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**U.S. Equal Employment Opportunity Commission
Houston District Office**

Understanding the Risks and Rewards of Artificial Intelligence in the Workplace

July 21, 2022

1:00 pm – 4:10 pm (CDT)

AGENDA

Time Presentation

12:30 pm Virtual Environment Opens

1:00 pm Opening Remarks

Rayford O. Irvin, District Director, EEOC Houston District Office

Marina Guerra, Outreach and Education Coordinator, EEOC Houston District Office

1:05 pm Artificial Intelligence: The EEOC Perspective

Eunice Ikene, Attorney Advisor, EEOC Office of the Chair

In 2021, EEOC Chair Charlotte A. Burrows launched an agency-wide initiative to ensure that the use of software, including artificial intelligence (AI), machine learning, and other emerging technologies used in hiring and other employment decisions comply with the federal civil rights laws that the EEOC enforces. While AI systems may offer new opportunities for employers, they also have the potential to discriminate. This session explores the EEOC's work relating to the use of artificial intelligence and algorithmic decision-making tools, the challenges facing workers as employers increasingly utilize AI in employment decisions, and the importance of existing employment discrimination laws in combatting discrimination when AI and other algorithmic decision-making tools are involved.

2:05 pm Employers' Use of Assessment Software under the Americans with Disabilities Act

Aaron Konopasky, Senior Attorney Advisor, EEOC Office of Legal Counsel

Many kinds of computer applications help employers assess job applicants and employees, including resume readers, chatbots that screen for minimum job qualifications, video interviewing software, personality and neurocognitive testing, and productivity monitors. Sometimes, the use of these applications disadvantages individuals with disabilities in ways that violate the Americans with Disabilities Act (ADA).

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This session discusses how ADA rights and protections apply in this context, including the right to get reasonable accommodations, the prohibition against disability-related inquiries and medical examinations, and the prohibition against the use of test scores and other selection criteria when they screen out qualified individuals with disabilities. We also discuss best practices for avoiding ADA liability when using employment software.

3:05 pm **Understanding the Unlawful Barriers Artificial Intelligence Can Create for Applicants and Employees**

ReNika Moore, Director of the Racial Justice Program, American Civil Liberties Union

Artificial Intelligence and algorithm-driven tools are playing an increasing role in how employers recruit, hire applicants and supervise employees. These tools are often marketed as being more efficient and even more equitable, yet they can pose real risks of bias and discrimination against workers based on race, gender, disability, language proficiency or other protected categories. And rather than helping to eliminate discriminatory practices, AI can exacerbate these long-standing disparities in hiring and employment. Learn how these tools can create unjustified, unlawful barriers for applicants and employees and what can be done to identify and remove these barriers.

4:05 pm **Closing remarks**

Rayford O. Irvin, District Director, EEOC Houston District Office

4:10 pm **Adjourn**

REGISTRATION FEE: \$150.00 per person

ENROLL HERE: [Houston Virtual Workshop](#)

CREDITS:

HRCI – This program has been submitted to the HR Certification Institute for review.

SHRM – submitted for approval.

CLE – seeking credits.

Federal Counselor or Investigator Refresher credits – pending.



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PRESENTER BIOGRAPHIES



Eunice Ikene, Attorney Advisor, EEOC Office of the Chair

Eunice Ikene is an Attorney Advisor in the EEOC Office of the Chair. Ms. Ikene co-leads the work on the Agency's artificial intelligence and algorithmic fairness initiative. Prior to joining the Chair's office, she served as staff on the U.S. House of Representatives Committee on Education and Labor for eight years. During her time working in Congress, Ms. Ikene spearheaded efforts to strengthen wage and hour and employment discrimination laws, including passing the Raise the Wage Act, Pregnant Workers Fairness Act, and the Paycheck Fairness Act in the House of Representatives. Ms. Ikene holds a J.D. from American University Washington College of Law and B.B.A. in Management Consulting and Political Science from the University of Notre Dame. Ms. Ikene is admitted to the Maryland Bar.



Rayford O. Irvin, District Director, EEOC Houston District Office

Rayford O. Irvin, (he/him) began his employment with the U.S. Equal Employment Opportunity Commission (EEOC) in 2007 as Deputy District Director of the Phoenix District Office and on 10 Oct 2010, as the District Director. On November 16, 2015, he became District Director for the Houston District Office, with enforcement jurisdiction over 27 counties in the Southeast Texas and all of Louisiana. He concurrently serves as the EEOC District Director for the Houston District Office and as the Acting Director of the Dallas District Office. Mr. Irvin has over 25 years of global management experience and has held various positions in the private sector and federal government. Prior to joining the EEOC he was Region 6, Pacific Air Forces (PACAF), Deputy Director with the U.S. Air Force Office of Special Investigations (AOSI). In this capacity, he was responsible for command and control of 15 subordinate units and more than 200 personnel that provided criminal, fraud and counter-intelligence investigative support to commanders throughout the Pacific Air Forces' (PACAF) theater of operations. Mr. Irvin's area of responsibility included Alaska, Guam, Japan, India, Australia, Singapore, Thailand, and Korea. Mr. Irvin also has over 28 years of service as a military and federal investigator.



Aaron Konopasky, Senior Attorney Advisor, EEOC Office of Legal Counsel

Aaron Konopasky is a Senior Attorney Advisor in the EEOC Office of Legal Counsel at EEOC Headquarters in Washington, D.C., where he assists the Commission in interpreting and applying Title VII of the Civil Right Act of 1964, the Americans with Disabilities Act of 1990 (ADA), and other federal employment discrimination statutes. Dr. Konopasky has participated in the development of regulations under the ADA, the Age Discrimination in Employment Act of 1967 (ADEA), and the Rehabilitation Act of 1973, as well as numerous policy documents and other Commission publications. Dr. Konopasky joined EEOC after receiving his J.D. from Stanford Law School. Prior to law school, he received his Ph.D. in philosophy from Princeton University, where his research focused on foundational issues in psychology.



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ReNika Moore, Director of the Racial Justice Program, American Civil Liberties Union

ReNika Moore is the is the Director of the ACLU's Racial Justice Program (RJP). She leads a dedicated team that uses litigation, advocacy, grassroots mobilization, and public education to dismantle barriers to equality for people of color. Prior to joining the ACLU, Ms. Moore served as Labor Bureau Chief of the New York Office of the Attorney General. During her tenure, the Labor Bureau was nationally recognized for aggressively enforcing labor standards on behalf of low-wage workers who were disproportionately people of color and immigrants. Before joining the NYAG, Ms. Moore led the NAACP Legal Defense Fund's economic justice litigation, public education, and public policy efforts. Ms. Moore litigated high-impact racial justice cases tackling a variety of civil rights issues, including criminal background checks in employment, discrimination in major federal housing programs, and environmental racism. Ms. Moore also worked with the employment law firm Outten & Golden LLP representing workers who had been unlawfully discriminated against or had been unlawfully denied their earned wages. Ms. Moore began her career clerking for the late Honorable Robert L. Carter in the Southern District of New York. Ms. Moore received her J.D. from Harvard Law School and A.B. from Harvard College.