

2019  
**cali  
for  
nia**

**LEAD  
ADVOCATE  
IMPACT**

**STATE LEGISLATIVE & HR CONFERENCE**

April 3-5, 2019 | Sheraton Grand Sacramento | Sacramento, Calif.



# The Robot Made Me Do It! AI in the CA Workplace

Cal SHRM Legislative Conference



**Bruce Sarchet, Shareholder | Littler, Sacramento**  
[BSarchet@littler.com](mailto:BSarchet@littler.com) | 916.830.7272

*April 4, 2019*

**Littler**



## Who Said This?

**Dr. Martin Luther King, Jr.**

**April 27, 1961**

*New economic patterning through automation is dissolving the jobs of workers in some of the nation's basic industries. We are neither technologically advanced nor socially enlightened if we witness this disaster for tens of thousands without finding a solution. And by a solution, I mean a real and genuine alternative, providing the same living standards which were swept away by a force called progress, but which for some is destruction. The society that performs miracles with machinery has the capacity to make some miracles for men — if it values men as highly as it values machines.*



# Pretend its April 27, 1961

Try to explain to someone  
what a social media  
manager or web designer  
does for a living.





# Now Let's Pretend it's April 4, 2049

Describe the three  
most common jobs  
held by Californians.



# Creative Destruction

# 1942



- PEOPLE  
- FORUMS  
- MAIL  
- SHOP  
- BUY  
- SALE

SELECT CATEGOR



Who said this?

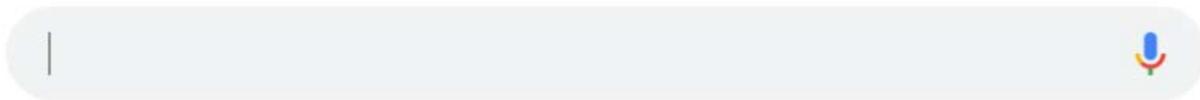
Carl Sagan

*We live in a society exquisitely dependent on science and technology, but nobody knows how it works!*



# True or False?

- When you do a Google search, you are searching the internet.
- False! You are searching Google's index of the internet.

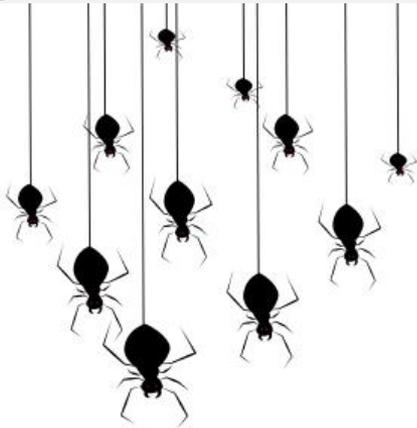




# Google uses machine learning, but how does it work?

Google

words



- You type words into the search bar.
- The index puts out spiders into the internet to find web pages which contain those words.



# So, how does Google work?

- The software then asks questions:
  - How frequently do the words appear on the page?
  - Are the words in the title of the page?
  - Is the page from a “reputable” web site?
  - What is the page’s “page rank?” Page rank is a formula which looks at how many links there are to a page and how “important” those links are.
  - The page with the top score is listed first.



# Agenda



- **Part One:** AI in the workplace – challenges and opportunities.
- **Part Two:** Here come the Robots! What can we do?



# PART ONE: AI in the Workplace

## Dictionary

Enter a word, e.g. "pie"



# ar·ti·fi·cial in·tel·li·gence

/,ärdə'fɪʃhəl in'teləjəns/ 

*noun*

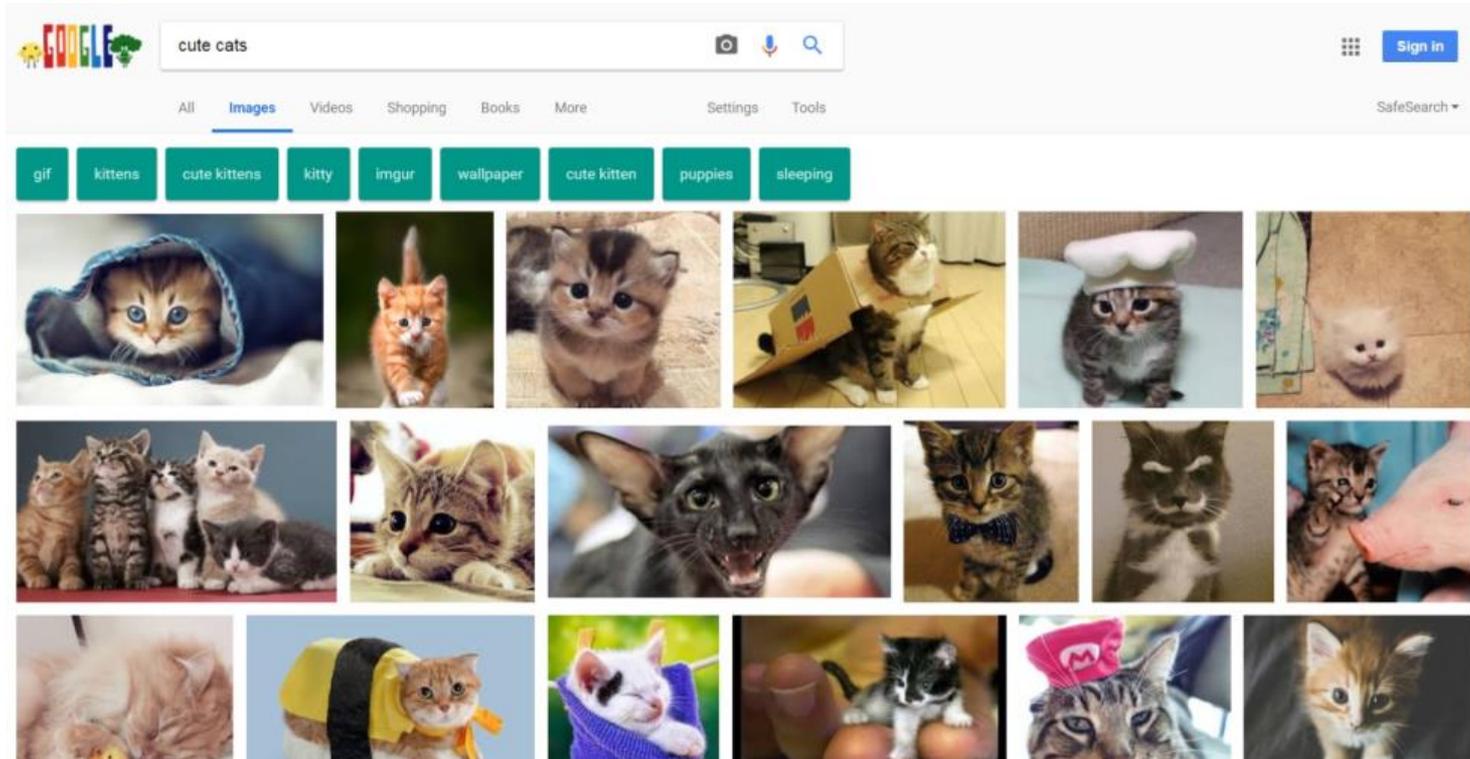
the theory and development of computer systems able to perform tasks that normally require human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages.



Translations, word origin, and more definitions



# AI Finds Cute Cats





# AI Wins Games



(Ilkin Zeferli/Shutterstock)

## In Just 4 Hours, Google's AI Mastered All The Chess Knowledge in History

"This algorithm could run cities, continents, universes."

PETER DOCKRILL 7 DEC 2017

SHRM 2018 | Together Forward.

## Google's AlphaGo Defeats Chinese Go Master in Win for A.I.



Ke Jie, the world's top Go player, reacting during his match on Tuesday against AlphaGo, artificial intelligence software developed by a Google affiliate. China Stringer Network, via Reuters

By Paul Mozur

May 23, 2017

[查看简体中文版](#)

HONG KONG — It isn't looking good for humanity.





# AI Recommends Movies & TV



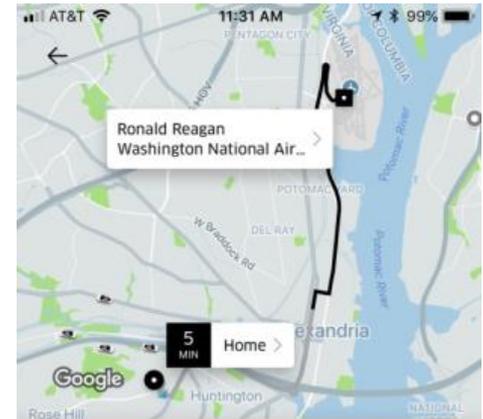
# AI Orders Pizza

amazon echo

Always ready, connected, and fast. **Just ask.**



# AI Orders Cars



**Economy** Mor  
Affordable, everyday rides

Service	Price	Time
Express POOL	\$12.41	12:04pm
POOL	\$14.60	12:04pm
uberX	\$19.80	11:54am Ⓞ

MasterCard \*\*\*\* 6915 1-4

**CONFIRM UBERX**



# AI Drives Cars

**THE WALL STREET JOURNAL.**

U.S. Edition | June 5, 2018 | Today's Paper | Video

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TECH

## Self-Driving Car That Struck, Killed Pedestrian Wasn't Set to Stop in an Emergency



National Transportation Safety Board investigators inspected the self-driving Uber vehicle after the fatal crash in Tempe, Ariz. PHOTO: NATIONAL TRANSPORTATION SAFETY BOARD/REUTERS



# AI and Big Data in the Workplace

1. HR uses of Predictive Analytics Software.

2. Big Data In Business Operations

3. Using Big Data In Employment Litigation.



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# 1. HR Uses of AI And Predictive Analytics Software

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# What HR Functions Can Benefit from AI?

1. Recruiting & Talent Management
2. Onboarding
3. Training
4. Employee Engagement
5. Compliance





# A Case Study

- Josh Bersin of Deloitte studied data of successful sales employees in a large financial service company.
- These were the entry level sale hiring priorities
  1. Students who graduated from certain schools
  2. GPA of 3.5 or better
  3. Quality of references
- Data uncovered that none of these three hiring criteria was correlated with sales success.





# A Case Study

Within 6 months of implementing a new screening process, revenues increased by \$4 million

## Highly Correlated with Success

1. No typos, errors, grammatical mistakes on resume
2. Did not quit school before obtaining some degree
3. Had experience selling real estate or automobiles
4. Ability to succeed with vague instructions
5. Experience planning time and managing lots of tasks



# Let's Go Shopping for HR AI!





# Mya, the AI Recruiter

hiremya.com

Save **75% of your team's time** by automating steps such as sourcing, screening & scheduling

- ▲ Mya handles time exhausting tasks like phone screening and interview scheduling, freeing recruiters to focus on qualified candidates and converting hires.
- + She creates rich candidate profiles and shortlists candidates within your ATS so your team can make quicker decisions and spend more time closing hires.



Mya  
5:23 AM

We usually do interviews Mon-Fri, 10AM to 5PM, what time would work for you?



Katie Philips  
5:23 AM

**How about tomorrow at 10 AM?**



Mya  
5:23 AM

Great, I have you scheduled for 10 AM on April 30, 2017 at 122 2nd st., San Francisco, CA.



# Can Machine Learning and Data Analytics....

Predict future job performance from a video interview?

*Hire★Vue*

Responses to video interviews are full of data. The content of the verbal response, intonation, and nonverbal communication are just a few of the 25,000 data points we collect. These data points are analyzed with our proprietary machine learning algorithms to accurately predict future job performance.



# Can Machine Learning and Data Analytics....

Improve diversity and inclusion, and eliminate unconscious bias?

Meet *Joonko*

Your personal AI-powered diversity  
& inclusion coach

Get rid of unconscious bias in real-time ensuring  
a more diverse and inclusive workplace.



syndio



# Can Machine Learning and Data Analytics....

Predict when it's "safe" to hire applicants with a criminal record?



**CHERRY TREE  
DATA SCIENCE**

DATA SCIENTIFIC EMPLOYMENT SOLUTIONS

**OUR  
MISSION**

CHERRY TREE DATA SCIENCE ENABLES  
EMPLOYERS TO SAFELY HIRE APPLICANTS  
WITH CRIMINAL RECORDS



# Onboarding

Task and document automation

## Navigator Onboarding



### Onboarding Document Production

Produces state and federal compliant employment applications, offer letters, and employee non-disclosure documents

[+ Create New Document](#)

# Compliance HR

## Getting Started

To begin, select the application you want to launch. You may click on the name of an application to learn more about it.

- [Navigator Employ](#) ⓘ
- [Navigator Offer](#) ⓘ
- [Navigator Non-Compete](#) ⓘ
- [Navigator NDA](#) ⓘ



# Training

Customization of employee training through data analytics and recommendation engines



## THE ZOOMI SOLUTION





# Compliance

Assess compliance risk

## Compliance HR

### Navigator OT



#### Exempt Status Assessment

Provides a risk assessment of each applicable exemption, suggestions on how to lower the risk of misclassification, and a summary of the federal and state exemption standards

[+ Create New Review](#)      [View Reviews](#)  
[View Evaluations](#)

### Navigator IC



#### Independent Contractor Assessment

Delivers an actionable risk assessment, a report on how to lower the risk of misclassification, and a summary of applicable laws

[+ Create New Evaluation](#)      [View Evaluations](#)  
[IC Agreement](#)



# Employee Engagement

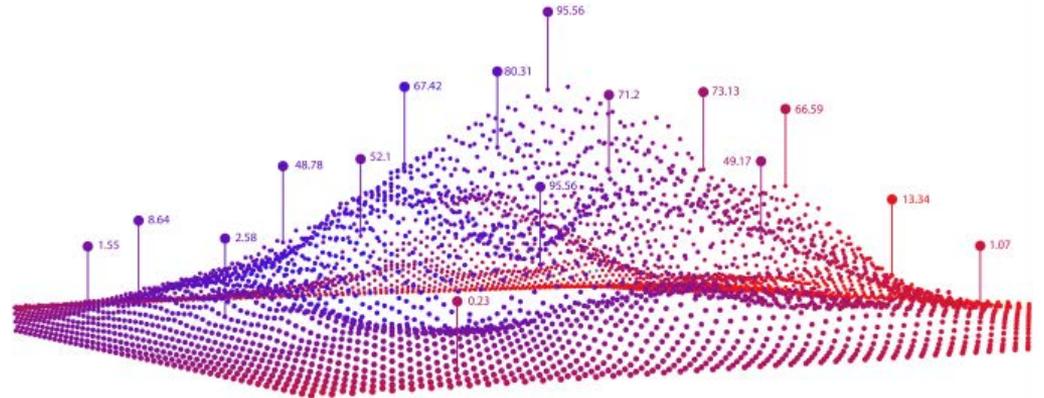
- Intelligent assistants (chatbots)
  - Computer algorithms designed to simulate a human conversation, answer common questions, automate customer service (e.g. Apple's Siri, Amazon's Alexa)
- In Human Resources, a chatbot can answer the most common employee questions
  - Increase speed and consistency of answers
  - Provide easy access to HR for employees who work remotely
  - Uncover issues employees care about





# The Human Resources Application – You are Hiring a New Employee

- Data regarding a group of job applicants is processed by a computer running 2019 state of the art predictive analytics software.
- The program considers such things as:





# AI Hiring Software Considers This Data:



- The distance which the applicant lives from the worksite.
- The reputation of the university from which the applicant received a degree.
- The number of times the applicant has changed jobs in the last 10 years.



# AI Hiring Software Considers This Data:

- The AI software also has compiled similar data from employees who have been with the Company for at least 10 years.
- Those employees are grouped as unsuccessful, successful, and highly successful.





# AI Hiring Software Considers This Data:

- The applicant whose profile most closely matches that of highly successful employees is offered the job.





# Does This Happen Today?

- Anybody see any benefits of this?
- Anybody see any problems with this?





# Benefits

- The machine is objective.
- The machine is cheaper than hiring another HR analyst.



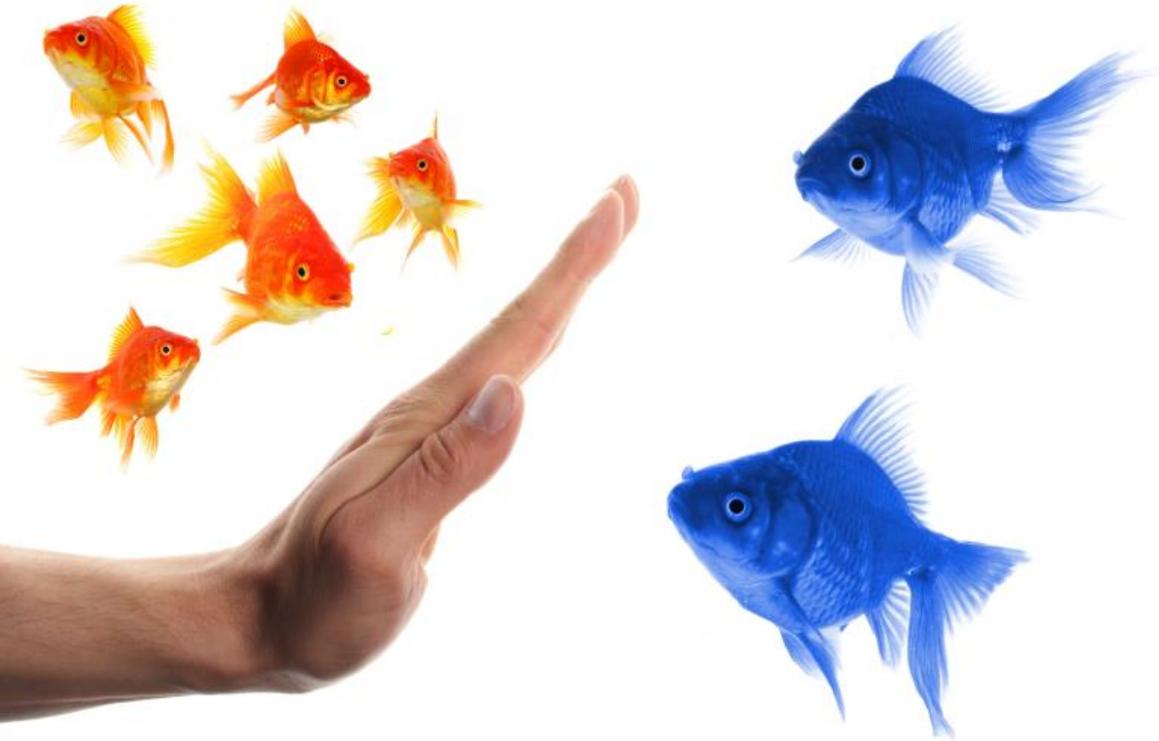


# Potential Issues

- Neighborhoods where applicants live could reflect gender identity and sexual orientation profiles.
- Graduation rates at universities could vary based on ethnic or racial profiles.
- Changing jobs could be based on medical conditions, marital status, etc.



# Potential Issue



**Disparate Impact  
Discrimination**



# Two Primary Concerns

1. Biases of the programmers who develop the initial software code.

2. The failure or inability to determine how an algorithm makes a decision involving advanced self-learning or cognitive computing.



# Bias



- Harvard professor, Latanya Sweeny, entered her name in the Google search engine.
- Next to the list of relevant websites was an ad for a background search firm that read “Latanya Sweeny arrested?”



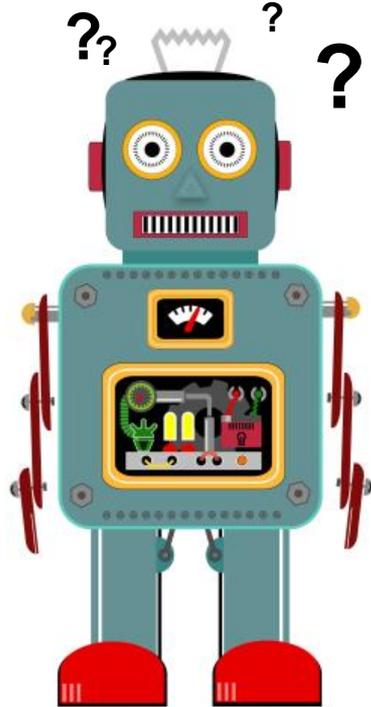
# Bias



- Names common among African Americans such as Trevon, Lakisha, or Latanya, were far more likely to draw the “arrested” question than traditional names more associated with Caucasians.



# Lack of Transparency – “Nobody knows how it works!”



- Complexity of Algorithms, especially with machine learning.
- Algorithms may be trade secrets, which the developer refuses to disclose.



# Remember SB 10?

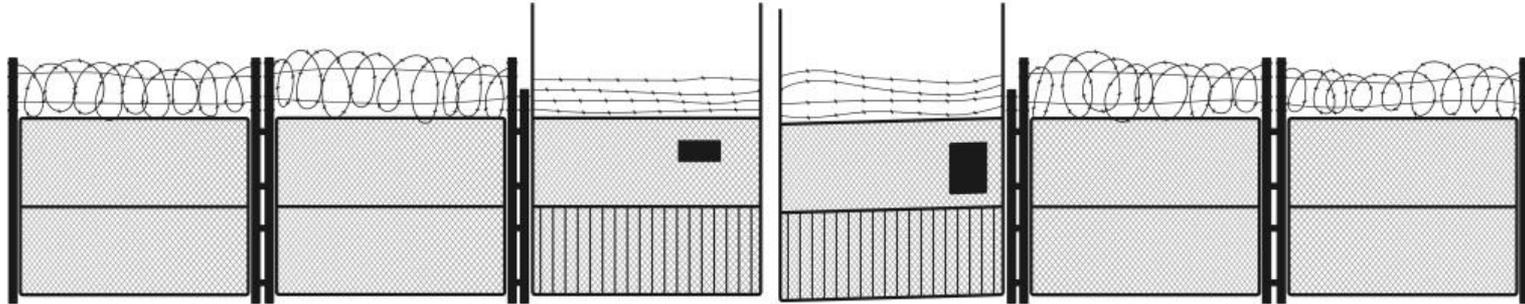
- California eliminates cash bail.
- Instead, persons arrested and detained will be subject to a pretrial risk assessment conducted by a new entity: Pretrial Assessment Services





# Lack of Transparency – Failure to Disclose

- Eric Loomis – sentenced to six years in prison in Wisconsin following use of a COMPAS report - proprietary, closed-sourced risk assessment software.
- Utilizes information gathered from the criminal file, as well as an interview with the Defendant.





# Lack of Transparency

- Attorney seeks discovery of the factors used by the software in making its decision.
- **Software company:** “that’s a trade secret.”
- **Attorney:** “that violates my client’s due process rights.”



# Lack of Transparency



- Wisconsin Supreme Court upholds the sentence.
- Final recommendation was made by a human being, which utilized the “static” information considered by the software.

*State v. Loomis,*  
371 Wis. 2d 235 (2016)



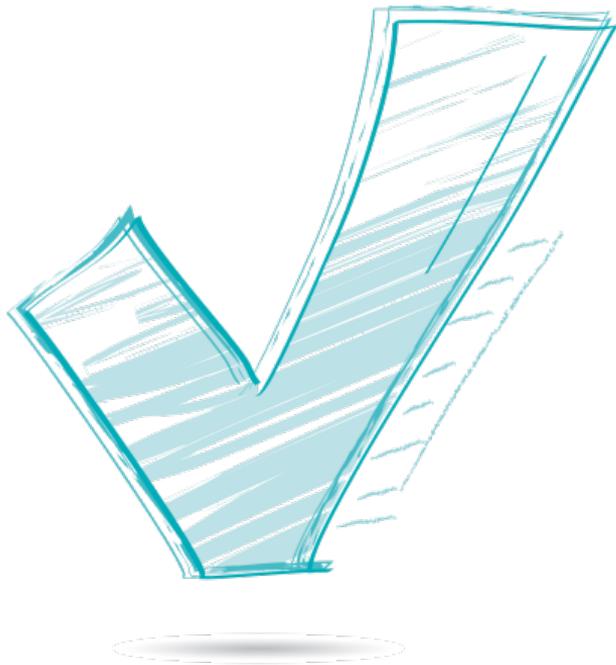
# 10 Practical Suggestions



1. Avoid fear-induced institutional isomorphism  
(copying competitors)
2. If you use AI as part of the HR decision making process, let your applicants and employees know.



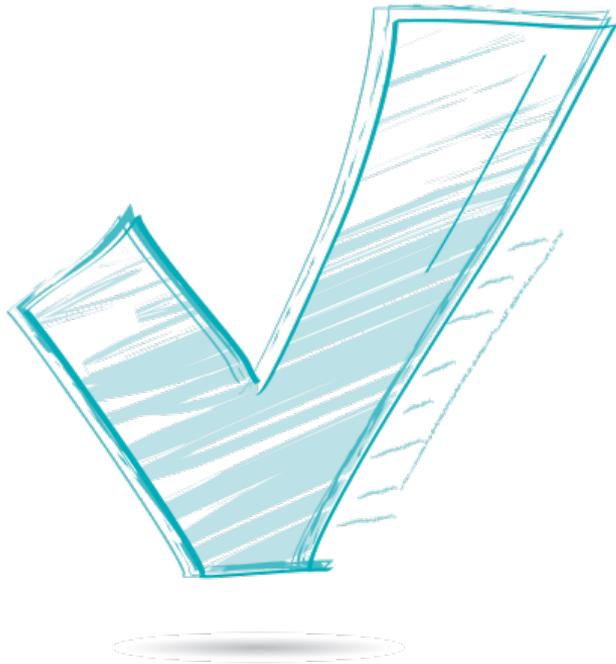
# 10 Practical Suggestions



3. Be sure the data you use is related to the job
4. Ensure the algorithms have been validated
  - Get a copy of the validation study
  - Have outside validation expert review the validation study and the evidence which has been collected to establish the job relatedness of the algorithm – for each job
5. Understand what kind of ongoing validation the vendor provides



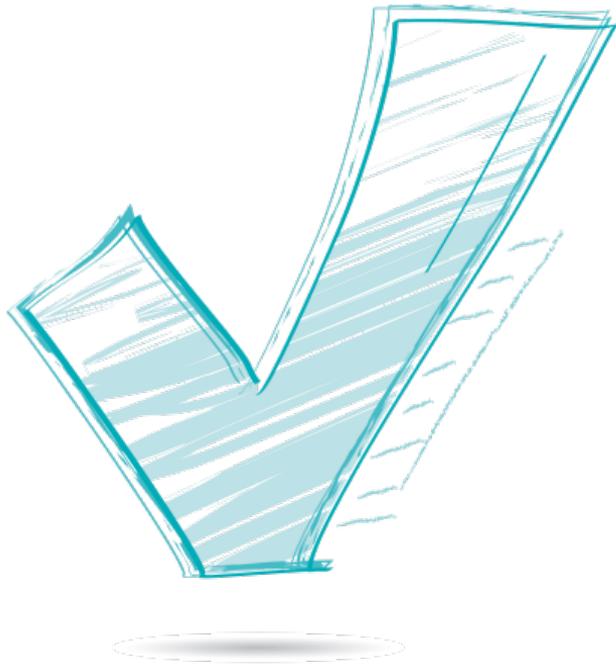
# 10 Practical Suggestions



6. Be informed consumers – research the possible and impossible
7. Vendor due diligence is a must – assign Legal and HR professionals to vet applications
8. Add an indemnification clause to your contracts with vendors



# 10 Practical Suggestions



9. Keep a human review as part of any AI-enabled HR decision making process.
10. Periodically audit the results of AI decision-making outcomes. (Use the attorney-client privilege).



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## 2. Big Data in Business Operations

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# California's New Data Privacy Law



# California Consumer Privacy Act



# California Consumer Privacy Act

- Effective January 1, 2020.
- But, there will be a 12-month “look back.”
- So, the *de facto* effective date is January 1, 2019.





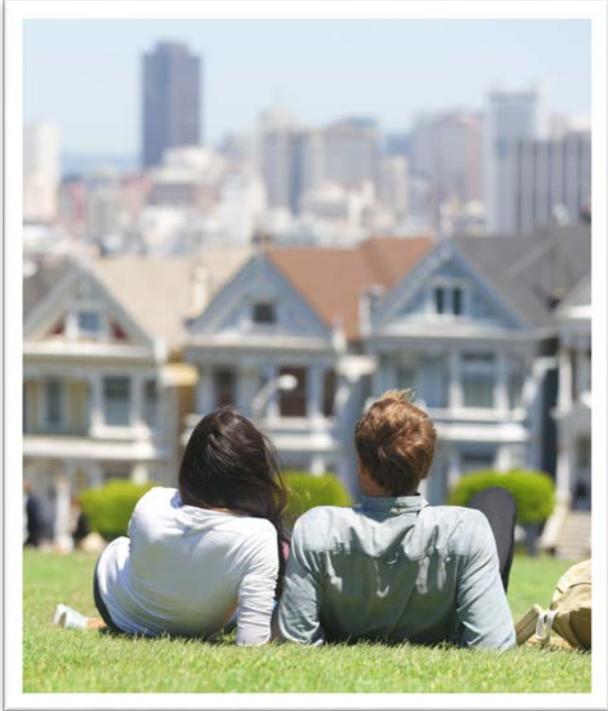
# California Consumer Privacy Act

- A “business” must protect the private information of a “consumer.”





# Definition of “Consumer”



- A “Consumer” is a natural person who is a California resident.
- Need not be a customer of a business.
- Includes employees of a business
- Includes other businesses which are customers of the business.



# Consumer Privacy Rights



- Right of access
- Right to not have personal information sold
- Right of portability
- Right of deletion
- Right to sue



# Damages For Data Breach



- Consumer need not prove actual injury.
- Minimum statutory damages of \$100 per person, per incident. (Maximum of \$750).
  - This smells like PAGA



# Definition of “Business”



- “Business” includes businesses which collect personal information of consumers, and
  - Generates \$25million in annual gross revenues OR
  - Has the personal information of 50,000 consumers.



# 50,000 sounds like a lot, but ...



- Most businesses' websites capture IP addresses.
- A high volume, small dollar business (Taco Truck) may capture this much information in a few months.



# Unanswered Questions



- Does all, or only some, of the \$25 million need to be generated in California?
- Do all, or only some, of the 50,000 consumer records need to come from California?
- Does an employee have the right to deletion of the electronic copy of their bad evaluation or written warning?



# Clean Up Needed – Just One Of Many Examples

## **Civil Code §1798.140(o)(2) provides:**

“Personal information” does not include publicly available information. For these purposes, “publicly available” means information that is lawfully made available from federal, state, or local government records, if any conditions associated with such information.”



# Possible Reform?

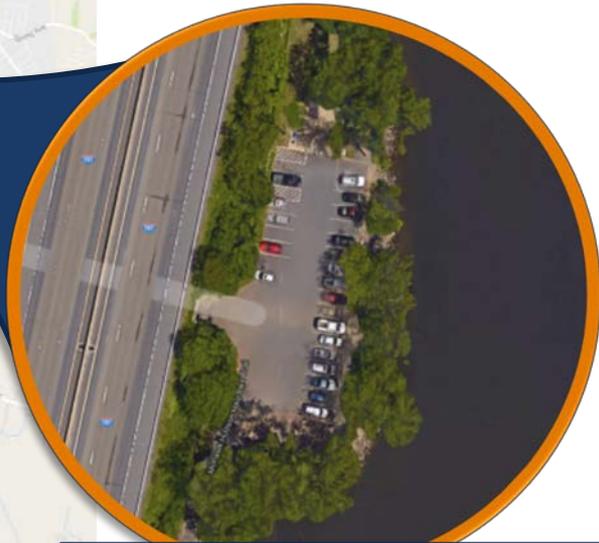
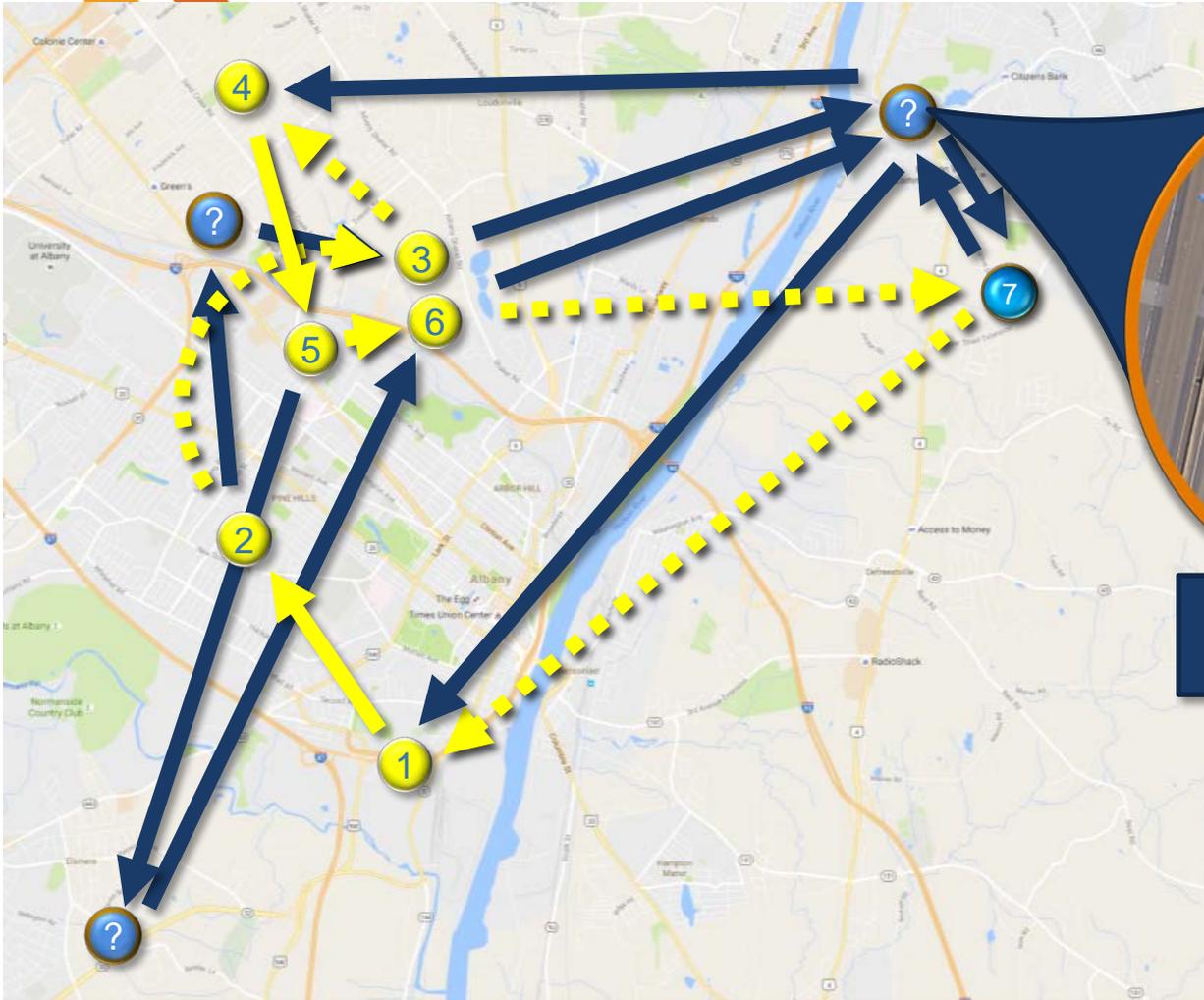




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### 3. Big Data in Litigation

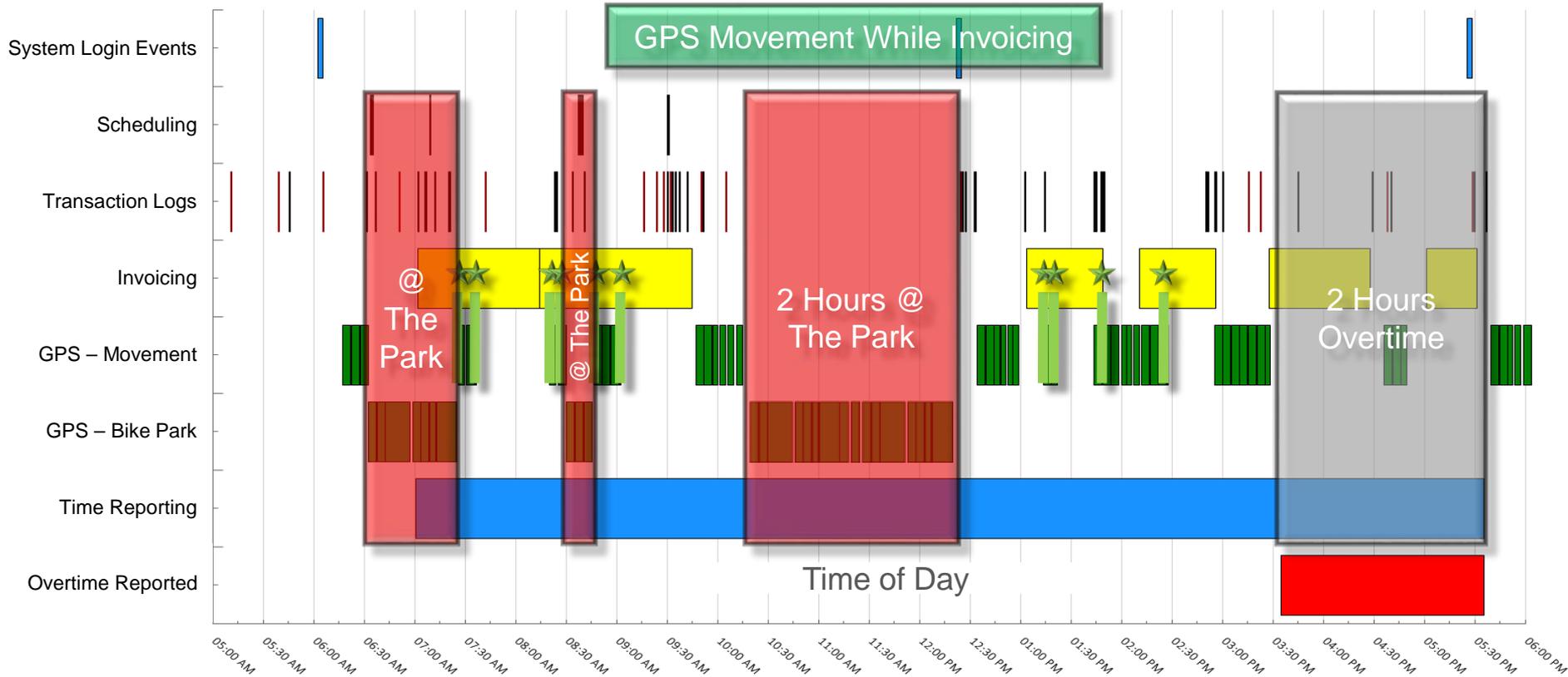
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**Mohawk Hudson Bike Park**

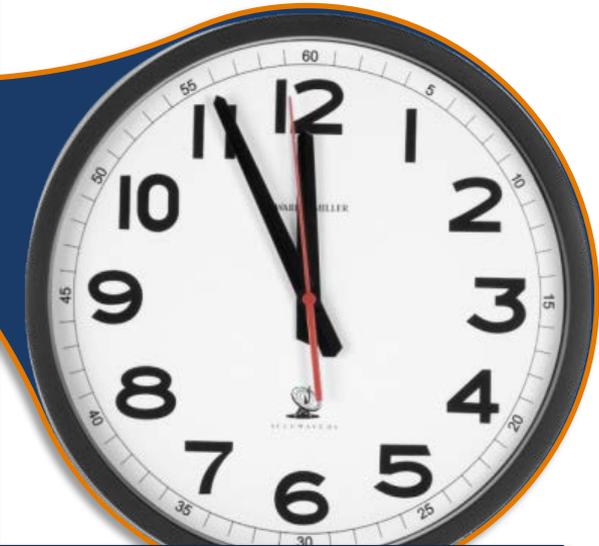
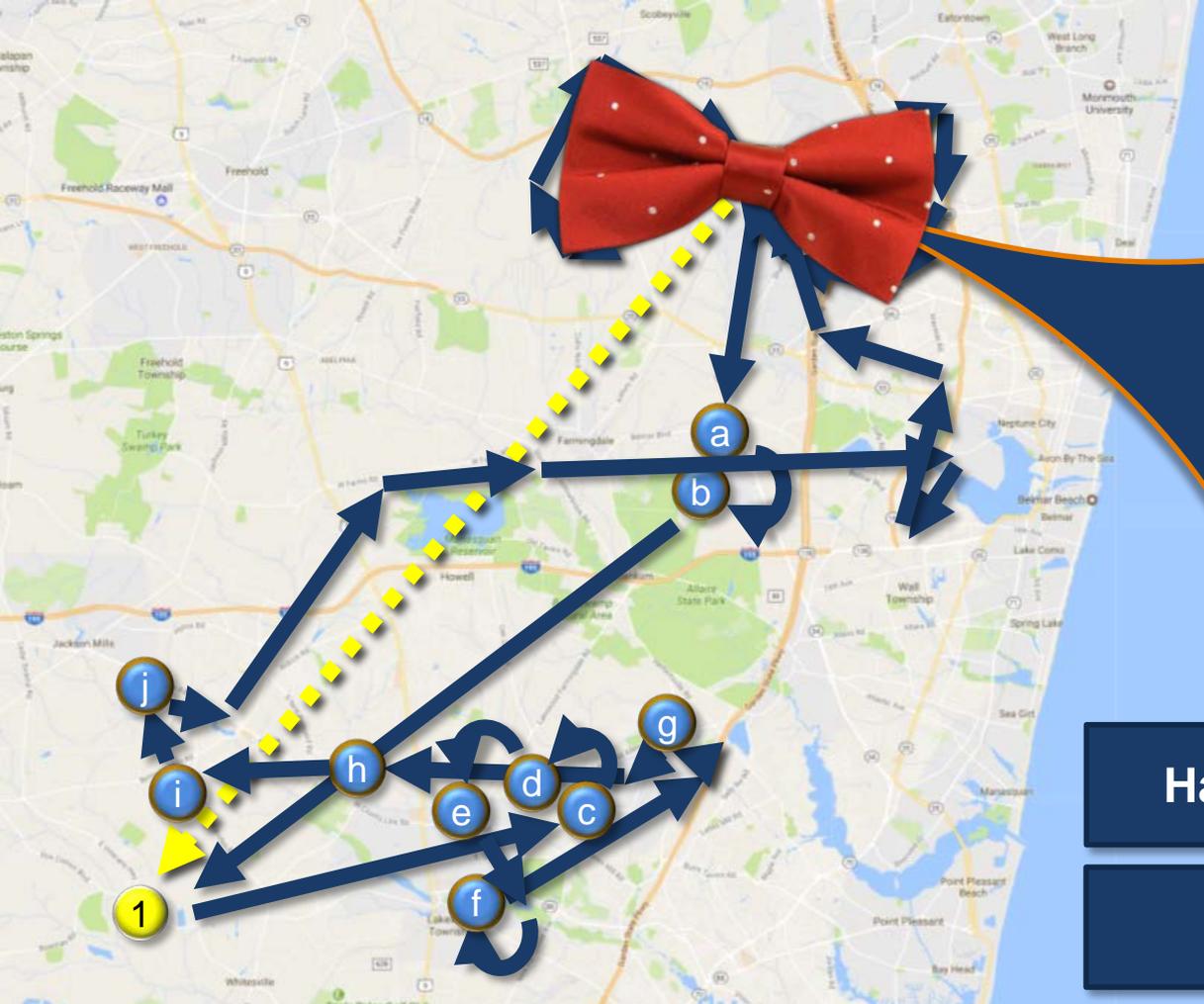


# Day in the Life – Overbilling and Personal Detours



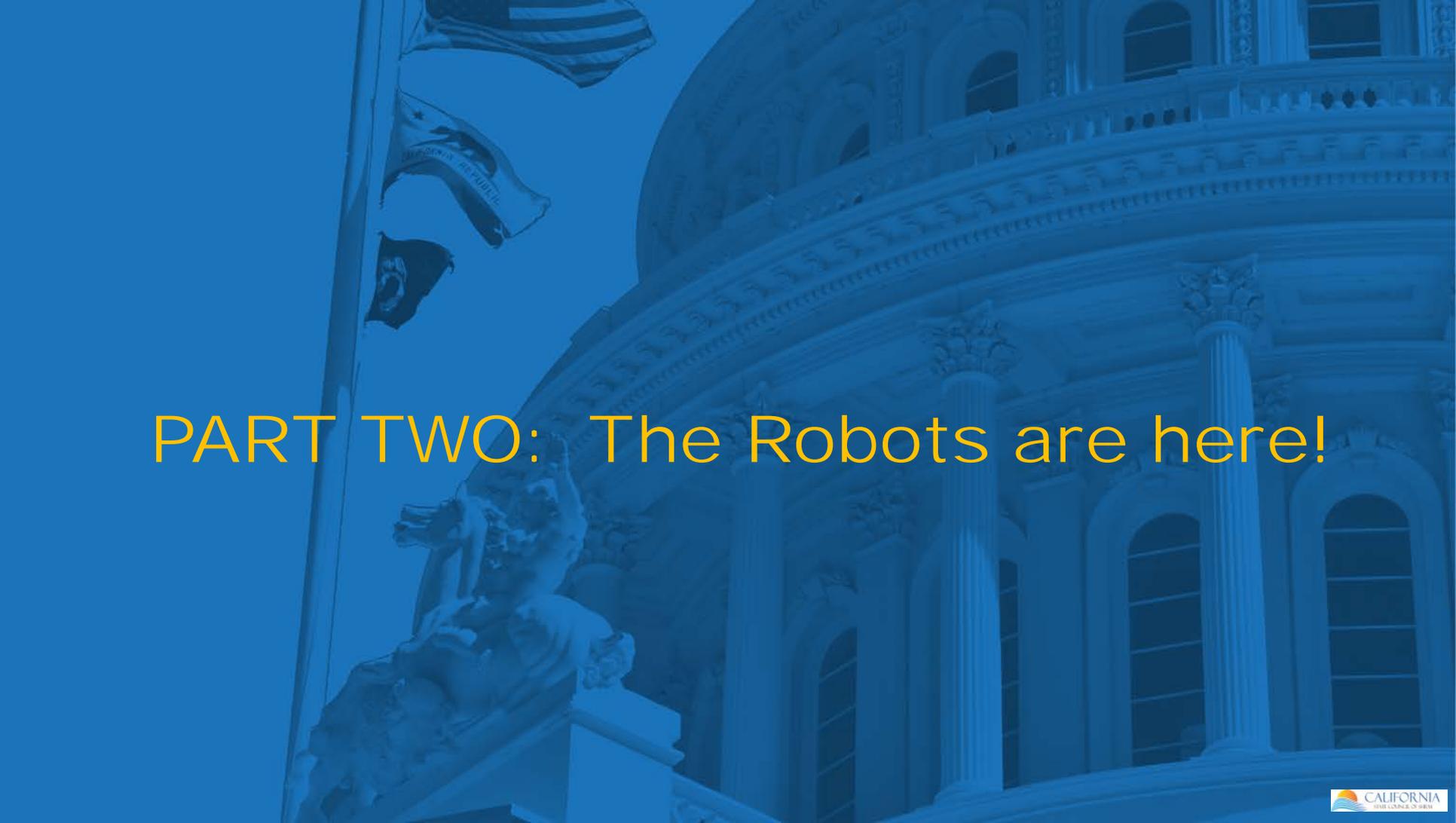


**Side Business / Rental Apartments**



**Hangs Out for ~2 Hours**

**Clocked Overtime**



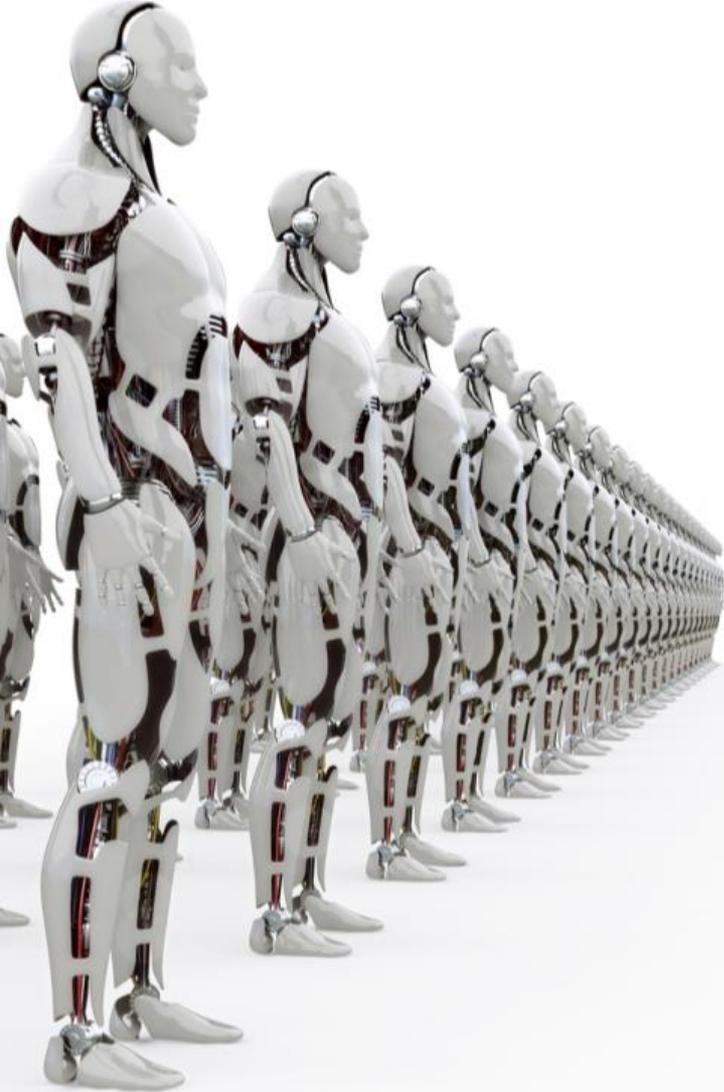
# PART TWO: The Robots are here!



# The Robots!



1. The coming TIDE
2. Legal Issues
3. Managing Change
4. The Emma Coalition



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# The Coming Tide

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# The Coming TIDE

(Technology-Induced Displacement of Employees)

McKinsey&Company

Automation/AI could  
destroy as many as 73  
million US jobs by  
2030.



“Achieving dominance  
over emerging  
technologies is the  
world’s most important  
battle for global  
power.”



# 1,896 Experts Are Deeply Divided On The Impact of Transformative Technology on Job Growth - *Pew Study*

Experts are deeply divided on whether networked, automated, artificial intelligence (AI) applications and robotic devices will have displaced more jobs than they have created by 2025.





# The Coming TIDE

(Technology-Induced Displacement of Employees)

- Industrial Revolution took decades; this TIDE is **much faster**.
- **McKinsey: 375 million people may need to switch occupational categories by 2030**
- Depending on source, anywhere from **25% to 67% of developed-world jobs will be susceptible to automation** within the next two decades

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**New study shows nearly half of US jobs at risk of computerisation**

A new study titled: "The Future of Employment: How Susceptible Are Jobs to Computerisation?," by Dr Michael A. Osborne from Oxford University's Department of Engineering Science and Dr Carl Benedikt Frey of the Oxford Martin School, estimates that 47 percent of jobs in the US are "at risk" of being automated in the next 20 years.

Their research found that jobs in transportation, logistics, as well as office and administrative support, are at "high risk" of automation. More surprisingly, occupations within the service industry are also highly susceptible, despite recent job growth in this sector.



Dr Osborne said: "We identified several key bottlenecks currently preventing occupations being automated. As big data helps to overcome these obstacles, a great number of jobs will be put at risk".

The study examined over 700 detailed occupation types, noting the types of tasks workers perform and the skills required. By weighting these factors, as well as the engineering obstacles currently preventing computerisation, the researchers assessed the degree to which these occupations may be automated in the coming decades.

"Our findings imply that as technology races ahead, low-skilled workers will move to tasks that are not susceptible to computerisation — i.e., tasks that required creative and social intelligence," the paper states. "For workers to win the race, however, they will have to acquire creative and social skills."

Dr Frey highlighted that the United Kingdom is expected to face a similar challenge to the US. He said: "While our analysis was based on detailed datasets relating to US occupations, the implications are likely to extend to employment in the UK and other developed countries".

Full version of the paper: <http://www.oxfordmartin.ox.ac.uk/downloads/academic/future-of-employment.pdf>

**Dr Michael A. Osborne** is a University Lecturer in the Machine Learning Research Group in the Department of Engineering Science. His research interests focus on the design of intelligent systems: algorithms capable of substituting for human time and attention. He has worked to apply his novel techniques to scientific and engineering problems in fields as diverse as astrostatistics, ornithology and sensor networks.

productivity and other forces could more than offset the losses, according to a new report by McKinsey.



# The Other Side of the TIDE: Jobs that will grow in the coming years

- There will be **new job opportunities**
  - Educators
  - People who can build, program, maintain, and repair automated systems
  - Healthcare
  - Jobs we aren't even thinking of yet





# The Other Side of the TIDE: Jobs that will grow in the coming years

- But will our workforce **be ready to fill them?**
  - How will young people; the chronically under-employed; ex-convicts; poorly educated; and immigrant communities; adapt to this new reality?
- And **who will bear the transition costs?**





# Example: Amazon

- Amazon acquired Kiva Systems in 2012 for \$775 **million—they now have more than 100,000 working robots** – and has since increased its number of employees to over 340,000 with plans to add a second North American headquarters and 50,000 new jobs
- Robots make the work less physical, repetitive and taxing, and more interesting to warehouse workers, while driving down costs to consumers through increased efficiencies



Let's take a look...





# Example: Accenture

- Over 18 months, Accenture replaced 17,000 back office jobs through automation
- But they did not lay those workers off—they **retrained and found new positions** within the organization
- “[B]y retraining staff, they were able to remain in the group without the need for layoffs. At the same time, automation helped the company to streamline processes and improve overall productivity.”

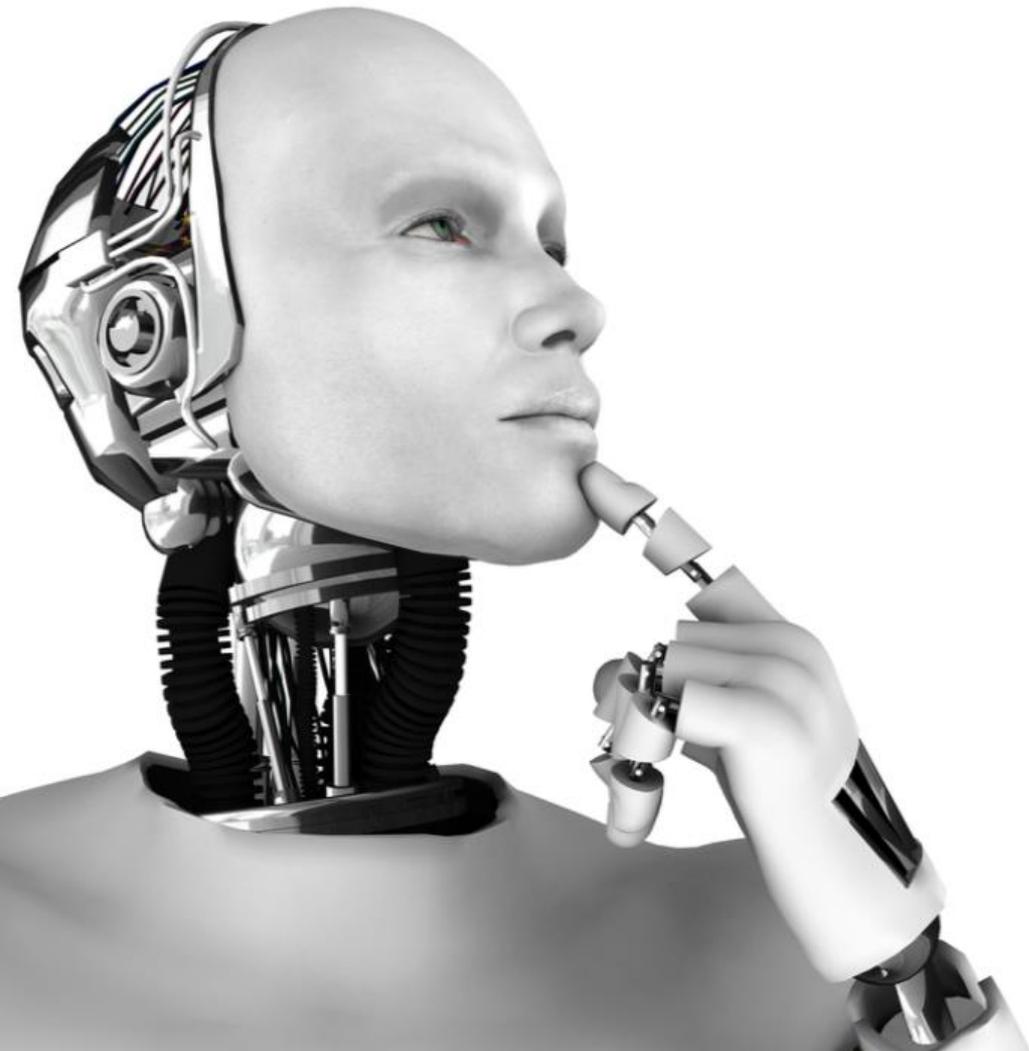




# Best of Both Worlds? Cobots

- “Collaborative robots”
- Built to work alongside humans in the workplace
- Designed to automate tasks rather than jobs
- May be fully autonomous or controlled by humans through graphical interface or advanced sensor systems
- Less expensive per unit (\$24,000 per unit on average)
- Smaller and lighter, which reduces safety risks associated with traditional robots
- All this makes cobots easier to integrate among employees and existing machines





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# Robots: Employment Law Issues

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# Robotics and Automation Employment and Labor Law Issues

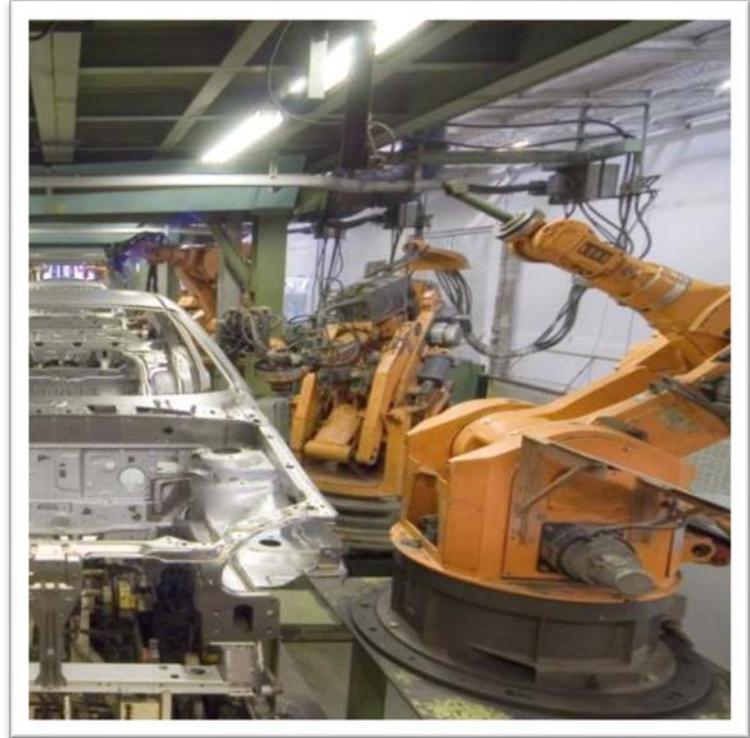
- A. WARN Act
- B. Age Discrimination in Employment Act (ADEA)
- C. Occupational Safety & Health Act (OSHA)
- D. Americans with Disabilities Act (ADA)
- E. Employee Privacy
- F. NLRA/Collective Bargaining





# WARN Implications

- Disruptive technologies could eliminate many existing jobs, triggering the need for WARN Act compliance
- Federal and State Requirements





# Anti-Discrimination: Age Discrimination in Employment (ADEA)

- The ADEA prohibits age-based discrimination against applicants or employees age 40 or over.
- The very use of advanced robotic systems in the workplace could subject an employer to exposure under the ADEA based on older worker's lack of familiarity with the new technologies.





# Anti-Discrimination: Age Discrimination in Employment (ADEA)

- If employees over 40 are less adept at working with advanced robotic systems than younger employees, employment decisions based on this criteria will likely impact them disproportionately.





# The California Occupational Safety & Health Act



- AI and robots must be compliant with OSHA standards in general including lock out tag out and machine guarding.
- **Beware:** malfunctioning sensors
- **Beware:** employees insufficiently trained on how to work with/around AI.



# Wearable and Performance – Enhancing Devices

- Advances in wearable technology in the workplace will lead to a massive increase in the interaction between workers and robots.
- Creates risk of violations of OSHA's safety standards, but also promise of increased workplace safety.





# Wearable and Performance – Enhancing Devices

## **OSHA and Worker's Compensation**

- Robots that are poorly designed and incompatible with the human body or that are well designed but poorly implemented, could easily damage muscles, tendons, and nerves, particularly when performing repetitive tasks.
- On the other hand, automation of physically difficult or dangerous tasks could lower OSHA risk and WC costs

## **ADA**

- Employers may one day be required to provide wearable robotic devices as reasonable accommodations or to accommodate disabled employees who wear them.



# Anti-Discrimination: American with Disabilities Act of 1990

- Potential opportunities for individuals with disabilities.
- Self-driving vehicles and advanced sensory technology could make open jobs previously denied to deaf or blind applicants.
- Honda's Asimo can assist a person confined to a bed or a wheelchair by performing manual operations like turning on a light switch, opening doors, and carrying objects.





# Anti-Discrimination: American with Disabilities Act of 1990



- The National Institutes of Health has announced that it will fund the development of three new robots that work cooperatively with people. Called “co-robots,” they are being developed as part of the National Robotics Initiative.
- One is a hand-held device that will help people with vision disabilities identify and grasp objects, another is a “smart-walker” for seniors and people with mobility disabilities and the third will provide social interaction for children.



# Privacy Concerns

- The remote robot, using cameras, video and audio recording devices, and other sensors, can collect information necessary for the employee to perform his/her job functions. This technology raises the risk that the employee or the robot will “over-collect” information in a way that could violate individual privacy rights.
- One possibility is that the robotic technology could collect information about the employee-operator that the employer cannot lawfully collect.



# Privacy Concerns

- Smart phone personal assistants
- Wellness programs smart phone applications
- Global positioning satellite (GPS) systems
- Biometric information: fingerprints or facial scans





# Privacy Concerns

- With regard to privacy, federal and state statutes and the common law restrict the information that employers can collect about employees and how they can use it.
- Employers must protect the security of any sensitive information collected about employees.





# NRLA and Collective Bargaining



- **Technology and Organized Labor:** Not a New Subject
- Collective bargaining obligations often triggered by introduction of new technologies and impact on existing workforce.
- If you have a CBA in place, rules will be different



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# Managing Change

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# Staying Ahead of the Curve

- Evaluate automation possibilities
  - Regularly analyze both existing and new automation technologies in A.I. and robotics
  - Compare with projected long-run labor costs
  - Determine which will increase efficiency/productivity
- Evaluate how advanced robotics and related new technologies will impact current and future skill requirements
- Monitor proposed regulations



# Managing Morale: Plan Ahead



- Learn about the new technology
- Assign HR/Professionals and/or a member of your legal department to each new robotics project in your organization
- Develop a communication program



# Managing Morale: Communicating with Employees

- Develop long term strategic plans so employee questions/concerns can be met with transparent dialogue instead of fear-invoking silence or inconsistent responses
- Focus on positive
  - Elimination of the dirty, dangerous and mundane
  - Opportunities to advance into more highly trained technical positions
- Automation will take tasks before jobs





# Managing Morale: Retraining and Repositioning

- Transparency around need for automation and increased productivity to maintain competitive edge Analyze worker skill sets
- Creative and people facing jobs increase sales to meeting with increased production that comes with automation
- Look for opportunities to “Elevate rather than eliminate”





# Managing Morale:

## Preparing Employees for Introduction of Robotics



- For employees who will work with new machine, provide training
- Make clear what it can do (i.e. ensure understanding of each system's capabilities)
- Make clear what it *can't* do (i.e., key limitations on tasks it can perform)
- Train on requirements for safe operation



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# The Emma Coalition – A Call To Action

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# But Are We Prepared?

- A 2018 CareerBuilder hiring forecast said that **45% of all HR managers couldn't identify candidates for existing positions for lack of qualified applicants largely driven by AI.**
- The Workforce Institute at Kronos reported that **58% of all employers surveyed have yet to begin discussing how AI will affect their employees.**
- Trends analysis confirms that there is a shift away from functional knowledge and **more towards the importance of being fluid in your skill set.**
- **The Trump administration recently announced two major workplace initiatives:** The Presidents National Council for the American Worker and The American Workforce Policy Advisory Board. What's not yet clear is their focus: **is it largely on job training and education or will it focus on larger issues?**



# The Stakes Are High (and Rising)

- With quickening pace of automation, we are likely entering an era when the traditional concept of a **single, decades-long “career” in the same occupation will fall by the wayside**
  - Many workers will instead have to switch occupational categories every few years as automation improves and displaces workers from existing jobs
- The stakes could not be higher, but **the United States currently lags behind other countries** in the attention and resources it devotes to worker training

**We can take advantage of potential areas of job growth only if we have workers with the education, training, and skills to perform the tasks that the new global economy will demand**

# The Emma Coalition

- **Conceived of and founded by Littler and Prime Policy Group**
- Long-term **goal is to organize a nationwide effort by the nation's employers, governors, labor, education institutions to prepare their workforces for the coming TIDE** through:
  - Education
  - Training
  - Engagement with policymakers
- **Premise:** With proper preparation, employers and their workers can ride and thrive in the TIDE. Without proper preparation, they will be overwhelmed by the TIDE.





# What Does Emma Stand For?



“Learning has been at the center of the new revival of AI. But the best learners in the universe, by far, are still human children.”

*Allegis Group, AI and the World of Work:  
Embracing The Promises And The Realities*

**Emma stands for all the children of the world**

# What Are Emma's Goals?

To maintain America's **leading position in the world**

To make our workers and our country **more resilient** in the face of the challenges of the 21st Century national security

To give Americans a challenge they will meet and exceed expectations giving us **pride and a renewed spirit in the American dream**

**In short: To save American Capitalism by reinventing the American workforce so the 21st is the next American Century.**



# Why Emma?

- *Asian Robotics Review*
  - “EMMA presents a solution, a remedy to the plight of TIDE. A solution...not scaremongering; that’s the unusual part. That’s something one never hears from any quarter.”
  - “**Then EMMA gets even more unusual:** It offers to take on the burden of being a change agent; it volunteers itself to be the conduit for multiple forces to band together to actively “prepare the workforce for the coming TIDE through education, training, and engagement with policymakers.”





# What Will the Emma Coalition Do?

## Short-Term



Build a **diverse coalition** of forward-thinking organizations



Establish **pilot programs** at the state/local level to identify best practices for retraining displaced workers



Create a **robust web site** to facilitate information sharing on best practices



Produce **book** by early 2020



**Engage directly with policymakers**, esp. at state/local levels



# What Will the Emma Coalition Do?

## Long-Term



Become **best practices clearinghouse** for worker retraining and TIDE-related issues



Market **permanent models of education, training, and lifelong learning**



Cater programs for use in **specific industries and geographic regions**



Lobby policymakers to **enact and implement policies that reflect best practices** identified by the Coalition

# Why Emma?



## *Asian Robotics Review*

“There’s simply no faulting such a magnanimous offer, especially so because there’s no similar offer coming from anywhere else. That’s the amazing part: ***Why is it that only The EMMA Coalition has come forward with such a plan?***”



# Why Littler and Prime?



## Littler

World's largest  
labor and  
employment law firm



We are  
everywhere



- Offices in **45 states**; **offices or affiliates in 18 countries**; attorneys admitted to practice on **5 continents**
- **Strong ties with both employers and tech companies** designing workforce products

We do  
everything



- Writing employer policies, employee training, litigation, lobbying, agency outreach
- Trailblazing practice groups
  - WPI
  - Robotics and AI Practice Group
  - Data Analytics
- Proven track record of deliverables in thought leadership, lobbying, coalition building



# *Why Littler and Prime?*



Workplace Policy Institute

## Prime

Prime's **legislative and regulatory victories** on behalf of our clients

Prime has built both **formal and informal coalitions on wide-ranging issues** including those effecting the travel and tourism, transportation, and energy sectors

Prime continues to aid clients' priorities on a host of workplace issues, including independent contractors

Prime's **unparalleled bipartisan connections and expertise**, and the Coalition will be able to engage at every level and with every angle

A blue-tinted photograph of the California State Capitol building. The image shows the grand architecture with columns and arches. In the foreground, there is a statue of a woman holding a book. To the left, a flagpole with several flags is visible. The word "Questions?" is written in a bold, yellow, sans-serif font in the center of the image.

Questions?

# THANK YOU!

## Cal SHRM Legislative Conference



**Bruce Sarchet, Shareholder | Littler, Sacramento**  
[BSarchet@littler.com](mailto:BSarchet@littler.com) | 916.830.7272

*April 4, 2019*

**Littler**