

products make themselves obsolete.

It's a question, he says, of making leaders more *opportunity-oriented* instead of *crisis-oriented*.

- **Make customers' dreams come true.** Give your customers the ability to do what they can't do but "would have wanted to do, if only they knew they could have done it," says Burrus.

Because change occurs so rapidly, companies can't remain competitive by satisfying what customers want *at the moment*.

The only way to remain competitive, says Burrus, is to *anticipate* the future needs of your customers.

For example: A major telecommunications company already advertises wristband telephones, even though a market for them doesn't yet exist.

The company understands that, though the average customer may not feel he or she needs this device now, rapid change in telecommunications strongly hints that they will in the near future.

- **Build a better path to your customer.** Technology, in some form or other, has always determined the path to the customer.

For example: In the past, shoppers rode buses or trolleys or just walked to the market.

But, as people began to spend more time in cars, grocery chains built larger stores surrounded by acres of parking lots.

Today's supermarkets, Burrus argues, can use interactive TV, PCs, Touch-Tone phones, and home delivery to help people shop from their homes, saving them time and stress.

Ultimately, says Burrus, businesses need to sell the future benefits of what they do. Otherwise, they're already obsolete.

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Supreme Court on affirmative action: What top court's decision means to you

By STEVEN MITCHELL SACK, Esq.

Employers who take positive steps to boost their employment rolls with females, minorities, and veterans now may have to scrutinize their hiring and promotion practices.

In June of 1995, the United States Supreme Court cast doubt on the constitutionality of federal affirmative action programs that award benefits on the basis of race. The court ruled that these programs will be subject to the most searching judicial inquiry and will survive *only if* they are narrowly tailored to accomplish a *compelling* governmental interest.

In the past, companies that were awarded federal contracts of at least \$50,000 were *obligated* to have in place a formal affirmative action plan (AAP) that addressed the hiring, promotion, and training of underrepresented groups in the workplace.

The affirmative action watchdog was the Office of Federal Contract Compliance Programs (OFCCP).

Because of the court's decision on affirmative action, the OFCCP recently announced that the requirement for "goals and timetables" in mandatory affirmative action plans for federal government contractors is *not* to be construed as a quota system to be achieved through race-based or gender-based preference.

The OFCCP is trying to establish that its affirmative action program is different from preferences or set-asides and does *not* amount to reverse discrimination.

In light of the OFCCP's response, you may want to review your AAP for the following:

- **Preferential treatment.** Eliminate race- or gender-based preferences in hiring policies.

- **Numbers or dates.** Consider doing away with references to formal goals or timetables if you have a formal affirmative action plan in place.

For example: Do not require that a specific position be filled by a person of a particular race, gender, or ethnicity. Or, do not establish a minimum number of minority employees to be employed by a certain date.

- **Informal commitment.** Make *informal* good-faith efforts to respond to the needs of underrepresented groups to hire those *best suited* for the job.

Effect of court's decision: Eliminate quota hiring from hiring practices.

Private employers that do *not* have federal contracts are not obligated to hire protected-class individuals or to implement affirmative action policies with-

in their companies.

Additionally, you may want to:

- **Review your company handbooks and manuals.** If your company has formal equal employment opportunity policies, modify or delete any language that guarantees the institution of a formal plan.

The future of affirmative action is unclear. What *is* clear, though, is that any program that includes numbers, goals, or timetables and can even remotely lead to quota preferences is *illegal*. Speak to a labor attorney to determine your company's options.

STEVEN MITCHELL SACK practices labor law in New York. He is the author of *From Hiring to Firing: The Legal Survival Guide for Employers in the 90s*, available through Dartnell. Call (800) 621-5463 for more information.