



SCHARF  
BANKS  
MARMOR<sup>LLC</sup>

## PAY EQUITY PRACTICE

For leading national and global entities, insuring pay equity has become a business priority. The reasons are both compelling and practical. With an increasingly diverse workforce and customer base, corporations must attract and retain the best available talent to gain and ensure a sustainable competitive advantage. New federal and state rules aimed at corporate employers call for the elimination of pay disparities for women and minorities. Corporate codes of conduct increasingly include commitments to pay equity. Corporate constituents and stakeholders, inside and outside the company, are pressing for a demonstrated commitment to pay equity with meaningful results. All of these forces call for policies and practices that fully support a corporation's commitment to achieving pay equity.

## OUR SERVICES FOR CORPORATE CLIENTS

In line with growing corporate initiatives, our Pay Equity Practice provides experienced professionals to counsel business, legal and HR executives on a panoply of pay equity matters. As a certified women-owned business, we are especially sensitive to the business need for pay equity and the factors that enhance a successful pay equity program.

All of our services are provided in the context of attorney-client privileged communications.

### OUR PAY EQUITY TEAM ADVISES ABOUT

- ▶ Strategies and best practices for implementing pay equity programs
- ▶ Key sources of information for evaluating and updating pay equity programs
- ▶ Strategic use of data analytics
- ▶ Potential legal risks and methods for risk mitigation
- ▶ Creating effective multi-media training formats for multiple levels of the company
- ▶ The impact of corporate culture on retention and advancement of women and minorities
- ▶ Enhancing corporate policies and practices to increase recruitment, retention and promotion of women and minorities in management and senior positions

## WHY WE ADD VALUE

Our team brings multidisciplinary and practical business perspectives to every engagement.

### WE STAND OUT FOR OUR

- ▶ Ability to meet tight deadlines at all phases of the project
- ▶ Experience advising C-suite and senior levels of management
- ▶ Range of counseling to large national and global enterprises on employment, compliance, and HR matters
- ▶ National reputations as thought leaders on issues of pay equity and compliance
- ▶ Up to date knowledge of the touchpoints for advancement of women and minority employees

# EXEMPLAR TIMELINE FOR ASSESSMENT OF A CORPORATE PAY EQUITY PROGRAM

## **Weeks 1-4**

- ▶ Discussions with Company to finalize the purposes, scope, key questions, and timing.
- ▶ Identify key personnel at various levels and perspectives within the organization for information about operation of pay policies.
- ▶ Identify key documents (policies, organization charts, training materials, prior studies) from specific departments for conducting a risk assessment, review of standards and procedures, and analyses.
- ▶ Develop overall assessment strategy and working plan.
- ▶ Implement attorney-client privilege protocol.

## **Weeks 4-8**

- ▶ Evaluate policies, standards and controls.
- ▶ Take into account prohibited and permitted factors.
- ▶ Interview focused selection of key decision makers, human resources professionals, representative managers and employees.
- ▶ Collect documents, analyze existing policies, studies, training materials, complaint history, litigation, and administrative actions.
- ▶ Lay the ground work for data review.
  - Make connections between necessary Company/IT personnel to understand available data, and to enhance a smooth process for later statistical and auditing activities.
  - Identify the specific data to be analyzed, and analytic framework.
  - Finalize feasibility of analysis and timing.

## **Weeks 8-13**

- ▶ Assess current pay equity results and explanations for results.
  - Use data analytics and interview data to understand functioning and results of current program.
  - Consider all forms of compensation (starting salary, benefits, bonuses, overtime, training opportunities, severance, other).
  - Consider other factors impacting pay (recruitment, assignment to job category, performance evaluation, location, other).
- ▶ Follow-up fact gathering, as needed.
- ▶ Conclude legal risk assessment with recommendations.

## **Weeks 13-20**

- ▶ Report results to the company, with recommendations to close gaps, modify policies, improve documentation, align with compensation cycle.
- ▶ Prepare core materials, including key principles as well as specific training and communication documents.
- ▶ Test training and communications programs.

## **Weeks 20-26**

- ▶ Roll-out training and communications.

## **Weeks 26-30**

- ▶ Finalize and communicate all deliverables. Focus on lessons learned, changes to meet goals, next steps, and timing.
- ▶ Discuss intervals for updating training, communications. materials, monitoring and future assessments.

## **Week 50**

- ▶ Value-added 360 review.



# OUR CORE TEAM



**Partner Stephanie Scharf** is one of the nation's leading lawyers on issues of pay equity in professional services firms. Throughout her legal career, she has counseled national and global companies on business issues and risk management. Stephanie has conducted highly regarded national research on pay equity and gender differences as well as reports about the impact of pay policies and practices at mid-level and senior positions. She has been trained in audio/visual communication techniques and has helped to design and implement specialized video training tools focused on pay equity. Stephanie headed the American Bar Association's Presidential Gender Equity Task Force on Compensation, directed the development of publications aimed at best practices for achieving pay equity, and most recently served as special Advisor to the American Bar Association's Presidential Commission on Diversity and Inclusion 360.



**Partner Sarah Marmor** has over two decades of experience in employment law and counseling. She has advised companies on a broad array of policy and implementation issues including leave policies, wage and hour classifications and record keeping, background screening, as well as the full panoply of discrimination issues. Sarah counsels a number of global companies on the implementation of new business initiatives, risk assessment, and development of proper risk management materials. She is especially adept at counseling businesses on the impact of laws and regulations in specific corporate environments. Sarah also represents clients in pre-litigation and litigation over employment practices, and regularly advocates for clients with federal and state agencies.



**HR Specialist Kwame Salter** has consulted to major corporations on a wide array of HR issues including the design and implementation of pay equity programs. He also consults on such topics as leadership development, ethics and compliance programs, and programmatic initiatives for strategic inclusion. A former Fortune 100 Senior Vice President specializing in human resources, Kwame has advised on issues of gender and cultural diversity on a domestic and global scale. Kwame has managed numerous pay equity and diversity compliance programs and brings a wealth of practice experience to our Practice. Kwame has published two books about the challenges faced by women and people of color in corporate careers, and is an adjunct professor in the College of Business at Concordia University.



**Partner Theodore ("Ted") Banks** has a national practice that focuses on compliance and risk assessment, with a special expertise in developing training materials that fit corporate goals and programs. Through Ted's more than 30 years of advising in-house lawyers and business personnel both as in-house counsel and in private practice, he brings a special understanding to compliance implementation and training. His clients include companies of all sizes, ranging from major U.S. publicly-held corporations to start-ups, for whom he has developed employment law compliance programs that have effectively communicated principles of ethics and compliance to employees at every level of the organization. He also serves as a compliance monitor for the Federal Trade Commission and the Competition Bureau of Canada. Ted teaches Corporate Compliance, including principles for training and risk assessment, at Loyola University Chicago Law School, and he edits the highly regarded treatise, *Corporate Legal Compliance Handbook*.



**Counsel Rebecca Ford-Terry** has extensive executive and board governance experience including as Executive Vice President of the publicly held Metro-Goldwyn-Mayer studio and as General Counsel and Corporate Secretary to Draper and Kramer, a major Chicago real estate and financial services company. Rebecca has been a consultant to the Milken Institute and has practiced law at White & Case. Rebecca's experiences representing public and private corporations provide key perspectives about implementing company-wide business initiatives and advising senior level executives and board members on administrative, legal and governance matters.

