

Transcripts are generated automatically using AI and may contain errors or omissions.

Rich Meneghello (00:00)

Welcome to the FP 5: Five Things for Your 9-to-5. We help employers make sense of the fast-moving world of workplace law and compliance by breaking down topics into five easy parts. I'm Rich Meneghello.

Lisa Nagele-Piazza (00:12)

I'm Lisa Nagele-Piazza.

Becca Rainey (00:13)

And I'm Rebecca Rainey.

Rich Meneghello (00:18)

And we are recording this very special episode of the FP 5 here at Fisher Phillips's fourth annual AI Conference in Washington, DC. Not only is this conference the best place for folks to gain practical insight on how AI is being used in the workplace, but it's really cool to have our team together in one place, not across the country. Usually when we're recording things we are connecting virtually, so it's cool to be in person.

Lisa Nagele-Piazza (00:46)

Yeah.

Rich Meneghello (00:47)

Becca, what are we talking about today?

Becca Rainey (00:49)

Yeah. Well, first of all, Rich, thanks for coming all the way from Portland to be here. We appreciate it. And as all of you have learned today, AI has really changed nearly everything that we do. And that also includes hiring and how people seek out jobs. So while AI can be super helpful in doing a nice polish over your resume, or even sometimes for screening applicants, it can also create a host of challenges for employers, including some legal exposure. So this week we're gonna break down five things to look out for when it comes to AI and the hiring process. So I'm gonna throw it over to Lisa to kick us off.

Lisa Nagele-Piazza (01:26)

Yeah, and since we have a live audience, before we get into it, I just wanted to ask for a quick show of hands: How many of you have been involved in the hiring process in the last year for your organization? Wow. Almost everyone. And also how many of you have noticed the impact that AI has had on that process in the last year? So pretty much everyone. And I'm right there with you.

The first thing that we're gonna talk about today is how AI generated resumes don't always tell the truth. And I think that's no surprise, right? Embellishing on resumes is it's nothing new. It's a time-honored tradition, exactly. I've been reviewing resumes for twenty-five years and you know, you see different changes throughout the years, but just this year was so different for me. Actually, as Rich mentioned, we hired Evan this year. So in that process, I was actually tasked with screening the resumes, which is something that I actually love to do, but we did have five hundred of them. And so going through them is a challenge. But there was a pattern that came up. All of a sudden I noticed everyone was qualified for the job. And that's just not possible. Perfectly qualified. They had every keyword

that is in my job description that I posted. And there's this lovely summary of qualifications, a lovely cover letter. But then when I got into the actual heart of the experience, the job title, those bullet points saying what somebody did, there were a lot of synergies and dynamic collaboration, but it wasn't saying a lot else. And then it kind of dawned on me and I had this idea. So I went out to Claude and I gave it my LinkedIn profile and I gave it the job ad. And I said, make me the best candidate for this job. And I am not qualified to be a podcast manager. So, but it did. It made me the most qualified person for that job. And I was like, oh, this is what everyone is doing. Okay, I get it. And so the new thing, like we said, embellishing is not new, but the fact that you can take your resume and make it perfect for the job in 30 seconds is what's new. You know, it's always been like a best practice to cater your resume for the job, but now everybody's doing it and it's not telling the truth. You know, there were all kinds of things weaved into my resume about how I, you know, worked with Riverside and other programs. And I was like, I've never heard of Riverside until now. Now I do.

The biggest takeaway for me was I had to sort of just look at only those bullet points, those job titles became so much more important to see what did you actually do? And just focusing on that much earlier on in the process than I used to do, and say, I want to see tangible actions here. Tell me about the programs that you use. Tell me about the projects that you worked on. And the earlier we can get that information, I think the more likely we're gonna be able to, you know, screen out unqualified candidates and save ourselves a little bit more time and frustration. And that actually brings us to our second thing that Becca's gonna talk about.

Becca Rainey (04:35)

Yeah. So the second thing we're going to talk about today is applicants using AI to help them in the job interview itself. While I was doing research for this, you can go online. There's actually software being advertised explicitly for this purpose, and they work like this: They listen and they transcribe the conversation in real time, and then an LLM analyzes the interview and identifies what is the actual question being asked, and then it provides on a little window in your screen talking points and a prepared answer. And it also, you know, the way they're advertising this too is they're like, "this is undetectable by screen sharing software." This obviously applies only in like a video interview. Someone probably couldn't do this as discreetly in person.

Rich Meneghello (05:20)

What if they were wearing AI glasses?

Becca Rainey (05:23)

Hey, you know, they speak in your ear, right? But they don't show you yet. So while we don't know the full scope of how commonly this is happening, there's not good data out there, a quick search on LinkedIn will tell you that it is definitely impacting the hiring process. One post let me, I'll, I'm gonna use a different word than they did, but they said, "it's wasting my mother loving time." So some signs that recruiters have flagged when this is happening is, you know, kind of unnatural pauses before answering, a lack of personal stories, which was ver0,y which was kind of interesting, which makes sense, because I mean the AI probably doesn't know your life experiences, and then like eye dancing or eye shifting on the screen, clearly looking at something else to read off of. And then just these overpolished statements that don't really mean anything; your typical AI slop.

Beyond the obvious risks that this presents of hiring someone who's just not fit for the position, this is also now gonna take time away from recruiters who are having to look for signs of potential AI use throughout the interview. And it's also, you know, taking away a core part of that piece of the hiring process, which is putting the individual

on the spot, you know, testing their creative and critical thinking skills and seeing how they can perform under pressure.

So this has got a lot of, you know, kind of twofold issues when it comes to finding credible applicants. And this is actually something Rich is gonna talk about too. We're also seeing fake applicants use AI to assist in infiltrating organizations. Which is a little scary.

Rich Meneghello (07:00)

A little scary. Yeah. Evan, when you're editing this, can you make sure that when Becca said "mother--" you just do like a bleep.

Becca's point reminds me, you're gonna talk about deep fake applicants and the problem that's having. That's our third thing. But for those listening at home, if you look at your show notes, you'll find links to several articles our firm has published, not only about AI and hiring generally, but the topic I'm gonna be talking about specifically, and that is deep fake applicants. For those of you here in the room, if you go to your app, those links should be there as well.

But so deep fake applicants are looking to infiltrate your organization. Why is that? Some are those who just want to cause a little chaos. Some are those that want to install malware or ransomware into your system to be able to get money from it. Others, and this is a massive problem now, are North Korean state-sponsored folks who, the state isn't able to get money from the world community due to sanctions against them, and so they are looking for ways to make money. And so one of them is get literal real jobs as coders or other remote workers, get paid, and then that money goes back to North Korea. So there's a famous example, and there's the whole article that we have written about this from about a year and a half ago, a Florida-based cybersecurity training company accidentally hired a North Korean scammer, and they didn't know it until they found out they were breached. So they went through the normal remote worker hiring process. The first day this person was hired, they noticed that malware was trying to be installed on their system, and so they tried to call them on the phone, and he wouldn't pick up and just send messages saying, "I'm away from my desk right now, what's going on?" Or just you know, other stuff to try to try to cut people off. So it turned out he used a stolen ID. He used AI tools to take a stock photo and make it look more human, like a brand-new person. He used AI tools during the video interview and virtual interview process to make himself sound different with an American accent instead of a Korean accent, and AI technology to create a whole face that looked like a real human. So, and the other thing is the company sent him a laptop, but he actually had it sent to somewhere in the United States that turned out to be a IT mule laptop farm, which is a thing I had never heard of until I wrote this article. And, which, if anyone out there knows where there's any IT mule laptop farms, please let me know because that's the gonna be the location of the fifth annual AI conference next year.

He then used VPN to mask his actual address. So when they mailed to this laptop farm and then they shipped it to North Korea and then boom, here he was working. And he worked in the middle of the night in Asia to make it look like he was working in the States. But again, they realized right away what had happened. And the cool thing was this company told everybody about what happened because they wanted it to teach people, look, if a cybersecurity training company can be breached, you all can be breached.

The FBI has been warning about this since at least 2022. What makes this different now is even when this situation happened, that was back in 2024, you needed like sophisticated technology to pull this off. I would say everybody in this room now can pull off just about all that I described, other than maybe you don't know where an IT mule

laptop farm is. But beyond that, you can do any of those things, which means anyone out there can do those things to try to infiltrate your company. So, you know, a couple quick little tips, things you can do as an organization. The main one I think is to have, foster a culture of skepticism when it comes to hiring, especially virtually. Look for things like during the video interview process it used to be that you could just tell the applicant to like wave their hand in front of their face and the and the deep fake technology would get thrown off. But most now are capable of doing okay with that. But look for sort of the that uncanny valley situation of weird eye contact or movement or things like that. And if obviously if you can, if you could help, if you can do it somehow, get someone in your organization to get them in a room one-on-one so that you could actually see them in person at some point during the hiring process.

This is the FP5 and I'm Rich Meneghello. Today's episode was recorded in front of a real live studio audience, and we're at Fisher Phillips' fourth annual AI conference in Washington, DC. Lisa, what is the fourth thing that we're gonna be talking about today?

Lisa Nagele-Piazza (11:30)

So the fourth thing is that resume screeners and job, you know, interviewing these programs, AI can really help to sort of streamline your process. And you know, as I was mentioning before, going through 500 resumes just for one job alone is a lot. So if you're doing high volume recruiting and hiring, certainly AI tools can help you through that process. Again, this is something that's not new to the hiring HR employer realm, you know, automated tools have been used in hiring for a long time, but they're just getting more sophisticated. And particularly when it comes to assessing candidates during an interview.

If you're judging their communication style, you could have some serious issues potentially coming up when it comes to if somebody is evaluated by AI, and maybe they're getting lower marks because they have an accent, you could have a national origin discrimination issue. If somebody is hearing impaired and the AI reads that wrong, you could have a disability discrimination claim. So there's a lot of these different claims that can come up, and you want to make sure that you are using your programs effectively. And that's not even to mention, you know, you could have problems with biometrics, privacy issues, all of that as well, in addition to these discrimination issues as well.

The biggest thing is, you know, when you're when you're purchasing these products, you want to make sure that you have a relationship with your vendor. It's not just a transaction. You have to make sure that the products that you're getting are you know, they might have a guarantee that you know, there's no bias in this program. That that's great, but you you're the one that's gonna be responsible for any of the outcomes using it. So you have to make sure that your contracts account for that, what if a bias issue does come up, and just make sure you're vetting your vendors. The other thing that you should be doing is regular bias audits. Make sure you know how the system is taking in this information, what it's giving you back. And the third is that you have to have a human in the process as well. So I mean we talked a lot about robots talking to robots, but there needs to be human oversight of your hiring process so that somebody can come in and identify issues with the system and correct those issues as they come up as well.

Rich Meneghello (13:57)

And Lisa, I'm gonna give the people who are listening on the podcast and not here in person a little bit of FOMO because our very next topic is about AI bias audits and you're gonna see one live to see it actually demonstrated. So to your point.

Lisa Nagele-Piazza (14:09)

Yeah, I'm excited to see that one.

But that's really it. Those are the three takeaways when it comes to using AI tools for in your interview process is you know, one, make sure you're doing a bias audit. Two, make sure that you're really working closely and vetting your vendors. And then three, you've gotta have the human oversight.

Becca, you're going to talk about our fifth and final topic.

Becca Rainey (14:38)

Yeah, so the last thing too is how AI can really make the hiring process less personal for both your company and for the people who are applying for the job. So while AI, as we've talked about, can take care of some mundane tasks like writing a job listing or explaining your company's values within the application itself. But if you are not careful and you don't have a human reviewing over that language, it can come off really inauthentic and it could turn applicants off. Some of the trends we've also been seeing is companies just using AI to actually interview folks, where they'll use an AI-person interviewer, and that is the like intro into the company, like maybe the first interview state.

Rich Meneghello (15:28)

I love the thought of an AI avatar from a company interviewing somebody who's a deep fake scammer.

Becca Rainey (15:33)

Right. We need, someone needs to make that video. So another potential pitfall from this is if your AI generated job listing is not specific enough to the position, you're not going to be pulling in the type of people that you want for the job. It may attract the wrong candidates, or it could just, you know, the person if they do end up being hired just may not actually realize the role that they're in.

Now that we've really seen this shift towards artificial intelligence, you know, aiding in again, almost everything we do, including the hiring process, I do think that there's gonna be a little bit more of a higher capital when it comes to being authentic and real and actually taking the time to go back over and rewrite your cover letter and rewrite your resume after getting it from the AI and not just submitting it how it is. I do think that individuals who are able to, you know, whether they're in these interviews in person or on video, actually respond to these questions and respond under pressure is someone who's probably gonna perform better than someone who checks off all the boxes because they had AI make them the perfect candidate.

Rich Meneghello (16:47)

And I think before you move on, I think I have this big prediction I've noticed for about the past six to nine months. I'm on LinkedIn a lot, I'm online a lot reading about updates. I am sick of AI slop. So much so I think a lot of people are catching up to that same mentality. And I think there's gonna be this huge swing towards authenticity. It's gonna sort of be a catchphrase in the latter part of this year and in 2027. And I think just like we were saying back, I think it's gonna encompass all parts of what we're doing in business and in the workforce. And so when it comes to things like hiring, I think you're already starting to see some people revolt to the fact that you're having an AI bot do the first round of interviews with somebody and "do I even want to work for this organization if that's sort of this impersonal feel they have?" That's just my own prediction.

Becca Rainey (17:33)

Right. I mean it's definitely, you get a kind of colder, less welcoming introduction to the company if you're just talking to a robot on the screen. I mean there's benefits and there's pitfalls. But for, you know, our five things, that's all we have time for today. So thanks, Rich. Thanks Lisa.

Rich Meneghello (17:50)

Thank you, Becca.

Lisa Nagele-Piazza (17:53)

Yeah, thank you everyone. Thank you for listening to the FP 5. For the latest insight on how AI is transforming the workplace, visit us at fisherphillips.com. And we'll see you next week. And thank you to our live audience again. Listening to this podcast doesn't constitute legal advice and doesn't establish an attorney-client relationship. For more information, visit fisherphillips.com/legal-notices.