

AI vs. AI

HR and Hiring

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Introduction

- How is Artificial Intelligence being used in the workplace?
 - Employees using AI to maximize efficiency
 - Employers using AI throughout the employment relationship

Introduction

How are workers using AI on the job?

Workers reported turning to AI for help with tasks including writing, generating new ideas, conducting research and completing administrative tasks.

Here's how they say they most frequently use AI on the job:

- 37% use it to search for information or technical help
- 32% to write or draft text
- 32% to generate ideas
- 31% to interpret, translate or summarize information
- 27% for administrative tasks
- 21% for data analysis or visualization
- 16% for tutoring or training
- 12% for customer support

Megan Cerullo, *How Much Time Does AI Save At Work?*
New Census Bureau Data Breaks It Down., CBS News, Aug. 12, 2026,
<https://www.cbsnews.com/news/census-data-ai-workers-time-saved/>

Introduction

- Employers using AI across the employment relationship
 - *Mobley v. Workday, Inc.*, 740 F. Supp. 3d 796 (N.D. Cal. 2024): case alleging bias in a talent acquisition algorithm



Recruitment & Hiring

AI Uses

- Targeted job ads based on social media profile or activity
- Resume screening
- Interview review
- Chatbots can recommend certain jobs to certain candidates

Workplace Surveillance

AI Uses

- Monitoring how long it takes to complete a task
- Tracking online activity or cursor activity
 - 74% of employers use tracking tools to monitor employees. Andrew Kenny, *How AI is Changing the Way Companies Watch Workers*, Financial Management, Dec. 11, 2025, <https://www.fm-magazine.com/issues/2025/dec/how-ai-is-changing-the-way-companies-watch-workers/>

Pay Decisions

AI Uses

- Pay raises based on productivity
- Promotion or Demotion based on training, experience, and performance
 - Many managers use AI to determine raises and promotions. Carolyn Crist, *AI-Using Managers Rely on the Tool to Decide Who Gets Promoted or Fired, Survey Shows*, HR Dive, July 9, 2025, <https://www.hrdive.com/news/managers-use-ai-to-decide-who-gets-promoted-or-fired/752528/>

Termination Decisions

AI Uses

- Termination based on prior discipline
- Layoffs based on performance
 - One survey found that managers are turning to AI tools when tasked when determining who should be laid off. Megan Cerullo, *AI Could Determine Whether you get Hired or Fired as More Managers Rely on the Technology at Work*, CBS News, July 8, 2025, <https://www.cbsnews.com/news/ai-hired-fired-promotion-managers/>
- Layoffs based on AI
 - Block & Oracle

Employer Risks

- Allegations of discrimination
 - Algorithmic biases
 - Inconsistent discipline
- Bad advice
- Privacy concerns
 - Lack of confidentiality

Prospective Employees and AI

- Cover Letters
- Resume
 - Some managers and recruiters willing to reject a candidate based on AI usage
 - Proofreading and support vs. authorship and drafting
 - Erica Sweeny, *AI for Job Applications Have Small Businesses Rethinking Hiring*, U.S. Chamber of Commerce, Aug. 4, 2025,
<https://www.uschamber.com/co/run/human-resources/hiring-ai-job-applications>

Consider:

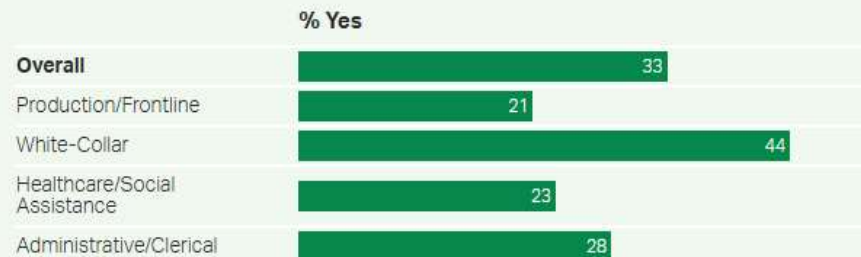
- AI use may be a red flag when an employer is looking at a candidate, but that employer is likely using AI during the recruiting process to filter and screen applicants.
 - Is this consistent?

Employee AI Usage

Who is using AI?

One-Third of Employees Say Their Organization Is Taking Action on AI

To the best of your knowledge, has your organization begun integrating new artificial intelligence (AI) technology or tools to improve business practices (e.g., increase productivity, efficiency and quality)?



WF Q2 2024, U.S. Employees; Overall MOE: ± 1 point, Production/Frontline MOE: ± 4 points, White-Collar MOE: ± 2 points, Healthcare/Social Assistance MOE: ± 4 points, Administrative/Clerical MOE: ± 5 points

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

GALLUP

Kate Den Houter, AI In the Workplace: Answering 3 Big

Questions, Gallup, Oct. 7, 2024,

<https://www.gallup.com/workplace/651203/workplace-answering-big-questions.aspx>

Employee AI Usage

What are they Using It For?

- Generate ideas
- Consolidate information
- Automate basic tasks
- Learn new things
- Identify problems

Kate Den Houter, AI In the Workplace: Answering 3 Big Questions, Gallup, Oct. 7, 2024,
<https://www.gallup.com/workplace/651203/workplace-answering-big-questions.aspx>

Employee AI Usage

Risks of Employee AI Usage

- Trade secret protection may be compromised
- Lack of interpersonal connection
- Employee resistance and burnout
 - Natalie Runyon, *The Human Side of AI: The Growing Risks of Ubiquitous Use of AI on Talent*, Thompson Reuters, Feb. 20, 2026,
<https://www.thomsonreuters.com/en/insights/articles/the-human-side-of-ai-the-growing-risks-of-ubiquitous-use-of-ai-on-talent>

Employee AI Usage

Ownership of AI Output

- Hypothetical: An employee of a software Company is tasked with coming up with a new line of computer code. He asks Claude to generate the code, and submits it to his company as his own.
 - Does the Company own the copyright to that code?
Thaler v. Perlmutter, 130 F.4th 1039 (D.C. Cir. 2025), cert. denied, 146 S. Ct. 1777(2026)

Employee AI Use

May an Employer Terminate an Employee's Employment for Using AI?

- Employer's policies generally control
 - Why might this happen?
 - Violating workplace policies
 - Disclosing confidential information
 - Failing to do own work

How Has the Law Responded?

- New York City “prohibits employers and employment agencies from using an automated employment decision tool unless the tool has been subject to a bias audit within one year of the use of the tool, information about the bias audit is publicly available, and certain notices have been provided to employees or job candidates.” Local Law 144 of 2021

How Has the Law Responded?

- Illinois – An employer that asks candidates to record video interviews and uses AI to analyze the interview must:
 - Notify each applicant that AI may be used prior to the interview;
 - Provide each applicant explaining how the AI works and what characteristics it will consider; and
 - Obtain consent from the applicant. 820 Ill. Comp. Stat. Ann. 42/5

Governance & Best Practices

- Establish AI policies
- Protect employee data
- Require human oversight
- Train HR professionals
- Audit AI tools regularly

Key Takeaways

- AI can support every stage of the employment relationship
- Use AI to enhance – not replace – human decision-making
- Effective governance is essential for responsible AI use

Questions?

Thank you!



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