

Artificial Intelligence in Hiring





Session Overview

- How & why AI is used in hiring
- Benefits and risks
- Best practices for HR



What is A.I.?

- Congress defines Artificial Intelligence (AI) as “a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.” 15 USC 9401

Half of All U.S. Employees Now Use AI

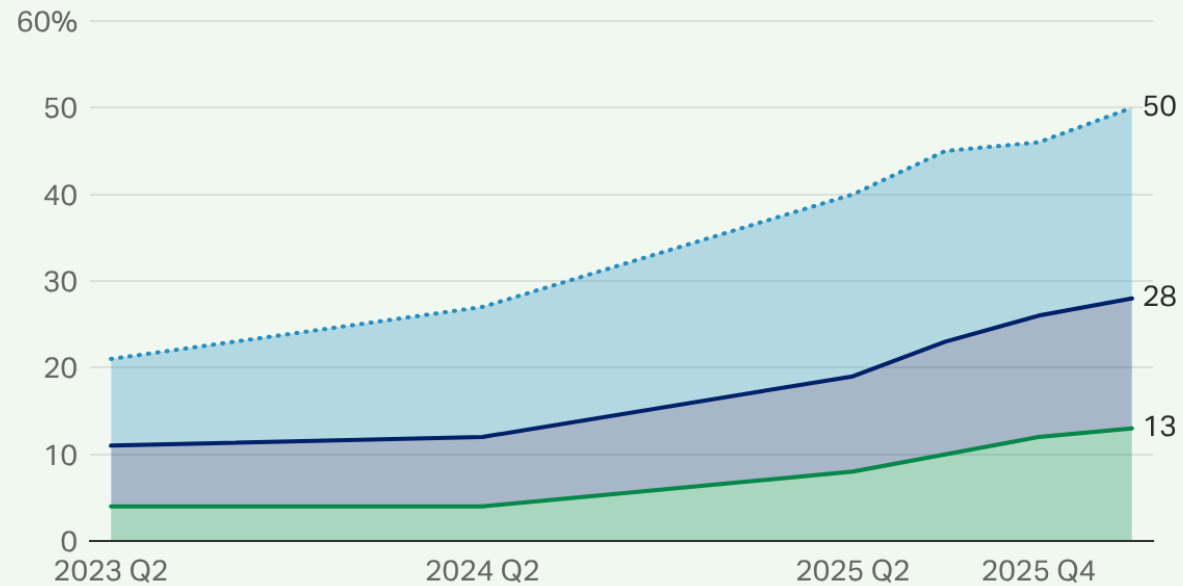
Daily AI users (% of employees using AI daily in their role)

Frequent AI users (% using AI daily or a few times a week)

Total AI users (% using AI daily, a few times a week, a few times a month, or a few times a year)

▼ *Click to see the full question wording.*

Question wording: *How often do you use artificial intelligence in your role — daily, a few times a week, a few times a month, a few times a year, once a year, less than once per year or never?*



Not all response options shown

AI-Adopting Organizations Have More Workforce Changes

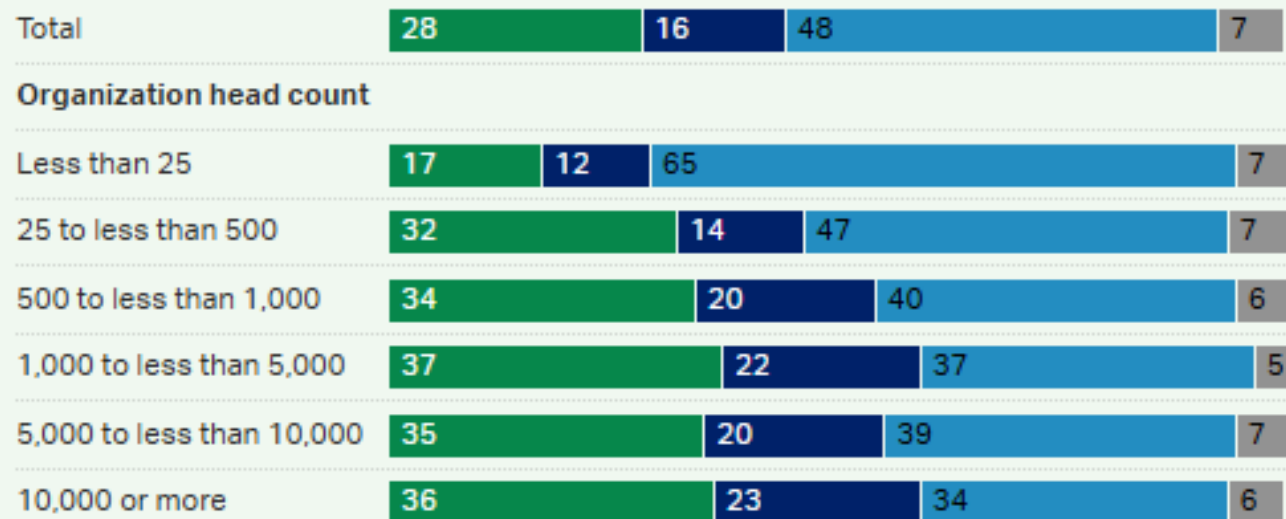
Based on what you know or have seen, would you say that, in general, your company or employer is ...

Use the tabs below to view the different levels.

AI-Adopting Organizations

Organizations Not Adopting AI

■ % Hiring new people and expanding the size of its workforce ■ % Letting people go and reducing the size of its workforce ■ % Not changing the size of its workforce ■ % Don't know



Q1 2026

Organizational AI-adoption categories are based on employees' responses to "To the best of your knowledge, has your organization integrated artificial intelligence (AI) technology or tools to improve organizational practices (e.g., to increase productivity, efficiency, and quality)?" Those who responded "Don't know" are not included in either category.

[Get the data](#) • [Download image](#)

GALLUP

How do Employers use AI in hiring?



Draft Job
Descriptions



Automated
resume
screening



Candidate
scoring
algorithms



Chatbots and
virtual
interviews



Facial and
voice analysis
tools

8:08 Interview with Alex

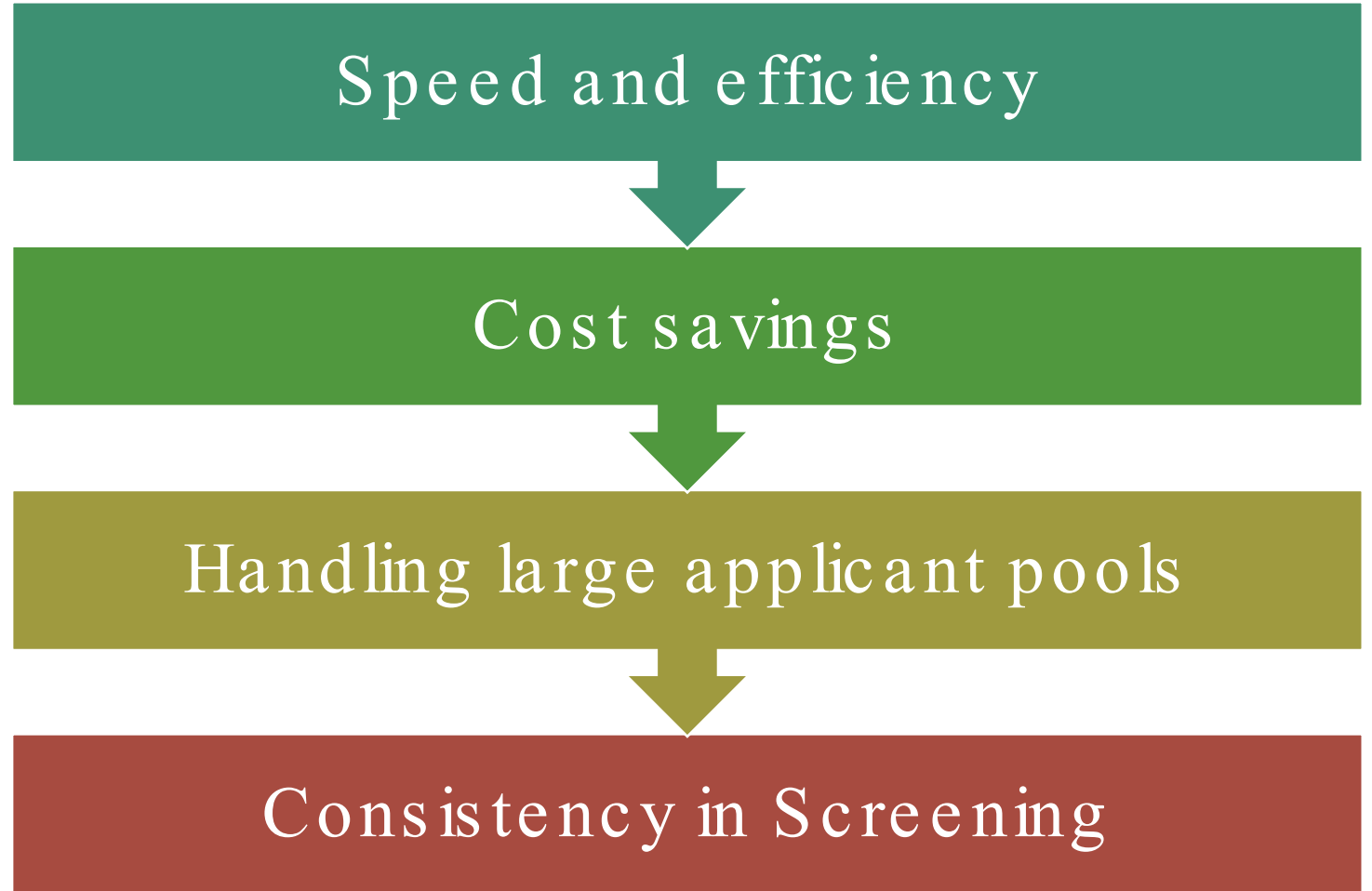
Alex



The Telegraph



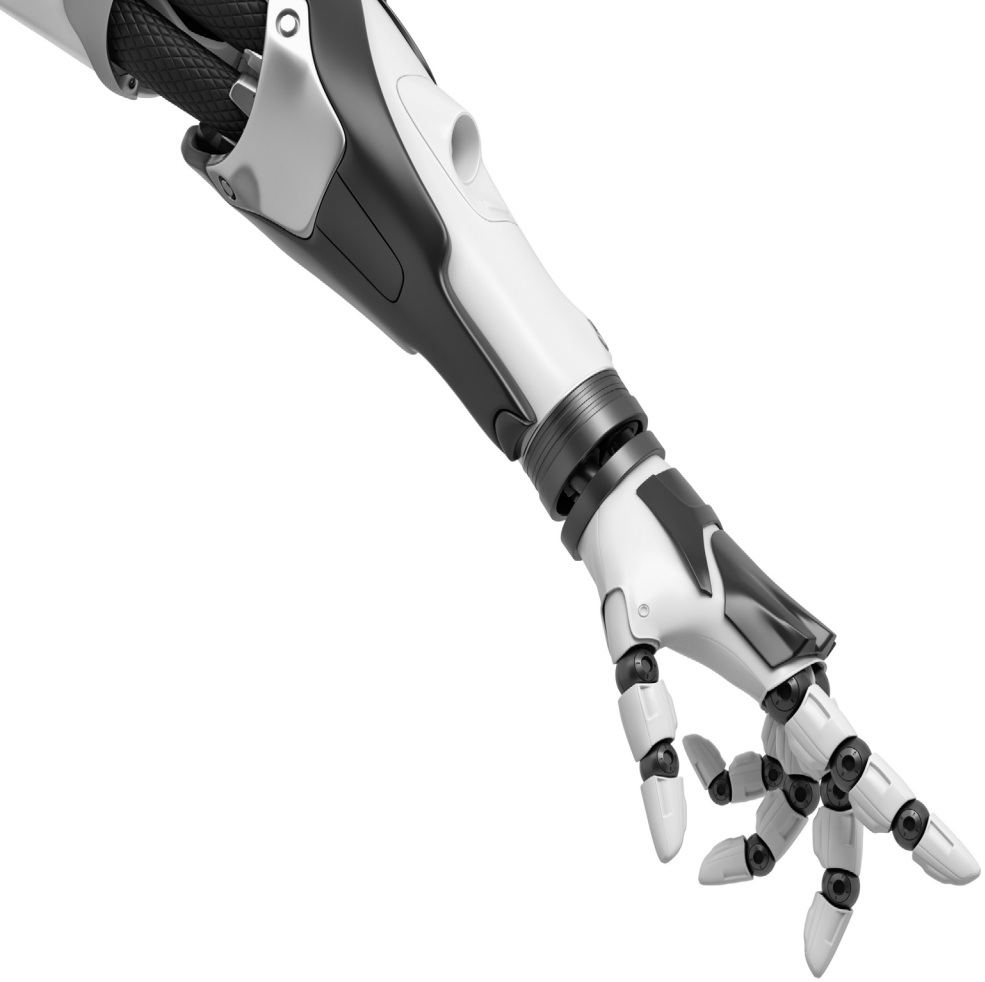
Why Do Employers Use AI?



Key Risks

- Legal Risks
 - Title VII Discrimination
 - ADA implications
- Reputational Harm
- Confidentiality Concerns





Key Legal Risks

Title VII of the Civil Rights Act of 1964

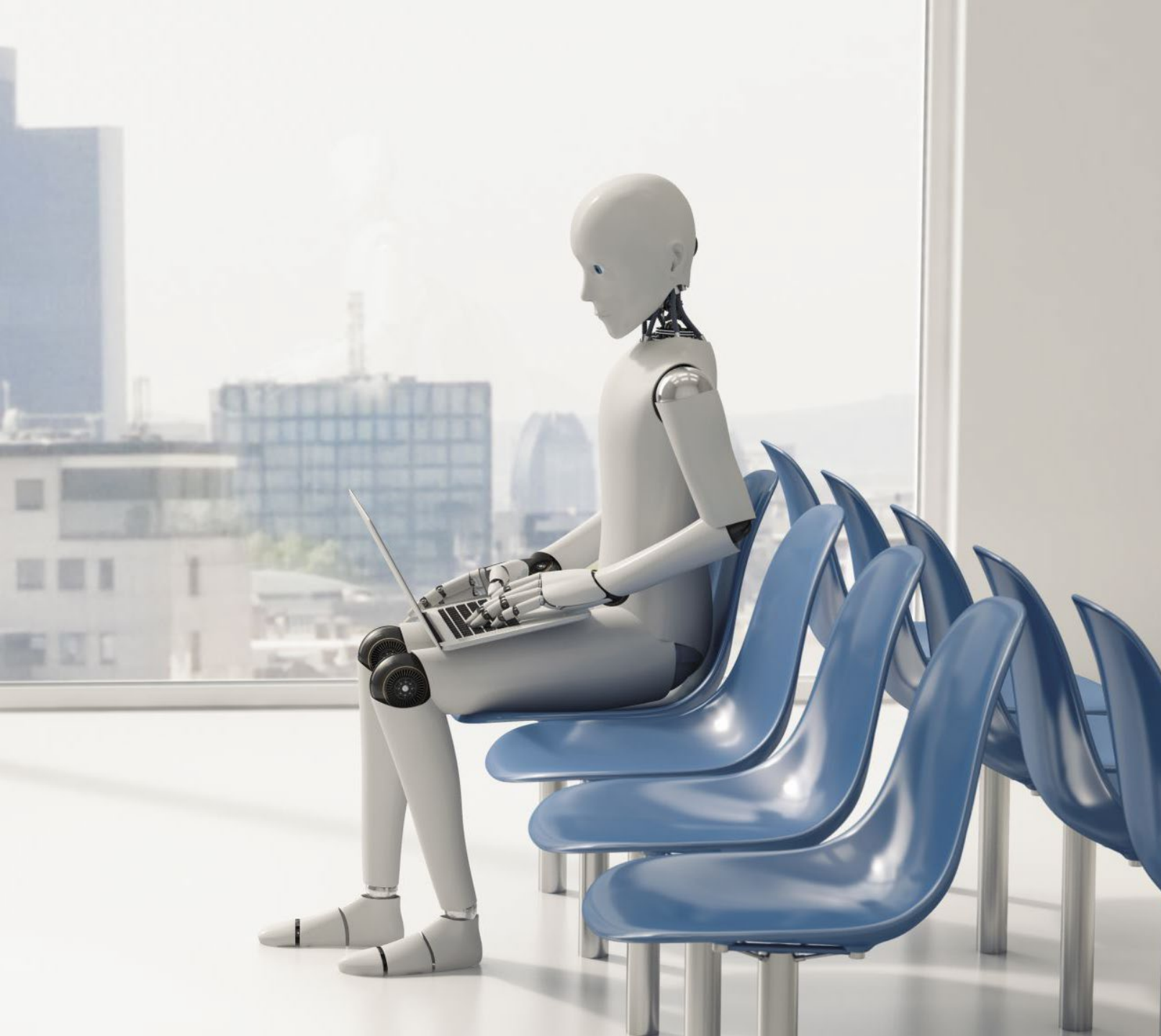
- Prohibits discrimination by employers towards job applicants based on race, color, religion, sex, or national origin.
- Protects job applicants against unfair treatment in recruiting, testing, hiring, and job advertisements.

How might AI create legal risks under Title VII?

Video interviewing software analyzes applicants' speech patterns to reach conclusions about their ability to solve problems and scores an applicant low when the applicant has different speech patterns due to a disability.

Monitoring software includes facial recognition that is less accurate for darker skin tones, leading to Black employees being more likely to be terminated

Source: EEOC



Key Legal Risks

ADA Implications

- AI tools must accommodate disabilities
- Alternative processes may be required

Key Legal Risks ADA Implications

- Even if unintended, the use of AI in hiring may still lead to unlawful discrimination.



ADA Implications: Screening Out Applicants

- AI hiring technology may also unfairly screen out a qualified individual with a disability.



ADA Implications: Testing Applicant Skills

- AI hiring technology can require an applicant to take a test, like a game or a personality assessment. Such tests must measure relevant skills and abilities only.



ADA Implications: Best practices

- Tell applicants about the type of technology being used and how the applicants will be evaluated
- Provide and implement clear procedures for requesting reasonable accommodations.
- Allow applicants a chance to decide whether to seek a reasonable accommodation.



Key Risks

Reputational Harm

- Public perception of unfair hiring
- Loss of applicant trust
- Media scrutiny
- Employee morale issues





She outworks everyone.
And she'll never ask for a raise.

Meet your new AI employee.
Always on, never sick and no HR required.



Join the waitlist.
Coming in May.

Narwhal Labs

narwhallabs.io

Check-in here Check-in here Assisted travel

Desk 21
Oversized baggage

easyJet BAG DROP easyJet BAG DROP

Flight Information

Destination	Time	Status
London	10:00	On Time
Paris	11:30	Delayed
Amsterdam	13:00	On Time
Brussels	14:30	On Time
Frankfurt	16:00	On Time
Munich	17:30	On Time
Berlin	19:00	On Time
Stockholm	20:30	On Time
Copenhagen	22:00	On Time
Oslo	23:30	On Time

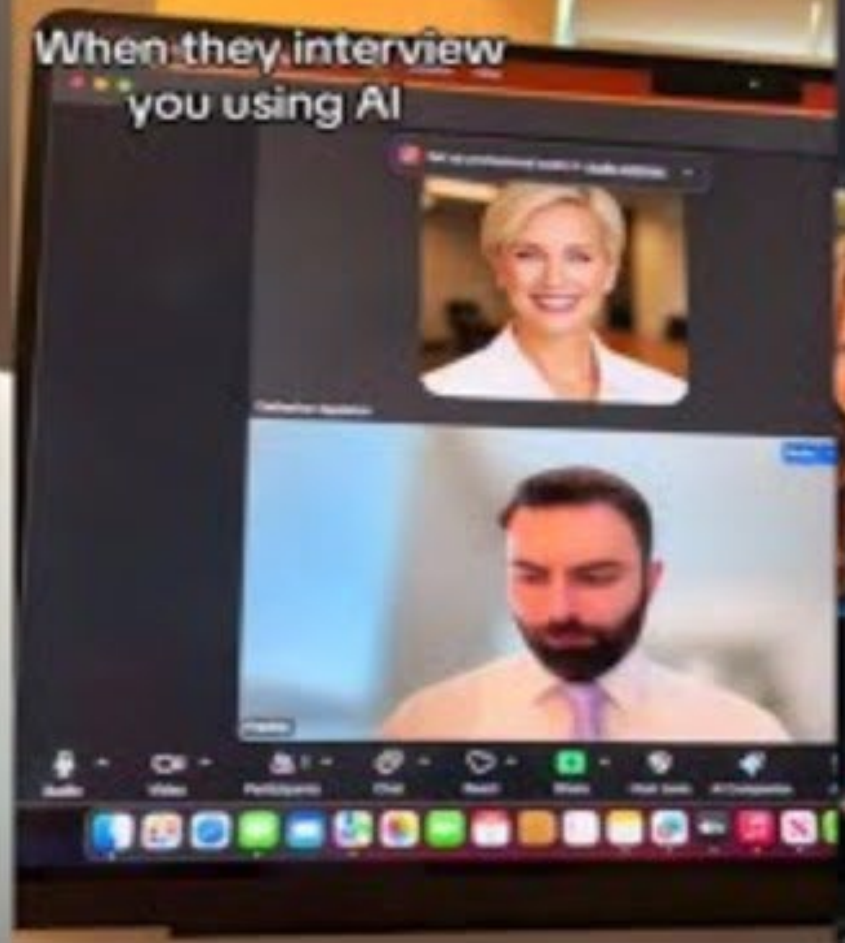
AI RECRUITERS

my first time being interviewed
by an AI interviewer 🤖

okay I'm testing my
microphone



When they interview
you using AI



when, when, when let's go, it's back, it's, thank you for
the interview today. I am so excited to talk to you and
more about you for our first question. Let's check back
in five. When when, when let's go back to back. Let
me when, when when let's go back to back. Let me
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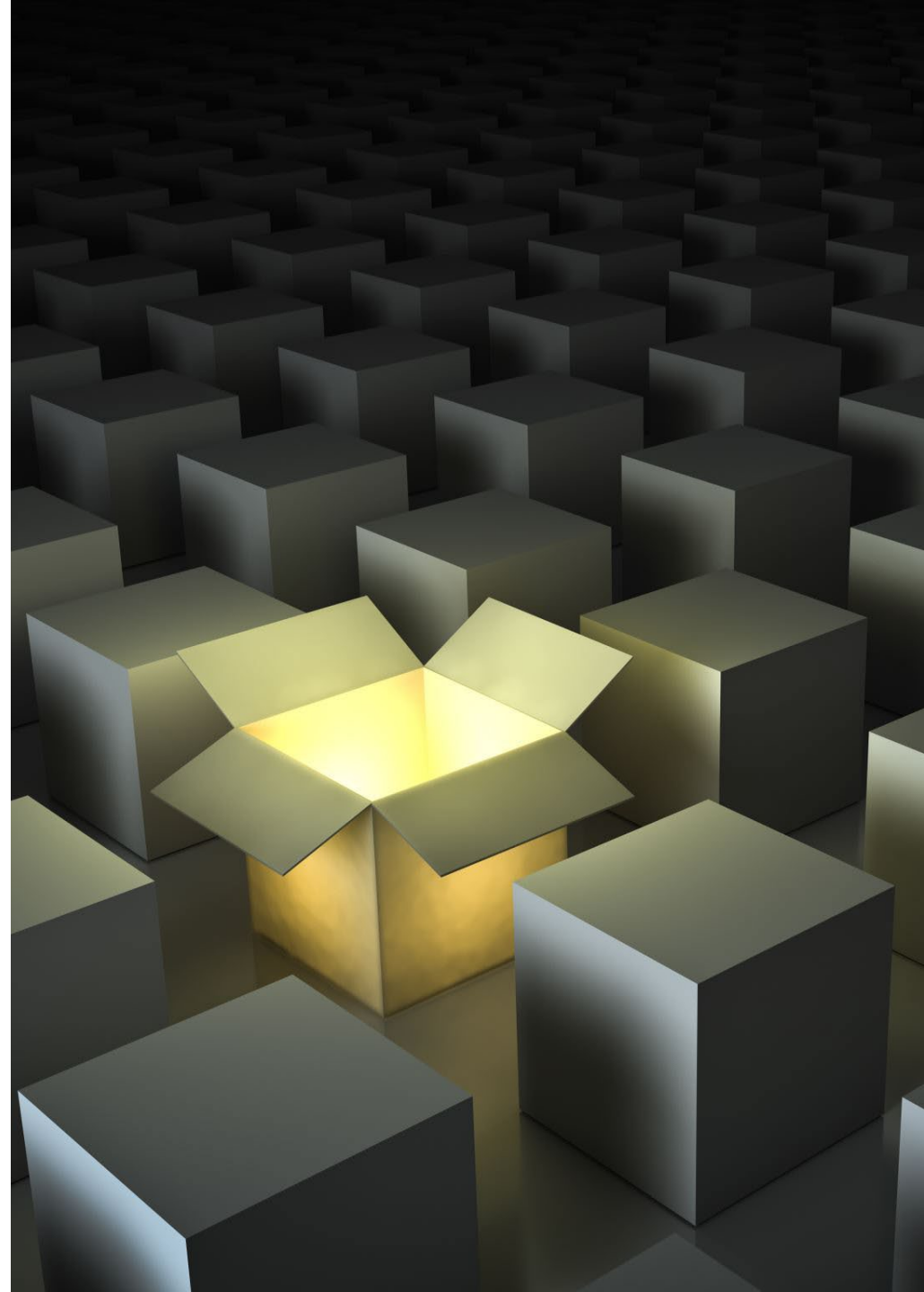


Confidentiality Risks

- AI hiring technology captures a vast amount of information, such as voice recordings, facial analysis and behavioral data.
- Over-collecting information increases exposure if data is ever compromised.

Transparency Is Key

- Applicants may not know AI is used; tell them
- Provide alternative options where appropriate
- State laws beginning to require more transparency
 - Public information laws may be implicated and information may need to be disclosed
- Local government policies





Texas Responsible Artificial Intelligence Governance Act (TRAIGA)

- Signed into law June 2025; effective January 1, 2026.
- Prohibits the development and deployment of AI systems for certain purposes, including for discrimination, the infringement of constitutional rights, and social scoring.
- Creates the Texas Artificial Intelligence Advisory Council.



Texas Responsible Artificial Intelligence Governance Act (TRAIGA)

TRAIGA includes disclosure requirements, including that a governmental agency using AI in its interaction with consumers must disclose that the consumer is interacting with an AI system, even if it is obvious.



Senate Bill 1964

- Signed in June 2025; effective September 2025.
- The law requires the Department of Information Resources (DIR) to keep an inventory of AI systems used by state agencies and to create an AI code of ethics for state and local governments.

Questions for Third Party Vendors



How is the tool
trained?



Has it been
audited for bias?



Can results be
explained?



What are the data
privacy practices?

Local Policies

Requiring human oversight

(AI supports, but does not replace, professional judgment)

Accountability

(Employees are ultimately responsible for decisions)

Accuracy and verification

(AI-generated content must be fact-checked)

Transparency

(Use of AI must be disclosed when interacting with the public)



Third Party Vendors

Important Contract Provisions to Include:

- Indemnification
- Compliance with laws (including Texas Public Information Act)
- Audit rights
- Data security requirements



Local Policies

Acceptable Uses of AI at work

- Drafting reports, communications, or outreach materials (with staff oversight).
- Automating repetitive tasks to improve productivity.
- Assisting with summarization or data analysis.
- Supporting community engagement through enhanced responsiveness.

Local Policies

Prohibited Uses

Entering confidential or sensitive data, like employment or legal/policy decisions

Generating deceptive content, like photos of real people that could be misleading

Gathering Biometric data without consent



Local Policies

- Disclosure required when AI interacts directly with the public
- This includes chatbots and automated responses



Local Policies

Penalties & Enforcement

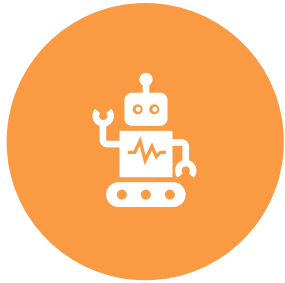


VIOLATIONS CAN RESULT IN
TERMINATION OR DISCIPLINE



LEGAL LIABILITY FOR DATA
BREACHES

Best Practices



Use AI as a tool, not
decision-maker



Regular auditing



Train HR staff



Maintain
documentation



Human Oversight

- Keep humans in decision loop
- Avoid blind reliance



Questions?