ALL ABOUT AI & EEO

September 2023

AGENDA: ALL ABOUT ARTIFICIAL INTELLIGENCE

This session will provide an overview for EEO and Civil Rights Directors on:

- **The History of AI**
- **The Current State of AI**
- **Potential EEO Issues**
- **Suggested Next Steps**

HELLO

Dr. Romella Janene El Kharzazi is an I/O psychologist and economist. She is also a SHRM certified senior Human Resources professional. She works as a Social Science Research Analyst at the U.S. Equal Employment Opportunity Commission (EEOC) where she conducts research to help make the federal government a model employer. The EEOC has published her research on women in STEM, younger workers, and alternative dispute resolution, among others. Romella also has a leadership role in the development of the demographic employment data tabulation provided to the public via data.census.gov. She recently completed a report on the use of AI in federal hiring and lead a report on privacy and EEO laws.
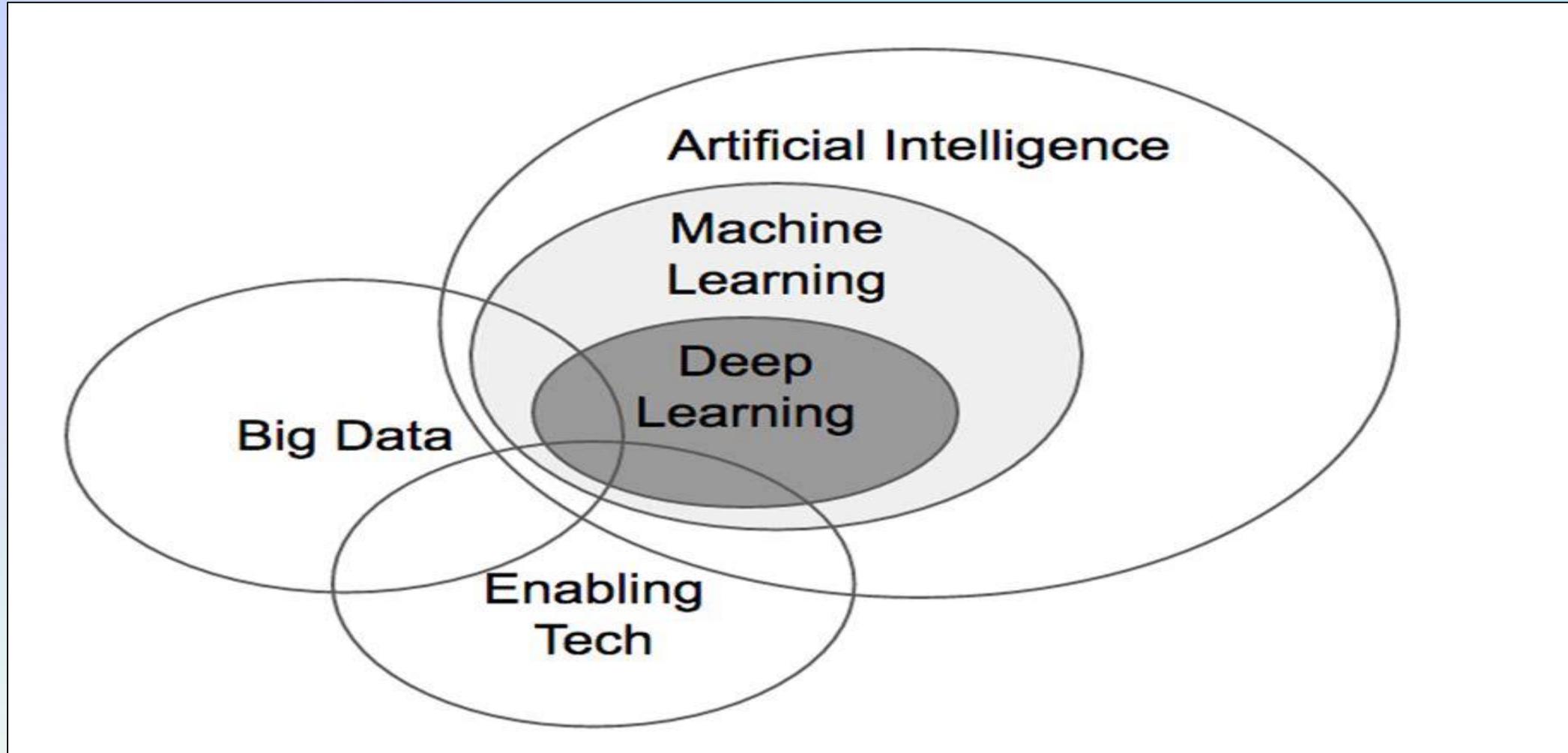
AI Overview

Background on Artificial Intelligence
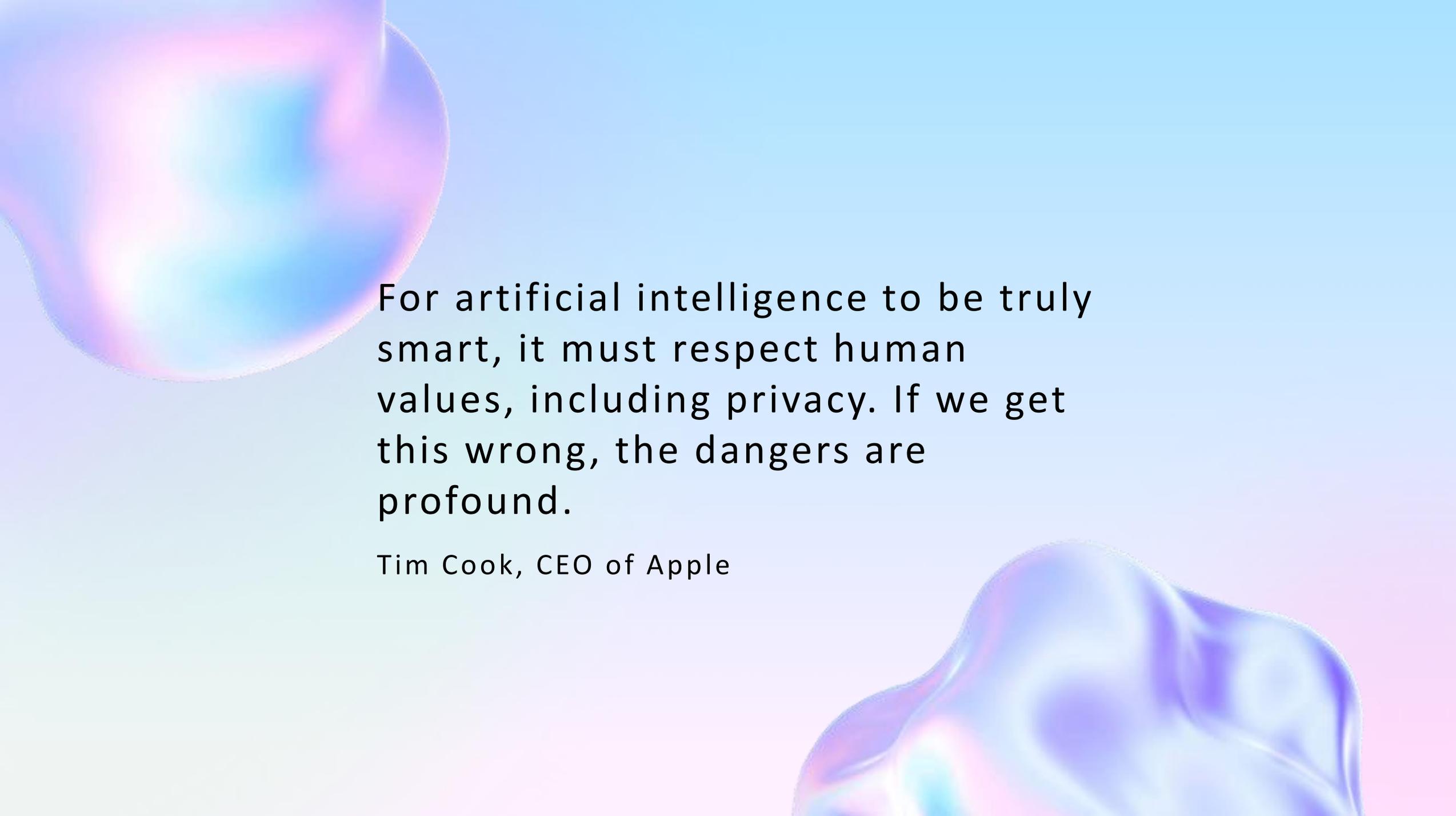
For artificial intelligence to be truly smart, it must respect human values, including privacy. If we get this wrong, the dangers are profound.

Tim Cook, CEO of Apple

Credit: El Kharzazi et al. (2018). Applications of Artificial Intelligence by Practitioners. The 33rd Annual Conference of the Society for Industrial and Organizational Psychology.

ARTIFICIAL INTELLIGENCE
Early artificial intelligence stirs excitement.

MACHINE LEARNING
Machine learning begins to flourish.

DEEP LEARNING
Deep learning breakthroughs drive AI boom.

1950's 1960's 1970's 1980's 1990's 2000's 2010's

Since an early flush of optimism in the 1950s, smaller subsets of artificial intelligence – first machine learning, then deep learning, a subset of machine learning – have created ever larger disruptions.

Credit: El Kharzazi et al. (2018). Applications of Artificial Intelligence by Practitioners. The 33rd Annual Conference of the Society for Industrial and Organizational Psychology.

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Three Levels of Artificial Intelligence
(In order of evolution and increasing complexity)

Models that recognize & predict Train on data to identify latent relationships	Examples: Credit risk assessments, facial recognition, medical diagnosis, and genome sequencing.
Models that adapt & learn Learns from our behavior and adapts to the context	Examples: Spam filters, voice recognition, voice-to-text, social media feeds, and Internet search.
Generative AI Trains on our documents to learn what words mean to creates a Large Language Model (LLM) that can generate new content in response to a prompt.	Examples: ChatGPT, Bard, MidJourney, DALL-E, etc. These models can be integrated into applications (e.g., email, productivity software, and search).

Different Uses of AI

GENERATIVE	VISION	EXPERT SYSTEMS	ANALYTICS	ROBOTICS
Can write poems and find answers to questions	Can use images to identify and classify things	Can solve complex problems in limited knowledge domains.	Predict future outcomes based on historical data.	Automated manufacturing and humanoids.

Is AI Being Used by HR?

ACCORDING TO SHRM'S 2022 SURVEY

- Nearly 1 in 4 organizations reported using automation or AI to support HR-related activities,

- The report found that 85 percent of employers using automation or AI said it saves time or increases efficiency.

ACCORDING TO 2023 PAYCHEX RESEARCH

- Over 75% of HR Leaders Will Use AI in the Next Year.

Examples of Recent Research

- Götz et al. (2023) argued that test items can be generated via AI (NPL –The Psychometric Item Generator -PIG), but stated that reliability and validity should be "carefully evaluated" when developing a test with PIG.

- AI has the potential to transform employee wellness programs by offering tailored programs; for example, AI can be used to analyze exercise data and provide individualized suggestions, create AI-based exercise plans, and monitor health conditions to prevent injuries (Fabbrizio, 2023).

- The proliferated during COVID, but APA (2023) warns that the use of AI-based mental health solutions without proper regulation may create disparities in the provision of care, as those who cannot afford traditional therapy might be referred to low quality chatbot therapists.

Where can AI be Used in HR?

CLASSIFICATION

RECRUITMENT

SELECTION

PROMOTION

PERFORMANCE

TERMINATION
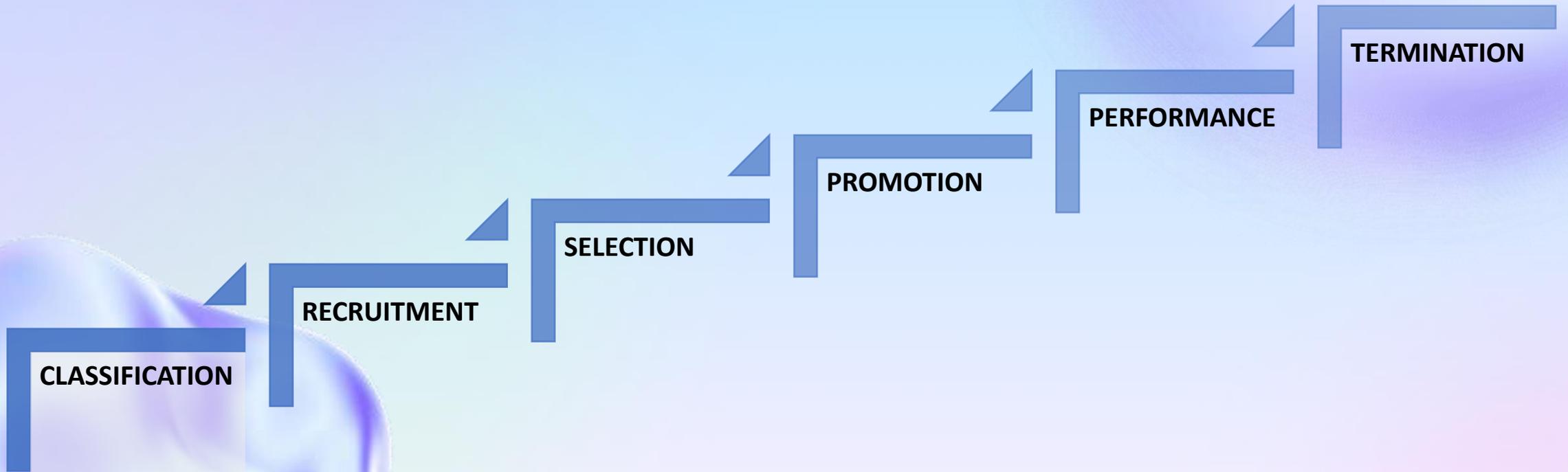
EEOC & AI

Highlights of Recent EEOC Guidance on the Use of AI & Automated Decision Making Tools

Setting the EEO Agenda on AI

- **Refines the recruitment and hiring priority**

  - To include addressing policies and practices that limit access to on-the-job training, pre-apprenticeship or apprenticeship programs, temp-to-hire positions, internships, or other job training or advancement opportunities based on protected status;

- **Recognizes employers' increasing use of technology**

  - Including artificial intelligence or machine learning, to target job advertisements, recruit applicants, and make or assist in hiring and other employment decisions, practices, or policies;

- **Updates the emerging and developing issues priority**

  - To include protecting workers affected by technology-related employment discrimination

https://www.eeoc.gov/strategic-enforcement-plan-fiscal-years-2024-2028

Specific EEOC Actions on AI

- The U.S. Equal Employment Opportunity Commission (EEOC) has recently released guidance on the use of AI and the Americans with Disabilities Act. Additionally, the EEOC issued a resource on Artificial Intelligence and Title VII.

- In addition, there is evidence that older candidates are discriminated against during the hiring process. For example, a recent lawsuit claims that a tutoring service programmed their AI software to automatically reject applicants above a certain age (Equal Employment Opportunity Commission v. iTutorGroup Inc. et al., 2023).

The Uniform Guidelines on Employment Selection Procedures (1978) are STILL relevant!!!

Criterion validity

- Criterion validity is the extent to which a test predicts with a specific outcome/criterion (e.g., a job performance duty).

- To determine if a test has criterion validity, data is collected for both the test scores and the criterion measure (e.g., job performance ratings).

Action items to consider

Specific Recommendations for EEO Directors

Recommendations

CONNECT WITH HR	ASK COMPLAINANTS	DEVELOP CAPACITY
• Learn what they are currently doing. • Learn what they are currently developing. • Learn what they want to do.	• If they think they have been subjected to AI.	• Train EEO and CRA staff on what AI and automated systems are. • Train EEO & CRA Staff on EEOC guidance. • Have a technical resource available for initial barrier analysis activities.

SUMMARY

Artificial Intelligence holds great promise and has many potential benefits, but there are potential pitfalls.

EEO & Civil Rights Directors must remain current on new applications of AI in the workplace.

THANK YOU
Questions???

Citation:

El Kharzazi, R.J. (2023). All about AI & EEO. [Webinar].