

# FORMER EEOC CHIEF COUNSEL AND AI PRO JOINS LITTLER IN WASHINGTON, D.C.

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WASHINGTON, D.C. (July 24, 2023) – Littler, the world's largest employment and labor law practice representing management, is pleased to announce that Bradford J. Kelley has joined the firm as a shareholder in the Washington, D.C., office. Kelley was previously Chief Counsel to Commissioner Keith Sonderling at the U.S. Equal Employment Opportunity Commission (EEOC).

Kelley, who counseled Commissioner Sonderling on federal employment anti-discrimination laws and the EEOC's Artificial Intelligence and Algorithmic Fairness Initiative, has extensive experience with the use of artificial intelligence (AI) in the workplace. Prior to joining the EEOC, Kelley was a Senior Policy Advisor with the Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL), where he provided policy and legal advice to the WHD Administrator regarding the administration, interpretation and enforcement of the Fair Labor Standards Act, the Family and Medical Leave Act, and wage laws affecting government contractors.

"Brad has established himself as a preeminent policy voice in D.C., working at the leading edge of everything from AI and anti-discrimination laws to critical wage and hour issues and more," said Erin Webber, Littler's managing director and president. "His guidance will be invaluable to our clients, both from a regulatory compliance standpoint and in understanding how AI is impacting many facets of the workplace and employment law."

In 2022, Kelley received the EEOC Chair's Circle of Excellence Award, one of the highest honors conferred within the Commission. A former U.S. Army infantry and intelligence officer and Iraq War veteran, Kelley is also well-versed in the legal obligations of employers under the Uniformed Services Employment and Reemployment Rights Act (USERRA), including complicated military leave issues.

"Whether it's the growing adoption of AI and automation, pending DOL rules that would significantly impact wage and hour compliance, or new items on the EEOC's agenda, it has never been more important for employers to have a voice in workplace policy," said Michael Lotito, shareholder and co-chair of the Workplace Policy Institute® (WPI™), Littler's government affairs and advocacy arm. "Brad's tenure at the EEOC and DOL, along with his deep technical knowledge, make him ideally positioned to advocate for the interests of employers as policies take shape around these critical workplace issues."

While at the EEOC, Kelley worked to ensure that AI and other new tools used in employment decision-making comply with the federal laws that the EEOC enforces. He has published numerous law review articles about the use of AI in the workplace, including in the Stanford Law & Policy Review, the University of Miami Law Review, and the North Carolina Journal of Law & Technology. Kelley also speaks nationally on these emerging issues.

"As Littler's own research has shown, AI is increasingly being used by busy HR teams to guide decision-making and bolster efficiency. At the same time, the evolving legislative landscape means employers must navigate a patchwork of shifting compliance requirements," said Marko Mrkonich, Littler shareholder who helps lead the firm's efforts to advise on AI in human resource decisions. "Brad is a recognized thought leader in this space and our clients will undoubtedly benefit from his sharp counsel on these

increasingly important issues.”

Prior to serving in government, Kelley was an attorney in private practice and worked with employers to resolve disputes and achieve business goals through litigation, arbitration, mediation and strategic counseling. Before entering private practice, he was a judicial clerk for a federal district court judge.

“I’ve long been impressed by the caliber of Littler attorneys, the firm’s deep relationships and strong reputation in D.C., and their industry-leading global platform,” said Kelley. “Not only is Littler known for offering a full range of services in the workplace policy arena, but the firm has really differentiated itself in the AI space, having been at the forefront of studying AI’s impact on business and developing content that helps drive and direct the evolution of the industry.”

Kelley received his J.D., Order of the Coif and magna cum laude, from Louisiana State University Law Center. He earned a triple major and a minor and graduated with Phi Beta Kappa and summa cum laude honors from Louisiana State University. Kelley has also served as an adjunct law professor teaching employment discrimination and has been selected to serve on Law360’s Employment Discrimination Editorial Board since 2022.

## About Littler

With more than 1,700 labor and employment attorneys in offices around the world, Littler provides workplace solutions that are local, everywhere. Our diverse global team and proprietary technology foster a culture that celebrates original thinking, delivering groundbreaking innovation that prepares employers for what’s happening today, and what’s likely to happen tomorrow.