

Recent SCOTUS rulings to impact the workplace, but how?

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Given that the Supreme Court of the United States (SCOTUS) is the highest court in the federal judiciary of the country, it has final appellate jurisdiction over all federal court cases, as well as over state court cases that involve a point of U.S. Constitutional or federal law.

Two cases the Court recently and significantly ruled on involved the constitutionality of affirmative action (*Students for Fair Admissions v. President and Fellows of Harvard College* and *Students for Fair Admissions v. University of North Carolina*) and what an “undue hardship” really is for an employer under the 1964 Civil Rights Act Title VII (*Groff v. DeJoy*).

On June 29, a divided Supreme Court ruled that the use of affirmative action in college admissions programs was unconstitutional. Unsurprisingly, this set conversations across academia into an administrative whirlwind.

In the majority decision, Chief Justice John Roberts said the admissions programs could not be reconciled with the “guarantees of the [Constitution’s] Equal Protection Clause.” Justice Sonia Sotomayor, in her dissent, said the Court’s decision “rolls back decades of precedent and momentous progress. It holds that race can no longer be used in a limited way in college admis-

sions to achieve such critical benefits.”

One question that followed this ruling by the Court that essentially dismantled affirmative action in any form is how this might now play out in the work world.

The Wall Street Journal reported that companies are expecting “new challenges to diversity policies,” including a reduction in “racial diversity among the pool of highly educated candidates for future jobs, including those in leadership.” The paper noted that employers were bracing for employer DEI programs, meant to recruit and retain women and underrepresented groups, to come under greater scrutiny.

The WSJ’s Lauren Weber and Chip Cutter wrote in their June 30 report: “They also say the ruling, which prohibits race-conscious college admissions, will lead to challenges to internal diversity, equity, and inclusion initiatives, many of which were put in place or augmented over the past few years. Many large employers have said that affirmative action assists businesses by helping them



The U.S. Supreme Court Building (Source: Wikipedia Commons)

serve a diverse universe of customers and clients. They have cited research showing that diverse teams are more creative and make better decisions than homogeneous ones.”

USA Today’s Jessica Guynn, in her article about the Supreme Court’s reversal of affirmative action and what that means for workplace diversity, wrote: “...the ripple effects from the ruling could come quickly, starting with the decline in college gradu-

ates from underrepresented backgrounds, meaning the loss of ‘a pipeline of highly qualified future workers and business leaders,’ companies from Google to General Electric warned the Supreme Court.”

Southern Illinois University Edwardsville Associate Professor Robyn A. Berkley, Ph.D., MBA, SPHR, weighed in with her perspective on the Court’s affirmative action ruling and what the workplace might see as a result.

“I think that things will change,” said Dr. Berkley, “but only with respect to more accurately reflecting what the Equal Opportunity [Act] states is required. It will change recruiting but will not necessarily change selection because selection is about hiring the best candidate.

“Affirmative action does not have anything to say about who the organization can hire,” she continued. “It only asks them to expand their recruitment pool to ensure there is a level playing field for all. There is nothing that would violate EEO laws if the organization reaches out and expands the pool of applicants they try to attract. The organization should only hire the best candidate regardless of protected class status.”

“Affirmative action in hiring is very different than how it was applied in college admissions. In hiring, the goal of affirmative action is to create a level playing field. It asks employers to make a ‘good faith effort’ to attract and promote underrepresented individuals. Note, it does not say anything about hiring. ‘Good faith effort’ is the language in the guidelines to which employers are held. It means they need to actively recruit from diverse sources. It means they should invest in areas where disparities occur. It means they need to be sure all individuals have access to training programs, so they are ready for promotional opportunities,” said Dr. Berkley.

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Illinois tourism celebrated unprecedented growth in fiscal year 2023

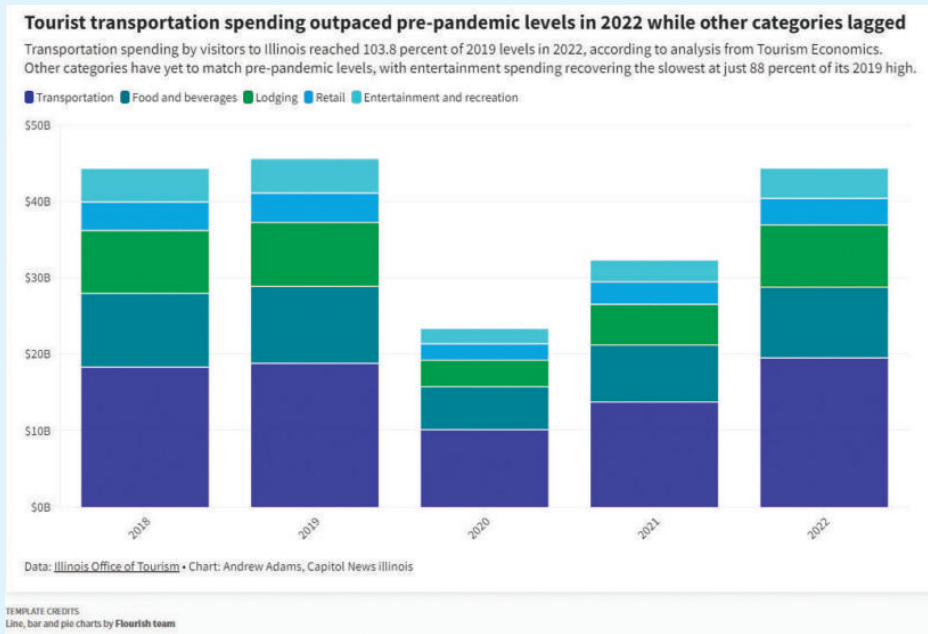
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Illinois Governor JB Pritzker, state legislators, and hospitality industry representatives joined together to celebrate a record-breaking year for tourism growth, and the hotel revenues generated as a result, for fiscal year 2023.

The fiscal year that ended June 30, 2023, saw record revenues across the state. Capitol News Illinois reported that hotels brought in \$307.8 million, according to figures acquired from the state’s Department of Revenue.

“That beats fiscal year 2019, the previous record year for hotel income and the last year before the pandemic upended the hospitality industry,” wrote CNI’s Andrew Adams. “Revenue in 2023 was up 35.8 percent from the prior year and 230.1 percent from fiscal year 2021, when the pandemic was still significantly affecting peoples’ travel habits.”

Adams further noted that, according to Kristin Richards with the state’s Depart-



ment of Commerce and Economic Opportunity, major events had helped bolster Illinois’ tourism industry in 2023. These included events such as the sold out Enjoy Illinois 300 NASCAR race in Madison,

part of southwestern Illinois region, and Taylor Swift’s Eras tour that took place on Chicago’s Soldier Field for three nights over the first weekend in June.

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