



NEAL GERBER EISENBERG

AI IN THE HIRING PROCESS: WHAT EMPLOYERS NEED TO KNOW NOW

Presented by:
Kate Campbell, Partner
Sonya Rosenberg, Partner

Webinar | May 20, 2026



Kate H. Campbell

Partner | Intellectual Property

OVERVIEW

Kate is a trusted advisor in the firm's Intellectual Property and Cybersecurity & Data Privacy practice groups. Known for her collaborative approach and strategic mindset, Kate works closely with in-house legal and business teams to advance strategic objectives while navigating complex privacy, cybersecurity, and AI-related compliance requirements. She helps clients transform regulatory challenges into opportunities for growth by aligning legal obligations with broader business strategy.

A designated Privacy Law Specialist and Fellow of Information Privacy, Kate also holds CIPP/US, CIPP/E, CIPM, and AI Governance Professional credentials through the International Association of Privacy Professionals (IAPP)*.

Kate counsels clients on data privacy compliance, data strategy, technology contracting, and artificial intelligence matters, including in M&A transactions. She develops and helps operationalize privacy and AI governance programs aligned with local, state, federal, and international laws—including the GDPR, CCPA, and other U.S. state privacy laws. Her experience spans industries such as healthcare, financial services, manufacturing, and retail. She also advises clients on IoT and other emerging technology product launches, e-commerce, vendor management.

In addition, Kate has extensive experience with drafting and negotiating technology contracts, including software licensing, SaaS, PaaS, technology and cloud services, software and intellectual property development agreements, master services agreements, for a variety of clients from start ups to multinational companies on both the vendor and customer sides. She also supports corporate



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EDUCATION

The London School of Economics and Political Science (Certificate Program, 2022), Data: Law, Policy, and Regulation

University of Southern California Gould School of Law (J.D., 2008)

Pomona College (B.A., Economics, 2004)

ADMISSIONS

California
Illinois



transactions, handling technology, data and privacy diligence for mergers, acquisitions, venture financings, and related agreements such as for transition services.

Recognizing that compliance expectations are continually shifting, Kate partners with clients to ensure their privacy and security programs not only meet legal requirements but also support long-term business success. Her practical, business-focused counsel enables her clients to treat data as a strategic asset rather than a liability.

At NGE, Kate is a member of the AI Working Group and Women's Network Leadership Committee. Committed to advancing women and girls in technology, Kate has served as a Board Member of the Wisconsin Southeast Region of Women in Technology (WIT) and co-chaired WIT Girls to inspire young women to pursue careers in tech.

**The Supreme Court of Illinois does not recognize certifications of specialties in the practice of law and this certification or designation is not a requirement to practice law in Illinois*

EXPERIENCE

Data Privacy Governance

- Creating and operationalizing data privacy programs, including policy drafting
- Advising on compliance with national and international data privacy laws
- Drafting and negotiating privacy-related agreements and provisions, including data processing agreements

Data & Technology Strategy, Licensing & Procurement

- Developing data use, protection and monetization strategies and optimizing data practices for clients across industries and of all sizes, from start-ups to international companies
- Handling vendor due diligence, technology contract drafting and negotiations, and software licensing issues

M&A Due Diligence

- Assessing data privacy and cybersecurity risks in transactions
- Assisting with data, software and IT transitions and strategy

Artificial Intelligence (AI) Governance

- Monitoring emerging AI laws and regulations
- Developing AI governance frameworks and strategic policies



Cybersecurity

- Providing guidance on security incident prevention, and leading data breach response and recovery
- Assisting with strategy for data breach related litigation

NEWS & INSIGHTS

April 29, 2026 Event

ACI's 2nd Annual Summit on Life Sciences Cyber, Biosecurity and Data Privacy

February 10, 2026 Publication

New Year, New Privacy Requirements

September 17, 2025 Video

Ctrl+Alt+Defend: Essentials in Cybersecurity and Cyberinsurance from Threats To Coverage

September 4, 2025 Firm News

NGE Represented Rogers Building Solutions in its Sale to GHK Capital Partners LP

July 22, 2025 Event

NGE Attends the American Conference Institute's 12th Annual Summit for Women Leaders in Life Sciences Law

June 30, 2025 Publication

Federal Court Finds That Training AI on Copyrighted Books is "Quintessentially" Transformative Fair Use

February 25, 2025 Event

NGE Hosts Webinar "AI In Focus: Legal Risks and Solutions for Your Workplace"

February 25, 2025 Video

AI in Focus: Legal Risks and Solutions for Your Workplace

January 2, 2025 Firm News

Neal Gerber Eisenberg Elevates Kate Campbell to Partner, Enhancing Intellectual Property and Data Privacy Practice

November 21, 2024 Publication

Cybersecurity Risks and Regulatory Challenges Impact Hospitality Industry

September 27, 2024 Event

Kate Campbell Hosts Webinar "Does Your Privacy Playbook Need Updating? A Discussion of New Laws and Upcoming Changes in Privacy"

September 27, 2024 Video

Does Your Privacy Playbook Need Updating?

August 2, 2024 Publication

EU Sets Key Artificial Intelligence Regulation Dates

July 23, 2024 Publication

Navigating the CIPA Landscape: Understanding Tracking Technology Litigation and Compliance Strategies



May 28, 2024 Firm News
NGE Expands Intellectual Property Practice with Kate Campbell



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Sonya Rosenberg

Partner | Labor & Employment

OVERVIEW

Sonya counsels companies and organizations on various employee-related legal issues and needs that arise at all the stages of the employment relationship. She seamlessly navigates negotiation of employment agreements, restrictive covenants, policies and training, performance management, internal investigations and individual and group separations.

Sonya also represents employers in litigation; her experience includes the successful defense of numerous administrative charges, lawsuits and appellate proceedings at the state and federal levels. Clients value her ability to understand their needs and thoroughly assess their legal situations, often resulting in invaluable savings in time and resources.

A trusted advisor to scaling technology companies, financial institutions and professional services firms, Sonya is known for building enduring client relationships rooted in responsiveness, practicality, and strategic insight. Her counseling-oriented practice spans the full spectrum of employment law, with a focus on guiding CEOs, CLOs and HR leaders through complex workforce issues and transitions.

Sonya's clients rely on her not only for legal advice but also for the connections she facilitates – introducing them to relevant professionals and resources that help drive their business forward. Her approach is deeply collaborative, often serving as a sounding board and strategic partner across departments and borders.

With a significant international dimension to her practice, Sonya works with European-based companies, to navigate



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EDUCATION

Chicago-Kent College of Law (J.D., 2007), with honor

University of Chicago (B.A., 2002), with honor

ADMISSIONS

Illinois

New York



their employment-related counseling and litigation needs in the US. She is particularly adept at crafting enforceable, multi-jurisdictional employment frameworks that minimize risk and ensure compliance across state and global lines.

Sonya's global clientele is bolstered by her involvement in Interlaw Ltd., an international organization of law firms based in 150 cities that provides clients with cross-border legal advice. As global co-chair of Interlaw's Employment Committee, she facilitates coherent cross-border legal support for clients through her practical understanding of their international employment needs and by coordinating strategic referrals and a strong support network across all jurisdictions.

The former president of the Chicago Chapter of the Coalition of Women's Initiatives in Law, Sonya, also served on the organization's Executive Committee and National Board. The Coalition is a nonprofit organization focused on supporting female attorneys in Chicago, New York and D.C.-area law firms and companies. She is also a member of the Chicago chapter of the International Women's Forum, an international organization that supports global, national and local networks of women leaders in government, medicine, business, education, the arts and community service.

At NGE, she is the youngest member of the firm's Executive Committee, as well as a member of the firm's attorney Credit Allocation Committee, Women's Network Leadership Team, Hiring Committee and Anti-Harassment Committee. Sonya also serves as internal employment counsel for the firm.

EXPERIENCE

Recent Litigation Experience:

- Successful defeat of motion to dismiss and resolution of restrictive covenants and harassment dispute involving competing financial services practices.
- Led and prevailed at state court emergency TRO hearing, securing former employee's immediate return of substantial assets to a technology company.
- Defeated a motion to dismiss in a case filed on behalf of a global executive search firm to recover unearned bonus payments, resulting in 20+ page opinion from federal judge and expedited, favorable outcome for the firm.
- Led and prevailed at a Wisconsin state law trial, securing complete dismissal of race discrimination and retaliation claims filed by a former employee of nationwide distributor of convenience store items.
- Applying a Constitutional law (ministerial exception) argument, secured a complete dismissal with prejudice for a church and its school in an employment discrimination lawsuit filed by a former employee.



- Secured summary judgment for a long-term care consulting company in an age discrimination lawsuit filed by two former employees.
- Secured summary judgment for a national association in a lawsuit alleging defamation, invasion of privacy and tortious interference, and won plaintiff's appeal of the summary judgment decision at the appellate court level.
- Prepared and argued two successful motions to dismiss lawsuit alleging breach of contract, statutory wage payment and whistleblower claims and a retaliatory discharge claim by a former employee of an air ambulance company.
- Secured summary judgment for a graphic design company in a lawsuit alleging breach of contract and fraud.
- Prepared three successful motions to dismiss and presented oral argument on last motion, which was granted by the court with prejudice, ensuring full dismissal of lawsuit alleging various wage-related claims filed against a pool supplies company.
- Prepared successful motion to dismiss and secured dismissal with prejudice of a lawsuit filed against a former company executive, based on lack of personal jurisdiction.
- Secured summary judgment for a division of an international investment bank in a sexual harassment lawsuit.
- Secured summary judgment for a national distributor of small store items in a religious discrimination lawsuit.
- Secured summary judgment and won a Seventh Circuit appeal for a nationwide retailer in a sexual harassment and retaliation lawsuit.
- Successful prosecution and settlement secured for a national hospital collection company in a breach of restrictive covenants action.
- Successful prosecution and settlement secured for a finance executive in an AAA arbitration over separation-related agreements and benefits.
- Successful defense of various-size companies and organizations in hundreds of administrative charges filed with the Equal Employment Opportunity Commission and parallel administrative state agencies alleging discrimination based on race, national origin, sex, religion, age, disabilities, marital status, and other protected categories.



Employment Counseling/Investigation Experience:

- Conducted an investigation of a C-suite executive of an international company leading to a fulsome report and recommendation that was upheld following trial.
- Advise companies on and conduct internal investigations, including those involving high-level executives and allegations of sexual and other types of harassment, discrimination and retaliation in the workplace.
- Provide multifaceted, employment-related counseling and advice to companies, organizations and associations through all stages of the employment relationship, including the pre-hire stage, employee performance and conduct-related issues, and separations and reductions-in-force.
- Negotiate employment and separation agreements on behalf of companies and individuals.
- Conduct various employment-related trainings and seminars, including on preventing discrimination, harassment and retaliation in the workplace, leave-related matters, and workplace technology and social media.
- Review and revise employee handbooks and various stand-alone policies.

RECOGNITIONS

- "Notable Women in Law," *Crain's Chicago Business*, 2024, 2020
- *The Best Lawyers in America*, recommended in "Employment Law – Management"
- "Notable Gen-X Leaders in Accounting, Counseling and Law," *Crain's Chicago Business*, 2022
- *Thomson Reuters*, "Stand-Out Lawyer" since 2022
- Coalition of Women's Initiatives in Law National Leadership Forum 2021, Chicago Leadership Award Winner
- Cabrini Green Legal Aid, 2021 Spirit of Generosity Award
- *Chambers USA: America's Leading Lawyers for Business*, Recognized Practitioner in "Labor & Employment" since 2021
- Leading Lawyers 2021, "Employment Law: Management" and "Labor Law: Management"
- Coalition of Women's Initiatives in Law Chicago Chapter, President, 2020
- Women, Influence & Power in Law Awards 2020, Collaborative Leadership Award winner
- *Law Bulletin Publishing Company*, "40 Illinois Attorneys Under Forty to Watch," 2017
- *Law Bulletin Publishing Company*, "Emerging Lawyer," 2015



- *Illinois Super Lawyers*, “Rising Star” in “Labor and Employment,” 2013-2020
- *Illinois Super Lawyers*, recommended in “Labor and Employment” since 2021
- *Best Lawyers – Business Edition*, “Women of Influence Issue,” Spring 2017
- *Today's Chicago*, “100 Women to Watch,” 2012

NEWS & INSIGHTS

May 12, 2026 Publication

Five Labor and Employment Updates to Know – May 2026

January 21, 2026 Firm News

Illinois Super Lawyers 2026 Recognizes 20 Neal Gerber Eisenberg Attorneys

September 4, 2025 Firm News

NGE Represented Rogers Building Solutions in its Sale to GHK Capital Partners LP

August 21, 2025 Firm News

70 NGE Attorneys Named in 2026 *Best Lawyers in America*

June 5, 2025 Firm News

Neal Gerber Eisenberg Secures Rankings for Eight Practice Groups and 22 Attorneys in *Chambers USA 2025*

February 25, 2025 Event

NGE Hosts Webinar “AI In Focus: Legal Risks and Solutions for Your Workplace”

February 25, 2025 Video

AI in Focus: Legal Risks and Solutions for Your Workplace

January 29, 2025 Firm News

NGE Represented RecoveryOne in its Sale to TailorCare

January 24, 2025 Firm News

Twenty-Two Neal Gerber Eisenberg Attorneys Recognized on 2025 Illinois Super Lawyers List

September 23, 2024 Event

NGE Participates in WIPL’s 2024 Annual Conference

August 15, 2024 Firm News

60 Neal Gerber Eisenberg Attorneys Included in 2025 *Best Lawyers In America*

July 18, 2024 Event

NGE Attends Diversity Lab’s 2024 Moments to Movements Hackathon and 10th Anniversary Celebration

June 6, 2024 Firm News

Neal Gerber Eisenberg Secures Nine Ranked Practice Groups and 23 Recognized Attorneys in *Chambers USA 2024*



May 9, 2024 Event

Sonya Rosenberg Attends the Women's Leadership Conference

April 29, 2024 Event

Sonya Rosenberg Attends the AIJA Women's Network Retreat and Leadership Weekend

March 18, 2024 Event

Sonya Rosenberg Joins Coalition of Women's Initiatives in Law and Chicago Women in IP Panel

February 20, 2024 Firm News

Tonya Newman and Sonya Rosenberg Named to *Crain's* 2024 Notable Women in Law

February 16, 2024 In The Media

Journey to Law Firm Leadership: Insights from Sonya Rosenberg on Mentorship and Authenticity

January 29, 2024 Firm News

Thirty-One Neal Gerber Eisenberg Attorneys Recognized on 2024 Illinois Super Lawyers List

January 19, 2024 In The Media

Sonya Rosenberg Quoted in *LegalTech News* on Hiring, Staffing & Hybrid Work in 2024

November 21, 2023 Publication

Client Alert: Chicago's New Paid Leave Ordinance: FAQs for Employers

August 17, 2023 Firm News

55 Neal Gerber Eisenberg Attorneys Included in 2024 *Best Lawyers In America*

June 1, 2023 Firm News

Neal Gerber Eisenberg Secures 10 Ranked Practice Groups and 25 Recognized Attorneys in *Chambers USA* 2023

May 19, 2023 In The Media

Sonya Rosenberg Quoted in *Law360* Article, "Giuliani's Seizing On Accuser's Past Suit Could Be Risky"

03.29.23 In The Media

Sonya Rosenberg Quoted in the *SHRM* Article "OSHA Rule Protects Workers Who Reveal Tax Violations"

03.09.23 Publication

Linda Hoseman Outlines 4 Critical Benefits and Compensation Issues Facing Employers This Year in *Human Resource Executive*

02.21.23 In The Media

Sonya Rosenberg Quoted in Bloomberg Law Article on State Arbitration Limits

02.20.23 In The Media

Sonya Rosenberg and Kaytee Okon Author "Leave Policy Language: Illinois" Guide in Thomson Reuters Practical Law

January 10, 2023 Publication

Considerations for Employers and Group Health Plans Post-*Dobbs* Decision



January 9, 2023 In The Media

Sonya Rosenberg Quoted in the *ALM Law* Article "Legal Tech's Milestones for Cybersecurity and Privacy in 2022"

December 8, 2022 Firm News

Jason Kim, John Koenigsknecht and Sonya Rosenberg Recognized by *Crain's Chicago Business* as 2022 Notable Gen X Leaders in Accounting, Consulting and Law

December 5, 2022 Event

Firm Hosts Employee Benefits & Executive Comp 102 Fall Webinar Series

October 19, 2022 In The Media

Sonya Rosenberg Quoted in *Bloomberg Law* Article on Post-*Dobbs* Employment Litigation

August 11, 2022 Firm News

NGE Represents Omeda Holdings LLC in Sale to Sverica Capital Management LP

August 10, 2022 In The Media

NGE Team Publishes *Spiceworks* Article on Employment Tracking Software

July 27, 2022 Event

Lifting as you Climb: Empowering for Success

July 27, 2022 Event

Labor & Employment Symposium: Key Updates for Employers

July 20, 2022 Publication

More Limits to Restrictive Covenants on the Horizon: What Multi-State Employers Need to Know

June 29, 2022 Publication

Top Workplace Issues to Watch in the Second Half of 2022

June 14, 2022 In The Media

Sonya Rosenberg Quoted in *Bloomberg Law* on the Legal Risks Facing Health Care Gig Economy Workers

June 1, 2022 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 25 Recognized Attorneys in *Chambers USA* 2022

May 26, 2022 Firm News

NGE Successfully Obtains 501(c)(3) Tax-Exempt Status for Ukraine TrustChain

February 25, 2022 In The Media

Sonya Rosenberg Quoted in *Bloomberg Law* on Religious Exemptions to Vaccine Mandates

February 11, 2022 Firm News

Sonya Rosenberg and NGE Receive 2021 Spirit of Generosity Award from Cabrini Green Legal Aid

February 11, 2022 Publication

Client Alert: Employers Prepare for End of Mandatory Arbitration of Sexual Harassment Claims



October 22, 2021 Firm News

Sonya Rosenberg Receives the 2021 Chicago Leadership Award from the Coalition of Women's Initiatives in Law

October 20, 2021 Event

Legal Update: Issues Impacting HR Leaders

September 29, 2021 Video

An Update on COVID-19 in the Workplace

August 18, 2021 Event

The Future of Flexibility: The New Era of Legal Services for Client Service, Collaboration and Remote Work

June 17, 2021 Publication

Client Alert: New COVID-19 Guidance for Illinois Employers

June 16, 2021 In The Media

Sonya Rosenberg Quoted in Workforce.com on DOL Wage & Hour Enforcement

May 20, 2021 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 20 Recognized Attorneys in Chambers USA 2021

May 19, 2021 In The Media

Sonya Rosenberg Quoted in Built In on Severance Pay

March 25, 2021 In The Media

Sonya Rosenberg Quoted in SHRM on Workers' Comp for Adverse Vaccine Reactions

March 24, 2021 Video

What Do Foreign-based Employers Expanding into the U.S. Need to Know About U.S. Employment Law?

March 22, 2021 Publication

Sonya Rosenberg, Alex Dominguez and Alissa Griffin Publish Update to "Drug Testing Laws: Illinois"

March 12, 2021 Video

COVID-19 in the Workplace

March 11, 2021 Event

Sonya Rosenberg Moderates Panel on Promoting Women Lawyers

February 10, 2021 Publication

Client Alert: Why Employers Are Moving Away from Requiring COVID-19 Vaccines

January 27, 2021 In The Media

Sonya Rosenberg Quoted in SHRM on Employers Administering Vaccines

December 21, 2020 Publication

Client Alert: EEOC Guidance Sheds Light on COVID-19 Vaccines for Employers



November 24, 2020 Firm News

NGE Represents Shure in Acquisition of Stem Audio

November 11, 2020 In The Media

Sonya Rosenberg Quoted in Business Insurance on Workplace COVID-19 Testing

October 29, 2020 In The Media

Sonya Rosenberg Quoted in SHRM on the Off-Duty Conduct of Employees

October 29, 2020 Firm News

Angela Elbert and Sonya Rosenberg Selected for the Women, Influence & Power in Law Awards 2020

October 2, 2020 In The Media

Sonya Rosenberg Featured in *Crain's* Labor and Employment Law Roundtable

September 8, 2020 Firm News

Five Neal Gerber Eisenberg Attorneys Named to *Crain's* 2020 Notable Women in Law

July 9, 2020 In The Media

Sonya Rosenberg Quoted in Law360 on SCOTUS Ruling in Faith-Based Employment-Discrimination Claims

June 8, 2020 Event

Legal Update: Illinois Labor & Employment Law

June 2, 2020 In The Media

Sonya Rosenberg Quoted in SHRM Article on COVID-19 Lawsuits

May 28, 2020 Event

Top Three Employer Issues in the Age of COVID-19: Time Off and Pay, Physical Workplace Considerations and Workforce Reductions

May 21, 2020 In The Media

Sonya Rosenberg Interviewed by Chicago Lawyer on Coalition of Women's Initiatives in Law

May 11, 2020 Publication

EEOC Delays Collection of EEO-1 Reports Due to COVID-19

May 11, 2020 In The Media

Sonya Rosenberg Quoted in Bloomberg Law on Pandemic Pay Cuts

April 30, 2020 Publication

Employment Considerations in Illinois' Anticipated Extended Stay at Home Order

April 21, 2020 Event

The Paid Work-Leave Revolution: Chicago and Beyond

April 21, 2020 Event

Sexual Harassment: Avoiding Employer Pitfalls in the #MeToo Era

April 9, 2020 Publication

CDC Relaxes 14-Day Self-Quarantine Recommendation for Essential Employees Exposed to COVID-19



April 8, 2020 Publication

The Six Degrees of COVID-19 – Dealing with Gray Area Questions of Exposure

March 30, 2020 Publication

Labor Department Posts Additional FAQs on Paid Sick and Family Leave Under the FFCRA

March 26, 2020 Publication

Help May Be on the Way with \$2 Trillion Coronavirus Relief Package

March 25, 2020 Publication

DOL Issues Much Sought After Guidance on the “Fewer Than 500 Employees” Threshold and Other Questions Under the FFCRA

March 24, 2020 Publication

Labor Department Issues Helpful Employer Guidance on COVID-19

March 23, 2020 Publication

IRS Provides Initial Explanation Regarding Employer Tax Credits Under the Coronavirus Relief Act

March 20, 2020 Publication

Spike in Unemployment Shows Employers May Be Rushing into RIF Decisions

March 18, 2020 Publication

The Coronavirus Relief Bill Keeps Changing

February 3, 2020 Firm News

Illinois Super Lawyers 2020 Recognizes 39 Neal Gerber Eisenberg Attorneys

December 9, 2019 Event

Employee Privacy: New Illinois Law and Other Relevant Rules

December 6, 2019 Firm News

Sonya Rosenberg Named President of the Coalition of Women’s Initiatives in Law Chicago Chapter

October 22, 2019 Event

Post-Termination Issues

October 16, 2019 In The Media

Sonya Rosenberg Quoted in Associated Press Article on Pregnancy Discrimination

September 20, 2019 Event

Women Leaders on Innovation

June 11, 2019 Event

Technology in Hiring: Current Trends, Emerging Law and Best Practices

April 18, 2019 In The Media

Sonya Rosenberg Quoted in SHRM Article

January 28, 2019 Publication

Client Alert: The Illinois Supreme Court Has Spoken on Biometric Privacy – And It’s Bad News for Businesses



January 7, 2019 Event

After-Hours Use of Electronic Devices: Avoiding and Defending Overtime Pay Claims

December 19, 2018 Publication

Sonya Rosenberg and Alex Dominguez Publish Drug Testing Article on Westlaw Practical Law

November 6, 2018 Publication

A Tough Balancing Act for Employers

November 6, 2018 Publication

Labor: Lessons from the EEOC's Aggressive Pursuit of ADA Cases

November 6, 2018 Publication

Labor: Supreme Court Makes it Harder for Plaintiffs to Prevail in Harassment and Retaliation Suits

November 6, 2018 Publication

Social Media Update: It's Time to Give Your Policies a Fresh Look

November 6, 2018 Publication

"Legitimate Business Interest" in Non-Compete Agreements, a Sequel: Using the Changing Law to Your Advantage

November 6, 2018 Publication

Watching the Detectives: A Cautionary Tale on Employee Privacy

September 19, 2018 Event

Top Tips for Top Risks: Insurance, Products and People

August 24, 2018 Event

Cyber Law & Data Privacy Tune-Up 2018

August 13, 2018 In The Media

Sonya Rosenberg Quoted in SHRM Article

August 13, 2018 In The Media

Sonya Rosenberg Quoted in *Bloomberg BNA*

August 13, 2018 In The Media

Sonya Rosenberg Quoted in SHRM Article

August 1, 2018 Publication

The Social Media Tightrope: First NLRB Decisions Show Employers Face Tough Balancing Act for Policies and Procedures

August 1, 2018 Publication

Labor: Beware of Election Backlash

August 1, 2018 Publication

A Tough Balancing Act for Employers



August 1, 2018 Publication

Understanding and Surviving in the NLRB's New Age

August 1, 2018 Publication

Love is in the Air: An Employment Attorney's Musings (or Grumbings) about Office Dating

August 1, 2018 Publication

Labor: Lessons from the EEOC's Aggressive Pursuit of ADA Cases

August 1, 2018 Publication

Legal Risk Management: What Every Manufacturer Should Do Now

August 1, 2018 Publication

Legal Corner: Social Media and BYOD at Work

August 1, 2018 Publication

Risk Management for Manufacturers: Achieving Results Through Smart Insurance and Employee Relations Practices

August 1, 2018 Publication

Risk Management for Manufacturers: Achieving Results with Smart Strategies

July 27, 2018 Publication

Risk Management for Manufacturers: Proactive Risk Mitigation

July 27, 2018 Publication

Proactive Employee Relations Practices = Lower Risk of Litigation for Manufacturers

July 27, 2018 Publication

Partner Tonya G. Newman and Associate Sonya Rosenberg authored an article for *Risk Management* entitled "Reviewed Your Policies Lately?" on February 1, 2014.

July 27, 2018 Publication

Legal Considerations to Avoid Disaster When Hiring Summer Temps

July 27, 2018 Publication

Client Alert: Employers in Illinois Take Note: Pregnancy Accommodation Amendments Go Into Effect January 1, 2015

July 27, 2018 Publication

Pregnancy Accommodation Amendments Went Into Effect January 1, 2015

July 27, 2018 Publication

Client Alert: Employers Take Note: The Supreme Court's Game-Changing Decision in *Young v. UPS* Requires Review of Pregnancy Accommodation Policies and Practices

July 27, 2018 Publication

BNA's International Labor & Employment Laws Treatise

July 27, 2018 Publication

BYOD Challenges and Solutions for the Workplace



July 27, 2018 Publication

ABA's FMLA Treatise Supplement

July 27, 2018 Publication

Sonya Rosenberg Authors Article in *TLNT*

July 27, 2018 Publication

Client Alert: Employers in Chicago Take Note: Impending City Ordinance to Require Paid Sick Leave

July 27, 2018 Publication

With So Many Paid Leave Laws, How Do You Know What Applies?

July 27, 2018 Publication

Drug Testing Laws: Illinois

July 27, 2018 Publication

Client Alert: Cook County Ordinance Expands Reach of Paid Sick Leave

July 27, 2018 Publication

Client Alert: Chicago and Cook County Paid Sick Leave Laws Go Into Effect July 1: Are You Ready?

July 26, 2018 Publication

Bring Your Own Device? Make Sure to Cover Your Security and Liability Concerns, Too

July 26, 2018 Publication

Preparing for the Next Generations of Workplace Leaders: How to Attract and Retain Talent While Minimizing Legal Risk

July 26, 2018 Publication

Making It Work: Finding Personal Time That Energizes You Can Actually Help Your Practice

July 26, 2018 Publication

What Does #MeToo Mean for HR? A Challenge and an Opportunity

July 10, 2018 Event

Legal Update: Legal Challenges and Real Opportunities for HR Leaders in the #MeToo Era

July 9, 2018 Firm News

Six Neal Gerber Eisenberg Attorneys Named Emerging Lawyers by Law Bulletin Publishing Company

July 9, 2018 Firm News

41 Neal Gerber Eisenberg Attorneys Listed in 2016 Illinois Super Lawyers

July 6, 2018 Firm News

Neal Gerber Eisenberg Partner Sonya Rosenberg Recognized Among 2017 "40 Illinois Attorneys Under Forty to Watch"

July 5, 2018 Event

Employment Law Conference



June 27, 2018 In The Media
Sonya Rosenberg Quoted in SHRM Article

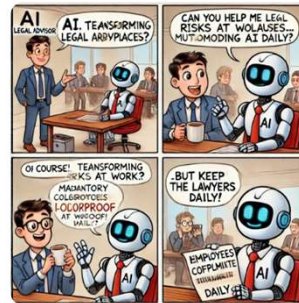
May 2, 2018 In The Media
Sonya Rosenberg Quoted in SHRM Article

LANGUAGES

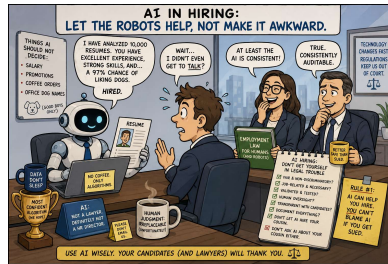
Russian

Agenda

- Why This Matters
- Common Use Cases in Hiring
- Litigation Trends & Enforcement Actions
- State Law Requirements
- Federal Law Requirements
- Operational Guidance
- Pending Legislation



2025



2026

Why This Matters Now



AI is Everywhere

Resume screening, video interviews, skills assessments — AI is embedded across the hiring lifecycle.



A Patchwork of Laws

State and local regulations are multiplying fast, creating a complex compliance landscape.



Real Consequences

Enforcement actions, litigation, and reputational damage for non-compliance.

AI in Hiring: Common Use Cases

Ways AI is Used in Hiring

- Resume screening and ranking
- Video interview analysis (facial expression, tone, word choice)
- Chatbot-based candidate engagement and scheduling
- Skills and cognitive assessments
- Predictive analytics for candidate success and retention
- Automated job description optimization
- Background check automation and risk scoring
- Compensation benchmarking and pay equity analysis

Recent Legislation, Enforcement & Litigation Trends

Legislation

- Notice & consent for AI use in hiring.
- States issue related rules/guidance (e.g., IL and NJ).
- Latest trend? Limiting "ghost job ads".

EEOC Activity

- 2024-2028 Enforcement Focus prioritizes AI fairness.
- Conciliation actions (ongoing / non-public).
- *iTutorGroup* settlement

Litigation Trends

- Disparate-impact class actions targeting employers and AI vendors.
 - *Kistler et al. v. Eightfold AI Inc.*
 - *Mobley v. WorkDay*
- Growing demand for algorithmic discovery.
 - Algorithms, source code, bias testing data, etc.
 - Balancing info relevance against confidentiality/trade secret concerns data.

State and Local Laws & Their Common Requirements

Jurisdictions Covered

— Illinois	<i>AI Video Interview Act, Illinois Human Rights Act (IDHR Regulations proposed 5/15)</i>
— Maryland	<i>Use of Facial Recognition Law</i>
— New York City	<i>Local Law 144 / AEDT</i>
— California	<i>Civil Rights Department Regulations and ADMT Regulations</i>
— Colorado	<i>Colorado AI Act</i>
— New Jersey	<i>Automated Employment Decision Tool Rules</i>
— Texas	<i>Responsible AI Governance Act</i>

Categories of Requirements

Risk Assessments Documented evaluation of AI system harms	Prohibitions Discrimination & disparate-impact bans
Notice Disclosures to applicants/employees	Consent Affirmative opt-in to AI processing
Sharing Limits on third-party recipients	Deletion Candidate right to remove data
Reporting Filings with regulators or the AG	Bias Audits Independent audits and alternatives

Illinois: AI Video Interview Act (AIVIA) – A Dud?

820 ILCS 42 (2020)

Employer Obligations

Notice

Before the interview, inform applicants that AI may analyze the video, explain how it works, and outline the general characteristics it uses to evaluate applicants.

Sharing

Do not share applicant videos except with persons whose expertise or technology is necessary to evaluate fitness for the position.

Reporting

If relying solely on AI to decide in-person interviews, report annually to the Department of Commerce on race/ethnicity of applicants advanced and hired.

Consent

Obtain the applicant's affirmative consent before the interview to AI evaluation as described.

Deletion

Within 30 days of an applicant's request, delete the video and instruct anyone with copies to do the same.

Illinois Human Rights Act & Proposed IDHR Regs

Illinois Human Rights Act	Proposed Regulations – May 15, 2026	
<p><i>HB 3773 · 775 ILCS 5/2-101, -102(L) · Current</i></p> <p>Prohibitions</p> <p>Bars use of AI that has the effect of subjecting employees to discrimination based on protected classes, or the use of ZIP codes as a proxy for protected classes.</p> <p>Notice</p> <p>Notify employees whenever AI is used for recruitment, hiring, promotion, training, discipline, discharge, tenure, or terms and conditions of employment.</p>	<p>Notice Requirement</p> <p>Whenever an employer uses AI to influence or facilitate a hiring decision.</p> <p>Timing of Notice</p> <p>For new employees, as part of the job posting; current employees, annually, and within 30 days of adoption of the AI product.</p> <p>Method of Notice</p> <p>Handbook, physical workplace, intranet or website, and job notice or posting.</p>	<p>Notice contents</p> <ol style="list-style-type: none"> 1. AI product and developer info 2. Covered employment decision 3. Purpose of the AI system and categories of personal data collected and processed 4. Types of job positions AI tool will be used for 5. Point of contact at the company 6. Right to request reasonable accommodations and related instructions <p>Updated Record-Keeping Requirements – 3 years</p>

Maryland: Facial Recognition in Interviews

Md. Code Ann., Lab. & Empl. § 3-717

Prohibition

Employers may not create a facial template of an applicant during an interview without the applicant's signed consent.

Required Content of Consent Waiver

Applicant Name	Date of Interview
Consent Statement	Acknowledgment

New York City: Local Law 144 (AEDT)

NYC Admin. Code §§ 20-870 to 20-874 (Subchapter 25) · Current

First-in-the-nation bias-audit regime for Automated Employment Decision Tools

Bias Audit

Independent bias audit was performed no more than one year before the use of the tool.

Public Results

A summary of audit results must be posted publicly on the employer's website.

Candidate Notice

≥10 business days' notice to candidates (or on the careers page) identifying job qualifications and characteristics evaluated by the AEDT.

Alternative Process

Candidates may request an alternative selection process or accommodation.

California: Civil Rights Department Regulations on Automated Decision Systems

Cal. Code Regs. tit. 2, §§ 11008–11079

Prohibition

Bars use of automated-decision systems that screen out — or tend to screen out — applicants or employees on the basis of protected characteristics, unless the criterion is job-related and consistent with business necessity.

Applies To

Hiring, promotion, training, discharge, compensation, and other employment actions.

Recordkeeping

4

Years

Employers must retain applications and personnel records — including data underlying automated-decision employment actions — for four years.

California Consumer Privacy Act Regulations on Automated Decision-Making Technology (ADMT)

Applicability	Use of any technology that processes personal information and uses computation to replace human decision-making, or substantially replaces human decision-making, to make a significant decision concerning a consumer.
Pre-Use Notice	Must be presented at or before the point at which the business collects personal information that will be used in the ADM; the notice must include an explanation of the specific purpose of the ADMT, how it works, and information about a consumer's rights.
Right to Opt Out	Generally, a consumer has a right to opt-out, BUT there is an exception for the use of ADMT in hiring, allocation of work, and compensation.
Consumer Rights	Consumers have a right to request certain information, including purpose, logic, and outcome related to the use of ADMT.
Risk Assessments	Required, in part, when using ADMT for significant decisions concerning California residents.

Colorado AI Act

Effective Date: January 1, 2027

Applicability	Doing business in Colorado and deploying automated decision-making technology (ADMT) that is used to materially influence a consequential decision for a Colorado resident or anyone whose access to an opportunity in Colorado is evaluated.
Notice	Must be a clear and conspicuous notice that the deployer used or will use ADMT in a consequential decision affecting the consumer.
Adverse Outcome Notice	Must be provided after an adverse outcome that includes a description of the decision and the ADMT's role and information about how to request additional information related to the ADMT, and a general description of the consumer's rights.
Consumer Rights	A consumer experiencing an adverse outcome may request access to personal information used, an opportunity to correct inaccurate information, and a right to request meaningful human review.
Liability	Developers and deployers may be liable for state antidiscrimination law violations arising from ADMT-influenced decisions; fault is allocated between a deployer and a developer based on their relative responsibility.

New Jersey & Texas: Disparate-Impact vs. Intent

New Jersey	Texas
<p>Automated Employment Decision Tool Rules</p> <p><i>N.J. Admin. Code 13:16-3.2</i></p> <p>Prohibition</p> <p>Prohibits the use of an AI tool that has a disparate impact on protected classes, unless job-related and consistent with business necessity.</p> <p>Notice</p> <p>Required within 30 days of use of the tool.</p>	<p>Responsible AI Governance Act</p> <p><i>HB 149 · Tex. Bus. & Com. Code Ann. § 552.056(b)</i></p> <p>Prohibition</p> <p>Prohibits use of an AI tool to intentionally discriminate against a protected class — an intent standard, not a disparate-impact standard.</p> <p>Notice</p> <p>No notice requirement is specified by the statute.</p>

Federal Law: Title VII, ADA & ADEA

State AI laws layer on top of — not in place of — federal anti-discrimination obligations

Title VII	Americans with Disabilities Act	Age Discrimination (ADEA)
<ul style="list-style-type: none"> Intentional discrimination or facially neutral practices with adverse impact based on race, national origin, sex, or religion, can land employers in trouble. The EEOC may not presently be focused on “disparate impact,” but that remains a viable legal theory. Employers are liable if an algorithmic tool disproportionately screens out candidates by race, sex, national origin, or religion — even without intent. Four-fifths (80%) rule remains the benchmark for adverse-impact analysis. 	<ul style="list-style-type: none"> AI may not screen out individuals with disabilities unless the criteria are job-related and consistent with business necessity. Employers must accommodate applicants who cannot interact with AI assessments (chatbots, video interviews). EEOC May 2022 guidance specifically addresses AI and algorithmic fairness under the ADA. 	<ul style="list-style-type: none"> Circuit split on whether the ADEA applies to candidates or only to employees. Protections apply to applicants and employees age 40 and older. Age proxies in AI — graduation year, years-of-experience caps, “digital fluency” scoring — may constitute age discrimination. Watch for facially neutral inputs that correlate with age.

Key Takeaway: Federal anti-discrimination law applies in every state — including those without AI-specific statutes.

Comparative Requirements Matrix

Jurisdiction	Risk Assess.	Prohibit.	Notice	Consent	Sharing	Deletion	Reporting	Bias Audit
IL — AI Video Interview Act	—	—	•	•	•	•	•	—
IL — Human Rights Act	—	•	•	—	—	—	—	—
MD — Facial Recognition	—	•*	—	•	—	—	—	—
NYC — Local Law 144	—	—	•	—	—	—	—	•
CA — Employment ADS Regs	—	•	—	—	—	—	—	—
CA — CCPA ADMT	•	—	•	—	—	—	—	—
CO — Colorado AI Act	—	—	•	—	—	—	—	—
NJ — AEDT Rules	—	•	•	—	—	—	—	—
TX — Responsible AI Gov. Act	—	•	—	—	—	—	—	—

• requirement applies | — not expressly required | * = consent waiver requirement

Key Compliance Takeaways



Alternative Approach: Structuring AI Use to Fall Outside of Statutory Triggers

A Second Path To Compliance

Compliance is not the only option — companies can proactively structure AI deployments to fall outside the statutory triggers altogether.

01 Limit AI to Administrative Functions

Use AI for scheduling, logistics, and workflow management.

02 Preserve Genuine Human Decision-Making

Require an independent human decision or employ human decision-making where possible within the hiring process.

03 Avoid Covered Technologies

Do not deploy facial recognition or AI-analyzed video interviews.

04 Narrow Data Inputs

Restrict tools to objective, job-related data (certifications, years of experience) or use them only for certain state residents.

05 Review Vendor Tool Configurations

Work with vendors to disable scoring, ranking, or filtering functions in the tool.

06 Monitor Statutory Definitions

Applicability hinges on precise statutory language.

Vendor Contract Provisions & Due Diligence Checklist



Bias Audit Rights



Indemnification



Training Data Documentation



Deletion & Access Support



Data Processing Agreement



Model Explainability



Audit Rights



Insurance Requirements

Pending Legislation Tracker

Connecticut

Proposed bill requiring impact assessments and notices for high-risk AI systems used in employment decisions.

Federal — No Robot Bosses Act

Proposed federal bill that would directly regulate employer use of automated decision systems.

Washington

AI accountability legislation requiring deployers to conduct impact assessments before AI use in consequential decisions, including employment.

Massachusetts

Proposed legislation addressing automated decision-making in hiring with bias-testing and transparency requirements.



Contact Us



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