

AI IN THE WORKPLACE: POLICY CHECKLIST & SAMPLE POLICY LANGUAGE

PART 1: AI POLICY CHECKLIST

Artificial intelligence (AI) is being adopted at every stage of employment, from recruiting through termination. Use this checklist to build or audit an AI use policy intended for employment-related processes.



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BEFORE YOU DEPLOY

- Inventory every AI tool in use, including free or employee-sourced tools that the organization did not provide.
- Vet vendors before signing. Request bias-audit results and validation studies, ask what data the tool collects and where it goes, confirm the vendor can explain in plain language how the tool reaches its recommendations, and negotiate indemnification and the right to re-audit or re-test the tool if it changes.
- Test the tool for adverse impact before launch.
- Protect applicant and employee data with privacy and security measures before the tool goes live.
- Assign ownership. Designate who in Legal, Human Resources (HR), and Information Technology (IT) is responsible for each tool, and require sign-off from a cross-functional group, including IT security, before deployment.

WHILE YOU ARE USING IT

- Keep a trained employee meaningfully involved in every AI-assisted employment decision. An employee who cannot explain or override the tool's output is not providing meaningful review.
- Give notice to applicants and employees, as several states now require.
- Train recruiters and managers on the tools they are using, including the tools' limitations.
- Apply tiered permissions calibrated to the task: broader use for drafting and brainstorming, and tighter restrictions and closer review for decisions about applicants or employees.
- Consider whether using the tool, or changing how it is used, triggers a bargaining obligation for a represented workforce.

KEEP GOING

- Re-test the tool after launch, and again whenever the tool, the job, or the applicant pool changes materially.
- Document decision-making criteria, AI outputs, and human overrides.
- Require disclosure of how AI contributed to a work product, not only whether it was used.
- Retain AI-related records for as long as the employment records they informed are retained.
- Put a review date on the calendar. Revisit the policy on a set schedule rather than only after something goes wrong.

PART 2: SAMPLE POLICY LANGUAGE

The policy below is provided for illustration. It is not a model policy for adoption without review. Every organization's approved-tool list, risk tolerance, and governance structure will differ, and the state and local requirements identified elsewhere in this seminar's materials should be built in before any policy is finalized.

1. PURPOSE AND SCOPE

Artificial intelligence (AI) tools can meaningfully improve how we work, from drafting and research to scheduling and data analysis. This policy governs the use of AI tools by employees and applies to any AI tool used for or in connection with company business, whether provided by the company or accessed independently.

2. APPROVED TOOLS

Employees may use only AI tools on the company's approved-tools list. A tool that is not on the list may not be used for company business until it has been reviewed and approved by the company's AI Committee. Approval is based on the tool's data-handling practices, security, accuracy, and compliance with applicable law.

3. TIERED PERMISSIONS

Not every use of AI carries the same risk, and this policy does not treat every use the same way. Employees may use approved AI tools for drafting, research, brainstorming, and other tasks that do not directly affect an applicant's or employee's job status. Use of AI in connection with hiring, discipline, performance evaluation, promotion, termination, or other employment decisions is permitted only through the tools and processes specifically approved for that purpose, and only with the human review described in section 5 of this policy.

4. DATA, PRIVACY, AND SECURITY

Employees may not input confidential, proprietary, or personal information about an applicant or employee into an AI tool unless the tool has been specifically approved for that use and appropriate safeguards are in place. This includes personal identifying information, health information, and any information gathered in connection with an accommodation request.

5. HUMAN REVIEW AND ACCOUNTABILITY

An AI tool may inform an employment decision, but it may not make one. A trained employee must review, and is authorized to override, any AI-generated recommendation or output that affects an applicant or employee. The reviewing employee is responsible for the resulting decision regardless of the AI tool's role in reaching it.

6. NOTICE TO APPLICANTS AND EMPLOYEES

Where required by law, the company will provide notice to applicants or employees when an AI tool is used in a covered decision, and will provide the disclosures and opportunities for review that applicable law requires.

7. DISCLOSURE OF AI-ASSISTED WORK

An employee who uses AI to assist in preparing a work product must disclose that the work is AI-assisted and identify, on request, how the tool was used. This disclosure requirement exists to protect the integrity and ownership of the company's work product, not to discourage appropriate use of AI.

8. TRAINING

An employee who uses an approved AI tool in connection with their role will receive training on the tool's intended use, limitations, and this policy before being authorized to use it.

9. POLICY REVIEW

This policy will be reviewed at least once a year and whenever the company adopts a new AI tool, a covered tool changes materially, or applicable law changes.

Disclaimer: This handout is provided for general informational purposes as part of a continuing legal education program. It is not legal advice and does not create an attorney-client relationship. An organization adopting an AI use policy should tailor it to its specific tools, risk profile, and jurisdictions, and should have the policy reviewed by counsel before adoption.