

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

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

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

OALJ Case No. 2017-OFC-00004

OFCCP No. R00197955

PLAINTIFF'S REQUESTS FOR ADMISSION TO DEFENDANT GOOGLE INC.
Case Subject to Expedited Proceedings under 41 C.F.R. § 60-30.31

Pursuant to 41 C.F.R. § 60-30.9(b), Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP") propounds the following requests for admission on Defendant Google Inc. As required by § 60-30.9(b), Google must respond to the requests below within 25 days of the date these requests are served.

DEFINITIONS

1. The terms "YOU" or "YOUR" refer to Defendant Google Inc.
2. The phrase "SUBJECT ITEMS" refers to the requests at issue in this expedited proceeding, which are identified in paragraphs 9 of OFCCP's Complaint and restated in Request for Admission No. 5 below.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit that, since at least June 4, 2014, YOU have had at least 50 or more employees.

REQUEST FOR ADMISSION NO. 2:

Admit that, since at least June 4, 2014, YOU have had at least one contract with the federal government of \$100,000 or more.

REQUEST FOR ADMISSION NO. 3:

Admit that, since at least June 4, 2014, YOU have had at least 150 or more employees.

REQUEST FOR ADMISSION NO. 4:

Admit that, since at least June 4, 2014, YOU have had at least one contract with the federal government of \$150,000 or more.

REQUEST FOR ADMISSION NO. 5:

Admit that, on June 2, 2014, Google was awarded Contract No. GS07F227BA for “Advertising and Integrated Marketing Solutions” from the General Services Administration (“AIMS Contract”), which was a contract of \$100,000 or more.

REQUEST FOR ADMISSION NO. 6:

Admit that the AIMS Contract consists of four sets of documents: (1) the Government’s solicitation, a true and correct copy of which is attached hereto as Exhibit J-1; (2) Google’s offer, dated July 2, 2013; (3) Google’s Final Proposal Revision, submitted May 6, 2014; and (4) the relevant Standard Form 1449 and its continuing pages, true and correct copies of which is attached hereto as Exhibit J-2.

REQUEST FOR ADMISSION NO. 7:

Admit that the AIMS Contract contains provisions requiring Google to comply with Executive Order 11426, Vietnam Era Veterans’ Readjustment Assistance Act (“VEVRAA”), and Section 503 of the Rehabilitation Act, and the implementing regulations promulgated pursuant to each.

REQUEST FOR ADMISSION NO. 8:

Admit that, under the AIMS Contract, Google agreed to, among other things, “comply with Executive Order 11246, as amended, and the rules, regulations, and orders of the Secretary of Labor” and

permit the Government to inspect and copy any books, accounts, records (including computerized records), and other material that may be relevant to the matter under investigation and pertinent to compliance with Executive Order 11246, as amended, and rules and regulations that implement the Executive Order.

REQUEST FOR ADMISSION NO. 9:

Admit that, on or about April 23, 2014, YOU sent the letter attached hereto as Exhibit K.

REQUEST FOR ADMISSION NO. 10:

Admit that, on or about September 30, 2015, Google received a letter from OFCCP’s San Jose District Office, a true and correct copy of which is attached as Exhibit L.

REQUEST FOR ADMISSION NO. 11:

Admit that YOU received a letter dated June 1, 2016, a true and correct copy of which is attached hereto as Exhibit A, in which OFCCP requested that, among other items, Google produce

- “a compensation database with a 9/1/2014 snapshot,” for all employees in Google’s corporate headquarters affirmative action plan (“AAP”) as of September 1, 2014, including all factors OFCCP previously requested for employees in its corporate headquarters AAP as of September 1, 2015, as well as the additional factors set forth in OFCCP’s June 1, 2016 letter;
- “job history” and “salary history” for all employees in Google’s corporate headquarters AAP as of September 1, 2015, and for all employees in Google’s corporate headquarters AAP as of September 1, 2014; and
- the “names” and “employee contact information” for all employees in Google’s corporate headquarters AAP as of September 1, 2015, and for all employees in Google’s corporate headquarters AAP as of September 1, 2014.

REQUEST FOR ADMISSION NO. 12:

Admit that YOU responded to OFCCP's request for the SUBJECT ITEMS in a letter dated June 17, 2016 from your counsel, a true and correct copy of which is attached hereto as Exhibit B.

REQUEST FOR ADMISSION NO. 13:

Admit that OFCCP responded to YOUR counsel's June 17, 2016 in a letter dated June 23, 2016, a true and correct copy of which is attached hereto as Exhibit C.

REQUEST FOR ADMISSION NO. 14:

Admit that Exhibit D is a true and correct copy of the Notice to Show Cause OFCCP served on YOU on or about September 16, 2016.

REQUEST FOR ADMISSION NO. 15:

Admit that YOU responded to the Notice to Show Cause dated September 16, 2016 through a letter dated October 19, 2016 from your counsel, a true and correct copy of which is attached hereto as Exhibit E.

REQUEST FOR ADMISSION NO. 16:

Admit that OFCCP Regional Director Janette Wipper responded to YOUR counsel's October 19, 2016 letter through a letter dated November 9, 2016, a true and correct copy of which is attached hereto as Exhibit F.

REQUEST FOR ADMISSION NO. 17:

Admit that, during a November 29, 2016 teleconference in which YOUR counsel participated, OFCCP Regional Director Janette Wipper stated that the SUBJECT ITEMS are relevant to the ongoing compliance evaluation and explained OFCCP's position regarding the relevance of the SUBJECT ITEMS.

REQUEST FOR ADMISSION NO. 18:

Admit that YOU followed up on the parties' discussions during the November 29, 2016 teleconference regarding the SUBJECT ITEMS in a letter dated December 6, 2016 from your counsel, a true and correct copy of which is attached hereto as Exhibit G.

REQUEST FOR ADMISSION NO. 19:

Admit that YOU received a letter on or about December 20, 2016, a true and correct copy of which is attached hereto as Exhibit H, notifying YOU that enforcement proceedings may be initiated based on the parties' dispute over the SUBJECT ITEMS.

REQUEST FOR ADMISSION NO. 20:

Admit that attached as Exhibit I is a true and correct copy of Alphabet Inc.'s SEC Form 10-K for the fiscal year ending December 31, 2016.

REQUEST FOR ADMISSION NO. 21:

Admit that Alphabet Inc.'s revenues totaled \$90,272,000,000 in 2016.

REQUEST FOR ADMISSION NO. 22:

Admit that Alphabet Inc.'s net income totaled \$19,478,000,000 in 2016.

REQUEST FOR ADMISSION NO. 23:

Admit that YOUR revenues totaled \$89,463,000,000 in 2016.

REQUEST FOR ADMISSION NO. 24:

Admit that YOUR operating income totaled \$27,892,000,000 in 2016.

REQUEST FOR ADMISSION NO. 25:

Admit that the acts of compiling and transmitting to OFCCP the requested September 1, 2014 compensation database, as identified in OFCCP's June 1, 2016 letter, will not disrupt or seriously hinder the normal operations of your business.

REQUEST FOR ADMISSION NO. 26:

Admit that the acts of compiling and transmitting to OFCCP the requested “job history” and “salary history” for all employees in Google’s corporate headquarters AAP as of September 1, 2015 and for all employees in Google’s corporate headquarters AAP as of September 1, 2014, as identified in OFCCP’s June 1, 2016 letter, will not disrupt or seriously hinder the normal operations of your business.

REQUEST FOR ADMISSION NO. 27:

Admit that the acts of compiling and transmitting to OFCCP the requested names and employee contact information for all employees in Google’s corporate headquarters AAP as of September 1, 2015 and for all employees in Google’s corporate headquarters AAP as of September 1, 2014, as identified in OFCCP’s June 1, 2016 letter, will not disrupt or seriously hinder the normal operations of your business.

REQUEST FOR ADMISSION NO. 28:

Admit that, on February 22, 2017, YOU received a declaration by OFCCP Deputy Regional Director Jane Suhr stating,

OFCCP’s San Jose District Office initiated a compliance review of Google in September 2015 because Google was the next contractor in order on that office’s [Federal Contractor Selection System] scheduling list. Consistent with OFCCP’s Active Case Enforcement procedures, memorialized in OFCCP Directive 2011-01, the District Office did not skip any contractors on the FCSS scheduling list prior to Google.

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REQUEST FOR ADMISSION NO. 29:

Admit that YOU have no evidence contradicting Ms. Suhr's statement identified in Request for Admission No. 28.

Date: March 10, 2017

NICHOLAS C. GEALE
Acting Solicitor of Labor

JANET M. HEROLD
Regional Solicitor

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IAN ELIASOPH
Counsel for Civil Rights



MARC A. PILOTIN
Trial Attorney

CERTIFICATE OF SERVICE

I am a citizen of the United States of America. I am over eighteen years of age and am not a party to the within action. My business address is 90 7th Street, Suite 3-700, San Francisco, California 94103.

On March 10, 2017, I served the attached **PLAINTIFF'S REQUESTS FOR ADMISSION TO DEFENDANT GOOGLE INC. AND EXHIBITS A-L** on Defendant Google Inc. through serving its attorneys below via electronic mail, pursuant to the parties' agreement:

Duff, Daniel V., III (Daniel.Duff@jacksonlewis.com);
Camardella, Matthew J. (CamardeM@jacksonlewis.com);
Sween, Lisa Barnett (Lisa.Sween@jacksonlewis.com);
Raimundo, Antonio (Antonio.Raimundo@jacksonlewis.com);
Suits, Eric (Eric.Suits@jacksonlewis.com)

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed in San Francisco, California on March 10, 2017.



MARC A. PILOTIN
Trial Attorney