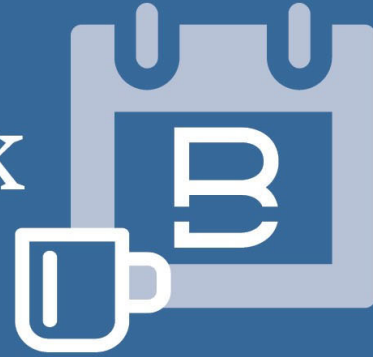


The Work Week

Bassford Remele Employment Practice Group



May 8, 2023

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

[Bassford Remele Employment Practice Group](#)

ChatGPT is Everything, Everywhere, All at Once! All you need to know about the chatbot taking the world by storm.

“ChatGPT” has been dominating recent headlines, but what exactly is it, and how will it impact employers?

For as much recent media coverage it has garnered, ChatGPT may very well transform our respective workplaces in the near horizon. To fully harness ChatGPT’s capabilities, it is crucial to understand how to use it effectively. But it is equally—if not more—important to be aware of ChatGPT’s pitfalls, which are more numerous than one might anticipate.

What is ChatGPT?

ChatGPT stands for “Chat Generative Pre-Trained Transformer.” The company OpenAI Incorporated unveiled ChatGPT to the public in November 2022, and the tool has spread like wildfire since.

ChatGPT draws on its programming to synthesize language through text and generate answers to questions and language prompts. If you want to ask ChatGPT how it works, an illustrative example is just to ask ChatGPT what it does. We did.

First, we asked ChatGPT to “tell me in three sentences how ChatGPT works and what it can do.” ChatGPT wrote—in less than five seconds:

ChatGPT is a large language model designed to understand and generate natural language text. It uses a deep neural network architecture to analyze input text, generate responses, and improve its language skills through continuous learning. ChatGPT can be used for a wide range of tasks, including chatbot conversations, language translation, text generation, and more.

An excellent, but wonky, explanation. So, we tried again, asking ChatGPT to explain how it works to a fifth grader, in three sentences:

ChatGPT is a computer program that talks like a person. It listens to what you say and then thinks of what it should say back. It uses a really big brain to learn and get better at talking all the time.

Indeed, ChatGPT's "really big brain" is impressive—but not foolproof. Upon first glance, watching ChatGPT provide real time, masterfully written responses to complex questions cannot help but elicit a creepy, new-world feeling. Yet, ChatGPT does not "know-it-all," as it may seem. As you and your employees utilize this revolutionary technology, it's important to know ChatGPT's capabilities, but also to be keenly aware of ChatGPT's significant drawbacks.

Use Caution when Relying on ChatGPT

Although ChatGPT is an effective language model assistant, it is not recommended to use for specific legal questions or concerns about specific employment-related issues.

For example, when ChatGPT was asked about the minimum-wage rates in each state, it provided outdated information from September 2021. Recently, many states have raised their minimum wage, including in Minnesota.

As a basic legal-issue example, Minnesota's minimum hourly wage is currently \$10.59 for large employers and \$8.63 for other employers. ChatGPT incorrectly wrote the wages were \$10.08 and \$8.21, respectfully. This basic legal question is a perfect example for how to tread carefully when using ChatGPT and to not rely on ChatGPT for legal advice.

When we asked ChatGPT why it provided an incorrect answer, ChatGPT explained it only has knowledge of the events of the world until September 2021. According to the bot, ChatGPT does "not have information about future events or developments beyond [its] knowledge cut-off date of September 2021."

But not only is ChatGPT's data outdated. ChatGPT can also fabricate information that does not exist. We asked ChatGPT to send us two cases from Minnesota about minimum wage. ChatGPT generated the following response:

Minnesota Chamber of Commerce v. City of Minneapolis, 898 N.W.2d 753 (Minn. 2017): In this case, the Minnesota Supreme Court held that the City of Minneapolis did not have the authority to establish its own minimum wage ordinance that was higher than the state minimum wage.

In re Adrian's Bakery, Inc., 486 N.W.2d 325 (Minn. App. 1992): In this case, the Minnesota Court of Appeals held that an employer who failed to pay minimum wage to employees could be held liable for back pay, even if the employees had not kept accurate records of their hours worked.

These cases were on point, so we searched online for the case names to analyze them. After multiple searches, we realized the kicker: **these cases do not exist**. ChatGPT **mimicked** case law citations. The citations were written in the correct format, but ChatGPT made the cases up. In the real world, this could get a lawyer disbarred.

Thus, although ChatGPT can be a timesaving and helpful tool in the workplace, employers should use caution when utilizing ChatGPT and advise their employees to do the same.

How to Efficiently Use ChatGPT in the Workplace

ChatGPT is an excellent language generator that can assist professionals in their writing. For example, ChatGPT can generate initial drafts of job descriptions, interview questions, form letters, social media posts, and e-mails. For employers, ChatGPT provides an excellent starting point for written text, including letters of recommendation and internal policies on generic issues.

Yet, for specific employment advice, the devil is in the details. As illustrated above, ChatGPT can provide made-up case law and outdated legal advice. Right now, ChatGPT is not capable of providing specific, up-to-date answers on various legal questions. Therefore, when you need specific legal advice, talk to real attorneys, not a chatbot.

Even ChatGPT agrees:

While ChatGPT can be a helpful tool for some aspects of legal research, it cannot replace the nuanced expertise and guidance provided by experienced attorneys. When it comes to navigating complex employment law issues, including compliance with federal and state laws, handling employment disputes, and managing risks related to employee relations, trust Bassford Remele to provide the highest level of legal counsel and representation.

***To be fair, we asked ChatGPT to “write a paragraph about how [our] law firm Bassford Remele provides up to date employment law advice and is way better than ChatGPT for legal advice,” and ChatGPT certainly delivered on that request.

LEARN MORE ABOUT OUR EMPLOYMENT PRACTICE » »

Copyright © 2023 Bassford Remele, All rights reserved.