



**Written Testimony of Alexander Alonso, Ph.D., SHRM-SCP  
Chief Knowledge Officer**

**Submitted to the New York State Senate  
Standing Committee on Internet and Technology**

*Public Hearing: To discuss risks, solutions, and best practices with respect to the use of artificial intelligence in consequential or high-risk contexts, and related issues, such as classification of the types and risk levels of AI uses.*

**Thursday, January 15, 2026**

Chair Gonzalez and Members of the Committee:

SHRM appreciates the opportunity to submit testimony for the record to the New York State Senate Standing Committee on Internet and Technology's informational hearing on artificial intelligence (AI) and its use in consequential settings, including the workplace.

SHRM represents more than 340,000 human resource (HR) professionals worldwide, including more than 13,000 members in New York State, working across organizations of all sizes and sectors. Collectively, SHRM members support workplaces that impact more than 362 million workers and their families globally.

SHRM shares the Committee's commitment to protecting workers, preventing discrimination, and ensuring that emerging technologies are used responsibly. As policymakers evaluate Senate Bill 1169 (Gonzalez)/Assembly Bill 8884 (Solages), any regulatory framework governing workplace AI is grounded in clarity, proportionality, and practical implementation.

HR professionals are responsible for operationalizing employment policy, complying with nondiscrimination laws, and ensuring that workplace practices are fair, transparent, and accountable. As a result, HR is often where the intent of legislation meets real-world execution. Clear and workable policies can strengthen worker protections and promote trust. Overly broad, ambiguous, or operationally burdensome policies risk creating unintended consequences that undermine both compliance and opportunity.

My testimony reflects SHRM's research, data, and practical experience with the use of AI-enabled tools in employment settings. We offer to support the Committee's efforts to advance

responsible AI policy that protects workers while remaining grounded in how employment decisions are made and managed in real workplaces.

### **AI + Human Intelligence (HI) = Return on Investment (ROI)**

SHRM agrees with the Committee that artificial intelligence must be governed responsibly. AI systems used in employment contexts should be fair, transparent, accountable, and worthy of public trust. Safeguards that protect workers from discrimination, misuse, or unintended harm are essential.

At the same time, SHRM’s research and experience consistently demonstrate that the most effective and lowest-risk use of AI occurs when artificial intelligence is paired with human intelligence. In workplace settings, AI functions best as a decision-support tool that augments professional judgment rather than replaces it. As SHRM President and CEO Johnny C. Taylor, Jr. has stated, “AI plus human intelligence equals return on investment.” This principle reflects the reality of modern HR practice: AI tools are most effective when they support human judgment, not when they replace it.

Public policy should reinforce this balance. Thoughtful regulation can encourage responsible use while preventing harm. However, overly broad, unclear, or operationally unworkable requirements risk discouraging responsible employers from using beneficial tools altogether.

### **Use of AI in Employment Settings: Evidence from SHRM Research**

SHRM’s workforce research demonstrates that the use of AI in employment settings is increasing, but remains targeted, purpose-driven, and centered on supporting human judgment rather than replacing it.

Findings from SHRM’s 2025 Talent Trends<sup>1</sup> research show that 43% of HR professionals report that their organizations use AI to support HR activities. Among those organizations using AI, the most common applications are in recruiting (51%), learning and development (35%), and HR technology and systems management (34%). Furthermore, HR professionals reported that their organizations are looking to start using or expanding their use of AI in three HR practice areas the most over the next five years: HR technology (42%); recruiting (40%); and learning and development (39%).

Within recruiting, AI-enabled tools are primarily used in upstream, administrative, and support functions. The most common applications include writing job descriptions (66%), screening applicant resumes (44%) and automating candidate searches (32%). These uses are designed to help HR professionals manage volume, improve consistency, and surface relevant information—not to independently determine employment outcomes.

Just as important, SHRM’s data shows that organizations use AI to support human judgment, not replace it. Among organizations using AI for recruiting, nearly nine in ten HR professionals (89%) report that these tools save time or increase efficiency, and more than one-third (36%) report reduced recruitment, interviewing, and hiring costs. These efficiencies allow HR

---

<sup>1</sup> <https://www.shrm.org/topics-tools/research/2025-talent-trends>

professionals to devote greater attention to compliance, oversight, candidate engagement, and informed decision-making.

Workers largely share this perspective. SHRM research<sup>2</sup> indicates that 74% of U.S. workers believe AI should complement, rather than replace, human talent, and 77% emphasize the importance of meaningful human oversight when AI is used in employment-related decisions. This alignment between employer practice and worker expectations underscores the importance of regulatory frameworks that reinforce, rather than disrupt, human accountability in the workplace.

When implemented responsibly, AI-enabled tools can improve consistency, strengthen documentation, and support fairer and more transparent employment practices. At the same time, SHRM recognizes that risks remain. Poorly designed systems, biased data, lack of transparency, or insufficient oversight can lead to harmful outcomes. HR professionals actively work to manage these risks through vendor due diligence, internal controls, training, and required human review—recognizing that employers remain legally and ethically responsible for employment decisions regardless of whether AI tools are used.

### **SHRM’s Concerns with S1169 (Gonzalez) / A8884 (Solages)**

SHRM supports the objective of preventing algorithmic discrimination and protecting workers. However, SHRM has significant concerns with S1169/A8884 as currently drafted and, for the reasons outlined below, cannot support the legislation in its present form.

1. **Scope and Clarity of “High-Risk” AI Definitions:** The definition of “high-risk AI” in the bills is expansive and lacks sufficient precision. As written, it risks capturing a wide range of tools that support administrative efficiency or information management rather than directly determining employment outcomes.

Ambiguous definitions create uncertainty for employers and increase the likelihood of inconsistent interpretation and enforcement. Clear, outcome-based definitions are essential to ensure that regulatory obligations are appropriately targeted to systems that warrant heightened scrutiny.

2. **Cumulative Compliance and Cost Burdens:** SHRM is concerned about the cumulative impact of the bills’ compliance requirements, including repeated third-party audits, extensive reporting obligations, public disclosures, and formal risk management programs. While some large organizations may have the internal resources to absorb these requirements, small and mid-sized employers often rely on limited HR staff and standardized tools to support fair and consistent practices. For these employers, layered compliance obligations could be cost-prohibitive and operationally unworkable.

The result may be reduced adoption of tools that support consistency and fairness, slower hiring processes, and diminished access to opportunity for workers.

---

<sup>2</sup> <https://www.shrm.org/content/dam/en/shrm/topics-tools/research/from-adoption-to-empowerment-shaping-the-ai-driven-workforce-of-tomorrow.pdf>

- 3. Operational Impacts of Notice, Opt-Out, and Appeals Provisions:** The advance notice, opt-out, and post-decision appeals provisions raise additional operational concerns. While transparency is critical, these requirements could significantly slow hiring, promotion, and evaluation processes.

In practice, delays in employment decisions can have real consequences for workers, particularly in competitive labor markets. Employers may also respond by limiting their use of tools that help manage large applicant pools, increasing reliance on manual or less standardized processes.

- 4. Enforcement Structure and Litigation Exposure:** Finally, SHRM is concerned about the combined effect of substantial civil penalties, a private right of action, and a presumption of liability. Together, these provisions significantly increase legal exposure, including employers acting in good faith and making reasonable efforts to comply. When liability is presumed and the cost of error is exceptionally high, employers may avoid using AI tools altogether rather than risk inadvertent noncompliance. This outcome does not eliminate risk; instead, it may reduce transparency and consistency in employment practices.

### **Lessons from Implementation: SHRM's Engagement on New York City Local Law 144**

SHRM has extensive firsthand experience engaging with policymakers on the regulation of automated employment decision tools through New York City Local Law 144. Since the law's enactment, SHRM has worked closely with the New York City Department of Consumer and Worker Protection (DCWP), employers, HR professionals, and other stakeholders to support implementation, clarify compliance obligations, and identify areas where regulatory design affects real-world outcomes.

Throughout the Local Law 144 rulemaking process, SHRM submitted formal comments, participated in stakeholder discussions, and provided technical feedback informed by HR practitioners responsible for implementation. SHRM's engagement focused on promoting worker protections while ensuring that regulatory requirements were clear, proportionate, and feasible for employers to operationalize.

That experience offers several important lessons relevant to the Committee's consideration of statewide AI legislation.

- **Clarity of scope and definitions is critical to compliance:** Under Local Law 144, ambiguity around which tools were covered created significant uncertainty for employers, particularly where definitions risked capturing technologies used for scheduling, skills screening, or other human-directed assessments. Where employers were unsure whether a tool was regulated, many defaulted to over-compliance or delayed adoption altogether—outcomes that did not improve worker protections and, in some cases, slowed hiring and advancement opportunities.
- **Compliance requirements must be aligned with how AI tools are developed and updated in practice.** SHRM's engagement highlighted challenges associated with rigid

audit and disclosure requirements, particularly when applied to evolving technologies. Employers expressed concern that inflexible audit cadences and unclear standards could discourage updates or improvements designed to reduce bias or improve fairness, undermining the very goals of the regulation.

- **Implementation timelines and guidance matter:** Local Law 144 demonstrated that even well-intentioned requirements can be difficult to meet without clear guidance, model compliance pathways, and adequate transition periods. Small and mid-sized employers faced disproportionate challenges due to limited internal resources, despite sharing the same responsibility to protect workers.
- **The importance of safe harbors and good-faith compliance standards:** Employers consistently emphasized that the absence of clear safe harbors increased legal uncertainty and litigation risk, even where employers were making reasonable efforts to comply. A framework that recognizes good-faith compliance encourages transparency, continuous improvement, and responsible adoption of tools that can benefit workers.

Taken together, SHRM's engagement on Local Law 144 illustrates that protecting workers and promoting responsible innovation are not competing goals—but achieving both requires regulatory frameworks that are precise, risk-based, and grounded in operational reality. These lessons are directly applicable to any statewide approach to regulating AI in employment settings and should inform the development of durable, effective policy.

### **SHRM Recommendations for a Workable Framework:**

SHRM believes New York has an opportunity to advance a durable, effective framework for the responsible use of AI in employment settings—one that meaningfully protects workers while remaining grounded in how workplace decisions are made and managed in practice. Based on SHRM's research, member experience, and existing employment law frameworks, the following considerations should guide future legislative efforts.

- **Establish clear, outcome-based definitions:** Any regulatory framework should clearly define which AI systems are subject to heightened requirements based on their actual impact on employment outcomes. Definitions should distinguish between tools that provide decision support—such as organizing information or surfacing potential matches—and systems that independently determine hiring, promotion, compensation, or termination decisions.

Clear, outcome-based definitions will help employers, workers, and regulators understand where heightened safeguards are necessary and avoid sweeping in lower-risk tools that do not directly affect employment decisions.

- **Adopt a risk-based, proportionate approach:** Not all AI-enabled tools pose the same level of risk. Regulatory obligations should be calibrated to the nature, context, and impact of the tool's use. High-impact applications warrant stronger safeguards, while lower-risk tools should be subject to lighter, more flexible requirements. A proportionate approach allows resources to be focused where they are most needed, improves

compliance quality, and better protects workers from meaningful harm.

- **Reinforce human accountability and meaningful oversight:** Workplace AI policy should explicitly reinforce that employers remain accountable for employment decisions, regardless of whether AI tools are used. Requirements should focus on ensuring meaningful human review, clear lines of responsibility, and the ability for human decision-makers to understand, question, and override AI-assisted outputs. This approach aligns with existing employment law principles and reflects how responsible employers already manage risk in practice.
- **Align with national standards and avoid duplicative mandates:** Coordination with emerging federal standards and widely recognized AI risk management frameworks is essential to avoid a fragmented and conflicting regulatory landscape. Alignment can reduce duplication, improve consistency across jurisdictions, and support better compliance outcomes—particularly for employers operating in multiple states. Clear alignment also benefits workers by promoting consistent protections and expectations.
- **Ensure compliance pathways are practical and achievable:** Regulatory requirements should be designed with implementation in mind. Clear guidance, model policies, and well-defined compliance pathways can help employers understand their obligations and meet them effectively. Phased implementation timelines and reasonable transition periods are particularly important for small and mid-sized employers, which often lack dedicated legal, compliance, or data science resources but still share responsibility for protecting workers.
- **Support education, technical assistance, and responsible adoption:** Education and training play a critical role in responsible AI use. Policymakers should prioritize access to educational resources, technical assistance, and best-practice guidance that help employers and HR professionals understand AI tools, their limitations, and their compliance responsibilities. Encouraging informed adoption supports better outcomes than punitive approaches alone and helps ensure safeguards are implemented effectively.
- **Engage HR expertise in ongoing policymaking:** HR professionals are closest to how AI affects recruiting, advancement, performance management, and day-to-day workplace decisions. Ongoing engagement with HR practitioners can help ensure that policies remain responsive to real-world conditions, evolve alongside technology, and continue to protect workers as workplace practices change.

## **Conclusion**

New York has an opportunity to lead thoughtfully by advancing a balanced, risk-based approach to workplace AI policy that reinforces human accountability, provides clear and workable standards, and supports responsible innovation. Frameworks that emphasize clarity, proportionality, and implementation support are more likely to strengthen trust, promote fairness, and deliver durable protections for workers across diverse workplaces.

SHRM stands ready to continue working with the Committee and other stakeholders to support the development of policy solutions that protect workers and function effectively across New York's workplaces.

Thank you for the opportunity to submit this testimony for the Committee's consideration.