

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.

Case No.: 2017-OFC-00004

RECEIVED

FEB 23 2017

Office of Administrative Law Judges  
San Francisco, Ca

**DECLARATION OF MATTHEW J. CAMARDELLA, ESQ. IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT**

Matthew J. Camardella, Esq., hereby affirms, under penalty of perjury, as follows:

1. I am a Principal with the law firm of Jackson Lewis P.C., attorneys for Defendant Google Inc. ("Google") in the above matter. I am fully familiar with the facts and circumstances herein and make this declaration in support of Defendant's Opposition to Plaintiff's Motion for Summary Judgment.

2. On September 30, 2015, the Office of Federal Contract Compliance Programs ("OFCCP") sent a Scheduling Letter to Google announcing a Compliance Evaluation of Google's Mountain View Facility. Attached hereto as Exhibit A is a true and correct copy of the September 30, 2015 Scheduling Letter, along with the Itemized Listing.

3. The Itemized Listing does not require Google to disclose all of its employees' names and contact information, or the job and salary histories for all employees at a contractor's workforce.

4. In addition, Item 19 of the Scheduling Letter only requires that Google provide certain compensation data to OFCCP as of September 1, 2015 (the current year snapshot), not any compensation data for the prior year snapshot date of September 1, 2014, which is at issue here. *See Exhibit A.*

5. In response to the Scheduling Letter, Google submitted individualized compensation data for more than 21,000 employees – approximately 650,000 data points in total. OFCCP subsequently made a series of requests for additional information and documentation from Google.

6. Google provided the requested data in full, thereby complying fully with its requirements under Item 19 of the Scheduling Letter.

7. OFCCP conducted a two-day onsite review of Google's premises in April 2016.

8. During the two-day onsite review, Google provided OFCCP with full access to its facilities and permitted OFCCP to interview several Google's compensation and hiring managers without limitation.

9. Following the two-day onsite review, OFCCP sent two separate requests for additional information and documentation to Google. Google provided complete responses to the first set of requests, which sought additional information relating to Google's hiring practices.

10. OFCCP's second set of post-onsite requests sought, among other items: (1) thirty-six additional data points for over 21,000 employees in Google's September 1, 2015 workforce; (2) a second compensation database for over 19,500 employees in its September 1, 2014

workforce, including all factors previously requested, and thirty six new compensation data points requested for the current year snapshot; and (3) nineteen additional document requests relating to both compensation and non-compensation personnel policies. These requests included, without limitation, the name, personal contact information, complete salary and job history, education, prior experience, prior salary, date of birth, and competing offers and locality for all of Google's employees as of September 1, 2015 and September 1, 2014. Attached hereto as Exhibit B is a true and correct copy of the second set of post-onsite requests.

11. In response to the new and incredibly voluminous requests, Google reasonably requested information regarding OFCCP's need for the additional information. OFCCP responded that it "was not able to let [Google] know exactly what [OFCCP] was looking at."

12. Google also requested that OFCCP at least identify the particular areas (*e.g.*, job title or job groups) where OFCCP was seeing issues (*e.g.*, gender, race or ethnicity issues). OFCCP responded that it had "no findings it was able to share," and that it would not limit the scope of its requests in any way whatsoever.

13. On June 17, 2016, Google again requested further information regarding OFCCP's new requests. OFCCP flatly responded that "at this stage of the Compliance Evaluation, OFCCP is unable to share any preliminary findings or internal analyses." Attached hereto as Exhibits C and D are true and correct copies of Google's June 17, 2016 correspondence to OFCCP and OFCCP's June 23, 2016 response.

14. On June 30, 2016, Google wrote to OFCCP requesting a teleconference to address Google's concerns regarding the new requests. Attached hereto as Exhibit E is a true and correct copy of Google's June 30, 2016 correspondence to OFCCP.

15. On September 2, 2016, Google supplemented its disclosures, set forth a schedule for additional supplemental disclosures, and listed those items it remained unable to produce due to OFCCP's failure to provide any reasonable basis for their disclosure. Google again requested any basis that would justify the additional disclosures. OFCCP failed to provide such justification. Attached hereto as Exhibit F is a true and correct copy of Google's September 2, 2016 correspondence to OFCCP.

16. On or about September 16, 2016, OFCCP issued a Notice to Show Cause. Attached hereto as Exhibit G is a true and correct copy of the Notice to Show Cause with accompanying exhibits.

17. On September 19, 2016, OFCCP sent to Google an Amended Attachment C to the Notice to Show Cause. Attached hereto as Exhibit H is a true and correct copy of a September 19, 2016 e-mail from OFCCP with accompanying Amended Attachment C.

18. On October 19, 2016, Google submitted its response to OFCCP's Notice to Show Cause and amendment thereto. Attached hereto as Exhibit I is a true and correct copy of Google's October 19, 2016 response.

19. On November 29, 2016, the parties held a teleconference regarding the Notice to Show Cause and Google's response thereto.

20. During this teleconference, OFCCP continued to refuse to provide any legitimate basis for any of the requests that are at issue in this proceeding, and demanded that Google set forth its position with respect to OFCCP's requests for information.

21. On December 6, 2016, Google submitted a letter to OFCCP summarizing the parties' November 29, 2016 teleconference, providing a list of items Google already had produced or agreed to produce, and stating that Google would consider producing the items that are at issue

in this proceeding provided “OFCCP complies with its obligations under 41 C.F.R. § 60-1.43 and the standards for the issuance of an administrative subpoena. Attached hereto as Exhibit J is a true and correct copy of Google’s December 6, 2016 correspondence.

22. During the course of the compliance review and in this proceeding, OFCCP has never provided Google or this Court with any legitimate basis upon which it contends the Subject Demands are relevant. *See* Exhibits B through I; *see also* Plaintiff’s Complaint, the February 1, 2017 Declaration of Agnes Huang in Support of Plaintiff’s Response to Defendant’s Motion to Remove the Complaint from the Expedited Calendar or Permit Discovery, the February 3, 2017 Declaration of Marc Pilotin in Support of Plaintiff’s Response to Defendant’s Motion to Remove the Complaint from the Expedited Calendar or Permit Discovery, and the February 7, 2017 Declaration of Marc Pilotin In Support of Plaintiff’s Motion for Summary Judgment.

23. Google has never refused to produce responses to the Subject Demands, but asked OFCCP to comply with its obligations under the Fourth Amendment, Executive 11246 and its implementing regulations and/or OFCCP’s own policies and procedures before doing so, and stated that “we understand and do not object at this time to the fact that the Agency will not provide its actual analyses.” *See* Exhibits C, E, F, I and J.

24. Google already has provided OFCCP with over 65 items of compensation data and other factors for its over 21,000 corporate headquarters employees as of September 1, 2015, in addition to all compensation policies and procedures related to such compensation.

25. In sum, Google already has produced *in excess of 1,310,000* items of compensation data for its over 21,000 employees as of September 1, 2015 to OFCCP.

26. This enormous volume of data represents far more than necessary for the Agency to run robust multiple regression analyses for this population.

27. In total, Google has provided complete responses to well in excess of 90% of OFCCP's administrative subpoena requests.

28. OFCCP's requests that are the subject of this case seek the following: (1) the name, home telephone number, home address, personal e-mail and all other contact information for over 21,000 Google employees in its corporate headquarters AAP as of September 1, 2015, *without any limitation*; (2) the complete job and salary history from the founding of Google in 1998 to the present for over 21,000 Google employees in its corporate headquarters AAP as of September 1, 2015, *without any limitation*; (3) the name, home telephone number, home address, personal e-mail and all other contact information for over 19,500 Google employees in its corporate headquarters AAP as of September 1, 2014, *without any limitation*; (4) the complete job and salary history from the founding of Google in 1998 to the present for over 19,500 Google employees in its corporate headquarters AAP as of September 1, 2014, *without any limitation*; and (5) a second compensation snapshot, including the over 65 compensation data points previously requested, including OFCCP's unmoored request for "any other factors related to compensation," for over 19,500 Google employees in its corporate headquarters AAP as of September 1, 2014, *without any limitation*.

29. Upon information and belief, these unlimited demands require the provision of massive amounts of *additional* items of data related to compensation from the President and CEO of Google to the lowest paid non-exempt staff employee.

30. Faced with these overbroad requests, Google reasonably offered to provide the Agency with the personal contact information of any employee OFCCP wished to question if there were a necessary rationale for such information that overrides Google's privacy concerns and that cannot be accomplished without such information, as well as the complete salary and job history,

within the scope of OFCCP's limitations on the period of review, of any employees or groups of employees for whom the Agency identified potential compensation issues. *See* Exhibits C, E, F, I and J.

31. OFCCP rejected Google's reasonable efforts. *See* Exhibits C through J; *see also* Plaintiff's Complaint and the February 1, 2017 Declaration of Agnes Huang in Support of Plaintiff's Response to Defendant's Motion to Remove the Complaint from the Expedited Calendar or Permit Discovery.

32. OFCCP's failure to sufficiently limit the Subject Demands stands in sharp contrast to Google's enforcement approach relating to Google's applicant and hire data for the prior year under review.

33. OFCCP initially asked Google to provide the applicant and hire logs for all 54 job groups in Google's corporate headquarters AAP from September 1, 2014 to August 31, 2015. True and correct copies of e-mails showing OFCCP's initial request for applicant flow data for all job groups, and Google's request that it be narrowed, are attached hereto as Exhibit K.

34. Google requested that the Agency limit its requests further. *See* Exhibit K.

35. OFCCP agreed to do so by limiting, for the time being, its applicant/hire data request to only 25 job groups. True and correct copies of e-mails evidencing OFCCP's narrowing of its applicant flow request are attached hereto as Exhibit L.

36. OFCCP has articulated no evidence that Google has or would retaliate or take any adverse action against any employee for participating in an interview with OFCCP, nor is Google aware of any such actions.

37. OFCCP failed to follow its procedures when it requested data beyond the maximum two two-year investigation period.

38. OFCCP failed to follow its procedures when it requested a second compensation snapshot as of September 1, 2014 without finding special circumstances or exceptions.

39. OFCCP has articulated no evidence that Google is ensuring that its employees will not talk directly to OFCCP, nor is Google aware of any such actions.

40. Google repeatedly informed OFCCP in writing regarding the “unduly burdensome” nature of the “the massive amount of data” sought by the request for unlimited job and salary history data and the second compensation data snapshot. *See Exhibits C, E, F, I and J.*

41. The compliance evaluation has not been delayed, as Google already has produced, and continues to produce, to OFCCP massive amounts of information and data unrelated to the Subject Demands during the course of this proceeding.

42. Google never consented to the Subject Demands.

43. Google never waived its rights under the *Fourth Amendment*.

44. The names, home addresses, home telephone numbers and personal e-mails for all of Google’s employees in its corporate headquarters affirmative action plan (“AAP”) as of September 1, 2015 and/or September 1, 2014 is not limited at all or is insufficiently limited and/or is not relevant in purpose.

45. The complete job and salary history of all of Google’s employees in its corporate headquarters affirmative action plan as of September 1, 2015 and/or September 1, 2014 is not limited at all and/or is insufficiently limited, is not relevant in purpose and/or is unreasonably burdensome.

46. A second compensation snapshot, for the over 19,500 Google employees in its corporate headquarters AAP as of September 1, 2014 is not limited at all and/or is insufficiently limited, is not relevant in purpose and/or is unreasonably burdensome.

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
23<sup>rd</sup> day of February 2017.

  
MATTHEW J. CAMARDELLA, ESQ.  
58 South Service Road, Suite 250  
Melville, New York 11747  
631-247-0404

CERTIFICATE OF SERVICE

I hereby certify that on this 23 day of February, 2017, I caused a true and correct copy of the foregoing Declaration of Matthew J. Camardella, Esq. In Support of Defendant's Opposition to Plaintiff's Motion for Summary Judgment to be served by sending a copy of same via U.S. Mail and e-mail to:

Ian Eliasoph, Esq.  
Counsel for Civil Rights  
Office of the Solicitor  
U.S. Department of Labor  
90 7<sup>th</sup> Street, Suite 3-700  
San Francisco, CA 94103  
Eliasoph.Ian@dol.gov

Marc A. Pilotin, Esq.  
Office of the Solicitor  
U.S. Department of Labor  
90 7<sup>th</sup> Street, Suite 3-700  
San Francisco, CA 94103  
Pilotin.Marc.A@dol.gov



ANTONIO C. RAIMUNDO, ESQ.

EXHIBIT A

U.S. Department of Labor

Office of Federal Contract Compliance Programs  
San Jose District Office  
96 North 3<sup>rd</sup> Street, Suite 410  
San Jose, CA 95112-7709



VIA CERTIFIED MAIL  
7001 1140 0000 5048 9833  
RETURN RECEIPT REQUESTED

OMB NO. 1250-0003  
Expires March 31, 2016

September 30, 2015

Sundar Pichai  
CEO  
Google, Inc.  
1600 Amphitheatre Parkway  
Mountain View, CA 94043-1351

Dear Mr. Pichai:

The U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), selected your facility located at 1600 Amphitheatre Parkway, Mountain View, California for a compliance evaluation. We are conducting this compliance evaluation under the authority of Executive Order 11246, Section 503 of the Rehabilitation Act of 1973,<sup>1</sup> the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974<sup>2</sup> and their implementing regulations in 41 CFR Chapter 60.<sup>3</sup> In addition to determining your compliance with these authorities, we will also verify your compliance with the regulations issued by the Veterans' Employment and Training Service (VETS) requiring contractors covered under Section 4212 to file an annual report on their employment and hiring of protected veterans.<sup>4</sup>

A compliance evaluation is initiated as a compliance review. The compliance review may progress in three phases: a desk audit, an on-site review, and an off-site analysis. OFCCP describes the phases of a compliance review in its regulations at 41 CFR Chapter 60.<sup>5</sup> For the desk audit, please submit the following information:

1. a copy of your current Executive Order Affirmative Action Program (AAP) prepared in accordance with the requirements of 41 CFR § 60-1.40, and 41 CFR § 60-2.1 through § 60-2.17;
2. a copy of your current Section 503 and Section 4212 AAPs prepared in accordance with the requirements of 41 CFR § 60-741.40 through § 60-741.44 and 41 CFR § 60-300.40 through § 60-300.44, respectively; and

<sup>1</sup> 29 U.S.C. § 793 (2006).

<sup>2</sup> 38 U.S.C. § 4212 (2006).

<sup>3</sup> E.O. 11246, *as amended*, 3 CFR 339 12319 (1965); Section 503 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. 793 (2006); Vietnam Era Veterans' Readjustment Assistance Act of 1974, *as amended*, 38 U.S.C. 4212 (2006).

<sup>4</sup> The VETS regulations require Federal contractors to submit either or both the VETS-100 and the VETS-100A Federal Contractor Report on Veterans' Employment. See 41 CFR § 61-300.10.

<sup>5</sup> 41 CFR §§ 60-1.20(a), 60-300.60(a), and 60-741.60(a).

3. the support data specified in the enclosed Itemized Listing.

Please submit your AAPs and the support data specified in the enclosed Itemized Listing to the address listed on page one of this letter as soon as possible, but no later than 30 days from the date you receive this letter. Pursuant to 41 CFR § 60-1.12(e), failure to preserve complete and accurate records constitutes non-compliance with your obligations as a Federal contractor or subcontractor. Once the evaluation begins, you are required to maintain all personnel and employment records described in the regulations enforced by OFCCP until the final disposition of the evaluation.<sup>6</sup>

We encourage you to submit your information in an electronic format to reduce the amount of time it takes to complete our evaluation of your establishment. Should you opt to email your submissions, use email address [smith.gregory@dol.gov](mailto:smith.gregory@dol.gov).

You should be aware that OFCCP may initiate enforcement proceedings if you fail to submit AAPs and support data that represent a reasonable effort to meet the requirements of the regulations in 41 CFR Chapter 60.

Rest assured that OFCCP considers the information you provide in response to this Scheduling Letter as sensitive and confidential. Therefore, any disclosures we may make will be consistent with the provisions of the Freedom of Information Act.<sup>7</sup>

Please contact Gregory Smith at (408) 283-5484 if you have any questions concerning the compliance evaluation.

Sincerely,



Gregory Smith  
District Director

Enclosure (1)  
Itemized Listing

Cc: Scott Williamson (via mail and email: [scwilliamson@google.com](mailto:scwilliamson@google.com))  
Compliance Program Manager

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<sup>6</sup> 41 CFR §§ 60-1.12(a), 60-300.80(a), and 60-741.80(a).

<sup>7</sup> 41 CFR § 60-1.20(g); Freedom of Information Act, *as amended*, 5 U.S.C. § 552 (2009).

## ITEMIZED LISTING

### Executive Order 11246

1. An organizational profile prepared according to 41 CFR § 60-2.11.
2. The formation of job groups (covering all jobs) consistent with criteria given in 41 CFR § 60-2.12.
3. For each job group, a statement of the percentage of minority and female incumbents as described in 41 CFR § 60-2.13.
4. For each job group, a determination of minority and female availability that considers the factors given in 41 CFR § 60-2.14(c)(1) and (c)(2).
5. For each job group, the comparison of incumbency to availability as explained in 41 CFR § 60-2.15.
6. Placement goals for each job group in which the percentage of minorities or women employed is less than would be reasonably expected given their availability as described in 41 CFR § 60-2.16.

### Section 503

7. Results of the evaluation of the effectiveness of outreach and recruitment efforts that were intended to identify and recruit qualified individuals with disabilities (IWDs) as described in 41 CFR § 60-741.44(f).
8. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR § 60-741.44(h).
9. Documentation of the computations or comparisons described in 41 CFR § 60-741.44(k) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, provide the information for at least the first six months of the current AAP year.
10. The utilization analysis evaluating the representation of IWDs in each job group, or, if appropriate, evaluating the representation of IWDs in the workforce as a whole, as provided in 41 CFR § 60-741.45. If you are six months or more into your current AAP year on the date you receive this listing, please also submit information that reflects current year progress.

Section 4212 (VEVRAA)

11. Results of the evaluation of the effectiveness of outreach and recruitment efforts that were intended to identify and recruit qualified protected veterans as described in 41 CFR § 60-300.44(f).

12. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR § 60-300.44(h).

13. Documentation of the computations or comparisons described in 41 CFR § 60-300.44(k) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, provide the information for at least the first six months of the current AAP year.

14. Documentation of the hiring benchmark adopted, the methodology used to establish it if using the five factors described in § 60-300.45(b)(2). If you are six months or more *into your current AAP year on the date you receive this listing*, please also submit information that reflects current year results.

Support Data

15. Copies of your Employer Information Report EEO-1 (Standard Form 100 Rev.) for the last three years.<sup>8</sup>

16. A copy of your collective bargaining agreement(s), if applicable. Include any other documents you prepared, such as policy statements, employee notices or handbooks, etc. that implement, explain, or elaborate on the provisions of the collective bargaining agreement.

17. Information on your affirmative action goals for the immediately preceding AAP year and, where applicable (see below), progress on your goals for the current AAP year.<sup>9</sup>

For the immediately preceding AAP year, this report must include information that reflects:

- a. job group representation at the start of the AAP year, (i.e., total incumbents, total minority incumbents, and total female incumbents);

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<sup>8</sup> 41 CFR § 60-1.7.

<sup>9</sup> 41 CFR § 60-1.12(a), 41 CFR § 60-2.1(c) and 41 CFR § 60-2.16.

- b. the percentage placement rates (% goals) established for minorities and women at the start of the AAP year; and
- c. the actual number of placements (hires plus promotions) made during the AAP year into each job group with goals (i.e., total placements, total minority placements, and total female placements. For goals not attained, describe the specific good faith efforts made to achieve them.

If you are six months or more into your current AAP year on the date you receive this listing, please also submit information that reflects progress on goals established in your current AAP year, and describe your implementation of action-oriented programs designed to achieve these goals.<sup>10</sup>

18. Data on your employment activity (applicants, hires, promotions, and terminations) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, provide the information in (a) through (c) below for at least the first six months of the current AAP year. You should present this data by job group (as defined in your AAP) or by job title.<sup>11</sup>

- a. Applicants and Hires: For each job group or job title, this analysis must consist of the total number of applicants and the total number of hires, as well as the number of African-American/Black, Asian/Pacific Islander, Hispanic, American Indian/Alaskan Native, White, and the number of female and male applicants and hires. For each job group or job title applicants for whom race and/or sex is not known, should be included in the data submitted

However, if some of your job groups or job titles (most commonly, entry-level) are filled from the same applicant pool, you may consolidate your applicant data (but not hiring data) for those job groups or titles. For example, where applicants expressly apply for or would qualify for a broad spectrum of jobs (such as "Production," "Office," etc.) that includes several job groups, you may consolidate applicant data.

- b. Promotions: For each job group or job title, provide the total number of promotions by gender and race/ethnicity.<sup>12</sup> Also, include a definition of "promotion" as used by your company and the basis on which they were compiled (e.g. promotions to the job group, from and/or within the job group, etc.). If it varies for different segments of your workforce, please

<sup>10</sup> 41 CFR § 60-1.12 and 41 CFR § 60-2.17(c).

<sup>11</sup> 41 CFR § 60-1.12, 41 CFR § 60-2.11-12, 41 CFR § 60-2.17(b)(2)and(d)(1), and 41 CFR §§ 60-3.4 and 3.15.

<sup>12</sup> The term "race/ethnicity" as used throughout the Itemized Listing includes these racial and ethnic groups: African-American/Black, Asian/Pacific Islander, Hispanic, American Indian/Alaskan Native, and White.

define the term as used for each segment. If you present promotions by job title, include the department and job group from which and to which the person(s) was promoted.

- c. Terminations: For each job group or job title, provide the total number of employee terminations by gender and race/ethnicity. When presenting terminations by job title, include the department and job group from which the person(s) terminated.

19. Employee level compensation data for all employees (including but not limited to full-time, part-time, contract, per diem or day labor, temporary) as of the date of the workforce analysis in your AAP. Provide gender and race/ethnicity information and hire date for each employee as well as job title, EEO-1 Category and job group in a single file.<sup>13</sup> Provide all requested data electronically, if maintained in an electronic format. See Note 1, below.

- a. For all employees, compensation includes base salary and or wage rate, and hours worked in a typical workweek. Other compensation or adjustments to salary such as bonuses, incentives, commissions, merit increases, locality pay or overtime should be identified separately for each employee.
- b. You may provide any additional data on factors used to determine employee compensation, such as education, past experience, duty location, performance ratings, department or function, and salary level/band/range/grade.
- c. Documentation and policies related to compensation practices of the contractor should also be included in the submission, particularly those that explain the factors and reasoning used to determine compensation.

20. Copies of reasonable accommodation policies, and documentation of any accommodation requests received and their resolution, if any.

21. Your most recent assessment of your personnel processes, as required by 41 CFR § 60-300.44(b) and § 60-741.44(b), including the date the assessment was performed, any actions taken or changes made as a result of the assessment, and the date of the next scheduled assessment.

22. Your most recent assessment of physical and mental qualifications, as required by 41 CFR § 60-300.44(c) and § 60-741.44(c), including the date the assessment was performed, any actions taken or changes made as a result of the assessment, and the date of the next scheduled assessment.

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<sup>13</sup> 41 CFR § 60-2.17(b)(3) and (d).

## NOTES

NOTE 1: If any of the requested information is computerized, you must submit it in an electronic format that is complete, readable, and useable. Please use caution when submitting large electronic files. Check with the OFCCP Compliance Officer and your system administrator to ensure adherence to administrative and system guidelines.

Note 2: According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1250-0003. We estimate that the average time required to complete this information collection is 27.9 hours per response, including the time for evaluating instructions, searching existing data sources, gathering and maintaining the data needed, and completing and evaluating the collection of information.

Send any comments concerning this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

# EXHIBIT B

U.S. Department of Labor

Office of Federal Contract  
Compliance Programs  
Los Angeles District Office  
1640 S. Sepulveda Blvd., Suite 440  
Los Angeles, CA 90025



VIA EMAIL

June 1, 2016

Mr. Daniel Duff  
Attorney At Law  
Jackson Lewis P.C.  
58 S. Service Road, Suite 250  
Melville, NY 11747

Re: Google Corporation - Mountain View, California

Dear Mr. Duff:

Thank you for the opportunity to gain further insight into Google's personnel practices. As we continue with the compliance review process additional data will be requested as necessary.

At this time, we are requesting the addition of specific data factors to the existing compensation database, as well as copies of specific documents and records. Please find our request detailed in the attachment below.

This data must be provided to the agency by June 22, 2016. If there are any questions, please contact us. Thank you.

A handwritten signature in black ink, appearing to read "Agnes Huang".

Agnes Huang  
Assistant District Director

cc: Scott Williamson, Integrity Program Manager ([scwilliamson@google.com](mailto:scwilliamson@google.com))

## ATTACHMENT

### Compensation Factors to be added to Existing Database

- Bonus Earned
- Bonus Period Covered
- Campus Hire or Industry Hire
- Competing Offer
- Current Compa Ratio
- Current Job Code
- Current Job Family
- Current Level
- Current Manager
- Current Organization
- Date of Birth
- Department hired into
- Education
- Equity Adjustment
- Hiring Manager
- Job History
- Locality
- Long-term incentive eligibility and grants
- Market Reference Point
- Market Target
- Name
- Performance rating for past 3 years
- Prior Experience
- Prior Salary
- Referral Bonus
- Salary History
- Short-term incentive eligibility and grants
- Starting Compa Ratio
- Starting Job Code
- Starting Job Family
- Starting Level
- Starting Organization
- Starting Position/Title
- Starting Salary
- Stock Monetary Value at award date
- Target Bonus

- Total Cash Compensation
- Any other factors related to Compensation

Compensation Database with 9/1/2014 Snapshot

Please provide a compensation database with a 9/1/2014 snapshot, including the compensation factors previously requested and the additional factors listed above.

Additional Documents/Records with Effective Dates Included

- Bonus targets for past 3 years
- Complaints filed in past 3 years (internal and external by name, race, gender, job title, manager, department, basis, and status)
- Complete, un-redacted or altered compensation policies and guidelines and training materials maintained in the course of business.
- Copy of market survey, salary survey, or industry survey used by Google to determine salary, grade, level, or other forms of pay
- Employee contact information
- Employee Guide – for Compensation, Performance Appraisals
- FMLA Policy
- Hiring / promotion / termination policies and guidelines and training materials
- Job/Pay Level Listing – Education/Experience equivalency
- Listing of all Job Families, Job Codes and positions within
- Manager Guides – for Compensation (base, merit, stock, bonus, Performance Appraisals, Hiring
- Merit algorithm or matrix for past 3 years
- New hire guideline for equity award
- Organization charts – Compensation, Global Business, People Operations (Recruiting, Staffing, etc.
- Pay Locality Guide
- Performance review policy and guidelines, and training materials
- Public Access Files and LCAs filed from 9/1/13 – 8/31/15
- Recruiter Guides – for Recruiting and Hiring
- Screenshot and instruction on GComp, Workday, Prosper and Perf

EXHIBIT C



Representing Management Exclusively in Workplace Law and Related Litigation

Jackson Lewis P.C.  
 58 South Service Road  
 Suite 250  
 Melville, New York 11747  
 Tel 631.247-0404  
 Fax 631.247-0417  
 www.jacksonlewis.com

ALBANY, NY	GREENVILLE, SC	MCBRIDE COUNTY, NJ	RALEIGH, NC
ALBUQUERQUE, NM	HARTFORD, CT	MORRISTOWN, NJ	RAPID CITY, SD
ATLANTA, GA	HONOLULU, HI*	NEW ORLEANS, LA	RICHMOND, VA
AUSTIN, TX	HOUSTON, TX	NEW YORK, NY	SACRAMENTO, CA
BALTIMORE, MD	INDIANAPOLIS, IN	NORFOLK, VA	SALT LAKE CITY, UT
BIRMINGHAM, AL	JACKSONVILLE, FL	OMAHA, NE	SAN DIEGO, CA
BOSTON, MA	KANSAS CITY REGION	ORANGE COUNTY, CA	SAN FRANCISCO, CA
CHICAGO, IL	LAS VEGAS, NV	ORLANDO, FL	SAN JUAN, PR
CINCINNATI, OH	LONG ISLAND, NY	PHILADELPHIA, PA	SEATTLE, WA
CLEVELAND, OH	LOS ANGELES, CA	PHOENIX, AZ	ST. LOUIS, MO
DALLAS, TX	MADISON, WI	PITTSBURGH, PA	STAMFORD, CT
DAYTON, OH	MEMPHIS, TN	PORTLAND, OR	TAMPA, FL
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DETROIT, MI	MINNEAPOLIS, WI	PROVIDENCE, RI	WHITE PLAINS, NY
GRAND RAPIDS, MI	MINNEAPOLIS, MN		

\*through an affiliation with Jackson Lewis P.C., a Law Corporation

June 17, 2016

VIA EMAIL (huang.agnes@dol.gov)  
PRIVILEGED & CONFIDENTIAL

Ms. Agnes Huang  
 Assistant District Director  
 United States Department of Labor  
 Office of Federal Contract Compliance Programs  
 1640 S. Sepulveda Blvd, Ste 440  
 Los Angeles, CA 90025

Re: OFCCP Compliance Evaluation: Google Mountain View Facility

Dear Assistant District Director Huang:

Thank you for your time earlier this week. As you requested, we are writing on behalf of Google Inc. ("Google" or the "Company"), to summarize the Company's concerns regarding OFCCP's June 1, 2016 post-onsite requests for additional data, information and/or documentation related to compensation in connection with the above referenced compliance evaluation.

I. Brief Summary

As discussed on our June 14, 2016 conference call, OFCCP's June 1, 2016 requests for additional information related to compensation substantially increases the scope and scale of this compliance review. Since Google already has provided a significant amount of compensation data to OFCCP, including total compensation data for all 21,114 employees within Google's Mountain View affirmative action plan as of September 1, 2015, the Company understandably wishes to better understand the basis and need for the Agency's recent requests. To date, OFCCP has not disclosed any information about what compensation issues, if any, it has identified during the first eight months of this review. This lack of transparency unreasonably prevents Google from evaluating the relevance of the Agency's requests, working collaboratively with OFCCP to identify potential alternative, more efficient means of resolving such issues, and/or determining whether any reasonable limitations might be appropriate.

We outline below in greater detail Google's concerns with OFCCP's requests and ask that OFCCP agree to be more forthcoming regarding the issues, if any, it may have identified regarding compensation. In addition, as you requested, we have categorized the Agency's requests into five different groups in the hope of facilitating future collaborative discussions about the relevance and scope of the requests.

## II. History of Audit Prior to OFCCP's Post-Onsite Data Requests

On September 30, 2015, OFCCP sent a scheduling letter to Google announcing a compliance evaluation of the Company's Mountain View facility. In accordance with the scheduling letter, Google submitted its current Executive Order 11246, Vietnam Era Veterans' Readjustment Act of 1974 and Section 503 of the Rehabilitation Act of 1973 affirmative action plans to the Agency for review. In addition, Google provided OFCCP with a complete response to Item 19 of the scheduling letter, providing 31 items of individualized compensation data for more than 21,000 employees.

OFCCP subsequently made a series of requests for additional information and documentation from Google, including, *inter alia*, a description of each item of compensation data included in the Item 19 submission, equity data for all employees, and various policies and procedures. In addition, OFCCP requested the applicant flow logs applicable to 27 of Google's job groups. Google has complied with all of these requests in full.<sup>1</sup>

In March 2016, OFCCP requested a two day onsite to interview various Google management and human resources employees regarding the Company's policies and procedures related to compensation and hiring. Google fully cooperated with the Agency during the onsite, which took place on April 27, 2016 and April 28, 2016. OFCCP interviewed numerous management and human resources officials who provided the Agency with detailed, consistent and clear descriptions of Google's hiring and compensation processes.

## III. Detailed Description of Google's Concerns with OFCCP's Post-Onsite Requests Related to Compensation

On June 1, 2016, OFCCP sent two separate post-onsite requests for additional information and documentation to Google. Google already has provided complete responses to the first set of requests, which sought additional information related to Google's hiring practices.

However, Google's concerns described in this letter relate to the second set of requests (hereinafter "the Second Set of Post-Onsite Requests") related to compensation. (For

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<sup>1</sup> OFCCP also demanded a list of the names of all 21,114 employees contained in the Item 19 submission. Google objected to this request on the basis of relevance and confidentiality. Ultimately, OFCCP agreed not to require the submission of the names, but reserved its right to revisit the issue later in the audit.

case of reference, a copy of the Second Set of Post-Onsite Requests is attached hereto as Exhibit "A.") The Second Set of Post-Onsite Requests seeks the following: (1) 36 additional data points *for each of Google's* 21,114 employees on the September 1, 2015 current year snapshot; (2) a second compensation data base for the 19,539 Google employees on the September 1, 2014 prior year snapshot, including all factors previously requested, in addition to the 36 new data points requested on June 1, 2016; (3) six additional data points *as of the current date* for all Google employees in the workforce as of September 1, 2015; and (4) 19 additional document request/records related to both compensation and non-compensation personnel policies. The Second Set of Post-Onsite Requests include, without limitation, the name, personal contact information, complete salary and job history, education, prior experience, prior salary, date of birth, competing offers, locality, and numerous other data points for *all* of Google's employees within the Mountain View AAP as of both September 1, 2015 and September 1, 2014. (See Exhibit A for a complete list of all of items contained in the Second Set of Post-Onsite Requests). All told, OFCCP's Second Set of Post-Onsite Requests would require Google to produce well in excess of *two million* items of additional data to OFCCP by a due date of June 22, 2016.

On June 14, 2016, the parties held a teleconference to discuss Google's concerns with the relevance and sheer size of the Second Set of Post-Onsite Requests. During the call, Google noted that OFCCP's requests significantly and, perhaps, unnecessarily expand the scope and scale of this compliance evaluation, notwithstanding that the Agency had yet to disclose to Google the reasons for its requests or the existence of any issues related to the substantial compensation data already provided to the Agency. Understandably, Google respectfully requested OFCCP to provide a brief, but specific, description of the potential issues it had observed in the data provided to date. OFCCP responded that it was "not able to let [us] know exactly what [the Agency was] looking at." Google then requested OFCCP to at least identify the particular areas (*e.g.*, job titles or job groups) where OFCCP was seeing issues, if any, as well as to identify the type of potential discrimination issues (*e.g.*, gender, race, ethnicity issues). OFCCP responded that it had "no findings it was able to share," and that it would not limit the scope of its request in any way.

OFCCP's decision not to share any information regarding the compensation issues it has identified is extremely disappointing and runs contrary to OFCCP's recent pronouncements encouraging transparency between the Agency and federal contractors. Moreover, OFCCP cannot expand the scope of its investigation beyond the limitations set forth in Item 19 of the current Scheduling Letter without providing a reasonable basis for doing so. Google has the right to understand the specific nature and scope of the potential issues OFCCP claims to have identified to date before it undertakes such massive disclosure. The Company cannot be expected to take on faith the Agency's mere general statement that "issues" allegedly exist, without any description whatsoever of those same issues.

Accordingly, Google respectfully requests that the Agency identify: (1) the nature and extent of the purported issues, if any, OFCCP has found in the data/information already provided to the Agency, and (2) each specific area where these potential issues are found (*e.g.*, a

list of the specific job groups, job titles, or other groupings where OFCCP purportedly has identified issues). We understand and do not object at this time to the fact that the Agency will not provide its actual analyses.

Google believes that such transparency is in the best interest of both parties. Not only is it consistent with the Agency's stated objective of fostering transparency between the Agency and contractors, but it will allow both parties to: (1) engage in a productive discourse regarding potential issues, (2) appropriately limit the investigation to areas where potential problems have been identified, (3) lessen the burden and costs of production for Google and unnecessary review by OFCCP; and (4) work to expeditiously resolve outstanding questions in a collaborative and efficient manner. Finally, open discourse facilitates a fair evaluation of the extent to which the Second Set of Post-Onsite Requests is warranted in light of any identified issues, and ensures that Google's due process and other rights are being appropriately protected.

IV. Categorization of Each Item of OFCCP's Second Set of Post-Onsite Requests

During the parties' June 14, 2016 teleconference, Google agreed to categorize each item in OFCCP's Second Set of Post-Onsite Requests into the following five groups in order to facilitate transparent discussions between the parties: (A) items irrelevant to OFCCP's investigation of compensation issues; (B) items not available or not readily available to Google and, therefore, carrying a high burden and cost of collection; (C) items needing clarification from OFCCP for Google to appropriately respond; (D) items Google already has provided to OFCCP; and (E) items Google is willing to provide to OFCCP, if available.

These categorizations are as follows:

A. Items Irrelevant to OFCCP's Investigation of Compensation Issues

- Current Compa Ratio
- Current Job Code
- Current Job Family
- Current Level
- Current Manager
- Current Organization
- Name
- Date of Birth
- Referral Bonus
- Market, Salary or Industry Surveys
- Employee Contact Information
- Public Access Files and LCAs Filed from 9/1/13 to 8/31/15

B. Items Not Available or Not Readily Available to Google and, Therefore, Carrying a High Burden and Cost of Collection<sup>2</sup>

- New Compensation Snapshot as of 9/1/2014
- Campus or Industry Hire
- Competing Offers
- Education
- Department Hired Into
- Long Term Incentive eligibility and grants
- Prior Experience
- Prior Salary
- Job and Salary History
- Equity Adjustments
- Short-Term Incentive Eligibility and Grants
- Starting Salary
- Starting Compa Ratio
- Listing of All Job Families Job Codes and Positions Within
- Hiring Manager
- Starting Job Code
- Starting Job Family
- Starting Level
- Starting Organization
- Starting Position/Title

C. Items Needing Clarification from OFCCP for Google to Appropriately Respond

- Market Target
- Screenshot and instruction on GComp, Workday, Prosper and Perf
- External/Internal Complaints Filed in Past Three Years
- Manager Guides for Compensation (Base, Merit, Stock Bonus, Performance Appraisals, Hiring)

D. Items Google Has Already Provided to OFCCP

- Bonus Earned
- Bonus Period Covered
- FMLA Policy

<sup>2</sup> Google acknowledges that if OFCCP clearly identifies specific issues with the compensation data it has submitted to OFCCP to date, that it may be appropriate for the Company to produce, to the extent available, some or all of the items listed in Section IV, Subsection B as they relate to the specific subset of employees identified by OFCCP as having been potentially impacted.

- Stock Monetary Value (Google has provided information sufficient for OFCCP to calculate a hypothetical value on the unvested stock )
- New Hire Guideline for Equity Award
- Total Cash Compensation (OFCCP can calculate from data already provided)
- Job Pay Level Listing/Education/Experience Equivalency

E. Items Google Is Willing to Provide to OFCCP, to the Extent Available and Not Already Provided

- Locality
- Market Reference Point
- Performance Ratings for Past Three Years.
- Target Bonus
- Bonus Targets for the Past Three Years
- Compensation Policies, Guidelines and Training Materials
- Employee Guide for Compensation, Performance Appraisals
- Merit Algorithm or Matrix for Past 3 Years
- Organizational Chart – Compensation, Global Business, People Operations
- Pay locality guide
- Performance Review Policy and Guidelines, and Training Materials
- Recruiter Guides – for Recruiting and Hiring

V. Conclusion

Based on the foregoing, Google respectfully requests that OFCCP review the substantial concerns the Company has outlined in detail above and provide the information related to any potential issues sought by the Company at this time. We are available to discuss this information with the Agency at its earliest convenience.

In the meantime, Google already has begun to collect the items, set forth in Section III, Subsection E above, to the extent they are available and have not already been provided, and will endeavor to produce them as soon as possible. Google will hold the remainder of OFCCP's Second Set of Post-Onsite Requests in abeyance pending the parties' future discussions regarding the issues set forth herein.



Ms. Agnes Huang  
U.S. Department of Labor  
June 17, 2016  
Page 7

We appreciate the Agency's careful consideration of these issues and trust that reasonable solutions can be identified.

Very truly yours,

JACKSON LEWIS P.C.

A handwritten signature in black ink, appearing to read "M. J. Camardella".

Matthew J. Camardella

MJC/mjr

cc: Farha Haq Haq, (via e-mail - [Haq.Farha@dol.gov](mailto:Haq.Farha@dol.gov))  
Carolyn J. Mcham-Menchyk, ([Mcham-Menchyk.Carolyn@dol.gov](mailto:Mcham-Menchyk.Carolyn@dol.gov))  
Scott Williamson ([scwilliamson@google.com](mailto:scwilliamson@google.com))

**EXHIBIT A**

U.S. Department of Labor

Office of Federal Contract  
Compliance Programs  
Los Angeles District Office  
1640 S. Sepulveda Blvd., Suite 440  
Los Angeles, CA 90025



VIA EMAIL

June 1, 2016

Mr. Daniel Duff  
Attorney At Law  
Jackson Lewis P.C.  
58 S. Service Road, Suite 250  
Melville, NY 11747

Re: Google Corporation - Mountain View, California

Dear Mr. Duff:

Thank you for the opportunity to gain further insight into Google's personnel practices. As we continue with the compliance review process additional data will be requested as necessary.

At this time, we are requesting the addition of specific data factors to the existing compensation database, as well as copies of specific documents and records. Please find our request detailed in the attachment below.

This data must be provided to the agency by June 22, 2016. If there are any questions, please contact us. Thank you.

A handwritten signature in black ink, appearing to read 'Agnes Huang'.

Agnes Huang  
Assistant District Director

cc: Scott Williamson, Integrity Program Manager ([scwilliamson@google.com](mailto:scwilliamson@google.com))

ATTACHMENT

Compensation Factors to be added to Existing Database

- Bonus Earned
- Bonus Period Covered
- Campus Hire or Industry Hire
- Competing Offer
- Current Compa Ratio
- Current Job Code
- Current Job Family
- Current Level
- Current Manager
- Current Organization
- Date of Birth
- Department hired into
- Education
- Equity Adjustment
- Hiring Manager
- Job History
- Locality
- Long-term incentive eligibility and grants
- Market Reference Point
- Market Target
- Name
- Performance rating for past 3 years
- Prior Experience
- Prior Salary
- Referral Bonus
- Salary History
- Short-term incentive eligibility and grants
- Starting Compa Ratio
- Starting Job Code
- Starting Job Family
- Starting Level
- Starting Organization
- Starting Position/Title
- Starting Salary
- Stock Monetary Value at award date
- Target Bonus

- Total Cash Compensation
- Any other factors related to Compensation

Compensation Database with 9/1/2014 Snapshot

Please provide a compensation database with a 9/1/2014 snapshot, including the compensation factors previously requested and the additional factors listed above.

Additional Documents/Records with Effective Dates Included

- Bonus targets for past 3 years
- Complaints filed in past 3 years (internal and external by name, race, gender, job title, manager, department, basis, and status)
- Complete, un-redacted or altered compensation policies and guidelines and training materials maintained in the course of business.
- Copy of market survey, salary survey, or industry survey used by Google to determine salary, grade, level, or other forms of pay
- Employee contact information
- Employee Guide – for Compensation, Performance Appraisals
- FMLA Policy
- Hiring / promotion / termination policies and guidelines and training materials
- Job/Pay Level Listing – Education/Experience equivalency
- Listing of all Job Families, Job Codes and positions within
- Manager Guides – for Compensation (base, merit, stock, bonus, Performance Appraisals, Hiring
- Merit algorithm or matrix for past 3 years
- New hire guideline for equity award
- Organization charts – Compensation, Global Business, People Operations (Recruiting, Staffing, etc.
- Pay Locality Guide
- Performance review policy and guidelines, and training materials
- Public Access Files and LCAs filed from 9/1/13 – 8/31/15
- Recruiter Guides – for Recruiting and Hiring
- Screenshot and instruction on GComp, Workday, Prosper and Perf



# EXHIBIT D

U.S. Department of Labor

Office of Federal Contract  
Compliance Programs  
Los Angeles District Office  
1649 S. Sepulveda Boulevard, Suite 440  
Los Angeles, CA 90025



VIA EMAIL

June 23, 2016

Mr. Matthew Camardella  
Attorney  
Jackson Lewis P.C.  
58 South Service Road, Suite 250  
Melville, NY 11747

Re: Google, Inc. Compliance Evaluation

Dear Mr. Camardella:

We are in receipt of your June 17, 2016 letter in which you detailed Google's concerns regarding OFCCP's June 1, 2016 request for additional information.

As discussed during our June 14, 2016 telephone conference, OFCCP has the authority to request information that is relevant to a determination of whether a contractor has complied with the requirements of the Executive Order and its accompanying regulations. Again, at this stage of the compliance evaluation, OFCCP is unable to share any preliminary findings or internal analyses. We assure you the reason is not due to "lack of transparency" or to "unnecessarily expand the scope and scale of this compliance evaluation," as you have argued. Rather, during the onsite review, OFCCP learned that it was missing critical pieces of information necessary to properly assess the data and information provided by Google.

We will address each category of documents that were outlined in your June 17 response:

**A. Items Irrelevant to OFCCP's Investigation of Compensation Issues**

All items requested in OFCCP's June 1, 2016 letter, are based on information obtained during the onsite interviews and documents provided by Google. Based on the onsite interviews with Google's compensation managers, OFCCP learned that compa ratio, market or industry surveys and job families are important factors that affect compensation—however, these were factors deemed "irrelevant" in your letter to OFCCP. A federal contractor's submission of complete, accurate, and consistent data is not voluntary; rather, it is a contractual obligation. "Where a compliance evaluation has been initiated, all personnel and employment records...are relevant until OFCCP makes a final disposition of the evaluation." (41 CFR §60-1.12). Given the disclosure by Google managers of factors important to compensation, we do not agree with your position that providing the data items requested are irrelevant to this review.

B. Items Not Available or Not Readily Available to Google and, Therefore, Carrying a High Burden and Cost of Collection

According to interviews conducted onsite, most of the compensation factors requested by the agency are stored electronically. For instance, Ms. Soo Jin Park, HCM Project Manager, stated that Workday contains job history and compensation history. Additionally, Mr. Ionas Porges-Kiriakou, Product Manager for People View, stated that gHire contains the applicant's resume. Mr. Frank Wagner stated that prior pay for new hire would be the type of information recruiters obtain and it may be stored in the applicant tracking system. Mr. Porges-Kiriakou further explained that reports are created "by writing SQL code for fields in the reporting system by way of a query and it produces a report." Given that we are requesting electronically stored data and there are reporting functions available that will eliminate the need for manual data entry, we do not agree with your position that providing the data carries a high burden and cost of production. Google must indicate, with specificity, the burden or cost of our information request.

C. Items Needing Clarification from OFCCP for Google to Appropriately Respond

- Market target: Please confirm whether market target is equivalent to market reference point. If so, we will retract this item.
- Screenshot and instruction on use of gComp, Workday, Prosper and Perf: Please provide screenshots showing how the data is stored. Please also provide user instructions for each system.
- External/Internal Complaints Filed in Past Three Years: Please provide all EEO complaints filed in past three years (internal and external by name, race, gender, job title, manager, department, basis and status).
- Manager Guides for Compensation (Base, Merit, Stock Bonus, Performance Appraisals, Hiring): Onsite interviews indicate Google created online guides for managers on these topics. We are requesting copies of the guides.

D. Items Google Has Already Provided to OFCCP

We will retract our request for:

- Bonus Earned
- Bonus Period Covered
- FMLA Policy

These items have not been provided:

- Stock Monetary Value: Google has provided information sufficient for OFCCP to calculate a hypothetical value on the unvested stock. However, Mr. Frank Wagner stated in his interview that Google "knows the value of the stock at the time of award." We are asking for actual value instead of hypothetical value because the data is known.
- New Hire Guideline for Equity Award: We were provided with a prepared narrative instead of actual guidelines. We are asking for the actual guidelines.
- Total Cash Compensation: Please provide the total compensation that includes base, bonus, equity, and other financial incentives.

- Job Pay Level Listing/Education/Experience Equivalency: Please provide policies/guidelines for new hires listing each pay level and the education/years of experience associated with each level.

Google cannot place a condition on its compliance with its federal obligations in exchange for disclosure of OFCCP's preliminary findings. Such condition from a contractor would constitute a denial of access in violation of 41 CFR §60-1.43, §60-300.81 and §60-741.81. Since 2007, Google has been the subject of five OFCCP compliance evaluations and has received over \$141 million dollars in federal contracts. During the course of this review alone, Google has been the recipient of over \$29 million dollars in federal contracts. By entering into a covered contract with the federal government and accepting taxpayer dollars, Google voluntarily agreed to the scope of any compliance evaluation of its headquarters' establishment. (41 CFR §60-2.1).

OFCCP will make every effort to take Google's concerns into consideration and engage in productive dialogue where possible. However, Google cannot engage in denial of access as a strategy to compel OFCCP to limit the scope of its review. The record of this review reflects that OFCCP has been reasonable in its prior requests and has narrowed the scope of information requests where possible.

As such, OFCCP is renewing its June 1, 2016 request with the addition of "Section D" and "Section E" which detail additional applicant flow data and information that is being requested.

In an effort to avoid issuance of a Show Cause Notice, please submit all information detailed in the attachment by COB, July 1, 2016. Thank you.

Sincerely,



Agnes Huang  
Assistant District Director

cc: Daniel Duff, Attorney, Jackson Lewis P.C (daniel.duff@jacksonlewis.com)  
Scott Williamson, Integrity Program Manager, Google, Inc. (scwilliamson@google.com)

ATTACHMENT

- A. Compensation Factors to be added to Existing Database
- Campus Hire or Industry Hire
  - Competing Offer
  - Current Compa Ratio
  - Current Job Code
  - Current Job Family
  - Current Level
  - Current Manager
  - Current Organization
  - Date of Birth
  - Department hired into
  - Education
  - Equity adjustment
  - Hiring Manager
  - Job History
  - Locality
  - Long-term incentive eligibility and grants
  - Market Reference Point
  - Market Target
  - Name
  - Performance Rating for past 3 years
  - Prior Experience
  - Prior Salary
  - Referral Bonus
  - Salary History
  - Short-term incentive eligibility and grants
  - Starting Compa Ratio
  - Starting Job Code
  - Starting Job Family
  - Starting Level
  - Starting Organization
  - Starting Position/Title
  - Starting Salary
  - Stock Monetary Value at award date
  - Target Bonus
  - Total Cash Compensation
  - Any other factors related to compensation

**B. Compensation Database with 9/1/2014 Snapshot**

Please provide a compensation database with a 9/1/2014 snapshot, including the compensation factors previously requested and the additional factors listed above.

**C. Additional Data with Effective Dates Included**

- Bonus targets for the past three years
- Complaints filed in the past three years (internal and external by name, race, gender, job title, manager, department, basis and status)
- Complete, un-redacted or altered compensation policies and guidelines and training materials maintained in the course of business
- Copy of market survey, salary survey, or industry survey used by Google to determine salary, grade, level, or other forms of pay
- Employee contact information
- Employee Guide – for Compensation, Performance Appraisals
- Hiring / promotion / termination policies and guidelines and training materials
- Job/Pay Level Listing – Education/Experience equivalency
- Listing of all Job Families, job codes, and positions within
- Manager Guides – for Compensation (base, merit, stock, bonus, performance appraisals, hiring)
- Merit algorithm or matrix for past three years
- New hire guideline for equity award
- Organization charts – Compensation, Global Business, People Operations (Recruiting, Staffing, etc.)
- Pay Locality Guide
- Performance review policy and guidelines, and training materials
- Public Access Files and LCAs filed during 9/1/2013 – 8/31/2015
- Recruiter Guides – for Recruiting and Hiring
- Screenshot and instruction on gComp, Workday, Prosper and Perf

**D. Applicants/Hires Database for Job Groups 211-216 only**

Please add the following columns of data onto the existing applicant flow logs for all applicants in job groups 211-216:

- Department applied to
- Department hired into (if hired)
- Education
- Job Family
- Job Function
- Prior relevant work experience
- Requisition applied to
- Requisition hired into (if hired)

**E. Interview Notes**

- Please submit all applicant interview notes for job groups 211-216.

EXHIBIT E

**jacksonlewis**  
Attorneys at Law

Jackson Lewis P.C.  
88 South Service Road  
Suite 250  
Melville, New York 11747  
Tel 631 247-0404  
Fax 631 247-0417  
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DETROIT, MI	MILWAUKEE, WI	PROVIDENCE, RI	WHITE PLAINS, NY
GRAND RAPIDS, MI	MINNEAPOLIS, MN		

\*through an affiliation with Jackson Lewis P.C., a Law Corporation

June 30, 2016

VIA EMAIL (suhr.jane@dol.gov)  
PRIVILEGED & CONFIDENTIAL

Ms. Jane Suhr  
Deputy Regional Director  
United States Department of Labor  
Office of Federal Contract Compliance Programs  
90 7th Street  
Suite # 18-300  
San Francisco, CA 94103-1516

Re: Re: OFCCP Compliance Evaluation: Google  
Mountain View Facility

Dear Deputy Regional Director Suhr:

On behalf of Google Inc. ("Google" or the "Company"), we are writing in response to OFCCP's June 23, 2016 letter in connection with the above-referenced compliance review.<sup>1</sup>

As described in detail below, Google repeatedly has expressed its concerns, both orally and in writing, regarding the Agency's ongoing refusal to provide *any* meaningful information to the Company regarding its preliminary findings related to compensation in this compliance evaluation. Without this information, Google cannot properly evaluate OFCCP's extraordinarily broad and burdensome data and information requests sent on June 1, 2016. Moreover, failing to share such information deprives OFCCP and the Company of the opportunity to engage in a collaborative and open dialogue regarding alternative, yet sensible means of providing OFCCP the information it needs to conduct its compliance evaluation.

Accordingly, we write not only to respond to OFCCP's June 23, 2016 correspondence, but to request a teleconference with the Regional Office at its earliest convenience in an attempt to find a way to address the Company's concerns while preserving the Agency's ability to effectively evaluate Google.

<sup>1</sup> Copies of all correspondence referred to in this letter are attached hereto as Exhibit "A."

I. OFCCP's Erroneous Citations to Regulatory Provisions

In its June 23, 2016 correspondence, OFCCP first cites to 41 C.F.R. § 60-1.12 as justification for its data and information requests. However, § 60-1.12 is simply a record retention provision. It governs the types of records that a contractor must maintain, not what a contractor may have to produce during a compliance review. OFCCP also cites to 41 C.F.R. § 60-2.1 which addresses the scope and application of the requirement to prepare an Executive Order AAP for certain contractors. Since Google prepares AAPs in accordance with this section, we do not understand the relevance of this reference.

More appropriately, OFCCP later cites to 41 C.F.R. §§ 60-1.43, 60-300.81, 60-741.81 for a contractor's obligations to produce records during a compliance evaluation. However, contrary to OFCCP's position, these sections do not allow OFCCP to request anything the Agency wishes during a compliance evaluation. To the contrary, these sections make clear that Agency requests are subject to reasonable boundaries. Specifically, § 60-1.43 provides in pertinent part that "[e]ach contractor shall permit the inspecting and copying of such books and account and records, including computerized records, and other material *as may be relevant to the matter under investigation and pertinent to compliance* with [Executive Order 11246]."<sup>2</sup> In taking the position that the Agency has the unfettered right to any data or records a contractor may possess during a compliance review, regardless of the need for such information, OFCCP renders this standard meaningless.

While Google does not claim to be the final arbiter of what records are both relevant and pertinent, the Company does have the right to determine if it believes the regulatory standards of relevance and pertinence have been satisfied. By refusing to share the underlying basis for its requests, OFCCP leaves Google with the choice of blindly accepting that the Agency's burdensome requests related to *everyone* in its over 21,000 employee workforce in scope for this compliance evaluation are reasonable and consistent with due process, or risk the issuance of the notice to show cause the Agency has threatened if Google does not fully comply with all of its requests by July 1, 2016.

Furthermore, Google simply does not understand why OFCCP would not act in a forthcoming and transparent manner. We fail to see any benefit the Agency derives from hiding the basis for its information requests. To the contrary, by unilaterally deciding not to share the basis for its requests, OFCCP appears to (1) run afoul of the very regulations OFCCP cites to support its position not to provide such information; (2) remove the ability to collaborate with Google to find the most effective and efficient manner of producing information needed to complete the current compliance review; (3) violate the Company's due process rights to be free from unreasonable searches and seizures; and (4) contradict recent statements from National Office officials calling for more open and transparent dialogue between OFCCP and contractors.

<sup>2</sup> §§ 60-300.81 and 60-741.81 contain similar language as it relates to reviews conducted pursuant to Section 503 and VEVRAA, respectively.

II. Further Explanation of the Grossly Burdensome Nature of Many of OFCCP's Requests

In its June 23, 2016 correspondence, OFCCP asks Google to further explain how its requests are overly burdensome. We do so below.

First, as stated in Google's June 17, 2016 correspondence, OFCCP seeks (1) 36 additional data points *for each of Google's 21,114 employees* as of the September 1, 2015 current year snapshot; (2) a second compensation data base for the 19,539 Google employees on the September 1, 2014 prior year snapshot, including all factors previously requested and the 36 new data points requested on June 1, 2016; and (3) six additional data points *as of the current date* for all Google employees in the workforce as of September 1, 2015. Accordingly, as indicated previously, OFCCP's Second Set of Post-Onsite Requests would require Google to produce well in excess of *two million* items of additional data by a due date of July 1, 2016.<sup>3</sup>

Second, OFCCP's vague and inaccurate references to purported statements made by Google representatives at the on-site in no way lessens the overly burdensome nature of OFCCP's requests. The Agency's statement that "most of the compensation factors are stored electronically" ignores the fact that a massive amount of the information requested by OFCCP is contained in hard copy documents that are merely scanned into Google's systems for recordkeeping purposes. For example, while gHire contains resumes and notes from applicants, the data that OFCCP has requested is contained within these documents, such as education, prior experience, competing offers, prior salary, etc., are not contained in unique data fields within gHire. Mr. Porges-Kirakou's statement regarding reports that may be created by "writing SQL code for fields in the reporting system by way of a query" refers only to running queries for *actual preexisting data fields* in gHire (e.g., date of hire). It does not refer to any process to somehow pull the data OFCCP seeks from scanned documents. Similarly, Frank Wagner's purported statement that prior pay for new hires "would be the type of information recruiters obtain and it *may* be stored in the ATS" in no way suggests that electronic queries can be run to obtain this data. The fact that recruiters *may* inquire into prior pay of applicants, and that such information *may* be recorded in notes that are scanned into and maintained in gHire, does not in any manner "eliminate the need for manual data entry" as OFCCP erroneously concludes.

Contrary to the Agency's mistaken belief, a significant portion of the data OFCCP has requested is not kept in unique data fields within Google's systems. The Company would need to manually pull such data from its systems, tabulate them, and enter them into a data base. For example, data requiring manual review and entry for employees on the September 1, 2015 and September 1, 2014 snapshot include:

<sup>3</sup> This figure does not even include the millions of additional items of data and documentation requested by OFCCP in its June 23, 2016 correspondence related to over 235,000 applicants, including each applicant's prior experience and education, in Job Groups 211, 212, 213, 214, 215 and 216. OFCCP has provided Google a mere seven days to produce this additional data.

- **Competing Offer:** Would require a manual review of notes that would need to be pulled from gHire for each of the over 21,000 employees to determine what, if anything, was noted regarding competing offers, and then entry of same into a database. Assuming an average of 10 minutes per employee to pull, review and enter the information, this would take 3,500 hours.
- **Education:** Would require a manual review of resumes and notes that would need to be pulled from gHire for each of the over 21,000 employees to determine level of education achieved, and then entry of same into a database. Assuming an average of 10 minutes per employee to pull, review and enter the information, this would take 3,500 hours.
- **Prior Experience:** Would require a manual review of resumes and notes from gHire for each for each of the over 21,000 employees, in addition to the manual calculation of total prior experience from the job history section of each resume or from the notes, and then entry of same into a database. Assuming an average of 20 minutes per employee to make these calculations and enter them into a database, this would take 7,000 hours.
- **Prior Salary:** Would require a manual review of notes from gHire for each for each of over 21,000 employees to determine the prior salary, if provided, and then entry of same into a database. Assuming an average 10 minutes per employee for review and entry of the information obtained from the notes, this would take 3,500 hours.

As another example, data requiring manual review and entry for the over 235,000 applicants to Job Groups 211, 212, 213, 214, 215 and 216 include:

- **Education:** Would require a manual review of resumes and notes that would need to be pulled from gHire for each of over 235,000 employees to determine education and enter into a database. Assuming an average of 10 minutes per applicant to pull, review and enter the information, this would take 39,116 hours.
- **Prior relevant work experience:** Would require a manual review of resumes and notes from gHire for each for each of over 235,000 applicants in addition to the determine of what "relevant experience" is for each job applied to, followed by the manual calculation of total prior relevant experience from the job history section of each resume and from notes. Assuming an average of 25 minutes per applicant to make these determinations/calculations, and enter them into a database, this would take 97,916 hours.

In total, complying with just the requests listed above involves over 154,000 hours. Even assuming a 10 person team working on the project for 24 hours every day of the week including weekends, nonstop until completion, it would take a minimum of 641 days (more than 1.7 years) to complete this project. Moreover, even if the employees responsible for gathering this information earned only the California minimum wage, the cost to Google in producing this information could exceed 1.5 million dollars.

Google respectively submits that that the foregoing overwhelmingly demonstrates not only the burdensome nature of OFCCP's requests, but why both sides should work collaboratively to identify potential alternative, far more efficient means of resolving issues, and/or determining whether any reasonable limitations might be appropriate.

### III. Items Needing Clarification

Google appreciates the clarification OFCCP provided in the Agency' June 23, 2016 correspondence relating to some of its data/document requests. With that clarification, the Company can share the following information.

First, Google does not utilize the terms "market target" and that any reference during the interviews to same in all likelihood was a reference to "market reference point."

Second, as noted below, Google will produce: (1) the market reference point for employees on the September 1, 2015 snapshot date; (2) a list of any formal EEO charges/complaints filed with federal, state or local fair employment practice agencies alleging race, gender, sexual harassment, disability, religious accommodation or national origin discrimination during the past three years; and (3) Manager Guides for Compensation (Base, Merit, Stock Bonus, Performance Appraisals, Hiring).

Third, Google remains unclear as to the meaning of OFCCP's request for "screenshots showing how data is stored in "GComp, WorkDay, Prosper and PERF," as well as to the relevance of OFCCP's request for user instructions for each system. We look forward to the opportunity to discuss these items with OFCCP during the teleconference requested herein.

### IV. Items Google Already Has Produced

In its June 23, 2014 correspondence, OFCCP acknowledged that Google already provided bonus earned, bonus period covered and its FMLA policy, but challenges whether certain other items have been produced. These items are addressed below.

#### A. Stock Monetary Value

Agreeing that Google has produced sufficient data to calculate a hypothetical value of restricted stock units awarded, OFCCP seeks that "actual" monetary value of Google stock unit awards. As previously explained to the Agency, Google restricted stock vests in increments over time. Accordingly, the stock has no actual value at the time the award is

granted. Frank Wagner's purported statement that an employee "knows the value of the stock at the time of the award" refers only to the fact that a hypothetical value of the award can be calculated. As OFCCP states in its correspondence, Google already has provided the Agency with sufficient data to calculate this hypothetical value. Accordingly, the Company has fully responded to the Agency's request.

B. New Hire Guideline for Equity Award

With respect to the New Hire Guideline for Equity Award, the document provided to OFCCP is the actual guideline and not a narrative of same. Therefore, Google has fully responded to this request.

C. Total Cash Compensation

Google already has provided OFCCP with all the components that make up total compensation. Accordingly, the Agency has all the data necessary to calculate total cash compensation.

D. Job Pay Level Listing/Education/Experience Equivalency

Finally, regarding OFCCP's request for "Job Pay Level Listing/Education/Experience/Equivalency, please see Google's January 11, 2016 e-mail containing all documents Google maintains related to this request. Therefore, the Company has fully responded to this request.

V. Schedule for Production

Notwithstanding the significant concerns raised by Google with respect to OFCCP's production requests above, Google wishes to continue to cooperate with OFCCP in connection with this evaluation. Accordingly, Google will produce the following for all employees on the September 1, 2015 current year snapshot date, and to the extent it is available in its HRIS systems, by August 1, 2016:

- Campus or Industry Hire
- Date of Birth
- Department Hired Into
- Hiring Manager
- Locality
- Long Term Incentive Eligibility

- Market Reference Point
- Performance Rating for Past Three Years
- Short Term Eligibility
- Target Bonus
- Target Bonus for Past Three Years

Google also will produce the following documents, if any, by August 1, 2016:

- A list of any formal EEO charges/complaints filed with federal, state or local fair employment practice agencies alleging race, gender, sexual harassment, disability, religious accommodation or national origin discrimination during the past three years
- Compensation policies, guidelines and training materials, including manager guides for compensation (base, merit, stock, applicable to the period under review)
- Employee guides related to compensation & performance appraisals
- Hiring, promotion and termination policies, guidelines and training materials
- Merit algorithm/matrix for the past three years
- Pay locality guide
- Performance appraisal policies, guidelines and training materials
- Recruiter guides for recruiting and hiring

Google also will provide, to the extent available, the following fields of information for all applicants to Job Groups 211, 212, 213, 214, 215 and 216, by August 1, 2016:

- Department Applied To
- Department Hired Into (if hired)
- Job Family
- Job Function

- Requisition Applied To
- Requisition Hired Into (if hired)

VI. Conclusion

Google reiterates its desire to move this review forward in an efficient and effective matter. To that end, the Company respectfully asks that the Region carefully consider the concerns raised above and in its June 17, 2016 letter, and agree to a mutually agreeable date and time to discuss both the basis for, and possible ways to alleviate the burdens associated with, the Agency's requests. We are available to engage in such discussions with the Agency at its earliest convenience.

We appreciate the Agency's careful consideration of these issues and trust that reasonable solutions can be identified.

Very truly yours,

JACKSON LEWIS P.C.



Matthew J. Camardella

MJC/mjr

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EXHIBIT F



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\*through an affiliation with Jackson Lewis P.C., a Law Corporation

September 2, 2016

VIA EMAIL (huang.agnes@dol.gov)  
PRIVILEGED & CONFIDENTIAL

Ms. Agnes Huang  
Assistant District Director  
United States Department of Labor  
Office of Federal Contract Compliance Programs  
1640 S. Sepulveda Blvd, Ste 440  
Los Angeles, CA 90025

Re: OFCCP Compliance Evaluation: Google Mountain View Facility

Dear Assistant District Director Huang:

As we agreed during our conference call with Compliance Officers Farha Haq and Carolyn McHam-Menchyk, on August 25, 2016, Google Inc. ("Google" or the "Company") hereby: (1) produces additional disclosures and explanations in response to OFCCP's disclosure requests; (2) sets forth a schedule for responsive disclosures related to OFCCP's other requests for documentation/data, as well as explanations for the time needed to produce same; and (3) reiterates in writing the reasons Google is not prepared make certain disclosures at this time.

All data and documents referenced below for supplementation contemporaneous with this letter are being sent to OFCCP via Biscom, a secure web-based file transfer system.<sup>1</sup>

<sup>1</sup> The information and documentation referenced in and transmitted with letter are submitted pursuant to the conditions of confidentiality that have attached to the Company's previous submissions and only are on loan to the OFCCP. If a request for disclosure is made by any person or entity pursuant to the Freedom of Information Act or otherwise, the Company must be advised in sufficient time to consider and challenge such disclosure. By accepting this information, the OFCCP agrees to these conditions. By providing the enclosed information to the OFCCP, the Company does not waive and expressly reserves any and all objections relating to this disclosure of information.

I. Supplementation of Additional Data/Documents/Information Contemporaneous with This Letter

Google has produced a supplemental Item 19 Submission correcting the "◆◆" symbols herewith.

II. Explanation of Certain Items Responsive to OFCCP's Requests

Google also provides the following additional information in response to OFCCP's requests:

A. Equity Increases

Google did not make any equity increases during the period under review.

B. Referral Bonuses

Google already has produced all referral bonuses in its Item 19 submission (see Column Z).

C. "Stock Value at Award Date"

Google already has provided OFCCP with all information in that is necessary for OFCCP to calculate the "stock monetary value at award date."

D. LTI/STI Eligibility

After our discussion last week, OFCCP requested that Google "provide any additional incentives that Google gives employees that have not been provided to OFCCP." We have confirmed that Google already has provided in its Item 19 submissions all forms of incentives that Google provides to employees.

E. "Any other items related to compensation"

In response to this request, Google refers OFCCP to the policies and procedures it has produced to date as well as the descriptions of Google's compensation practices described to OFCCP during the onsite.

F. Organizational Charts

During our call on August 25, 2016, OFCCP expressed concern that the organizational charts previously provided to the Agency did not include the recruiting function. Please note that the recruitment function is found on the People Operations organization chart previously provided to OFCCP – specifically, please see the following list of staffing managers

reporting to Sunil Chandra, VP, Staffing & Operations; (1) Brendan Castle, Director, Staffing & Channels; (2) Kyle Ewing, Director, Global Staffing Programs; (3) Olga Donnelly, Director, Staffing – Global Sales and G&A; (4) Melissa Karp, Director, Staffing Services; (5) Brian Ong, Director, Staffing Effectiveness; (6) Dave Beuerlein, Director, Leadership Staffing; (6) and Matthew Worby, Director, Staffing – Engineering & Technology.

G. Department Applied to for Job Groups 211 to 216

As explained in our August 1, 2016 correspondence, as well as on our teleconference on August 25, 2016, Google does not regularly maintain Department Applied To as part of its applicant tracking system.

H. Listing of All Job Families, Job Codes and Positions Within

Google does not maintain a list of all job families, job codes and positions therein as of the September 1, 2016 snapshot date.

I. Competing Offer

Google does not maintain competing offer data in its HRIS systems.

J. Total Cash Compensation

Google does not maintain a total cash compensation field in its HRIS systems. However, OFCCP can calculate total cash compensation from the Item 19 data Google already has provided to the Agency.

K. Prior Salary

Google continues to research the extent to which this data is available and will follow up with OFCCP regarding same by September 15, 2016.

III. Items Google Will Provide to OFCCP by September 15, 2016

Google will provide the following disclosures to OFCCP by September 15, 2016:

- Instruction Manuals, including screenshots, of the gComp, Workday, Prosper and Perf HRIS systems.
- Key for merit algorithm
- Effective dates for policies produced on August 1, 2016

IV. Items Google Will Produce to OFCCP by December 15, 2016

Google will provide education and prior experience, where available, for all 21,114 employees on the September 1, 2015 snapshot, and for all 235,000 plus applicants to Job Groups 211 to 216, to OFCCP by December 15, 2016.

Please note that the process for Google to pull the education and prior experience data for 21,114 employees on the September 1, 2015 current year snapshot, in addition to the education and prior experience for the 235,000 applicants to Job Groups 211 to 216, will take several months. In addition to pulling this voluminous data, Google must ensure that each record is tied to individual identifiers on the September 1, 2015 snapshot and on the applicant flow logs so that OFCCP can easily match the records to appropriate individuals listed thereon. Moreover, Google must ensure that all of the data is readable and understandable. Accordingly, Google requires until December 1, 2016 to provide this information. We will produce education and prior experience data from resumes in Excel format.

V. Items Google Is Not Prepared to Provide to OFCCP at This Time

A. Interview Notes for All Applicants to Job Groups 211 to 216

We have consulted with Google's e-Discovery team regarding the time, cost and burden of producing interview notes for the applicants to Job Groups 211 and 216. The team estimates a total cost of over \$1 million and no less than 6 months to collect the relevant data and produce same to OFCCP. The cost involves not only pulling the notes for the correct applicants, but ensuring that the notes correlate to the period under review and to the specific positions applied to in Job Groups 211 to 216.

Due to the enormous burdens and costs associated with this request, Google respectfully requests the Agency analyze the voluminous applicant flow data Google already has provided to the Agency to ascertain whether it is truly necessary to require the Company to gather and produce interview notes related to any of the 235,000 plus applicants. From our review of the data, we estimate that more than 54,000 of these applicants were interviewed either by phone or on-site. Accordingly, we anticipate responding to this request would necessitate the production of hundreds of thousands of pages of interview notes. Once the Agency has completed its analyses, OFCCP can revisit this request in order to determine if there is a more cost effective and efficient alternative, including whether the request can be limited to certain job titles or other groups rather than all applicants.

B. Job and Salary History

OFCCP has requested that Google produce the entire job and salary history for all 21,114 employees on the September 1, 2015 snapshot date. This represents a massive amount of data. However, OFCCP has failed to explain any issue it has found in the voluminous Item 19 data the Company has provided to the Agency. Absent such explanation, the Company does

not understand how OFCCP's request for such voluminous information can be relevant or reasonable.

C. Names and Personal Contact Information for All 21,114 Employees on the September 1, 2015 Snapshot Date

As described in our February 22, 2016 e-mail to OFCCP, Google is not prepared to provide the names and personal contact information for the 21,114 employees in its workforce as of September 1, 2015 at this time due to significant privacy and confidentiality concerns. As previously explained to the Agency and as demonstrated by its actions to date, Google takes the safeguarding of its employees' personal information extremely seriously.

While the Company recognizes that there may be a point during this compliance review that the disclosure of some employee names may be necessary, we do not believe the Agency's current activities require such disclosure at this time. This is especially true since OFCCP has not communicated any legitimate rationale for obtaining employee name – certainly not one that the Agency cannot achieve using the employee ID numbers already provided.

We continue to believe that OFCCP can effectively and efficiently move forward with the roster provided at this time, which does identify each specific employee by a unique ID number. Of course, the Company would be happy to reconsider the Agency's request for employee names on one or more reports should OFCCP supply a necessary rationale for such information that overrides Google's privacy concerns and that cannot be accomplished with employee ID number.

D. Market Surveys

As explained during the on-site, the Company developed Market Reference Points ("MRP") from Market Surveys. Since Google already has provided the Agency with the MRP for each position, the market surveys offer no additional probative value to OFCCP's investigation into the still yet to be disclosed compensation issues. However, Google is willing to reconsider this position if OFCCP identifies a reason why market surveys are relevant to its compliance evaluation.

E. A Second Compensation Snapshot Based on the Prior Year Snapshot Date

Notwithstanding that the Agency has refused to provide any information regarding any compensation issues it purports to have identified in connection with Google's Item 19 submission for the 21,114 employees as of September 1, 2015, the Agency continues to insist that Google provide a *second* compensation database for the 19,539 Google employees on the September 1, 2014 prior year snapshot. Absent any explanation regarding the issues it purports to have identified with the current year snapshot data, we fail to see the relevance of or the need for OFCCP's request for a second compensation snapshot.

However, once again, Google is willing to reconsider this position if OFCCP identifies, in writing, particular issues that would justify the production of a second compensation submission based on the prior year snapshot date.

F. Internal Employee Complaints Filed in the Last Three Years

The Company does not maintain a centralized repository for complaints. As a result, the burden of pulling information regarding all EEO complaints over a three year period for a workforce of over 21,000 employees is far outweighed by any probative value such complaints might provide in connection with this compliance evaluation. However, if OFCCP provides in writing a reasonable explanation why such disclosure is necessary, the Company will take this under advisement.

G. Public Access Files and LCAs from 9/1/13 to 8/31/15

Google objects to OFCCP's continued request for Public Access Files and LCAs for the period From September 1, 2013 to August 31, 2015. Notwithstanding our requests, OFCCP has not provided any reasonable basis for the disclosure of these documents. During the course of the onsite, all managers consistently confirmed that applicants/employees requiring a visa of any type are treated *no differently* in terms of compensation, benefits or any other terms and conditions of employment than other applicants/employees.

However, again, Google is willing to reconsider this position if OFCCP identifies in writing a particular issue at Google that would make the disclosure of such records reasonable.

H. Starting Compa-Ratio, Job Code, Job Family, Level and Organization

During our teleconference earlier this month, OFCCP stated that Starting Compa Ratio, Job Code Job Family, Level and Organization referred to these data as of the September 1, 2015 snapshot date, and not as of the date of hire. Google already has provided this data as of September 1, 2015 to OFCCP.

VI. Conclusion

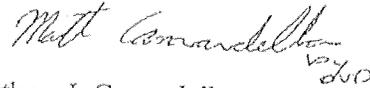
Google reiterates again its desire to move this review forward in an efficient and effective manner. To this end, we look forward to the Agency's response to the proposed schedule set forth herein as well as the Agency's responses to Google's requests for any reasonable bases that would justify the disclosure of the items listed in Section V herein.

**jackson lewis**  
Attorneys at Law

Ms. Agnes Huang  
U.S. Department of Labor  
September 2, 2016  
Page 7

Very truly yours,

JACKSON LEWIS P.C.



Matthew J. Camardella

MJC/mjr

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