

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

OALJ Case No. 2017-OFC-00004

OFCCP No. R00197955

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FEB 07 2017

Office of Administrative Law Judges
San Francisco, Ca

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
Case Subject to Expedited Proceedings under 41 C.F.R. § 60-30.31

Pursuant to 41 C.F.R. § 60-30.8 and Federal Rule of Civil Procedure 56, Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP") moves for summary judgment. As the parties' pleadings, the documents incorporated by reference therein, and Defendant Google, Inc.'s admissions show, Google has obstructed OFCCP's compliance evaluation of the company's pay practices by denying the agency access to pay data; data on factors relating to pay; and employee information, which would enable the agency to conduct employee interviews about pay.

Google's obstruction violates its contractual obligations to the government and Executive Order 11246, Section 503 of the Rehabilitation Act, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act, and their implementing regulations (collectively, "OFCCP-enforced laws and regulations"). Because there is no genuine dispute of material fact, Plaintiff is entitled to a decision as a matter of law in this expedited proceeding.

Plaintiff respectfully moves the Court to issue an Order directing Google to produce promptly

- 1) a compensation snapshot as of September 1, 2014;
- 2) as identified in the September 16, 2016 Show Cause Notice, job and salary history for employees in a September 1, 2015 compensation snapshot that Google has produced and the requested September 1, 2014 snapshot, including starting salary, starting position, starting “compa-ratio,” starting job code, starting job family, starting job level, starting organization, and changes to the foregoing; and
- 3) the names and contact information for employees in the previously-produced September 1, 2015 snapshot and the requested September 1, 2014 snapshot.

Plaintiff also respectfully requests that the Court permanently enjoin Google and its successors, officers, agents, servants, employees, divisions, subsidiaries and all persons in active concert or participation with them, from failing and refusing to comply with the requirements of OFCCP-enforced laws and regulations.

Finally, Plaintiff respectfully requests that, in the event Google violates any of the relief requested above, the Court cancel all of Google’s federal government contracts and subcontracts and those of its officers, agents, successors, divisions, subsidiaries and those persons in active concert or participation with them, and declaring said persons and entities ineligible for the extension or modification of any such existing Government contract or subcontract; and (2) debar Google and its officers, agents, servants, successors, divisions and subsidiaries and those persons in active concert or participation with them from entering into future federal government contracts and subcontracts until such time as Google satisfies the Director of OFCCP that it has

undertaken efforts to remedy its prior noncompliance and is currently in compliance with the provisions of OFCCP-enforced laws and regulations.

Plaintiff's motion is based on the concurrently filed Memorandum of Points and Authorities; the accompanying Declaration of Marc A. Pilotin; the pleadings filed in this expedited proceeding, including Google's admissions and the documents referenced therein; and any oral argument the Court entertains.

Date: February 7, 2017

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