advice/ai-job-loss-statistics/#AI_And_Job_Loss_Statistics_By_Type_Of_Job_Affected

Jobs Not Likely to Be Replaced?

- Human resource managers
- Writers
- Lawyers
- Chief executives
- Scientists
- Clergy members
- Psychiatrists
- Event planners
- Graphic designers
- Public relations managers
- Software developers
- Project managers
- *Ibid.*

How are businesses using ChatGPT?

- Writing templates for online content.
- Customer service correspondence.
- Writing code.
- Writing sales pitches.
- Summarizing long reports.
- Analyzing business trends.

<https://www.thecorporategovernanceinstitute.com/insights/news-analysis/policy-for-chatgpt-may-be-crucial-as-ai-surges-in-popularity/>

- Language Translation
- Chatbot
- Research

<https://trainual.com/template/chatgpt-policy>

- Fact Checking
- First Drafts
- Editing
- Brainstorming

<https://www.legal.io/articles/5429675/You-ll-Probably-Need-a-ChatGPT-Company-Policy>

Webinar Objectives

- Use AI to handle your repetitive, non-value-added tasks
- Ensure fairness, transparency, and accountability in AI practices
- Address fears about AI
- Develop Your Skills to Work with AI

Objective 1: Use AI to handle your repetitive, non-value-added tasks



Example: Using ChatGPT in Your Hiring Process



Creating Job Advertisements

- Title: Chief Compliance Officer
- Company: [Company Name]
- Location: [Location]
- Job Type: Full-time
- We are seeking a highly skilled and experienced Chief Compliance Officer to join our dynamic and growing organization. As the Chief Compliance Officer, you will play a pivotal role in ensuring that our company operates within legal and regulatory frameworks, adheres to industry standards, and upholds the highest ethical standards. You will be responsible for developing, implementing, and overseeing our compliance program to mitigate risks and protect the integrity of our business operations.

Job Advertisement (cont.)

- Responsibilities:
 1. Develop and implement a comprehensive compliance program: Design and maintain policies, procedures, and controls to ensure compliance with relevant laws, regulations, and industry standards.
 2. Monitor regulatory changes: Stay up-to-date with changes in laws, regulations, and industry best practices to ensure ongoing compliance. Provide guidance to senior management and relevant teams on necessary actions to address regulatory developments.
 3. Risk assessment and mitigation: Conduct regular risk assessments and identify potential compliance vulnerabilities. Develop strategies and action plans to mitigate risks and ensure compliance across all business units.
 4. Training and awareness: Develop and deliver compliance training programs to educate employees on relevant laws, regulations, and internal policies. Foster a culture of compliance and ethical behavior throughout the organization.
 5. Internal investigations: Lead and conduct internal investigations into compliance-related issues. Take appropriate actions to address any violations, implement corrective measures, and report findings to senior management and relevant authorities, if required.
 6. Compliance reporting and documentation: Prepare regular compliance reports for senior management and board of directors. Maintain accurate and up-to-date compliance records, including policies, procedures, training materials, and investigations.
 7. Collaboration and communication: Liaise with regulatory agencies, external auditors, and legal counsel to ensure effective communication and cooperation. Advise senior management on compliance-related matters and provide guidance on potential risks and opportunities.

Job Advertisement (cont.)

- Qualifications:
- Bachelor's degree in business administration, law, finance, or a related field. A master's degree or relevant professional certifications (e.g., Certified Compliance and Ethics Professional) is preferred.
- Minimum of [X] years of experience in a compliance role, with a proven track record of developing and implementing compliance programs within a complex organizational structure.
- Thorough knowledge of relevant laws, regulations, and industry standards, such as [mention specific regulations or industry frameworks].
- Strong analytical and problem-solving skills, with the ability to assess risks and develop effective mitigation strategies.
- Excellent communication and interpersonal skills, with the ability to collaborate with and influence stakeholders at all levels of the organization.
- Demonstrated leadership abilities, with the capability to inspire and drive a culture of compliance throughout the organization.
- Sound judgment and integrity, with a commitment to upholding ethical standards.
- Strong organizational skills and attention to detail, with the ability to manage multiple priorities and deadlines.
- Experience in conducting internal investigations and addressing compliance violations is a plus.

Job Advertisement (cont.)

- If you are a results-oriented professional with a passion for compliance and a drive to ensure the highest standards of integrity, we would love to hear from you. Join our team and make a significant impact in maintaining our company's compliance and ethical practices.
- To apply, please submit your resume, cover letter, and any relevant certifications to [contact email or website]. We appreciate all applications, but only selected candidates will be contacted for an interview.
- [Company Name] is an equal opportunity employer. We value diversity and strive to create an inclusive and respectful work environment.

Generate Key Words for Job Descriptions

- Give me a list of key words for a job description for a patent attorney.

Here is a list of keywords that can be included in a job description for a patent attorney:

- Patent prosecution
- Intellectual property (IP)
- Legal counsel
- Patent drafting
- Patent application
- Patent analysis
- Patent portfolio management
- Patent infringement
- Patentability analysis
- Patent litigation
- Patent strategy
- Patent research
- Freedom-to-operate (FTO) analysis
- Patent examination
- Patent office procedures
- Patent filing
- Patent enforcement
- Patent disputes
- Patent licensing
- Patent law
- Trademarks
- Copyrights
- Trade secrets
- Invention disclosure
- Prior art searching
- Patentability opinions
- Legal research
- Due diligence
- Client counseling
- Regulatory compliance

Generate candidate outreach copy

- We are a barber shop looking for barbers to join our team. Write a candidate outreach email to send to prospective candidates that will encourage them to apply.

Draft Email (1)

- Subject: Exciting Barbering Opportunity at [Barber Shop Name] - Join Our Team!
- Dear [Candidate's Name],
- I hope this email finds you well. My name is [Your Name], and I am reaching out to you on behalf of [Barber Shop Name]. We are a vibrant and established barber shop in [Location], known for our commitment to delivering exceptional grooming experiences to our diverse clientele.
- We have been following your career as a barber and have been impressed by your talent, passion, and dedication to your craft. We believe that your skills and personality would be a perfect fit for our team. That's why I am excited to extend an invitation for you to join us as a barber at [Barber Shop Name].

Draft Email (2)

- Here's what makes [Barber Shop Name] an exceptional place to work:
 1. **Thriving and Supportive Environment:** Join a team of highly skilled barbers who are passionate about their work and take pride in delivering top-notch services. We foster a positive and supportive atmosphere where creativity and collaboration thrive.
 2. **Diverse Clientele:** At [Barber Shop Name], you will have the opportunity to work with a diverse range of clients from all walks of life. From trendy styles to classic cuts, you'll get to showcase your talent and cater to a broad range of grooming preferences.
 3. **Cutting-Edge Facilities:** Our barber shop is equipped with state-of-the-art tools and equipment to ensure that you have everything you need to provide an exceptional grooming experience. We prioritize maintaining a clean and hygienic environment for both our clients and staff.
 4. **Competitive Compensation:** We believe in recognizing and rewarding talent. As a valued member of our team, you will receive competitive compensation, including a generous commission structure and opportunities for professional growth.
 5. **Ongoing Learning and Development:** We are committed to helping our barbers continuously improve their skills and stay up-to-date with the latest trends and techniques. You will have access to regular training and development programs to enhance your expertise and expand your knowledge.

Draft Email (3)

- If you are excited about the prospect of joining our team and contributing to our mission of providing exceptional barbering services, we would love to hear from you. Please submit your resume, portfolio, or any other relevant information to [Email Address]. Feel free to include any specific highlights or achievements that demonstrate your expertise and passion for barbering.
- I invite you to visit our website at [Website URL] to learn more about our barber shop and the services we offer. Should you have any questions or require further information, please do not hesitate to reach out.
- Thank you for considering this opportunity with [Barber Shop Name]. We look forward to hearing from you and potentially welcoming you to our team of talented barbers.
- Warm regards,
- [Your Name] [Your Position] [Barber Shop Name]

Drafting Interview Questions

- I am interviewing with a potential candidate for a chief accountant position. Generate 10 questions to evaluate the candidate's experience, qualifications, and fit for the role.

The Questions

1. Can you provide an overview of your experience as a chief accountant or in a similar leadership role? How many years have you worked in this capacity?
2. Describe your approach to overseeing financial operations and ensuring accurate and timely financial reporting within an organization.
3. How have you implemented and maintained internal controls to safeguard assets and prevent fraud? Can you share an example of a control you implemented successfully?
4. How do you stay up-to-date with accounting standards, regulations, and industry trends? How have you applied this knowledge in your previous roles?
5. Can you discuss your experience in managing budgeting and forecasting processes? How have you utilized financial data to support strategic decision-making?
6. Describe your experience in coordinating and managing external audits or reviews. How have you successfully collaborated with auditors to ensure compliance and address any findings?
7. How do you approach financial risk management? Can you share an example of a situation where you identified and mitigated a significant financial risk?
8. Can you discuss your experience with tax compliance and strategy? How have you ensured that an organization remains in compliance with applicable tax laws and regulations?
9. How do you foster effective communication and collaboration with cross-functional teams, such as finance, operations, and executive leadership? Can you provide an example of a successful collaboration effort?
10. In your opinion, what are the key qualities and skills that a chief accountant should possess to excel in this role? How do your qualifications align with those qualities?

Plus commentary

- These questions aim to evaluate the candidate's experience, technical knowledge, leadership abilities, problem-solving skills, and their fit with the organization's needs and culture. Feel free to tailor the questions to the specific requirements of the chief accountant position and your organization.

The Policy (1)

- **Confidentiality and Privacy:** As a large law firm, we understand the critical importance of maintaining client confidentiality and privacy. ChatGPT must not disclose or discuss any sensitive or confidential information related to our clients, ongoing legal matters, or any privileged information. All conversations with ChatGPT must remain confidential and treated with the utmost discretion.
- **Legal Accuracy:** While ChatGPT is a powerful language model, it is essential to remember that it should not be considered a substitute for professional legal advice. ChatGPT is designed to provide general information and suggestions. It is the responsibility of our legal professionals to review and validate the information provided by ChatGPT before applying it to any specific legal matters or cases.
- **Ethical Compliance:** Our law firm adheres to a strict code of ethics and professional conduct. ChatGPT should not engage in any activities or provide information that may be considered unethical, violate legal regulations, or compromise the integrity of our legal practice. The use of ChatGPT should align with our firm's ethical guidelines and professional responsibilities.
- **Data Security:** We prioritize the security and protection of client data. ChatGPT should not request, collect, or store any personal or confidential information from users or clients. If any sensitive information is inadvertently provided during a conversation with ChatGPT, it must be treated with the utmost care, and necessary steps must be taken to ensure its secure handling and deletion.

The Policy (2)

- **Clear Disclaimers:** When interacting with ChatGPT, it is important to include clear disclaimers informing users that the information provided is for general guidance purposes only and does not constitute legal advice. Users should be encouraged to seek personalized legal counsel for their specific legal concerns.
- **Continuous Improvement:** We encourage our legal professionals to provide feedback on the use of ChatGPT to enhance its accuracy and usefulness over time. Feedback regarding any limitations or potential risks associated with ChatGPT should be shared with the appropriate team for further analysis and improvement.
- **Regular Auditing and Monitoring:** We will conduct regular audits and monitoring of ChatGPT's usage to ensure compliance with our policies and guidelines. This includes reviewing conversations and interactions to assess accuracy, privacy, and adherence to our ethical standards.
- **By following this ChatGPT policy, we aim to leverage the capabilities of the language model while upholding our professional obligations, maintaining the highest level of confidentiality, and providing valuable legal services to our clients.**

Other Possibilities

- Generate an onboarding survey
- Produce a training manual
- Draft a performance review
- Set professional goals
- *See*
<https://www.wellable.co/blog/how-to-use-chatgpt-in-hr-examples/>
- <https://www.shrm.org/resourcesandtools/hr-topics/technology/pages/chatgpt-hr-primer-ai-workplace.aspx>
- Composing employee handbook materials and policy manuals and updating them.
- Checking HR laws and regulations.
- Summarizing research and reports.
- Generating employee surveys and sentiment analyses.
- Streamlining administrative tasks, such as reminders about events and holidays.
- Developing personalized career development plans.
- Scanning and screening resumes.
- Conducting market research on compensation.
- Providing employee self-service.

Objective 2: Ensure fairness, transparency, and accountability in AI practices



Disparate Impact

“Disparate impact occurs when policies, practices, rules or other systems that appear to be neutral result in a disproportionate impact on a protected group. For example, testing all applicants and using results from that test that will unintentionally eliminate certain minority applicants disproportionately is disparate impact.”

Source: SHRM, <https://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/disparateimpactdisparatetreatment.aspx>

Algorithm

“An algorithm is a procedure used for solving a problem or performing a computation. Algorithms act as an exact list of instructions that conduct specified actions step by step in either hardware- or software-based routines. Algorithms are widely used throughout all areas of IT.”

Source: <https://www.techtarget.com/whatis/definition/algorithm>

Algorithms in the Hiring Process

“Hiring is rarely a single decision, but rather the culmination of a series of smaller, sequential decisions. Algorithms play different roles throughout this process:

- “Some steer job ads toward certain candidates,
- while others flag passive candidates for recruitment.
- Predictive tools parse and score resumes, and help hiring managers assess candidate competencies in new ways, using both traditional and novel data.”
- Source: Harvard Business Review, May 6, 2019, <https://hbr.org/2019/05/all-the-ways-hiring-algorithms-can-introduce-bias>

Word2Vec bias

- “In 2016, Microsoft and Boston University researchers revealed that the Word2Vec (publicly available algorithmic model built on millions of words scraped from online Google News articles, which computer scientists commonly use to analyze word associations) model trained itself on gender stereotypes existing in online news sources (Bolukbasi, 2016).”
- Source: <https://medium.com/@MerveHickok/why-was-your-job-application-rejected-bias-in-recruitment-algorithms-part-2-f706fa9af651> , citing <https://www.semanticscholar.org/paper/Man-is-to-Computer-Programmer-as-Woman-is-to-Word-Bolukbasi-Chang/ccf6a69a7f33bcf052aa7def176d3b9de495beb7>

EEOC: Artificial Intelligence and Algorithm Fairness Initiative

“In 2021, U.S. Equal Employment Opportunity Commission (EEOC) Chair Charlotte A. Burrows launched an agency-wide initiative to ensure that the use of software, including artificial intelligence (AI), machine learning, and other emerging technologies used in hiring and other employment decisions comply with the federal civil rights laws that the EEOC enforces.”

<https://www.eeoc.gov/ai>

The ADA and Application Algorithms

“Employers now have a wide variety of computer-based tools available to assist them in hiring workers, monitoring worker performance, determining pay or promotions, and establishing the terms and conditions of employment. Employers may utilize these tools in an attempt to save time and effort, increase objectivity, or decrease bias. However, the use of these tools may disadvantage job applicants and employees with disabilities. When this occurs, employers may risk violating federal Equal Employment Opportunity (“EEO”) laws that protect individuals with disabilities.”

<https://www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence>

EEOC Settlement, March 20, 2023

“DHI Group, Inc., which operates job-search website for technology professionals Dice.com, has entered into a conciliation agreement with the U.S. Equal Employment Opportunity Commission (EEOC) to resolve national origin discrimination charges, the federal agency announced today.”

Source: EEOC Press Release, “DHI Group, Inc. Conciliates EEOC National Origin Discrimination Finding,” <https://www.eeoc.gov/newsroom/dhi-group-inc-conciliates-eeoc-national-origin-discrimination-finding>

The Charges

“This resolution resolves multiple charges of discrimination filed against DHI, ending an investigation in which the EEOC determined it had reasonable cause to believe DHI violated Title VII when some of its customers posted positions on Dice.com that excluded those of American national origin, thereby deterring a class of workers from applying.”

The Resolution

- Pursuant to the conciliation agreement, DHI will compensate the estate of the original complainant
- and agreed to rewrite its programming to “scrape” for potentially discriminatory keywords such as “OPT”, “H1B” or “Visa” that appear near the words “only” or “must” in its customer’s new job postings.
- DHI also agreed to revise its guidance to customers on its “Job Postings not permitted on Dice” website pop-up to include instructions to avoid language such as “H-1Bs Only” or “H-1Bs and OPT Preferred.”

Human in the Loop

“A human is assisted by a machine. In this model, the human is doing the decision making and the machine is providing only decision support or partial automation of some decisions, or parts of decisions. This is often referred to as intelligence amplification (IA).”

Source: Harvard Business Review, November 10, 2021,
<https://hbr.org/2021/11/managing-ai-decision-making-tools>

Human on the Loop

“Here, the machine is assisted by a human. The machine makes the micro-decisions, but the human reviews the decision outcomes and can adjust rules and parameters for future decisions. In a more advanced set-up, the machine also recommends parameters or rule changes that are then approved by a human.”

- *Ibid.*

Case Study: Simpson's Paradox

- Assume that for “gender” our goal is 50-50.
- We review our job applications for the past quarter and find a disparity in favor of one gender or the other.
- Does this data point, standing alone, “prove” that our AI is engaging in disparately impactful conduct?

1973 UC- Berkley Admissions Study

- When observing admissions by gender, men applying were more likely than women to be accepted.
- Researchers **drilled down** and examined application rates by department. The findings:
- Women tended to apply to departments with more competitive admissions requirements.
- Only four out of 85 departments exhibited bias against women.
- Six departments exhibited bias towards men.
- https://fairlearn.org/main/user_guide/assessment/common_fairness_metrics.html

EEOC's Concept of "Underutilization"

- Underutilization occurs when the percentage of employees in a protected group (women, minorities, persons with disabilities) is less than the availability percentage for that protected group.

How does the analysis work?

- A. Determine your job categories
- B. Determine availability
 1. What is your **reasonable recruitment area**?
 2. What **data sets** are available for that area? (e.g., census data, data from local job service offices, colleges and other training institutions)
- C. Compare applications to availability determination
- D. If they differ, ask why? (And remember Simpson's Paradox.)

<https://www.dol.gov/agencies/ofccp/manual/fccm/1f-review-executive-order-aap-and-itemized-listing-data-acceptability-1>

Objective 3: Address Fears about AI



Presented by HRMorning | Sponsored by GoCo

Most Prevalent Employee Worries

- Displacement from my job
- Invasion of my privacy
- Lack of interaction with our customers/clients
- <https://www.psychologs.com/addressing-the-impact-of-ai-worries-in-the-workplace/>

Displacement from my job

- Deal with employees in an open and transparent way.
- Seek Board & C-suite commitment to enhancement v. replacement.
- Establish a robust education and training program **and fight to keep it adequately funded.**
 - Skill gap training
 - Internal career-advancement training and education opportunities
 - Tuition support for credential building
- Emphasize internal transfers over outside hiring when feasible.
- Institute an Employee Assistance Program.
- Provide effective outplacement services.

Invasion of my privacy

- Adopt and disseminate a robust privacy policy.
- Know and adhere to legal requirements involving data privacy.
 - Federal laws: HIPAA, ADA, FMLA, GINA, FCRA
 - State laws: Especially in California; also an increasing number of other jurisdictions
- React to breaches of privacy quickly and vigorously; plan for that response well in advance.

Lack of interaction with our customers/clients

- Chatbots and other assistance systems should always have a human component **in the loop** and readily accessible.
- This is smart customer relations as well and good employee relations.

Objective 4: Develop Your Skills to Work with AI



Presented by HRMorning | Sponsored by GoCo

Broad Skill Categories: Critical Thinking

- Vet new information with caution
- Establish where the information came from
- Consider multiple points of view
- Engage in active listening
- Ask pertinent questions
- Seek other sources
- Don't get your news only from social media
- Learn to spot fakes
- Learn to spot bias
- Look within and spot your biases
- Make up your own mind
- Exercise your critical-thinking "muscles" every day

Broad Skill Categories: Communication

- **YOU** “need to be able to communicate and collaborate with AI systems effectively. This includes creating prompts for generative AI, giving and receiving feedback from AI systems, and working in cross-functional teams that include AI systems.”
- <https://www.linkedin.com/pulse/reskilling-future-work-developing-skills-alongside-ai-nicolas-oggioni/>

Broad Skill Categories: Data Literacy

- **YOU** “need to be able to understand, analyze, and interpret data to leverage the power of AI. This includes understanding data analytics tools and techniques and being able to make data-driven decisions.”
- *Ibid.*

Cherish and Develop Your “Soft Skills”

“Many researchers believe that there will come a point when computer programs perform much of the work formerly reserved for humans. Artificial intelligence will impact the jobs of those from finance to healthcare. As the need for physical skills, and even many basic cognitive ones, decline in importance, the marketable skills that can future-proof your career and livelihood will be “soft skills,” such as management, communication, and empathy.”

<https://www.fastcompany.com/90887540/how-to-strengthen-your-soft-skills-for-ai-and-the-future-of-work>

Skills Essential to the Leaders of Our AI Future

- Analytical judgment
- Flexibility
- Emotional intelligence
- Intellectual curiosity
- Bias detection and handling
- AI delegation

Source: Microsoft Work Trend Index [see <https://www.cnbc.com/2023/05/09/top-skills-you-will-need-for-an-ai-powered-future-according-to-microsoft-.html>]

AI: DEVIL OR ANGEL?



**THANK YOU
FOR JOINING US!**

