

Insights, News & Events

CONGRESSMAN PROVIDES AI ROADMAP FOR EMPLOYERS AT FP'S CONFERENCE: YOUR 10-STEP PLAYBOOK

Insights

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When Representative Ted Lieu offered a simple but effective AI compliance roadmap to attendees at the recent Fisher Phillips AI Strategies @ Work Conference, employers in the room took notice. After all, Rep. Lieu is not only a member of the House AI Caucus and one of only four members of Congress with a computer science degree, but he was recently named by Time Magazine as one of the 100 most influential people in AI in the world. If anyone knows what they're talking about when it comes to AI and business, it's him. So what is this simple but effective strategy? It all comes down to following guidance developed by a well-accepted federal agency. Here are 10 critical steps you can take to follow the roadmap for yourself.

Related People



Benjamin M. Ebbink

Partner

916.210.0400



John M. Polson

Chairman & Managing Partner

949.798.2130



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Representative Ted Lieu, pictured at the AI Strategies @ Work Conference with FP Chairman John Polson (left) and FP Government Relations Chair Ben Ebbink (right).

Federal Agency Provides Helpful Guidance

The National Institute of Standards and Technology (NIST), a federal agency that promotes innovation and industrial competitiveness, recently developed a framework for businesses that want to manage risks related to AI. Released in early 2023, it is intended for voluntary use by businesses to improve trustworthiness when developing, using, and evaluating AI products, services, and systems.

The [framework](#) itself is multi-pronged and includes a variety of resources, including documents, videos, interviews with key personnel, and a resource center. The most helpful resource is probably the [AI Playbook](#), a 210-page document that provides a comprehensive look at best practices when it comes to integrating AI into the workplace. Sound too daunting? Don't worry – we've reviewed it for you and came up with the 10 most important steps you should consider.

Your 10-Step Playbook

Employers should seek to cultivate a culture of risk management surrounding AI use in order to best position themselves in this new area. The 10 most critical steps you can take to achieve this goal are:

- Ensure you have **buy-in from executive leadership** when it comes to adopting AI platforms into your workplace. Without their support and advocacy for the technology, you could see slow or reduced adoption by your employees.
- Develop **policies and practices** related to AI usage among your workforce. Ensure they are not only transparent but implemented consistently and effectively. ([You can download your own complimentary AI sample policy here.](#)) And of course make sure to provide **training** to those using and those responsible for your AI systems.
- Be **transparent** about your use of AI with applicants and employees. This will help eliminate discriminatory risks as those interacting with your technology can raise concerns, request accommodations as necessary, and feel comfortable with your systems.
- Ensure your AI systems are **trustworthy** – this includes securing data from risk and eliminating discriminatory outputs.
- Promote **DEI and accessibility** as core tenants of your AI programs. At all times and with all AI functions, you must ensure they comport with your organizational commitment to diversity.
- Be aware of **data security concerns** when it comes to storing data and working with third-party AI service providers.
- **Inventory all of your AI systems** to make sure you know the scope of your usage, and ensure you have a team or individual responsible for each one.
- Develop **contingency plans** in the event of an AI-related data breach or other failure, bringing in your IT and legal teams to help map out a gameplan ahead of time.
- Engage in **periodic review** of all of your AI systems with key organizational stakeholders across a broad spectrum of departments – legal, IT, HR, operations, etc. – and adjust as necessary.
- Maintain awareness of the ever-shifting **legal and regulatory landscape** so that you are positioned to adapt your practices and policies. One way to do so: subscribe to [Fisher Phillips' AI Insights](#).

There's Much More

It may be worth your while to skim the entire [AI Playbook](#) so you can read more – especially if you are integrating new AI platforms into your business. NIST provides a helpful overview on best practices for identifying opportunities and risks when selecting and integrating AI (including assembling a broad cross-disciplinary team with a diversity of experience, expertise, abilities, and backgrounds; ensuring the AI opportunities align with your organizational mission; clearly defining the business value before engaging and adopting; and more). It further provides suggestions for measuring and assessing risks and benefits, as well as managing implementation of AI tools on a day-to-day basis.

What Could the Future Hold?

Rep. Lieu was unsure when and if the federal government would pass comprehensive AI legislation. However, he indicated that employers that want to get the jump on any sort of regulation would be wise to follow the NIST risk management framework as a starting point. Not only would those employers get a leg up on whatever regulatory scheme is unveiled, but they would put themselves in the best position to demonstrate responsibility in this area.

Rep. Lieu did say that he and others were recommending that the Biden administration require federal contractors to comply with the NIST framework when it comes to AI. After all, the President has the power to create such a requirement with the sweep of a pen by issuing an Executive Order. While we can't predict whether and when such a move might occur, we can undoubtedly say that federal contractors would also put themselves in a better position by reviewing and adopting elements of the NIST framework now.

Conclusion

If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Artificial Intelligence Practice Group](#) or on our [Government Relations Team](#). Make sure you subscribe to [Fisher Phillips' Insight System](#) to gather the most up-to-date information on AI and the workplace.