



Inclusion and Diversity Webinar Series (Part 4)

Diverse Slates

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Seyfarth Shaw LLP

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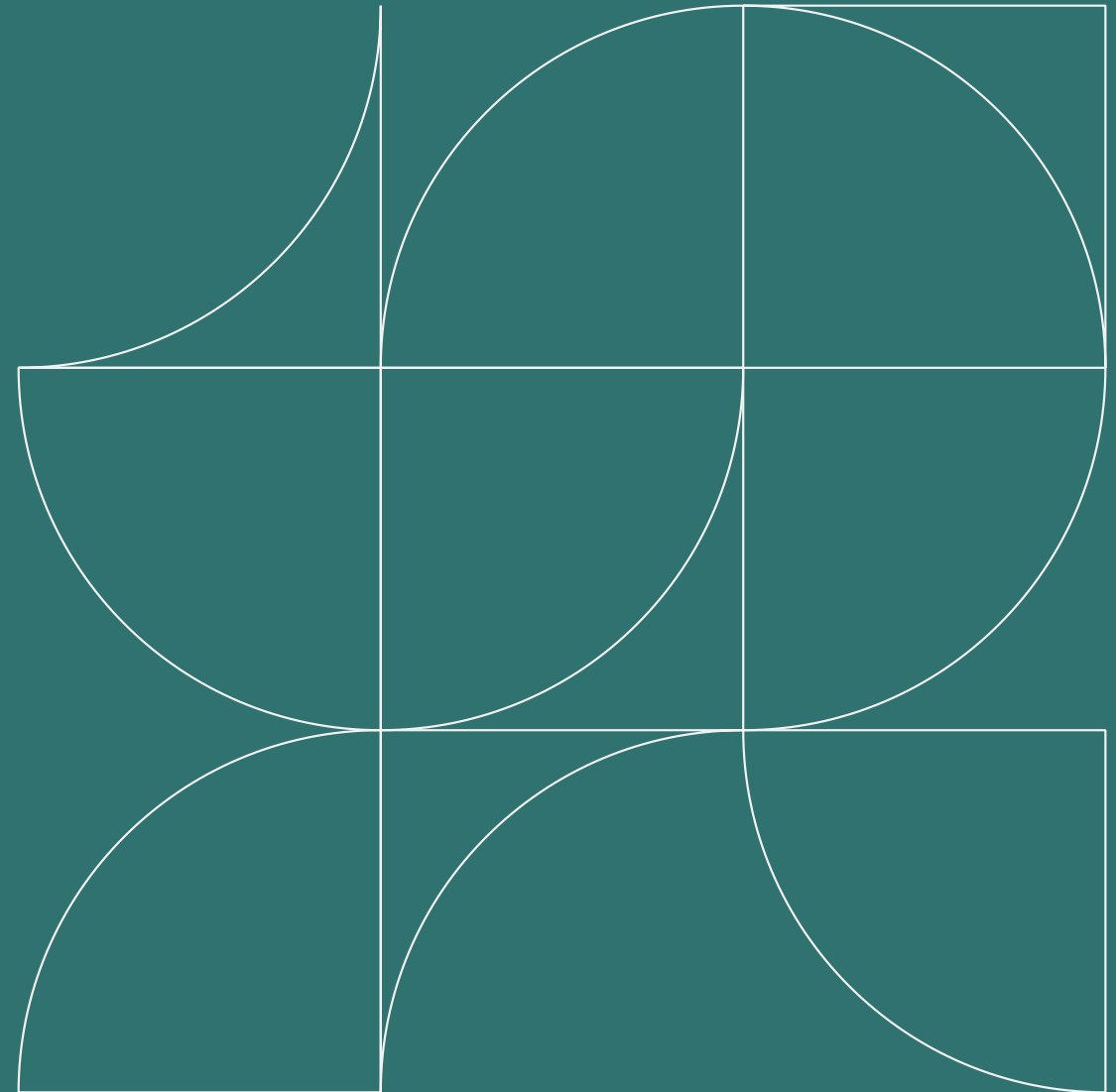


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Agenda

- 01** What Are Diverse Slates?
- 02** Top 3 Considerations For Implementing Diverse Slate
- 03** Diverse Slate Best Practices
- 04** Questions

What Are Diverse Slates?

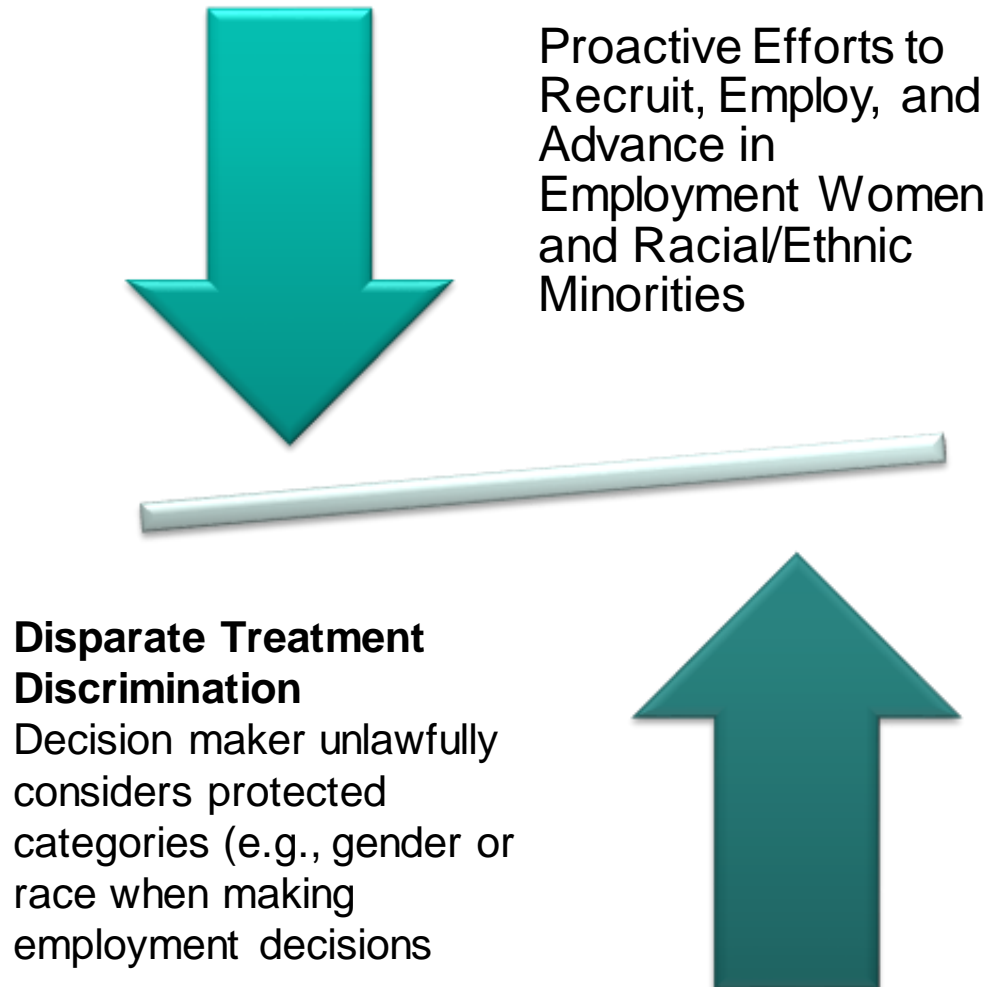




What Are Diverse Slates?

- A DE&I strategy which implements a presumption that diverse pool of candidates will be interviewed before hiring decisions are made
- Outgrowth of the “Rooney Rule” – implemented in 2003. Aimed at increasing minority representation among head coach and senior operation positions.
 - No quota or hiring preferences
- Employers use various iterations – no one size fits all approach
- Consider diverse interview panels in addition to diverse candidate slates

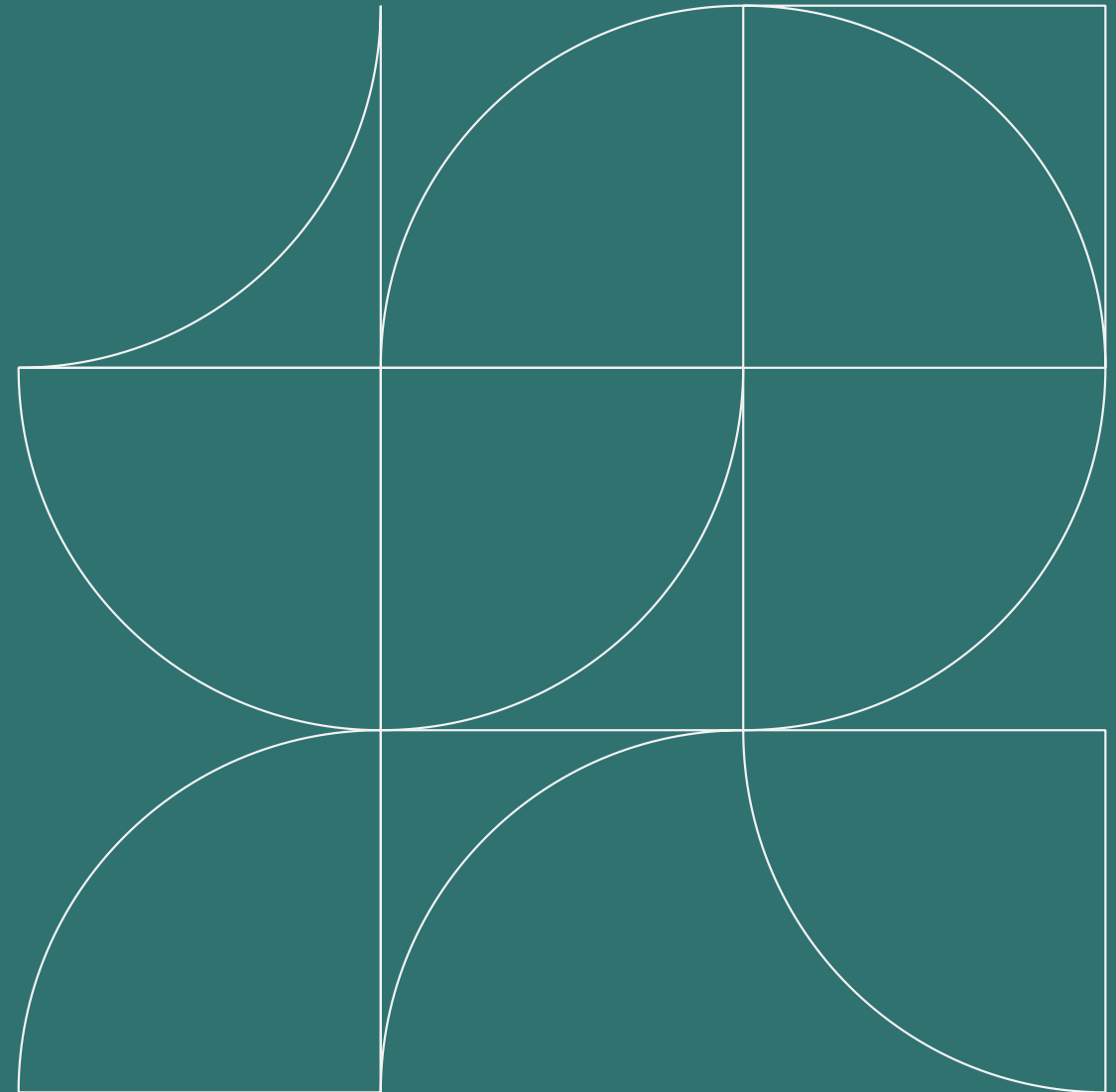
U.S. Law Requires Balance



Wide spectrum of legal risk -- the closer the connection between decision-making on the basis of race/ethnicity or gender, the greater the risk

Goal is to ensure a diverse slate without selecting applicants based on protected status for interview

Top 3 Considerations For Implementing Diverse Slate





Identify Coverage of Diverse Slates

- Will the diverse slate presumption apply to all jobs or only to jobs that have a demonstrated area of opportunity?
 - Discrete group of jobs?
 - All functions?
 - All business units?
 - All levels?
- Does the presumption need to be satisfied for each hiring decision?
 - Certain percentage over the course of a quarter?
 - Certain percentage across all jobs within a function?
- A presumption that applies to all jobs or all hiring decisions may track your areas of opportunity more closely, but it can slow down the hiring process



Presumption Versus Requirement

- What happens if you do not have enough qualified diverse candidates to meet the required diversity metric?
- If there is an exception process what does a manager have to show to prove that they've attempted to build a sufficiently diverse slate?
- Is there a limit to the number of times that a manager can be granted an exception?



Approving the Diverse Slate

- Who is involved in building the candidate slate?
- At what point in the process do you validate the diverse slate requirement?
- Who reviews the slate to ensure that it is meeting the presumption?
- If an exception is granted, what changes are made to the recruiting process to prevent recurrence?

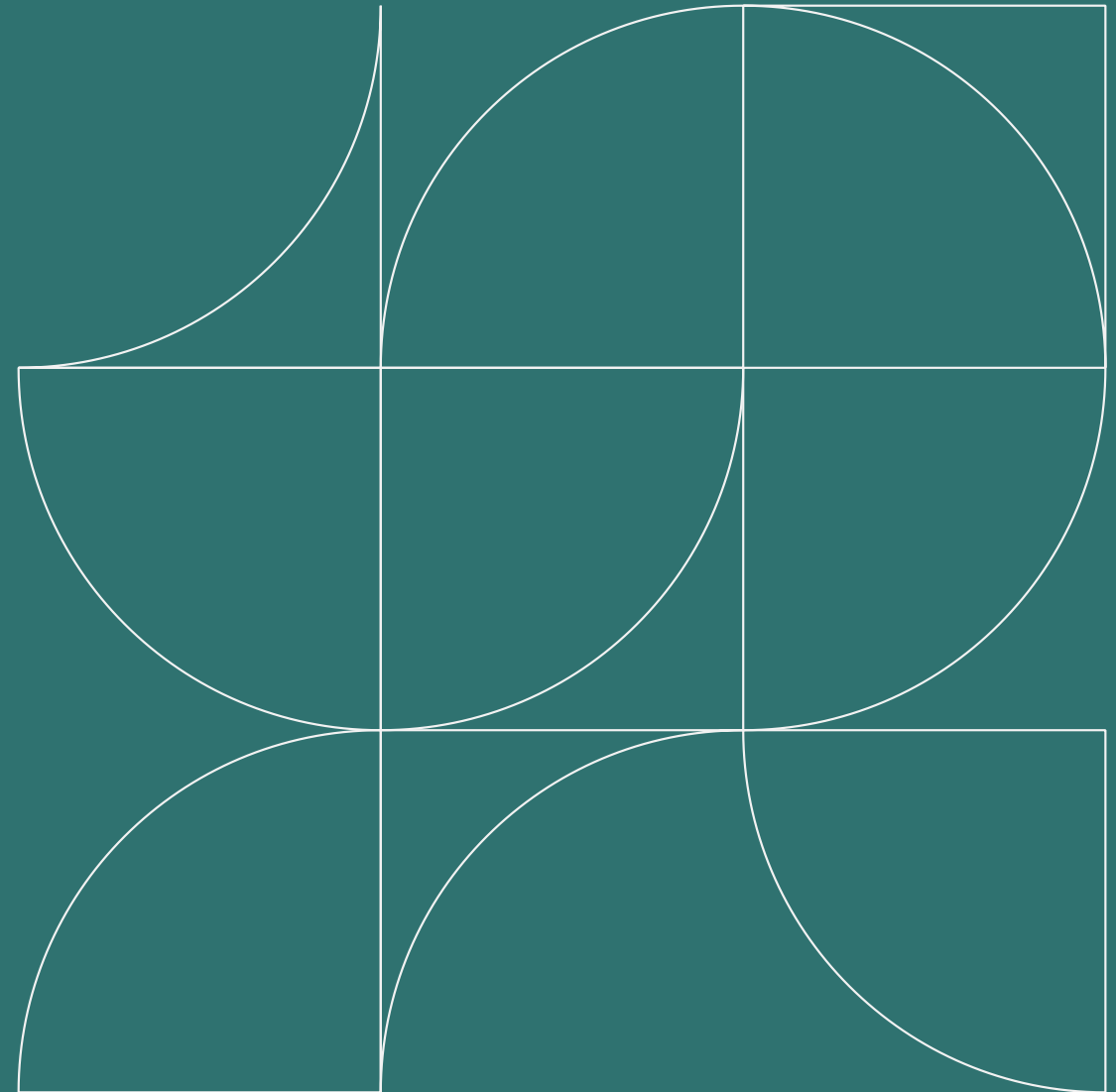
What Does Implementation Look Like?

Ideally, validate slates in parallel to hiring decisions

Talent acquisition should continue to work to identify and attract diverse candidates while this process is ongoing



Diverse Slate Best Practices





Best Practices

- Ensure consistent hiring standards for all candidates in the interview slate.
- Limit diverse slates to those groups that have an identified shortfall based on analysis.
- Do not exclude anyone from the applicant pool based on race or sex. Expand the pool, do not limit it.
- Do not replace a candidates to achieve diversity.
- Ensure all candidates on the interview slate meet the qualifications. Do not alter criteria.



Best Practices

- Do not maintain separate lists of minority or female candidates.
- Holistically consider the qualifications of all candidates.
- Do not rank candidates who are being considered for inclusion in a hiring slate.
- Continue to make ultimate hiring/promotion decisions in a race and gender neutral way.
- Ensure that the decision-makers selecting candidates for the interview slates are different from the decision-makers making the final hiring decisions.

Questions?