

Guest Column

Cyrus Mehri Speaks Out on the NFL, Coca-Cola and Real Job Competition

Cyrus Mehri, a partner in the law firm of Mehri and Skalet, has represented plaintiffs in the class-action discrimination lawsuits against The Coca-Cola Co. and Texaco.

Q. What is a diverse candidate slate?

Mehri: Our definition of a diverse candidate slate is to have a slate of diverse candidates who are interviewed in person for a job opening. I would envision any company interviewing at least five people. For example, you could say you have 100 résumés. You phone 20 of them and five come in for an in-person interview. You will then break those down to one or two finalists. We are saying the five coming in should be diverse. If you can't find a viable female or minority candidate for the in-person round, you have not searched enough. You need to go out and make a greater effort.

Q. How does a diverse candidate slate limit discrimination and wrongdoing?

Mehri: It creates fair competition. If you are across the table from us, we are going to advocate for a diverse candidate slate. And so far everyone I've been across the table from has agreed to it as a positive way to go. It levels the playing field and it gets females and minorities in the door so they can show what they have to offer. What we are usually up against typically is the "tap-on-the-shoulder-system" for advancement. The problems with that system are, one, there is no transparency, and two, favoritism comes into play. It's usually who you

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know instead of who is the best candidate for the job.

Q. What success have you witnessed with this process?

Mehri: The first time it was rolled out was when we came up with it in the Coca-Cola settlement in 2001. It took them a year or two to get it up and running properly, but once they got it going, it had a real demonstrative impact over time in hiring minorities.

One of the most visible success stories is the success at the NFL. Three or four years ago, Johnnie Cochran and I issued a report and we highlighted the double standard in the NFL hiring practices. The solution was to use a diverse candi-

date slate. After an in-depth study and review, they adopted the Rooney Rule that requires that they now interview at least one minority for each head-coach position. In a matter of a couple of years, we went from two black head coaches to seven head coaches in 2006. We could have said in 2002, "You must have seven coaches," but we would still be at two. By asking for an improved process, it improved the outcomes. It truly changed the mindset and the culture of the NFL. Now they use a diverse-candidate-slate concept for every position, including the commissioner and the 32 clubs.

Q. Is this a panacea to cure a lack of diversity in corporate America?

Mehri: A lot goes along with it to make it a success. So it's not a panacea on its own. But it is a tremendous reform to which to give the tools to make that happen. This gave the NFL and Coca-Cola the tools to move down the field. If any company wants to really improve diversity, it would be reckless not to use this tool.

At every meaningful position in corporate America, an effort should be made to get a diverse pool of candidates. They should build up the pipeline and look to external candidates. Otherwise, they don't know if they got the best if they are excluding key people. As we move toward a global marketplace, it's inexcusable not to have a diverse candidate slate. And that's what every company should stand for—fair competition. **DI**