

**CORPORATE COUNSEL WOMEN OF COLOR
14TH ANNUAL CAREER STRATEGIES CONFERENCE**

OCTOBER 10-12, 2018

**YOU ARE WORTH IT: STRATEGIES FOR
PREPARING FOR YOUR NEXT SALARY
NEGOTIATIONS**

Session 1

Panelists

- Vicki D. Blanton, AT&T, Inc.
 - Moderator
- Karrie Diaz, KL Gates LLP
- Linda Gadsby, Scholastic, Inc.
- Mona Ghude, Drinker Biddle
- Deneen Howell, Williams & Connolly
- Kathy Richardson, HR Legal Search
- Vanessa Scott, Sutherland LLP

Introduction

NOW FOR THE STRATEGIES!

Identify Your Leverage

- How much does the employer want or need you?
- How much do you want or need the job?
- How do your qualifications stack up against any other contenders or peers?
- Answers may differ if you are negotiating a change from within, or coming from the outside and the stage of your career

Identify Your **Negotiating Style**

- **Collaborating** (engaging in problem solving to reach the best possible outcome for both sides)
- **Competing** (trying to maximize one's own outcomes with little concern for others)
- **Accommodating** (putting the other party's concerns first)
- **Compromising** (trying to reach middle ground)
- **Avoiding** (dodging negotiation altogether)

Do your Research

- Marshall your resources (job postings, peers, colleagues, public filings, advisors, mentors, sponsors)
- How much do you know (or can you find out) about what others who have held the position have been paid?
- How much do you know (or can you find out) about how competitors value the position?
- Why types of compensation are available at the company (cash, equity, other), and does eligibility depend on title, level, seniority, other?
- Has the market or the economy changed (for the better or for the worse)?

Determine what is **Negotiable**

- Title (which can affect compensation)
- Elements of the compensation package
- Benefits that have value (health and other insurance, commuting and/or parking costs, 401(k) matching, vacation, perks (e.g., electronics, tax/financial planning, other), expenses, class of travel, moving/relocation, office space, admin support)
- Term of years vs. at-will employment
- Severance (in terms of scope, amount and triggers)

Marshall your **Advocates...**

- Lawyer (who can negotiate for you or advise behind the scenes)
- Sponsor(s)

And arm them with unabashed information about how great you are!

Salary History

- Be Prepared to Discuss/Deflect
- No obligation, legal or otherwise, to disclose
- Understand the salary history questions permitted by state law

| | |
|-------------------|--|
| New York | <ul style="list-style-type: none">• No employee can be required to disclose wages.• State agency employers may not request salary history until after an offer of employment is made, or, if already known, cannot be relied upon in determining salary.• Employers may not even ask about a job applicant's salary history in Albany County, Westchester County, or New York City (including employment agencies). |
| California | <ul style="list-style-type: none">• Employers (or agents) may not ask for salary history information (including compensation and benefits), unless such information is disclosable to the public through a public records request.• Employers may not use salary history information in determining a new hire's pay.• San Francisco - Employers may not disclose current or former employee salary history without the employee's consent (unless publicly available). |

Rehearse with Trusted Friends/Advisors

- Ask someone you trust and someone who will help you anticipate questions/topics
- For certain topics, consider practicing a script
- Consider creating your own value statement
 - Catalog accomplishments
 - Feel comfortable talking about your accomplishments
- Practice giving responses or asking questions until it feels like second nature

Setting the Stage

- Context Matters
 - New Job
 - Promotion/Pay Raise
- Who are you negotiating with?
 - A champion or supporter?
- What works better for them?
 - Pop by
 - Schedule a meeting
 - Times/days that they might be in a better mood

Offer

- View it as a conversation and not a conflict
- Have the **Employer Make the first Offer** (setting the floor), and get it (and all relevant documents) in writing
- If pushed, consider making a “non-offer offer”
Suppose your research suggests that you would most likely fall into the \$70,000-\$80,000 pay range, but the next highest category seems within reach. Instead of saying I think I deserve \$80,000, consider saying “Correct me if I am wrong but I have heard that people in my position typically earn between \$80,000-\$90,000.”
- If you’re in tune with the market rate for your job, you could have an advantage in throwing out the first number.

Evaluate and Negotiate (where possible) **Every Document**

- Offer Letters or Employment Agreements
- Equity Agreements
- Restrictive Covenant Agreements
- Change in Control Agreements
- Confidentiality Agreements
- Dispute Resolution Agreements
- Indemnification Agreements
- Intellectual Property Agreements
- Handbooks or other Company Policies

Counter Offer

- Prepare Your **Counter** and Fall-Back/Alternative positions (be prepared to justify your “asks,” and exercise the “power of the pause” as people like to fill silences and you can learn more)
- You could ask – “How close can you come to my number?”

If the answer appears to be a “No,”

- Be sure what you have is really a “no” (vs. “not now” or being caught off guard).
- Ask what you need to do to **get to “Yes”**
 - Ask how you can gain the skills needed to take you to the next level
 - Helps them see you are an employee worth investing in
- No cost to being gracious
 - If colleagues, there is a long-term relationship at play