

THE AI PLAYBOOK FOR HR LEADERS, 2027

Your AI policy is now an employment law document. **Ten questions to ask before someone else does.**

Written for the people leader who owns two things at once: how employees use AI at work, and how AI is used on employees. Both now carry legal obligations, several of them already in force. This guide covers what the instruments say, what belongs in the employee handbook, how to enforce it without guessing, and the ten questions that show whether you could defend your position today.

WRITTEN FOR

The CHRO, CPO, VP People or head of HR at a US company with a few hundred people or more, hiring in more than one state, where staff already use AI tools, approved or not, and where recruiting or HR software has switched AI features on.

ALSO FOR

Employment counsel, HR operations and HRIS leads, talent acquisition, and the CEO who will be asked about AI and layoffs. Boards can read it to know what to ask the people function.

NOT FOR

A complete legal register. That lives in the companion playbook for corporate counsel. This guide describes what published sources say. It is not legal advice, and handbook language should be reviewed by your employment counsel before it ships.

The AI question used to be about productivity. It is now about notice, records and discrimination, and it reports to you.

Two things changed in 2026. Employees moved faster than policy, and legislators moved faster than most handbooks. The result is that the people function now owns obligations it cannot meet with a document alone.

66%

of office professionals have used AI tools at work they believed violated company policy. 88% have shared work information with public AI tools, and 34% shared customer data.

PagerDuty, 1,250 office professionals at \$500M+ companies, 11 June 2026

47%

of generative AI users at work reach AI through personal accounts their employer does not oversee. The average company logs 223 incidents a month of sensitive data sent to AI apps, double the prior year.

Netskope Cloud and Threat Report 2026, via Cybersecurity Dive, 6 January 2026

43%

of security incidents in 2026 involved unsanctioned AI, more than double the prior year. Over 66% of breached organizations had no governance process to limit it.

IBM Cost of a Data Breach 2026, via Cybersecurity Dive, 29 July 2026

1 Oct

2026. Connecticut made the use of automated employment decision technology no defense to a discrimination claim, and began requiring WARN notices to say whether layoffs relate to AI.

Connecticut Public Act 26-15, via Epstein Becker Green and Ogletree, 2026

Read the first card twice. Two thirds of employees have already worked around a policy they knew about. The policy was never the weak point. The absence of any reading on whether it held was. A rule you cannot observe is a rule you cannot enforce consistently, and inconsistent enforcement is its own employment risk.

There are two pools of AI use in your workforce. Only one of them needs to be locked down.

POOL ONE

AI that helps people do their work

Drafting, summarizing, research, code, analysis on information that is not about a person and not under a confidentiality duty. This pool should stay easy. A policy that makes it hard teaches people to route around policy, which is how the second pool fills up with tools nobody approved.

Know roughly what is in it and set the data rules. That is enough.

POOL TWO

AI that touches people data or people decisions

Anything that screens, ranks, scores or recommends on candidates and employees, and anything that processes employee records, health or accommodation information, investigation notes, compensation or termination material. Here the law asks for notice, testing, records and a human who decides.

This is the pool the ten questions are about.

Most HR teams cannot produce that split. The approved tool list describes intent. The HRIS vendor's release notes describe features. Neither tells you which managers are pasting what into which tool, or which employment decisions an AI feature has quietly started to shape. The instruments below do not care which tool was approved. They care what happened.

THE REGISTER

What already applies to AI in employment. Verified against published analysis, not the headline.

Each entry below reflects law firm and agency publications checked on 7 October 2026. Dates move and rules are amended. Confirm with counsel before relying on any entry, and treat anything that contradicts it as the thing to check.

CORRECTION ONE

Connecticut's AI notice rules are not in force yet. They start 1 October 2027. What changed on 1 October 2026 is the discrimination defense and the WARN disclosure. Getting the date wrong in either direction costs credibility with counsel.

CORRECTION TWO

Illinois paused its implementing rules in 2026. It did not pause the statute. The notice duty has applied since 1 January 2026, and a charge filed today is measured against the statute.

Illinois HB 3773

In force 1 January
2026

Amends the Illinois Human Rights Act. Prohibits employer use of AI that has the effect of discriminating on a protected class in recruitment, hiring, promotion, discharge, discipline, tenure and the terms of employment, and bars using zip codes as a proxy. Requires notice to employees when AI is used for those purposes. Implementing rules were proposed and then withdrawn for further work. The statutory duty applies regardless.

Crowell and Moring, September 2024. National Law Review, May 2025. Captain Legal, 2026

**New York City Local Law
144**

Enforced since 5 July
2023

No automated employment decision tool may be used on candidates or employees in the city without a bias audit within the prior year, a published summary of results, and notice to candidates and employees at least ten business days before use.

NYC Department of Consumer and Worker Protection

**California FEHA
regulations on
automated-decision
systems**

In effect 1 October
2025

The Civil Rights Council's rules bring automated-decision systems used in employment decisions inside the Fair Employment and Housing Act. Anti-bias testing, how recent, how thorough and what it found, is relevant evidence in a discrimination claim. Records of ADS data, inputs, outputs, criteria and test results must be kept at least four years. An employer can be liable for an agent's use of an ADS on its behalf, which includes staffing firms and software vendors.

Mayer Brown, 2 September 2025. McDermott Will and Emery, September 2025

**California CCPA rules on
automated
decisionmaking
technology**

Compliance from 1
January 2027

A separate instrument from the FEHA rules. Businesses using ADMT for significant decisions, including employment, owe pre-use notice, access and opt-out rights subject to exceptions, and risk assessments, with attestations due to the CCPA from April 2028.

California Privacy Protection Agency, 23 September 2025

Colorado SB 26-189

Employer duties from 1
January 2027

Repeals and reenacts the 2024 Colorado AI Act. Employers using covered automated decision-making technology in consequential employment decisions owe clear and conspicuous notice, a plain-language explanation within 30 days of an adverse decision describing the role the technology played, meaningful human review and reconsideration where commercially reasonable, a route to correct inaccurate personal data, and records kept at least three years. Attorney general enforcement with a 60-day cure period.

Proskauer, June 2026. Colorado General Assembly

Connecticut Public Act 26–15 (SB 5)

Two dates: 1 October 2026 and 1 October 2027

From 1 October 2026: using automated employment-related decision technology is not a defense to a discrimination complaint under the Connecticut Fair Employment Practices Act, though evidence of bias testing and proactive anti-discrimination efforts may be considered. Employers giving WARN notices to the Connecticut Department of Labor must disclose whether the layoffs relate to the employer's use of AI or another technological change.

From 1 October 2027: employers deploying the technology must disclose its use and give written notice of its purpose, the decisions it affects, its trade name, the categories of personal data it analyzes and a contact. Attorney general enforcement, with a 60-day cure window for violations before 31 December 2027.

Epstein Becker Green, Workforce Bulletin, June 2026. Ogletree, 2026

Electronic monitoring notice laws

New York since 7 May 2022. Connecticut and Delaware long-standing

New York Civil Rights Law section 52-c requires employers that monitor employee phone, email or internet use to give written notice on hiring, obtain a written or electronic acknowledgment, and post the notice. Connecticut and Delaware require prior written notice of electronic monitoring. Any control that inspects what employees send to an AI tool belongs inside these notices.

Holland and Knight, May 2022

Texas HB 149 (TRAIGA)

In effect 1 January 2026

Prohibits developing or deploying AI with the intent to unlawfully discriminate, and states that disparate impact alone does not show intent. Attorney general enforcement with notice and a cure period.

Texas Legislature, enrolled text

EU AI Act and works councils

If you employ in the EU

The AI literacy duty in Article 4 has applied since February 2025. High-risk obligations for employment systems under Annex III apply from 2 December 2027, including informing workers' representatives before a system goes live. German and Dutch works councils already hold co-determination or consent rights over technology that monitors conduct or performance. The counsel playbook carries the detail.

European Commission, 27 July 2026. Bundesministerium der Justiz. Overheid.nl

Several clocks, one tool. A resume screener used across New York City, Illinois, California, Colorado and Connecticut is already under four regimes and picks up two more in 2027. The record you keep for it has to answer all of them, by location, from the same source.

WRITING IT INTO THE HANDBOOK

Seven clauses the 2027 handbook needs. Specific beats aspirational.

A handbook works as notice for current employees if you can prove receipt and the policy is specific. It does not reach applicants, who never see it, so candidate notice

belongs on the careers page and in the application flow as well. Treat the language below as a starting draft for counsel, not a finished policy.

CLAUSE 1. SCOPE AND DEFINITIONS

This policy covers any software that generates text, images, code, analysis, scores or recommendations using machine learning, including features inside tools the company already licenses. It applies to company devices, company accounts, and personal devices or accounts used for company work.

Why: most exposure sits in AI features switched on inside existing software and in personal accounts. A definition limited to "approved AI tools" misses both.

CLAUSE 2. WHAT MAY GO INTO AN AI TOOL

You may use approved AI tools for work that does not involve the categories below. You may not enter the following into any AI tool unless the tool is listed as approved for that category: employee or candidate personal information, health, leave or accommodation information, investigation or disciplinary material, compensation data, client confidential material, or material subject to legal privilege.

Why: a rule by data class is something an employee can apply at the keyboard. "Use good judgment" is not, and it cannot be enforced consistently.

CLAUSE 3. GETTING A NEW TOOL APPROVED

To use a new AI tool for company work, submit it through [route]. [Role] approves AI tools and records the data categories each tool is approved to process. Requests are answered within [number] business days.

Why: a fast, named approval route is the single best way to keep the second pool small. A slow one fills it.

CLAUSE 4. AI IN EMPLOYMENT DECISIONS

The company may use AI-assisted tools in [recruiting, scheduling, performance, promotion, and other listed purposes]. These tools support decisions made by people. They do not make final employment decisions. You will be told which tools are used, for what purpose, and how to request human review or correct information about you. [State-specific notices are attached as Appendix A.]

Why: Illinois requires notice now. New York City requires notice before use. Colorado and Connecticut add detailed notice duties in 2027. An appendix by state keeps the core policy stable while the state rules change.

CLAUSE 5. MONITORING AND PROMPT CONTROLS

The company records which AI tools are used, by which team, and at what cost. Where enabled, the company checks requests sent to approved AI tools against the data rules in this policy before they reach the tool, and may stop a request that contains a prohibited category. When that happens, [HR and Legal] are notified. [State what is stored and for how long.] This notice is given under applicable electronic monitoring laws and you will be asked to acknowledge it.

Why: New York, Connecticut and Delaware require notice of electronic monitoring. A control that reads prompts without saying so turns a protection into a grievance.

CLAUSE 6. TRAINING AND ACKNOWLEDGMENT

Everyone completes AI use training on joining and each year, with additional training for roles that use AI in employment decisions. You will be asked to acknowledge this policy when it changes.

Why: it is the literacy record the EU expects for EU staff, and it is the receipt that makes the handbook count as notice everywhere else.

CLAUSE 7. REPORTING, NO RETALIATION, CONSISTENT ENFORCEMENT

If you entered something you should not have, or see a tool being used outside this policy, report it to [channel]. Prompt, good-faith reports will not be treated as misconduct. Violations are handled under the standard disciplinary policy and applied consistently.

Why: you learn about incidents early only if self-reporting is safe. Consistency matters because uneven discipline under an AI policy is a discrimination claim waiting for a pattern.

Two reviews before it ships. Employment counsel should check the policy against labor-law limits on rules that could restrict employees discussing their working conditions, and against the monitoring and privacy laws in each state where you employ. The vendor list should be checked so that every tool named in clause 4 has the bias testing and records the register calls for.

Measure first, then enforce. Six moves, in this order.

A control set before the measurement is a guess with a policy number on it. Each move below makes the next one possible.

01 Take a reading

Before rewriting anything, find out which AI tools are actually in use, by team, from sign-on logs, expense lines and the AI usage records your technology team can produce. Compare it to the approved list and report the difference, not the list.

02 Tag the second pool

Name every tool that touches people data or people decisions, including AI features inside the ATS, HRIS and performance software, and record the states and countries where each is used.

03 Close the notice and testing gaps

For each tagged tool, confirm the notices already owed in Illinois, New York City and California, the date of the last bias test, who ran it, and where the records sit. Put Colorado (January 2027) and Connecticut (October 2027) on the calendar now.

04 Rewrite the handbook by data class

Use the seven clauses. Make approval fast. Publish the candidate notice on the careers page at the same time.

05 Switch on controls you have disclosed

Only after the monitoring notice is acknowledged, turn on any control that inspects or stops prompts carrying prohibited categories, with alerts routed to HR and Legal and a written rule for what is stored.

06 Report a number every month

Usage by team, tagged tools in use, notices current, tests current, incidents and time to close. The second reading is what tells you whether the policy reached the desks.

THE TEN QUESTIONS

Ask in this order. The first two decide whether any of the others can be answered.

Each question comes with what a defensible answer sounds like, what a plausible answer sounds like, and the follow-up that separates them. The plausible answers are not dishonest. They are what a competent person says when nobody has instrumented the problem, and they are the answers that become an exhibit.

QUESTION 01 ASK TECHNOLOGY

Which AI tools are our people actually using for work, and how do we know?

The reading behind everything else. 66% of office professionals have used a tool they believed broke policy, and 47% of workplace AI users reach AI through personal accounts their employer does not oversee. The approved list describes intent. The measured list describes exposure.

A DEFENSIBLE ANSWER

A dated list built from sign-on logs, expense lines and usage records, broken down by team, including AI features inside licensed software, compared against the approved list.

A PLAUSIBLE ANSWER

"Here is our approved tools list, and the policy prohibits anything else."

THEN ASK

How many tools appeared that nobody approved, and which teams use them most?

QUESTION 02 ASK HR OPERATIONS AND TALENT ACQUISITION

Which tools make or shape decisions about candidates or employees, and in which states and countries?

The question the employment instruments turn on. Illinois, New York City, California, Colorado and Connecticut each reach tools that screen, rank, score or recommend. California's FEHA rules make the employer liable for a vendor's ADS used on its behalf, so a feature the vendor switched on is still yours.

A DEFENSIBLE ANSWER

A named list of tools and features, what each does, who reviews its output, and the locations of the people it touches.

A PLAUSIBLE ANSWER

"Our ATS has some AI features, but recruiters make the decisions."

THEN ASK

Which AI features did our HR vendors switch on in the last twelve months, and who decided to leave them on?

QUESTION 03 ASK HR

Have we given every notice the law already requires, and are we ready for the ones coming in 2027?

Illinois has required notice to employees since 1 January 2026. New York City requires notice to candidates and employees before an automated tool is used. Colorado's notice and 30-day explanation duties start 1 January 2027, and Connecticut's written notice starts 1 October 2027. A notice that was never given cannot be given retroactively.

A DEFENSIBLE ANSWER

The notice text, where it appears for employees and for candidates, the date it went live, and the tools and states it covers. A dated plan for Colorado and Connecticut.

A PLAUSIBLE ANSWER

"It is covered in the privacy policy."

THEN ASK

Could a candidate screened out last month find the notice they were given?

QUESTION 04 ASK EMPLOYMENT COUNSEL

When was each employment tool last tested for bias, by whom, and what did it find?

New York City requires a bias audit within the year before use. California treats the recency, scope and results of anti-bias testing as evidence. Connecticut removed the tool as a defense on 1 October 2026 but allows testing to be considered. Across all three, an untested tool is the weakest position you can hold.

A DEFENSIBLE ANSWER

A test date, method and result for each tagged tool, who ran it, and where the published summary sits for the New York City roles.

A PLAUSIBLE ANSWER

"The vendor told us their model is audited."

THEN ASK

Was the vendor's audit run on our data and our job families, or on theirs?

QUESTION 05 ASK HR OPERATIONS AND VENDORS

For an AI-assisted employment decision, could we produce the inputs, outputs and criteria, four years from now?

California's FEHA rules require ADS records, including inputs, outputs, criteria and test results, to be kept for at least four years. Colorado requires records for three years. The vendor's logs are on the vendor's retention, in the vendor's format, and they may not survive a contract change.

A DEFENSIBLE ANSWER

A retention period agreed in writing for each tool, records held where the company controls them, and a tested export.

A PLAUSIBLE ANSWER

"We would ask the vendor to pull it."

THEN ASK

What happens to those records if we change ATS vendors next year?

QUESTION 06 ASK HR

Does the handbook say what employees may put into AI tools, by data class, and when did it last change?

Most AI policies were adapted from a template before agentic tools existed. A rule an employee can apply at the keyboard is written by data class: employee records, health and accommodation information, investigation material, compensation, client material and privileged material.

A DEFENSIBLE ANSWER

A dated policy that names data classes, approved tools per class, an approval route with a response time, and a monitoring notice.

A PLAUSIBLE ANSWER

"Employees are told to use good judgment and not share confidential information."

THEN ASK

Could a new manager tell from the handbook whether they may paste an accommodation request into an AI tool?

QUESTION 07 ASK HR

Can we show who acknowledged the policy and who was trained, by role, this year?

The acknowledgment is what makes the handbook count as notice. For EU staff, Article 4 of the EU AI Act has applied since February 2025. Completion is the easy half. The hard half is whether behaviour changed, which is question one asked again after the training.

A DEFENSIBLE ANSWER

Acknowledgment and completion records by role, the content delivered, and a second usage reading taken after the training.

A PLAUSIBLE ANSWER

"Everyone completed the module at onboarding."

THEN ASK

Did use of unapproved tools go down after the training, and how do we know?

QUESTION 08 ASK TECHNOLOGY AND LEGAL

If a manager pasted a termination memo or an accommodation request into a public AI tool today, how would we know, and what happens next?

This is where most HR exposure actually starts. The memo surfaces later in disclosure, the health information in a subject access request or a regulator's question. 34% of office professionals have already shared customer data with public AI tools, and employee data is handled no more carefully.

A DEFENSIBLE ANSWER

A control that stops prohibited categories before they reach a model, alerts to HR and Legal, a named owner, and a route to Legal within a stated time.

A PLAUSIBLE ANSWER

"The policy prohibits it, and we would deal with it if it came up."

THEN ASK

How many such events happened last quarter, and how long did each take to close?

QUESTION 09 ASK THE CEO AND CFO

If we reduce headcount in Connecticut, who decides whether the layoffs relate to AI, and on what record?

Since 1 October 2026, WARN notices to the Connecticut Department of Labor must disclose whether layoffs relate to the employer's use of AI or another technological change. That answer will be read by employees, the press and plaintiffs' counsel. It needs an owner and evidence before the notice is drafted, not during.

A DEFENSIBLE ANSWER

A named decision owner, a written method for the determination, and the usage and workflow evidence it rests on, reviewed by counsel.

A PLAUSIBLE ANSWER

"We would work that out with counsel at the time."

THEN ASK

Would the answer we give the Department of Labor match what the CEO told investors about AI efficiency?

QUESTION 10 ASK THE CEO

Who owns the people-side AI record?

Technology produces it, HR needs it for notices and decisions, Legal needs it the week something goes wrong, and Finance needs it for the bill. 52% of organizations say there is no clear owner of AI cost, and the people-side record sits in the same gap. A record with four interested parties and no owner is not maintained.

A DEFENSIBLE ANSWER

One name, a monthly report to HR, Legal and Finance, and retention periods agreed in writing.

A PLAUSIBLE ANSWER

"It is a shared responsibility between HR, IT and Legal."

THEN ASK

If that person left next month, would the record keep running?

Count the defensible ones, not the confident ones.

Score an answer as defensible only if it came with a document, a name or a date attached. Confidence is not evidence, and in an agency charge or a deposition it is a liability.

EIGHT TO TEN

Ahead of nearly everyone.

The remaining gap is usually question five or question nine, because records retention sits with vendors and the WARN determination has never been needed before.

Put the retention periods and the WARN method in writing.

FOUR TO SEVEN

Normal, and worth a decision.

Do not try to close everything. Questions one and two are the foundation. Questions three and four carry dates that have already passed in Illinois, New York City, California and Connecticut.

Put a name and a date against those four this month.

THREE OR FEWER

An instrumentation problem, not a competence one.

Most of the market sits here. The risk is not carelessness. It is that the gap is found first by a candidate, an agency or opposing counsel, on their timetable.

Start with the reading in question one. It changes four answers.

One caution. "We do not have that record yet, and here is the date we will" is a stronger position than a confident answer nobody can document. The second one is the answer that ends up quoted back to you.

TAKE THIS INTO THE ROOM

AI and the workforce. Ten questions for the people leader.

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|----|---|-------------------|
| 01 | Which AI tools are our people actually using for work, and how do we know? | TECHNOLOGY |
| 02 | Which tools make or shape decisions about candidates or employees, and in which states and countries? | HR OPS, TA |
| 03 | Have we given every notice the law already requires, and are we ready for 2027? | HR |
| 04 | When was each employment tool last tested for bias, by whom, and what did it find? | COUNSEL |
| 05 | Could we produce the inputs, outputs and criteria of an AI-assisted decision four years from now? | HR OPS, VENDORS |
| 06 | Does the handbook say what employees may put into AI tools, by data class, and when did it last change? | HR |
| 07 | Can we show who acknowledged the policy and who was trained, by role, this year? | HR |
| 08 | If a manager pasted a termination memo into a public AI tool today, how would we know? | TECHNOLOGY, LEGAL |
| 09 | If we reduce headcount in Connecticut, who decides whether it relates to AI, and on what record? | CEO, CFO |
| 10 | Who owns the people-side AI record? | CEO |

Dates to hold: Illinois notice in force since 1 January 2026. California FEHA records rule since 1 October 2025. Connecticut no-defense and WARN disclosure since 1 October 2026. Colorado employer duties 1 January 2027. California CCPA ADMT compliance 1 January 2027. Connecticut notice 1 October 2027. EU Annex III 2 December 2027. Score an answer as defensible only if it arrived with a document, a name or a date attached.

WHERE THIS CAME FROM

We measure how a company uses AI, so the people function can stop guessing.

Crystil is an independent third party that gives leadership one view of AI usage, spend and risk. Our SDK attributes every model call to the team, application or customer behind it, and Pulse routes AI coding tools through Crystil without code changes, so the AI use that runs through Crystil shows up as a record by team rather than as an answer to a survey.

Sentinel, which is off unless you switch it on, checks requests against the rules you set before they reach a model. It can stop a prompt carrying information you have ruled out, such as employee records or privileged material, and notify HR and Legal when it does. Because it reads the request to apply your rules, it belongs in the monitoring notice in clause five. You decide what is checked and who is told. Crystil is SOC 2 compliant. We do not certify compliance, and we do not replace employment counsel.

[Talk to an AI measurement expert](#)

crystil.com

COMPANION GUIDES AND LIVE SESSION

The AI compliance playbook for corporate counsel carries the full register, including the EU instruments, and asks questions five, six and seven from the legal side. The governance playbook for technology leaders shows how the reading in question one gets produced. On Thursday 5 November 2026 at 11:00 AM ET we are running a free session, Before the Notice Is Due: AI, HR Law and Board Liability Heading Into 2027.

Sources

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 13. European Commission, AI Omnibus enters into force, 27 July 2026. Regulation (EU) 2024/1689, Articles 4 and 26 and Annex III. Bundesministerium der Justiz, Betriebsverfassungsgesetz section 87. Overheid.nl, Wet op de ondernemingsraden, Article 27.
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Crystil. v1.0, 7 October 2026. Every figure is published and dated. Nothing here is modelled, estimated or invented. The register reflects published law firm and agency analysis checked on 7 October 2026, not a fresh reading of every enacted text. The sample handbook language is a starting draft and wants an employment counsel's read before use. This document describes what published sources say. It is not legal advice for any particular organization.