

Generative AI in the Workplace

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Generative AI: Friend or Foe

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- Partner in the Patent Group
- Drafting and prosecuting patent applications in high-tech areas
- Focused on software and AI related inventions
 - › LLM / GAI models
 - › Predictive / discriminative models
 - › Speech recognition
 - › Natural Language Processing (NLP)
 - › Image processing
 - › Smart device operations and optimizations

What is Generative AI (GAI)?

- GAI is artificial intelligence capable of generating text, images, or other data, using generative models. GAI models learn the patterns and structure of their input training data and then **generate new data** that has similar characteristics.
- One example: Large Language Models (LLM) - trained on large amounts of unlabeled text and learn to predict the next word in a sentence.

GAI vs. Predictive / Discriminative Models

- **GAI**

- Generates new data (text, audio, image)
- Trained on large amounts of data (e.g., Internet)
- Typically configured for generic tasks
- Lower accuracy
- Much larger models

- **Predictive**

- Classifies inputs to trained categories
- Trained on chosen labeled data for a particular task
- Configured for specific tasks
- Better accuracy
- Smaller models

GAI useful in workplace

- Increase efficiency and productivity
- Use for:
 - › summarizing information
 - › answering questions (check accuracy)
 - › generating images
 - › generating speech
 - › transcription
 - › generating first drafts
- Can be helpful when using tools specifically designed / programmed for your task

Chat GPT Demo

- Let's try "Can you give me some interview questions for an accounting position?"
 - › Ask it to be shorter
- Let's try "Generate a job description for HR manager. Keep it under 300 words."
- Let's ask some factual questions
- Let's check the last date of "knowledge"

Image Generator



When using consider...

- Input to the tool
 - › Certain platforms, like ChatGPT, store inputs and use them for training
 - Avoid private information, confidential information, etc.
 - › Industry jargon – inputs are called “prompts”
- Output from the tool
 - › Check output for accuracy, bias, “toxicity”
- Training / Configuration information
 - › Generic or specific
 - › Training data
 - › When was knowledge updated

Check Output for...

- Accuracy
 - › Fake, made-up information given its generative nature
 - › Industry jargon - Model hallucinations
- Bias
 - › Model may learn biases which appear in the output
 - › Example biases: gender roles, race, ethnicity, stereotypes, age-based roles, etc.
- Toxicity
 - › Industry term for certain types of inappropriate content and language

Some technical discussion

- How are the tools developed for specific tasks?
- Typically start with a generally trained LLM (or other GAI) model
- Retrain (industry jargon – “finetune”) the generic model for a specific task
- Prompts are configured for the specific task
- Tools will use other mechanisms to inject current knowledge, check for issues in outputs, etc.

Available options

- ChatGPT – more than chat
 - › Image generation
 - › Speech generation
- Image Generators
 - › Midjourney
 - › Craiyon
 - › Dall-E (going to be incorporated with ChatGPT)
- Lots of others, new tools being introduced
- More recent versions are usually better

Other Options

- Build your own platform
 - › Amazon AWS Bedrock - provides access to foundation models to perform various tasks
 - › Can be fine-tuned for particular tasks
 - › Can inject own data
 - › Control how data is stored and used

Executive Order on AI

- Protection from AI-enabled fraud involving Dept. of Commerce to develop guidance for detecting AI content, authentication and watermarking to be used by government agencies
- Development of privacy-preserving techniques
- Support workers from workplace surveillance, bias, job displacement



Presenter

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Drafting a Generative AI Policy: Things to Consider

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Getting Started: Practical Considerations

- Standalone v. part of handbook
- Electronic distribution v. paper form
- Signed acknowledgement of receipt
- When to issue? ASAP!!!
- Training/education

Key Elements of a Workplace GAI Policy

Scope

Data Privacy &
Security

Confidentiality

Attribution &
Accountability

Eligibility

Copyright &
Intellectual
Property Rights

Acceptable
Use/Best
Practices

Consequences
for Violations

Quality Control

Anti-
Discrimination

Internal
Contact
Information

Adaptability/
Disclaimers

Is this real?

give me a court case dealing with MA noncompete

Certainly, here's a well-known Massachusetts court case that dealt with non-compete agreements:

Name of the Case: Automated Business Systems, Inc. v. ISCO, Inc.

Year of Decision: 2000

Court: Supreme Judicial Court of Massachusetts

Summary:

In the case of Automated Business Systems, Inc. v. ISCO, Inc., the Supreme Judicial Court of Massachusetts considered the

is this a real case or did you make it up

I apologize for the confusion. The case I mentioned, "Automated Business Systems, Inc. v. ISCO, Inc.," is not a real court case. I provided a fictional case as an example to illustrate how non-compete agreements are typically evaluated in Massachusetts based on the principles of reasonableness and enforceability.

Are you sure about that?

difference between MA sick time from CA sick time

Massachusetts (MA) and California (CA) have their own distinct sick time laws, which outline the requirements and regulations for earned sick time for employees. While both states provide sick leave protections, there are key differences between MA and CA sick time laws:

- **Massachusetts (MA):** MA law does not require employers to pay employees for unused earned sick time upon termination.
- **California (CA):** CA requires that employers pay employees for unused paid sick leave upon termination, resignation, or retirement.

I don't think CA requires sick time to be paid out upon termination

You are correct, and I apologize for the error in my previous response. As of my knowledge cutoff date in September 2021, California law does not require employers to pay out accrued but unused paid sick leave upon termination, resignation, or retirement.

“The AI told me to!”

- GAI in employment decisions?
 - › Can you identify potential bias in GAI tools?
 - › Can you see or understand how/why GAI has made the particular decision for you?

EEOC Guidance

- EEOC technical guidance (May 12, 2022; and May 18, 2023)
 - › **“Artificial Intelligence (AI).”** EEOC referred to 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.”
 - › Employers and software vendors often “use AI when developing algorithms that help employers evaluate, rate, and make other decisions about job applicants and employees.”
 - › Employers may be held liable for use of algorithmic decision-making tools even if the tools are designed or administered by a third party (e.g., a software vendor)

EEOC Guidance

- Outlines several ways that using AI tools in employee selection procedures (e.g., hiring, promotion, and firing) can violate Title VII and ADA
- Carefully consider the following tools:
 - › resume scanners that prioritize applicants,
 - › employee monitoring software that counts keystrokes or other factors,
 - › “virtual assistants” or “chatbots” that interact with job candidates,
 - › video interview software that examines candidate’s facial expressions and speech patterns, and
 - › employment testing software that generate “job fit” scores.

EEOC v. iTutorGroup

- iTutorGroup allegedly violated the ADEA by programming its application software to automatically reject hundreds of female applicants 55 or older and male applicants 60 or older
- The parties settled for \$365,000 plus other corrective actions (e.g., allow applicants to reapply; report to the EEOC on which applicants were considered and provide the outcome of each application with a detailed explanation when an offer is not made; antidiscrimination training, etc.)
- This case appears to be based on intentional discrimination – i.e., the program was set up to reject applicants based on age – rather than bias in a GAI platform.



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