

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DECLARATION OF
KATHRYN G. MANTOAN IN
SUPPORT OF DEFENDANT
ORACLE AMERICA, INC.'S
OPPOSITION TO OFCCP'S
MOTION TO COMPEL
HISTORICAL DATA OF
COMPARATOR EMPLOYEES**

RECEIVED

APR 24 2019

**Office of Administrative Law Judges
San Francisco, Ca**

I, Kathryn G. Mantoan, declare:

1. I am an attorney duly admitted to practice in the State of California. I am Of Counsel at the law firm of Orrick, Herrington & Sutcliffe LLP, attorneys of record for Defendant Oracle America, Inc. ("Oracle"). I make this declaration in support of Oracle's Opposition to OFCCP's Motion to Compel Historical Data of Comparator Employees. I have personal knowledge of the facts set forth herein, except where stated on information and belief. If sworn as a witness, I could competently testify to the facts set forth below. If sworn as a witness, I could competently testify to the following facts as set forth below. I am familiar with the proceedings, correspondence, and history of discovery in this case based on my knowledge and experience as Oracle's counsel in this matter.

2. This action has been pending for over 27 months, during which time OFCCP has served on Oracle over 230 requests for production of documents, contained within seven separate sets, as well as two sets of special interrogatories and one set of requests for admissions. In each of these sets, OFCCP provides the default definition of "RELEVANT TIME PERIOD" as "January 1, 2013, to present." Attached as **Exhibit A** is a composite exhibit containing true and correct copies of relevant excerpts from:

- a. OFCCP's First Set of Requests for the Production of Documents served on February 10, 2017
- b. OFCCP's Second Set of Requests for the Production of Documents served on February 21, 2017
- c. OFCCP's Third Set of Requests for the Production of Documents served on September 1, 2017

- d. OFCCP's Fourth Set of Requests for the Production of Documents served on September 20, 2017
- e. OFCCP's First Set of Interrogatories served on September 20, 2017
- f. OFCCP's Fifth Set of Requests for the Production of Documents served on January 30, 2019
- g. OFCCP's Sixth Set of Requests for the Production of Documents served on March 29, 2019
- h. OFCCP's Seventh Set of Requests for the Production of Documents served on April 10, 2019
- i. OFCCP's First Set of Requests for Admission served on April 11, 2019
- j. OFCCP's Second Set of Interrogatories served on April 18, 2019

3. Attached as **Exhibit B** is a true and correct copy of OFCCP's letter from Marc A. Pilotin to J.R. Riddell dated June 30, 2017.

4. On October 11, 2017, Oracle delivered to OFCCP a hard-disk drive that included a compensation and hiring "database" of over 75 data export files, more than 1,000 data fields, over 60,000 attachment files, totaling over 20 gigabytes, 290,000 pages, and millions of data points. Oracle also sent a cover letter accompanying that production that described that data exports as containing data for "individuals who were employed at HQCA in the PRODEV, INFTECH, and/or SUPP job function at any point from January 1, 2013, through January 17, 2017, inclusive." Attached as **Exhibit C** is a true and correct copy of Oracle's cover letter from Erin M. Connell to Laura C. Bremer dated October 11, 2017.

5. OFCCP subsequently posed a series of clarifying questions about these data exports. As far as I know, at no time in 2017 or 2018 did OFCCP ever question the population parameters or express concerns that the production was “biased” in Oracle’s favor.

6. On January 30, 2019, OFCCP propounded its Fifth Set of Requests for the Production of Documents. In Request for Production No. 178, OFCCP sought “all COMPENSATION DOCUMENTS for every employee working in the [PD], [IT] AND Support Job Functions from January 1, 1985 through AND including December 31, 2012 ...” To the best of my knowledge, this was the first time that OFCCP told Oracle’s attorneys that it wanted historical data for individuals who have not worked in the relevant job functions at HQCA since 2013, and are thus neither class members nor comparators in this matter.

7. By way of a February 15, 2019 letter, OFCCP confirmed that it was asking Oracle to produce to “compensation data for all employees who received compensation [going back to 1985], even if they left HQCA before 2013.” Attached as **Exhibit D** is a true and correct copy of OFCCP’s letter from Laura C. Bremer to Erin M. Connell dated February 15, 2019.

8. Oracle has agreed to supplement the compensation population to include individuals who worked in the PD, IT, or Support job functions at HQCA for two years post-dating its original data pull, *i.e.*, from January 18, 2017, through January 18, 2019, inclusive. However, Oracle has not agreed to provide historical data for non-class members and non-comparators from 1985 to 2012. Attached as **Exhibit E** is a true and correct copy of Oracle’s letter from me to Laura C. Bremer dated February 27, 2019.

9. OFCCP subsequently proposed a “compromise” that Oracle provide historical data for individuals who worked in the three relevant job functions at HQCA from 2002 through

2013. Attached as **Exhibit F** is a true and correct copy of OFCCP's letter from Laura C. Bremer to me dated March 20, 2019.

10. Attached as **Exhibit G** is a true and correct copy of an article entitled "How the Survivor Bias Distorts Reality" by Michael Shermer, available at <https://www.scientificamerican.com/article/how-the-survivor-bias-distorts-reality/>.

11. Attached as **Exhibit H** is a true and correct copy of an article entitled "The Myth of the Successful College Dropout: Why It Could Make Millions of Young Americans Poorer by Robert J. Zimmer," available at <https://www.theatlantic.com/business/archive/2013/03/the-myth-of-the-successful-college-dropout-why-it-could-make-millions-of-young-americans-poorer/273628/>.

12. Despite multiple discovery requests and meet and confer discussions on the topic, to date OFCCP has not disclosed the statistical analysis or programs underlying its Second Amended Complaint to Oracle.

13. I am also counsel of record in *Rong Jewett v. Oracle Corporation*, San Mateo Superior Court Case No. 17CIV02669 (filed June 16, 2017), and am familiar with the correspondence, motion practice, and discovery history of that case. To my knowledge, Plaintiffs in that case have never sought, and Oracle has not produced, data on Oracle employees who never worked in the relevant functions during the alleged class liability period.

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct.

Executed on April 24, 2019, at Portland, Oregon.



Kathryn G. Mantoan

EXHIBIT A

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO
ORACLE AMERICA, INC.**

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10 and, as applicable, Rule 34 of the Federal Rules of Civil Procedure, requests that Defendant Oracle America, Inc. ("Oracle") produce at the Office of the Solicitor, U.S. Department of Labor, 90 7TH Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.
2. "RELEVANT TIME PERIOD" means **January 1, 2013 to the present** unless otherwise stated.

OFCCP'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE
(CASE NO. 2017-OFC-00006)

messages) to and from Larry Lynn, Vice President, College Recruiting, relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

25. All COMMUNICATIONS (including but not limited to memos, emails and text messages) to and from Chantal Dumont, Senior Director, College Recruiting, relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

26. All DOCUMENTS and COMMUNICATIONS relating to POLICIES, PRACTICES, or PROCEDURES for YOUR Employee Referral Program.

27. All DOCUMENTS and COMMUNICATIONS relating to PERSONS who were referred under YOUR Employee Referral Program.

28. All DOCUMENTS and COMMUNICATIONS relating to PERSONS receiving a bonus or other form of COMPENSATION through YOUR Employee Referral Program.

29. All DOCUMENTS YOU rely upon or reviewed in making each and every affirmative defense set forth in YOUR ANSWER.

//

DATED: February 10, 2017

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

NORMAN E. GARCIA
Senior Trial Attorney

MARC A. PILOTIN
Trial Attorney

/s/ Grace A. Kim

GRACE A. KIM
Trial Attorney

OFCCP'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE
(CASE NO. 2017-OFC-00006)

Attorneys for OFCCP

Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7757
Fax: (415) 625-7772
Email: bremer.laura@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 350 S. Figueroa St., Ste. 370, Los Angeles, California, 90071.

On the date indicated below, I served the foregoing **OFCCP'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: February 10, 2017

/s/ Grace A. Kim
GRACE A. KIM
Trial Attorney

Office of the Solicitor
U.S. Department of Labor

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT
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OFCCP No. R00192699

**OFCCP'S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS
TO ORACLE AMERICA, INC.**

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant Oracle America, Inc. ("Oracle") produce at the Office of the Solicitor, U.S. Department of Labor, 90 7TH Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.
2. "RELEVANT TIME PERIOD" means **January 1, 2013 to the present** unless

OFCCP'S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE
(CASE NO. 2017-OFC-00006)

otherwise stated.

3. “AFFINITY GROUP” means any group of people linked by a common interest or purpose and includes, but is not limited to, gender or race.

4. “AMENDED COMPLAINT” means the pleading filed by OFCCP in this action on January 25, 2017.

5. “And” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

6. “ANSWER” means the Answer to the AMENDED COMPLAINT filed by YOU in this action on February 8, 2017.

7. “COLLEGE RECRUIT” means any PERSON who expresses interest or applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, and recent graduates) for technical positions (as opposed to sales positions), including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business.

8. “COMMUNICATIONS” means all transactions or transfers of information of any kind, whether orally, in writing, or in any other manner, at any time or place, under any circumstances whatsoever.

9. “COMPENSATION” means any payments made to, or on behalf of, an employee as remuneration for employment, including but not limited to salary, wages, overtime pay, shift differentials, commissions, bonuses, vacation and holiday pay, retirement and other benefits, stock options and awards, and profit sharing.

10. “DATABASE” means any file or collection of information in fielded format that exists in computer-readable form.

on YOUR behalf conducted RELATING TO any step or component of the HIRING process for employees in the PT1 job group and Product Development line of business during the RELEVANT TIME PERIOD.

88. All DOCUMENTS RELATING TO validity studies or evaluations that YOU or someone on YOUR behalf conducted RELATING TO any step or component of the COMPENSATION determination process for employees in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

89. All DOCUMENTS YOU rely upon or reviewed in preparing YOUR ANSWER.

90. All DOCUMENTS that support YOUR "Preliminary Statement" (pages 1-9) set forth in YOUR ANSWER.

91. All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT.

92. All DOCUMENTS that YOU plan to introduce as exhibits at the trial in this matter.

//

DATED: February 21, 2017

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

NORMAN E. GARCIA
Senior Trial Attorney

MARC A. PILOTIN
Trial Attorney

/s/ Grace A. Kim
GRACE A. KIM, Trial Attorney

Attorneys for OFCCP
Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7757
Fax: (415) 625-7772
Email: bremer.laura@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 350 S. Figueroa St., Ste. 370, Los Angeles, California, 90071.

On the date indicated below, I served the foregoing **OFCCP'S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: February 21, 2017

/s/ Grace A. Kim
GRACE A. KIM
Trial Attorney

Office of the Solicitor
U.S. Department of Labor

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S THIRD SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS
TO ORACLE AMERICA, INC.**

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant Oracle America, Inc. ("Oracle") produce at the Office of the Solicitor, U.S. Department of Labor, 90 7th Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, or divisions.

2. "RELEVANT TIME PERIOD" means **January 1, 2013 to the present** unless otherwise stated.

OFCCP'S THIRD SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE
(CASE NO. 2017-OFC-00006)

104. All DOCUMENTS RELATING TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES and / or evaluation(s) conducted by Orrick, Herrington & Sutcliffe, LLP.

DATED: September 1, 2017

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Attorneys for OFCCP
Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7747
Fax: (415) 625-7772
Email: garcia.norman@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 90 Seventh St., Rm. 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S THIRD SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: September 1, 2017

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Office of the Solicitor
U.S. Department of Labor

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S FOURTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS
TO ORACLE AMERICA, INC.**

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant Oracle America, Inc. ("Oracle") produce at the Office of the Solicitor, U.S. Department of Labor, 90 7th Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, or divisions.
2. "RELEVANT TIME PERIOD" means **January 1, 2013 to the present** unless otherwise stated.

OFCCP'S FOURTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE
(CASE NO. 2017-OFC-00006)

127. All DOCUMENTS SUPPORTING YOUR 22nd Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

128. All DOCUMENTS SUPPORTING YOUR 23rd Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

129. All DOCUMENTS SUPPORTING YOUR 25th Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

130. All DOCUMENTS SUPPORTING YOUR 26th Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

DATED: September 20, 2017

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Attorneys for OFCCP
Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7747
Fax: (415) 625-7772
Email: garcia.norman@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 90 Seventh St., Rm. 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S FOURTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: September 20, 2017

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Office of the Solicitor
U.S. Department of Labor

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

OFCCP'S FIRST SET OF INTERROGATORIES TO ORACLE AMERICA, INC.

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.9 and, as applicable, Rule 33 of the Federal Rules of Civil Procedure, requests that Defendant Oracle America, Inc. ("Oracle") answer the following interrogatories separately and fully in writing, under oath, and serve a copy of its responses within twenty-five (25) days after these interrogatories are served.

DEFINITIONS

OFCCP incorporates herein all definitions set forth in its Fourth Request for Production of Documents, served concurrently.

INSTRUCTIONS

1. Each interrogatory is to be answered separately and as completely as possible. The fact that discovery is not complete may not be used as a basis for failure to answer each interrogatory based on the knowledge YOU currently have.
2. In answering these interrogatories, furnish all responsive information available to
OFCCP'S FIRST SET OF INTERROGATORIES TO ORACLE (CASE NO. 2017-OFC-00006)

12. DESCRIBE IN DETAIL all criteria YOU used during the RELEVANT TIME PERIOD to determine the awarding of pay raises, stock and / or bonuses to any PERSON working in the COMPENSATION RELEVANT JOB GROUP, including, but not limited to, the criteria used to determine whether a PERSON should be awarded a pay raise, stock and / or bonus, and the criteria for determining how much of a pay raise, stock and / or bonus the PERSON should be awarded.

DATED: September 20, 2017

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Attorneys for OFCCP
Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7747
Fax: (415) 625-7772
Email: garcia.norman@dol.gov

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S FIFTH SET OF REQUESTS FOR THE PRODUCTION OF
DOCUMENTS TO ORACLE AMERICA, INC.**

Plaintiff, the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant, Oracle America, Inc. ("Oracle"), produce at the Office of the Solicitor, U.S. Department of Labor, 90 7th Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" AND "YOUR" mean Oracle America, Inc. AND all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, OR divisions.

2. “RELEVANT TIME PERIOD” means January 1, 2013, to the present unless otherwise stated.

3. “ANALYSES” means any AND all draft AND final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, AND regression AND other statistical analysis.

4. “AND” AND “OR” shall be construed conjunctively OR disjunctively as necessary to make the request inclusive rather than exclusive.

5. “APPLICANT” means any person who YOU received expressions of interest, solicited, recruited, communicated with, screened, interviewed, evaluated, determined starting salary AND other COMPENSATION for, OR extended offers to, persons who expressed interest in a job at Oracle.

6. “ASSIGNED” means responsible, designated, appointed, worked on, performed work.

7. “CAP-GAP EXTENSION” means a temporary extension of employment authorization under provisions allowing relief for holders of F-1 US VISAs who are seeking H1-B US VISAs.

8. “COLLEGE RECRUIT” means any person who expresses interest OR applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, AND recent graduates) for positions in the Professional Technical I, Individual Contributor Job Group, including product development positions.

9. “COMMUNICATIONS” means all transactions OR transfers of information of any kind, whether orally, in writing, OR in any other manner, at any time

Function.

172. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, electronic approvals, to include any attachments to any of these examples) during the RELEVANT TIME PERIOD between YOU AND COLLEGE RECRUITS.

173. Produce the YOUR AAPs for HQCA YOU are required to make AND maintain pursuant to 41 C.F.R. §§ 60-2.10(b) & (c) from 2013 to the present.

174. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.12 for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

175. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.12 for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

176. Produce the data AND DOCUMENTS YOU relied upon when creating the “job groups” in YOUR affirmative action programs during the RELEVANT TIME PERIOD.

177. Produce all COMPENSATION DOCUMENTS for every employee working in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD.

178. Produce all COMPENSATION DOCUMENTS for every employee working in the Product Development, Information Technology AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, whether OR not they were employees in one

of these Job Functions after January 1, 2013.

179. Produce all DOCUMENTS IDENTIFYING the COMPENSATION AND COMPARATIO information that YOU reviewed during the RELEVANT TIME PERIOD when YOU considered HIRING OR transferring someone from an another company OR an Oracle affiliated company, e.g., Oracle India Pvt. Ltd., OR a company that YOU acquired to work in the Product Development, Information Technology AND Support Job Functions, including, but not limited to, the person's: annual OR base salary in the other company in United States dollars; annual OR base salary in the other company in another country's currency; annual OR base salary at Oracle's headquarters located at Redwood Shores, California; COMPARATIO in the other company AND at Oracle's headquarters located at Redwood Shores, California; bonuses AND stocks received in the other company; AND, if applicable, Global Career Level in the other company AND at Oracle's headquarters located at Redwood Shores, California.

180. For employees listed in the HQCA_iRec_MAIN.xlsx file having a "HIRE_TYPE" of "International Transfer" in Column AR, OR for YOUR employees for which a salary is in a denomination other than US dollars that is listed in the CANDIDATE_CURRENT_SALARY_ATV (Column BC), produce YOUR employee's last COMPARATIO at that Oracle affiliate.

181. Produce all DOCUMENTS of YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO the SELECTION PROCESS for COLLEGE RECRUITS from June 1, 2012, to the present.

182. Produce all DOCUMENTS of YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO seeking, referring to OR using prior pay information from APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS during the

RELEVANT TIME PERIOD.

183. Produce all DOCUMENTS RELATING TO the prior pay of APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS during the RELEVANT TIME PERIOD IN YOUR Product Development, Information Technology AND Support Job Functions OR PT1 Job Group, including, but not limited to, DOCUMENTS received from APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS, DOCUMENTS showing how YOU used the prior pay information received to make PAY DECISIONS, AND DOCUMENTS comparing OR evaluating the person's prior pay.

DATED: January 30, 2019

JANET M. HEROLD
Regional Solicitor

JEREMIAH MILLER
Acting Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Attorneys for OFCCP
Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7747
Fax: (415) 625-7772
Email: garcia.norman@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 90 Seventh St., Rm. 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S FIFTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: January 30, 2019

/s/ Laura C. Bremer
LAURA C. BREMER
Senior Trial Attorney

Office of the Solicitor
U.S. Department of Labor

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S SIXTH SET OF REQUESTS FOR THE PRODUCTION OF
DOCUMENTS TO ORACLE AMERICA, INC.**

Plaintiff, the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant, Oracle America, Inc. ("Oracle"), produce at the Office of the Solicitor, U.S. Department of Labor, 90 7th Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" AND "YOUR" mean Oracle America, Inc. AND all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, OR divisions.

2. “RELEVANT TIME PERIOD” means January 1, 2013, to the January 18, 2019 unless otherwise stated.

3. “ANALYSES” means any AND all draft AND final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, AND regression AND other statistical analysis.

4. “AND” AND “OR” shall be construed conjunctively OR disjunctively as necessary to make the request inclusive rather than exclusive.

5. “APPLICANT” means any person who YOU received expressions of interest, solicited, recruited, communicated with, screened, interviewed, evaluated, determined starting salary AND other COMPENSATION for, OR extended offers to, persons who expressed interest in a job at Oracle.

6. “ASSIGNED” means responsible, designated, appointed, worked on, performed work.

7. “BSN” means Bates stamp number.

8. “COLLEGE RECRUIT” means any person who expresses interest OR applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, AND recent graduates) for positions in the Professional Technical I, Individual Contributor Job Group, including product development positions.

9. “COMMUNICATIONS” means all transactions OR transfers of information of any kind, whether orally, in writing, OR in any other manner, at any time OR place, under any circumstances whatsoever.

10. “COMPA-RATIO” means what Oracle identified at BSN

205. For the fields in the files that YOU produced at ORACLE_HQCA_364082-182 during the RELEVANT TIME PERIOD, produce this data in the same configuration as organized in these files for the January 1, 2002, to December 31, 2012, time period for YOUR employees in the Product Development, Information Technology, AND Support Job Functions during this 2002 to 2012 time period

206. Produce all DOCUMENTS, including, but not limited to e-mails AND their attachments that YOUR employees sent to oracle-offers_us@oracle.com during the RELEVANT TIME PERIOD RELATED TO COLLEGE RECRUITS in the PT1 JOB GROUP.

DATED: March 29, 2019

Respectfully submitted,

KATE O'SCANNLAIN
Solicitor of Labor
JANET M. HEROLD
Regional Solicitor
JEREMIAH MILLER
Counsel for Civil Rights
LAURA C. BREMER
Senior Trial Attorney
NORMAN GARCIA
Senior Trial Attorney

BY: /s/Charles Song
CHARLES SONG
Senior Trial Attorney

U.S. Department of Labor
Office of the Solicitor
350 S. Figueroa St., Suite 370
Los Angeles, CA 90071
(213) 894-5365
Attorneys for Plaintiff OFCCP

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 350 South Figueroa Street, Suite 370, Los Angeles, CA 90071.

On the date indicated below, I served the foregoing **OFCCP'S SIXTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: March 29, 2019

/s/Charles Song

Charles Song

U.S. Department of Labor

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S SEVENTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS
TO ORACLE AMERICA, INC.**

Plaintiff, the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant, Oracle America, Inc. ("Oracle"), produce at the Office of the Solicitor, U.S. Department of Labor, 90 7th Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" AND "YOUR" mean Oracle America, Inc. AND all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, OR divisions.
2. "RELEVANT TIME PERIOD" means **January 1, 2013, to the present** unless

otherwise stated.

3. "ANALYSES" means any AND all draft AND final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, AND regression AND other statistical analysis.

4. "AND" AND "OR" shall be construed conjunctively OR disjunctively as necessary to make the request inclusive rather than exclusive.

5. "APPLICANT" means any person who YOU received expressions of interest, solicited, recruited, communicated with, screened, interviewed, evaluated, determined starting salary AND other COMPENSATION for, OR extended offers to, persons who expressed interest in a job at Oracle.

6. "ASSIGNED" means responsible, designated, appointed, worked on, performed work.

7. "CAP-GAP EXTENSION" means a temporary extension of employment authorization under provisions allowing relief for holders of F-1 US VISAs who are seeking H1-B US VISAs.

8. "COLLEGE RECRUIT" means any person who expresses interest OR applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, AND recent graduates) for positions in the Professional Technical I, Individual Contributor Job Group, including product development positions.

9. "COMMUNICATIONS" means all transactions OR transfers of information of any kind, whether orally, in writing, OR in any other manner, at any time OR place, under any circumstances whatsoever.

DATED: April 10, 2019

Respectfully submitted,

KATE O'SCANNLAIN
Solicitor of Labor
JANET M. HEROLD
Regional Solicitor
JEREMIAH MILLER
Counsel for Civil Rights
LAURA C. BREMER
Senior Trial Attorney
NORMAN GARCIA
Senior Trial Attorney

BY: /s/Charles Song
CHARLES SONG
Senior Trial Attorney

U.S. Department of Labor
Office of the Solicitor
350 S. Figueroa St., Suite 370
Los Angeles, CA 90071
(213) 894-5365
Attorneys for Plaintiff OFCCP

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 350 South Figueroa Street, Suite 370, Los Angeles, CA 90071.

On the date indicated below, I served the foregoing **OFCCP'S SEVENTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: April 10, 2019

/s/M.J. Cristopher Santos

M.J. Cristopher Santos

U.S. Department of Labor

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S FIRST SET OF REQUESTS FOR ADMISSION TO ORACLE
AMERICA, INC.**

Plaintiff, the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.9, hereby serves upon Defendant, Oracle America, Inc. ("Oracle"), the following requests for admission to be answered separately and fully in writing under oath by Defendants, or by any officers or agents of Defendant competent to testify on Defendant's behalf.

DEFINITIONS

1. "YOU" AND "YOUR" mean Oracle America, Inc. AND all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, OR divisions.
2. "RELEVANT TIME PERIOD" means **January 1, 2013, to the present** unless otherwise stated.

REQUEST FOR ADMISSION NO. 19:

Admit that during the RELEVANT TIME PERIOD YOUR iRecruitment Form asked for a job offer candidate's prior salary at the company they are coming from.

REQUEST FOR ADMISSION NO. 20:

Admit that during the RELEVANT TIME PERIOD YOUR New Hire Justification Forms contained a field for current salary information from APPLICANT.

DATED: April 11, 2019

Respectfully submitted,

KATE O'SCANNLAIN
Solicitor of Labor

JANET M. HEROLD
Regional Solicitor

JEREMIAH MILLER
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

NORMAN GARCIA
Senior Trial Attorney

BY: /s/Charles Song
CHARLES SONG
Senior Trial Attorney
U.S. Department of Labor
Office of the Solicitor
350 S. Figueroa St., Suite 370 Los Angeles, CA
90071 (213) 894-5365
Attorneys for Plaintiff OFCCP

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 90 Seventh St., Rm. 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S FIRST SET OF REQUESTS FOR ADMISSION TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: April 11, 2019

/s/ Jessica M. Flores

Jessica M. Flores
Office of the Solicitor
U.S. Department of Labor

1 UNITED STATES DEPARTMENT OF LABOR
2 OFFICE OF ADMINISTRATIVE LAW JUDGES

3
4 OFFICE OF FEDERAL CONTRACT
5 COMPLIANCE PROGRAMS, UNITED
6 STATES DEPARTMENT OF LABOR,

7 Plaintiff,

8 v.

9 ORACLE AMERICA, INC.,

10 Defendant.
11

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

12 **OFCCP'S SECOND SET OF INTERROGATORIES TO ORACLE AMERICA, INC.**

13 Plaintiff the Office of Federal Contract Compliance Programs, United States Depart-
14 ment of Labor ("OFCCP"), under 41 C.F.R. § 60-30.9 and, as applicable, Rule 33 of the Fed-
15 eral Rules of Civil Procedure, requests that Defendant Oracle America, Inc. ("Oracle") answer
16 the following interrogatories separately and fully in writing, under oath, and serve a copy of its
17 responses within 25 days after these interrogatories are served.
18

19 **DEFINITIONS**

- 20
- 21 1. "IDENTIFY," "IDENTITY," or "IDENTIFICATION," when used in reference to an
22 individual PERSON, means to state each PERSON's:
- 23 a. full name;
 - 24 b. present or last known complete home address and phone number;
 - 25 c. race or ethnicity;
 - 26 d. gender;
 - 27 e. present or last known position, business affiliation, job title, job description; and
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- f. position on the date specified in each interrogatory including job title and job description.
2. "IDENTIFY," "IDENTITY," or "IDENTIFICATION," when used in reference to a DOCUMENT, means to:
- a. state the DOCUMENT's date and identify its author or authors;
 - b. state the type of DOCUMENT (e.g., letter, memorandum, report, chart, etc.);
 - c. state the title of the DOCUMENT;
 - d. describe the subject matter of the DOCUMENT;
 - e. if a drawing, map, or blueprint, state its number, revision number, revision date, and number of sheets; and
 - f. identify the DOCUMENT's present location and custodian, and each PERSON who presently and at all relevant times had custody, control, or possession of the DOCUMENT.
3. "DESCRIBE IN DETAIL" means to describe fully by reference to underlying facts rather than by ultimate facts or conclusions of fact or law; and particularized as to time, place, manner and identity of PERSONS involved. If asked to state the date upon which a specific event occurred, provide the month, date and year, if known. If such information is not known, identify the date by relating it to some established time.
4. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.
5. "RELEVANT TIME PERIOD" means **January 1, 2013 to the present** unless otherwise stated.
6. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make

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NORMAN GARCIA
Senior Trial Attorney

BY: /s/Charles Song
CHARLES SONG
Senior Trial Attorney
U.S. Department of Labor
Office of the Solicitor
350 S. Figueroa St., Suite 370 Los Angeles, CA
90071 (213) 894-5365
Attorneys for Plaintiff OFCCP

CERTIFICATE OF SERVICE

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I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 350 S. Figueroa St., Suite 370 Los Angeles, CA.

On the date indicated below, I served the foregoing **OFCCP'S SECOND SET OF INTERROGATORIES TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

- Connell, Erin M.: econnell@orrick.com
- Kaddah, Jacqueline D.: jkaddah@orrick.com
- James, Jessica R. L.: jessica.james@orrick.com
- Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: April 18, 2019

/s/ Charles Song
Charles Song

EXHIBIT B



June 30, 2017

VIA ELECTRONIC MAIL ONLY

J.R. Riddell
ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capitol Mall #3000
Sacramento, CA 95814
jriddell@orrick.com

Re: OFCCP v. Oracle America, Inc., Case No. 2017-OFC-00006,
Follow-Up on OFCCP's Requests for Data

Dear J.R.:

This letter explains in further detail the data implicated by OFCCP's Requests for Production ("RFP") Nos. 73-76, served on February 21, 2017. OFCCP requests that Oracle promptly begin a rolling production of responsive data, substantially completing its production by July 31, 2017.

As you are aware, Oracle has an affirmative obligation to conduct a reasonable search for material responsive to OFCCP's RFPs. *See, e.g., A. Farber & Partners, Inc. v. Garber*, 234 F.R.D. 186, 189 (C.D. Cal. 2006). To assist and expedite Oracle's search for and production of data responsive to OFCCP's requests, I identify specific fields of which OFCCP is aware that may contain responsive data. To be clear, however, OFCCP's assistance does not absolve Oracle of its obligation to perform its own reasonable search for responsive data. To the extent there are data not identified below that are responsive, Oracle must produce them.

Moreover, in making the specific requests below, OFCCP does not waive its right to request additional data in the future. OFCCP identifies the data sources below based on incomplete information. Among other things, Oracle refused the agency's request for a demonstration of the systems as part of the Rule 30(b)(6) interviews, preventing the agency from obtaining a full understanding of the information contained in the systems. Indeed, it became apparent during the interviews that there were systems Oracle had not informed OFCCP existed (*e.g.*, Workflow). Also, during the interviews, Oracle instructed witnesses not to answer various questions OFCCP asked, taking an overly restrictive view of the subjects identified for the interviews. Thus, pursuant to RFP Nos. 73-76, OFCCP may request additional data.

I. RFP No. 73: Data Pertaining to Employees in the PT1 Job Group or in the Product Development, Information Technology, and Support Lines of Business

Through this request, OFCCP seeks demographic and non-payroll, work-related information on the alleged affected employees, including their basic demographic information (*e.g.*, gender, race, ethnicity, nationality, date of birth, etc.); job history at Oracle (*e.g.*, positions held, responsibilities, organizations in which they worked, managers for whom they worked); compensation history at Oracle and in the job immediately prior to Oracle; performance history at Oracle (*e.g.*, performance evaluations and talent rankings); qualifications, including education (*e.g.*, degrees received, higher education institutions attended) and prior work experience to Oracle; and any characteristic Oracle contends is relevant to setting its employees' compensation.

Pursuant to this request, OFCCP asks that Oracle produce compensation snapshots as of the beginning of calendar years 2013, 2014, 2015, 2016, and 2017 containing each employee in the PT1 job group or in the Product Development, Information Technology, and Support lines of business. Such snapshots must contain the data produced in ORACLE_HQCA_0000000004, along with the following:

- W-2 Box 5 (Medicare wages) data
- Compa Ratio for the employee's current salary

OFCCP also requests that Oracle produce the following background and historical data for each of individual appearing in the snapshots requested above. Such data must be related to each individual employee through use of an appropriate primary key.

<u>Field</u>	<u>Database</u>	<u>Comments</u>
Information on GSIAP "Personal" tab: birth date; town, region, and country of birth; status; nationality; registered disabled	GSIAP	See DOL000030818
Information on GSIAP "Employment" tab: ethnic origin, ethnicity disclosed, I-9 status, I-9 expiration	GSIAP	See DOL000030819
Information on GSIAP "Office Details" tab: office, location, mailstop, and email	GSIAP	See DOL000030820
Information on GSIAP "Applicant" tab: resume exists; last updated	GSIAP	See DOL000030821
Any resume information cut-and-pasted in		Mr. Juvara stated that, at

<u>Field</u>	<u>Database</u>	<u>Comments</u>
a field within GSIAP		the time of offer, employees enter their resume by cutting-and-pasting the information into a field that is eventually stored in GSIAP.
<p>Information in Previous Employment Information Window: employer; address; country; type and sub type; description; start date; end date</p> <p>Previous Job information: all information, including start date, end date, job, employee category</p> <p>Assignment – Previous Job Mappings information: all information, including assignment, job, start date, and end date</p>	GSIAP	See DOL000030824
<p>Information on Schools and Colleges Attended window: school or college, start date, end date, and full time</p>	GSIAP	See DOL000030825
<p>Salary History: change date; reason; currency code; previous salary; actual salary; grade; salary range minimum, midpoint, and maximum; comparatio; annual salary</p> <p>For each salary change in an employee's salary identified in the data, the following information appearing in Workforce Compensation / Compensation Workbench: ranking and rating, notes, any supporting documentation, approval audit log (e.g., approver names, date and time approved, approval statuses, comments).</p>	<p>GSIAP</p> <p>GSIAP – Workforce Compensation / Compensation Workbench</p>	<p>See DOL000030827</p> <p>Kate Waggoner explained that, for any focal (annual) increase, managers can input a rank, rating, and notes to justify the increase. She also explained that approvals for each increase are logged.</p>
<p>Other Compensation Award information: data on all awards of any bonuses and additional equity</p>	GSIAP – Workforce Compensation /	Kate Waggoner explained that, for any bonus or equity award, managers

<u>Field</u>	<u>Database</u>	<u>Comments</u>
<p>For each award of any bonus or additional equity, the following information appearing in Workforce Compensation / Compensation Workbench: ranking and rating, notes, any supporting documentation, approval audit log (e.g., approver names, date and time approved, approval statuses, comments).</p>	<p>Compensation Workbench</p>	<p>can input a rank, rating, and notes to justify the award. She also explained that approvals for awards are logged.</p>
<p>Assignment (Job) history: dates job (from-and to-date); organization; job code (full string); grade; location; group; assignment number; assignment / employment category; reason; status; statutory information; supervisor; supervisor ID</p>	<p>GSIAP</p>	<p>See DOL000030828; ORACLE_HQCA_000000 0010</p>
<p>Performance Review history: type, date, rating, and any comments</p>	<p>GSIAP</p>	<p>See DOL000030827; ORACLE_HQCA_000000 0009</p>
<p>Talent Review history: all manager ratings, any final talent rating, all tasks assigned to employee, any comments regarding employee</p>	<p>Talent Review / HCM</p>	<p>Anje Dodson stated in her interview that managers who perform talent reviews assign their employees ratings on various dimensions, which ultimately result in a final talent rating. She also stated that, as part of the talent review, tasks are assigned to individual employees.</p>
<p>iRecruitment Application Information (for every application associated with an employee)</p> <p>Candidate Details: applicant number, email address, current employer, last degree completed, vacancy number, job title, application date, offer status, offer extended date</p>	<p>GSIAP – iRecruitment</p>	<p>See DOL000017396</p>

<u>Field</u>	<u>Database</u>	<u>Comments</u>
<p>Candidate Profile: email address, continuous hire date, citizenship, school, misc college, degree, GPA, status, tier, interview date, visit date, base salary, sign on, stock, relocation package, hiring manager, VP/SVP, EVP, group name, start date, offer sent, decision date, lost – reason, location preference, comments, position interested in</p> <p>Employment History: employer, start date, end date, job title, location, description of job duties</p> <p>Education: educational institution, location, start date, end date, degree, major subject, date received</p> <p>Any Resume or Document attached to the application or cut-and-pasted into a field</p> <p>Name and employee number of the assigned recruiter assigned to the application</p>		<p><i>See DOL000017396</i></p> <p><i>See DOL000017397</i></p> <p><i>See DOL000017397</i></p> <p><i>See DOL000017398</i></p> <p><i>See DOL000030823</i></p>
<p>iRecruitment Offer Information (for every application associated with an employee resulting in an offer)</p> <p>Basic Offer Details: business group, job, grade, organization, location, manager, manager email, manager employee number, recruiter, employment status, discretionary job title, justification for hire, candidate source, employee referral name, hire type, candidate’s current job title, candidate’s current salary</p> <p>Salary Information: salary basis, proposed salary, grade range, comparatio, annualized salary</p>		<p><i>See DOL000031789</i></p> <p><i>See DOL000031789</i></p>

<u>Field</u>	<u>Database</u>	<u>Comments</u>
Additional Offer Details: stock, car allowance, relocation amount, sign on bonus, and any related justifications		See DOL000031790
Any Attachments (i.e., Internal Documents or External Documents)		See DOL000031790
Offer History: offer status, user, date/time		See DOL000031790
Approval History: approver, approver type, category, approval status, date, comment		See DOL000031790
Approval History 2: name, action, date, comments		See DOL000031791

II. RFP No. 74 and 75: Data Pertaining to Experienced Recruits and Transfer Employees

Through this request, OFCCP seeks information on affected applicants' demographics, qualifications, and application process, including their basic demographic information (e.g., gender, race, ethnicity, nationality, date of birth, etc.); their application process (e.g., job to which they applied, the individuals involved in their application, the disposition of their application); if successful, their compensation offer and any information affecting that offer (e.g., components of compensation package, the rationale, and the candidate's prior salary); qualifications, including education (e.g., degrees received, higher education institutions attended) and prior work experience to Oracle; and any characteristic Oracle contends is relevant to hiring.

Pursuant to this request, OFCCP asks that Oracle produce from January 2013 through the present information on non-college and transfer applicants to positions within the PT1 job group and positions within the Product Development line of business.

Specifically, OFCCP requests the Oracle produce all information on each requisition from this period, including hiring manager, requisition number, the date the requisition was created, job requirements and/or description, and any other organizational information available.

For each of these requisitions, OFCCP requests the following information for each of the applicants applying to the requisition:¹

¹ We will supplement this list once we completed our interview with Carla Foster regarding the Taleo system.

<u>Field</u>	<u>Database</u>	<u>Comments</u>
<p>iRecruitment Application Information</p> <p>Candidate Details: candidate name, applicant number, email address, current employer, last degree completed, vacancy number, job title, application date, offer status, offer extended date</p> <p>Candidate Profile: continuous hire date, citizenship, school, misc college, degree, GPA, status, tier, interview date, visit date, base salary, sign on, stock, relocation package, hiring manager, VP/SVP, EVP, group name, start date, offer sent, decision date, lost – reason, location preference, comments, position interested in</p> <p>Employment History: employer, start date, end date, job title, location, description of job duties</p> <p>Education: educational institution, location, start date, end date, degree, major subject, date received</p> <p>Any Resume or Document attached to the application or cut-and-pasted into a field</p> <p>Name and employee number of the assigned recruiter assigned to the application</p> <p>Race, ethnicity, and gender for each applicant</p>	<p>GSIAP – iRecruitment</p>	<p><i>See DOL000017396</i></p> <p><i>See DOL000017396</i></p> <p><i>See DOL000017397</i></p> <p><i>See DOL000017397</i></p> <p><i>See DOL000017398</i></p> <p><i>See DOL000030823</i></p> <p>Ms. Foster stated that each candidate must enter their “EEO information” as part of their application.</p>
<p>iRecruitment Offer Information (for each successful applicant)</p> <p>Basic Offer Details: business group, job,</p>		<p><i>See DOL000031789</i></p>

<u>Field</u>	<u>Database</u>	<u>Comments</u>
<p>grade, organization, location, manager, manager email, manager employee number, recruiter, employment status, discretionary job title, justification for hire, candidate source, employee referral name, hire type, candidate's current job title, candidate's current salary</p> <p>Salary Information: salary basis, proposed salary, grade range, comparatio, annualized salary</p> <p>Additional Offer Details: stock, car allowance, relocation amount, sign on bonus, and any related justifications</p> <p>Any Attachments (i.e., Internal Documents or External Documents)</p> <p>Offer History: offer status, user, date/time</p> <p>Approval History: approver, approver type, category, approval status, date, comment</p> <p>Approval History 2: name, action, date, comments</p>		<p><i>See</i> DOL000031789</p> <p><i>See</i> DOL000031790</p> <p><i>See</i> DOL000031790</p> <p><i>See</i> DOL000031790</p> <p><i>See</i> DOL000031790</p> <p><i>See</i> DOL000031791</p>
<p>ORS Information: recruiter name; date candidate entered; candidate source (<i>e.g.</i>, referral); notes re candidate; Resume (often pasted); current company; education, degree, skill; prior experience (number of years from drop-down menu)</p>	<p>ORS</p>	

III. RFP No. 76: Data Pertaining to College Recruits

Through this request, OFCCP seeks information on affected college applicants' demographics, qualifications, and application process, including their basic demographic information (*e.g.*, gender, race, ethnicity, nationality, date of birth, etc.); their application process (*e.g.*, job to which they applied, the individuals involved in their application); if successful, their compensation offer and any information affecting that offer (*e.g.*, components of compensation package, the rationale, and the candidate's prior salary); qualifications, including education (*e.g.*,

degrees received, higher education institutions attended) and prior work experience to Oracle; and any characteristic Oracle contends is relevant to hiring.

Pursuant to this request, OFCCP asks that Oracle produce from January 2013 through the present information on college applicants to positions within the PT1 job group and positions within the Product Development line of business. Specifically, OFCCP requests the information below:

<u>Field</u>	<u>Database</u>	<u>Comments</u>
All Resumes submitted to recruiting mailbox		Ms. Cohn stated that college students submit resumes to recruiting mailboxes available on the Oracle website.
RESUMate Data: name, address, email, statuses and status history, source code, notes in Explanation field, notes in Notes field Any Resume or Document attached to the application or cut-and-pasted into a field	RESUMate	See ORACLE_HQCA_0000020173-74
Workflow / iRecruitment Offer Information (linked to successful applicant through use of a primary key) Basic Offer Details: business group, job, grade, organization, location, manager, manager email, manager employee number, recruiter, employment status, discretionary job title, justification for hire, candidate source, employee referral name, hire type, candidate's current job title, candidate's current salary Salary Information: salary basis, proposed salary, grade range, comparatio, annualized salary Additional Offer Details: stock, car allowance, relocation amount, sign on bonus, and any related justifications		See DOL000031789. Ms. Cohn stated that Oracle job code and job title successful candidates were hired into were entered into Workflow. See DOL000031789 See DOL000031790

<u>Field</u>	<u>Database</u>	<u>Comments</u>
Any Attachments (i.e., Internal Documents or External Documents)		See DOL000031790
Offer History: offer status, user, date/time		See DOL000031790
Approval History: approver, approver type, category, approval status, date, comment		See DOL000031790
Approval History 2: name, action, date, comments		See DOL000031791

* * *

As always, I would be happy to discuss our positions and the items raised above. Please let us know when next week you are available to discuss.

Very truly yours,

JANET M. HEROLD
Regional Solicitor

By:



MARC A. PILOTIN
Trial Attorney

EXHIBIT C



October 11, 2017

Via E-Mail and Hand Delivery

Laura C. Bremer
Marc A. Pilotin
Ian Eliasoph
Attorneys for OFCCP
Office of Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, CA 94103

Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
+1 415 773 5700
orrick.com

Erin M. Connell

E econnell@orrick.com
D +1 415 773 5969
F +1 415 773 5759

Re: *OFCCP v. Oracle America, Inc.*, OALJ Case No. 2017-OFC-00006

Dear Counsel:

As we have previously discussed, Oracle is producing today both the “database” that the parties have referenced in prior correspondence, as well as additional discovery responsive to the Court’s September 11, 2017 Order Granting in Part and Denying in Part Plaintiff’s Motion to Compel, including relevant employee personal contact information. The “database” is being hand delivered to you today on a hard drive in light of its volume. Oracle’s remaining document production is being produced through the usual FTP process. The files containing employee contact information are being produced both on the hard drive, as well as through a separate FTP electronic production. You will receive two separate emails today containing the FTP productions.

I. Data Export Files

In today’s “database” production, Oracle is producing over 75 data export files containing more than 1,000 data fields, and tens of thousands of accompanying documents. A detailed appendix is attached to this letter, and describes the sources from which these exports were drawn and the population parameters governing these extracts. All of data therein is confidential and produced subject to the Protective Order in this matter. We have endeavored to procure and produce data such that individuals can be identified across various data files through the use of name, employee ID, person ID, and/or party ID.

As I previously advised, and as we discussed this morning, during our QC process we have learned that a narrow range of exports related to the specific issues of pre-2015 offers to college applicants and data regarding employee H1B visa status will need to follow as supplements to this production. We will make our supplemental production related to the pre-2015 offers to college applicants no later than October 20, 2017. We are currently working to confirm a production date for the H1B visa information, and will confirm that date later today.



Laura C. Bremer; Marc A. Pilton; Ian Eliasoph
October 11, 2017
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II. Contact Information

Also in today's production, Oracle is producing data exports containing personal contact information consistent with the Court's September 11, 2017 order. The "Group I" files contain contact information for employees or former employees who fall within the compensation class. The "Group II" files contain contact information for employees or former employees who fall within the applicant class. Responsive contact information also is contained in the "database" files. This information is confidential and produced subject to both the Protective Order in this matter, as well as subject to the additional protections placed on it in the Court's September 11 order.

While we are providing this contact information as ordered, we believe the parties' agreement to stay discovery while the parties mediate includes OFCCP communicating with these individuals. If you believe differently, please let us know right away so that we can arrange a meet and confer call.

Moreover, even absent a discovery stay, with regards to any individuals who are or were employed in a managerial capacity (as indicated by a managerial job level, beginning with "M"), we expect you will abide by the limits on contact, and content of any contact, set forth in the applicable ethical rules and OFCCP's own guidance regarding notifications and rights to representation (*see* FCCM § 2M00).

We anticipate that you will have clarifying questions about this data once you begin your review, and would be happy to arrange meet and confer calls as appropriate to provide clarification. In the interest of ensuring a productive mediation, we ask that the parties use best efforts to complete any follow-up discussion or clarification regarding any of Oracle's data exports at least 30 days prior to the first mediation session.

Very truly yours,

A handwritten signature in black ink that reads "Erin M. Connell".

Erin M. Connell

cc: Gary R. Siniscalco
Warrington Parker
Kathryn G. Mantoan
Jinnifer Pitcher



Laura C. Bremer; Marc A. Pilton; Ian Eliasoph
October 11, 2017
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APPENDIX

I. Data Pertaining to HQCA Employees in the PRODEV, INFTECH, and SUPP Job Functions

Oracle is producing the following data exports for individuals who were employed at HQCA in the PRODEV, INFTECH, and/or SUPP job function at any point from January 1, 2013 through January 17, 2017, inclusive.

From GSI¹

- Emp_Personal_Experience_Qualification_Assign_Details.xlsx
- Merged Assignment History, Medicare and Sal Admin.xlsx
- Appraisal_Audit_All_Data.xlsx
- gsi_cwb_details.xlsx
- gsi_cwb_audit.xlsx
- gsi_focal_only_audit.xlsx
- gsi_comp_history.xlsx
- AllEarnings.xlsx
- AllEarnings2.xlsx
- us_audit_adhoc_comp_total.xlsx
- us_audit_adhoc_comp_wf.xlsx
- us_audit_adhoc_comp_wf_attach.xlsx
- Folders containing additional documentation relating to these individuals:
 - adhoc_comp_attach_ATG_GSIAP
 - adhoc_comp_attach_ATG_IMGAP

From Fusion

- Appraisal_Audit_All_Data.xlsx
- Talent_Review_Audit.xlsx
- Talent_Review_Audit_Notes.xlsx
- hcm_wfc_details.xlsx
- hcm_wfc_audit.xlsx

¹ We are also providing "CC Data dictionary.xlsx," a list of cost center/line of business (LOB) codes.

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- Z_PromApproverMtxRpt.xlsx
- Z_PromApproverAttachmentKey.xlsx
- A folder entitled containing additional documentation relating to these individuals:
 - Comp_Attachments

From iRecruitment

- HQCA_IREC_DATA.xlsx
- Folders containing additional documentation relating to these individuals:
 - HQCA_OFR_WF_ATTCH_GSIAP
 - HQCA_OFR_WF_ATTCH_IMGAP
 - Resumes
 - other

From Taleo

- Application Data.xlsx
- Application - Candidate-Skills.xlsx
- Application - CSW History.xlsx
- Application - Education.xlsx
- Application - Experience.xlsx
- Application - History.xlsx
- Application - Source.xlsx
- Candidate - Demographics.xlsx
- Candidate - Languages.xlsx
- Candidate - Referrals.xlsx
- Candidate - Preferences - Job Field.xlsx
- Candidate - Preferences - Location.xlsx
- Candidate - Preferences - Organization.xlsx
- Requisition - Collaborators Data.xlsx
- Requisition - Description and Qualification Data.xlsx
- Requisition - Other Locations.xlsx
- Requisition Data.xlsx
- File Attachments - By Requisition.xlsx
- File Attachments - By Candidate.xlsx
- Folders containing additional documentation relating to these individuals:

Laura C. Bremer; Marc A. Pilton; Ian Eliasoph
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- FILES1

II. Data for HQCA PT1 Applicants and Hires

Oracle is producing the following data exports related to (1) vacancies and requisitions for which an individual was hired between January 1, 2013 and January 17, 2017, inclusive, and was whose hire location was HQCA and (2) college recruits during that same time period (subject to the pre-2015 offers to college applicants issue identified above).

From iRecruitment

- PT1_HQCA_IREC_MAIN.xlsx
- Folders containing additional documentation relating to these requisitions:
 - PT1_HQCA_IREC_WF_ATTACHMENTS
 - Resumes
 - Otherdocs

From Taleo

- Application Data.xlsx
- Application - Candidate-Skills.xlsx
- Application - CSW History.xlsx
- Application - Education.xlsx
- Application - Experience.xlsx
- Application - History.xlsx
- Application - Source.xlsx
- Candidate - Demographics.xlsx
- Candidate - GovtClearance.xlsx
- Candidate - Languages.xlsx
- Candidate - Referrals.xlsx
- Candidate - Preferences - Job Field.xlsx
- Candidate - Preferences - Location.xlsx
- Candidate - Preferences - Organization.xlsx
- Requisition - Collaborators Data.xlsx
- Requisition - Description and Qualification Data.xlsx
- Requisition - Other Locations.xlsx
- Requisition Data.xlsx



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- File Attachments – By Candidate.xlsx
- File Attachments – By Requisition.xlsx
- Folders containing additional documentation relating to these requisitions:
 - Taleo Data - Files - Part1
 - Taleo Data - Files – Part2
 - Taleo Data - Files – Part3
 - Taleo Data - Files – Part4
 - Taleo Data - Files – Part5
 - Taleo Data - Files – Part6
 - Taleo Data - Files – Part7
 - Taleo Data - Files – Part8
 - Taleo Data - Files – Part9
 - Taleo Data - Files - Part10

From RESUMate

- FY13 Last Name A-L Memos.pdf
- FY13 Last Name A-L Text Fields,xlsx
- FY13 Last Name M-Z Memos.pdf
- FY13 Last Name M-Z Text Fields,xlsx
- FY14 Last Name A-L Memos.pdf
- FY14 Last Name A-L Text Fields,xlsx
- FY14 Last Name M-Z Memos.pdf
- FY14 Last Name M-Z Text Fields,xlsx
- FY15 Last Name A-I Memos.pdf
- FY15 Last Name A-I Text Fields,xlsx
- FY15 Last Name J-R Memos.pdf
- FY15 Last Name J-R Text Fields,xlsx
- FY15 Last Name S-Z Memos.pdf
- FY15 Last Name S-Z Text Fields,xlsx
- FY16 Last Name A-I Memos.pdf
- FY16 Last Name A-I Text Fields,xlsx
- FY16 Last Name J-R Memos.pdf
- FY16 Last Name J-R Text Fields,xlsx
- FY16 Last Name S-Z Memos.pdf
- FY16 Last Name S-Z Text Fields,xlsx



Laura C. Bremer; Marc A. Pilton; Ian Eliasoph
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- FY17 Last Name A-I Memos.pdf
- FY17 Last Name A-I Text Fields.xlsx
- FY17 Last Name J-R Memos.pdf
- FY17 Last Name J-R Text Fields.xlsx
- FY17 Last Name S-Z Memos.pdf
- FY17 Last Name S-Z Text Fields.xlsx
- FY18 Last Name A-L Memos.pdf
- FY18 Last Name M-Z Memos.pdf
- FY18 Text Fields.xlsx

EXHIBIT D



February 15, 2019

VIA ELECTRONIC MAIL ONLY

Erin M. Connell
ORRICK HERRINGTON & SUTCLIFFE LLP
405 Howard Street
San Francisco, CA 94105
econnell@orrick.com

Re: *OFCCP v. Oracle America, Inc.*, Case No. 2017-OFC-00006,
Data Requests

Dear Erin,

OFCCP wants to ensure that we have adequate time to prepare our case for the December 2019 hearing date set by Judge Clark. In furtherance of that goal, OFCCP agreed that it would forego the requirement that Oracle supplement all data previously produced; accordingly, yesterday, we sent Oracle an index showing data files for which we are not seeking supplementation. In addition, we are writing this letter to follow up on requests for data OFCCP has previously requested, but have not yet been provided.

Educational Data and Experience of Oracle Employees in Compensation Class

OFCCP has repeatedly requested that Oracle produce data showing employees' educational background and experience, which are relevant to both the hiring and compensation claims. However, it does not appear that Oracle produced all relevant data. For example, Oracle produced data from iRecruitment in both folder I (relating to compensation), and folder II (relating to hiring). The iRecruitment data produced in folder II includes data regarding applicants' experience and education in the following tabs: APL_EMPLOYMENT_HISTORY, APL_QUALIFICATIONS, and APPLICANT_PROFILES. This data is also highly relevant for the compensation class, but Oracle did not produce it. While OFCCP does not need this data for all applicants, we request, at a minimum, that this data be produced for all persons hired by Oracle in the three job functions at issue in the compensation case.

Oracle produced very limited data for the college hires from January 1, 2013 through May 2015 from "Workflow," in ORACLE_HQCA_0000062859. OFCCP is not requesting that this file be supplemented up to the present, since we understand that hiring information for college students after May 2015 will be found in iRecruitment and/or Taleo. However, we request that all educational information available in Workflow be provided for the persons already included in this file (school, major, and degree).

OFCCP reiterates its request for educational data for both the compensation class and the hiring class.

Visa Data

Since October 11, 2017, I objected to the limited visa information Oracle produced, which was even more limited than the visa data produced during the compliance review. I again requested that Oracle produce visa information while the case was stayed, and again last month after the stay in the case was lifted. Further, OFCCP served RFPs which request visa information. We request that Oracle produce the following information for both the PT1 job group and Product Development, Support, and Info Tech Job Functions:

OFCCP requests data on all types of U.S. visas or extensions thereto (*e.g.*, E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS) obtained by both Oracle employees and sought on behalf of applicants for PT1 positions. Specifically, OFCCP requests visa data for Oracle employees in the PRODEV, INFTECH, and/or SUPP job functions at HQCA (for the entire time period for which compensation information is provided for such individuals) and, at a minimum, persons hired for positions in the PT1 job group at HQCA from January 1, 2013 to the present; for these individuals, data showing all visas applied for or held at any time, including the type(s) of visa(s) held and the time that they were held, and country of origin for these applicants and employees. All keys (such as PARTY_ID or PERSON_ID) should be included so the data can be linked to other data sets. Further, demographic information should be included in the data file.

Compa-ratios

We previously requested historical compensation data for Oracle employees that transferred from Oracle affiliates outside of the United States, since Oracle only included employee data for employees while they were employed in the United States. You admitted that your scripts were not written to include compensation data regarding Oracle employees who were international transfers from Oracle India and other Oracle subsidiaries. We understand that Oracle has access to this information and it would have been reviewed by managers setting pay when the employee transferred to the U.S. Therefore, it is highly relevant. At a minimum, we request each employee's last compa-ratio at an Oracle affiliate before transfer to the Support, Product Development, and Info Tech Job Functions at HQCA. For the iRec data, for example, that would include employees listed in the HQCA_iRec_MAIN.xlsx file having a HIRE_TYPE of International Transfer in Column AR, or employees for which a salary in a denomination other than US dollars is listed in the CANDIDATE_CURRENT_SALARY_ATV (Column BC).

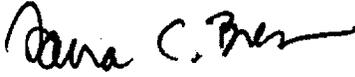
Historical Data

My understanding is that for employees in the three job functions in the compensation class, Oracle produced their pay history going back to 1985. In order to fully analyze this data, including the impact of starting pay, OFCCP requests compensation data for all employees who received compensation during that same period, even if they left HQCA before 2013. This is the

reason we requested data for all employees at HQCA in Product Development, Support, and Information Tech extending back to 1985.

We look forward to talking to you further about these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura C. Bremer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Laura C. Bremer

EXHIBIT E



February 27, 2019

Via E-Mail

Laura C. Bremer
U.S. Department of Labor
Office of the Solicitor
90 Seventh Street, Suite 3-700
San Francisco, CA 94103

Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
+1 415 773 5700
orrick.com

Kathryn G. Mantoan

E kmantoan@orrick.com
D +1 415 773 5887
F +1 415 773 5759

Re: OFCCP v. Oracle America, Inc., OALJ Case No. 2017-OFC-00006
Response to February 14 & February 15 Correspondence Re: Data Production

Dear Laura:

I write in response to your February 14, 2019 email and February 15, 2019 letter regarding data production in this case.

As a threshold matter, to the extent that your letter suggests that Oracle has not been forthcoming with respect to its data production, Oracle disagrees with OFCCP's misleading characterizations. Oracle produced a massive amount of compensation and hiring data within tight deadlines, and researched and wrote several follow-up letters answering data questions to the best of its knowledge and ability. The process of identifying and extracting data for thousands of employees from both active and legacy data repositories is not as simplistic or streamlined as your communications appear to suggest, and your assertions to the contrary are inaccurate and not well-taken. That said, Oracle provides the following additional information in effort to meet and confer in good faith.

Supplementation of Previously-Produced Data Files

On February 14, 2019, you provided a PDF ("Index of Data Spreadsheets identifying spreadsheets to supplement - to Oracle.pdf") listing data files that had Oracle previously produced and noting in red font the files for which OFCCP is willing to forego supplementation at this time. Our understanding is that OFCCP is requesting supplementation of all other files identified in that PDF.

As you know, Oracle's data file production was organized into two broad categories: (1) data files related to the population at issue with respect to OFCCP's compensation claims (pages 1-2



Laura C. Bremer, Esq.
February 27, 2019
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of your February 14, 2019 pdf) and (2) data files related to the population at issue with respect to OFCCP's hiring claims (pages 3-4 of your February 14, 2019 pdf). OFCCP's requests related to these two categories of data are addressed separately below.

With respect to compensation-related files: Oracle agrees to supplement the data files requested by OFCCP by (1) updating the population with additional individuals who worked in the INFTECH, PRODEV, or SUPP job functions at HQCA from January 18, 2017 through January 18, 2019, inclusive (see explanation for this cut-off date below), and (2) providing readily available updated data, if any, for both the original compensation population and the updated compensation population through January 18, 2019. Oracle will further supplement through January 18, 2019 any additional data files whose supplement Oracle intends to make available to its expert(s) for consideration. Oracle will provide this supplemental data on a rolling basis, and anticipates completing this production by May 31, 2019 (barring any presently unanticipated data extraction issues).

With respect to hiring-related files: The proposed Second Amended Complaint limits OFCCP's hiring allegations to hiring done through Oracle's "college recruiting program" (or "college hiring program") for "Product Development positions in Oracle's PTI job group." [Proposed] Second Am. Compl. ¶¶ 32-39. Oracle agrees to supplement the data files requested by OFCCP related to its hiring claims with available data, if any, through January 18, 2019. Oracle will further supplement through January 18, 2019 any additional data files whose supplement Oracle intends to make available to its expert(s) for consideration. This supplementation, however, will be limited to data related to OFCCP's amended and narrowed hiring allegations—*i.e.*, applicants and hires through Oracle's "college recruiting program" for "Product Development positions in Oracle's PTI job group."

Because this is a new population of individuals, Oracle will need to identify the relevant population and revise the scripts used to retrieve the requested data. Oracle will provide this data on a rolling basis. Oracle anticipates completing production of the requested data before May 31, 2019 (barring any presently unanticipated data extraction issues). Oracle will update OFCCP promptly if any unanticipated data extraction issues arise.



Laura C. Bremer, Esq.

February 27, 2019

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Temporal Scope of Oracle's Data Production

Oracle already has begun the significant work required to supplement the data files as described above, applying a date cut-off of January 18, 2019. By supplementing the agreed-upon data files through January 18, 2019, Oracle is producing two additional years of available data while providing consistent data parameters both for purposes of extraction and analysis by each party. By its nature, any analyses of this type of data are always limited to a particular date range, and by using a start date of January 1, 2013 and a cut-off date of January 18, 2019, the parties will each have more than *six years'* worth of data to analyze. Please notify us promptly if OFCCP wishes to meet and confer further regarding this date range.

Educational Data and Experience of Oracle Employees in Compensation Class

Despite your suggestion to the contrary, Oracle has already produced educational and experience data—including over 3,900 resumes—for individuals related to the compensation population. See ORACLE_HQCA_0000070747.xlsx (HQCA_IREC_DATA.xlsx), "RESUMES" tab, and corresponding folder.

Nonetheless, we are willing to investigate obtaining additional iRecruitment data for the compensation population. Specifically, as requested in your February 15, 2019 letter, we will investigate whether data is available for the compensation population that corresponds to the following tabs provided for the hiring population in PT1_HQCA_IREC_MAIN.xlsx (ORACLE_HQCA_0000128176.xlsx) : (1) APL_EMPLOYMENT_HISTORY, (2) APL_QUALIFICATIONS, and (3) APPLICANT_PROFILES.

We note that this investigation will likely require the creation of additional scripts and/or alteration of existing scripts to account for the differences in how the data for the hiring population data was pulled (by requisition/vacancy) versus how the data for the compensation population was pulled (by individual). We also note that this information is likely only available for the period of time in which iRecruitment was used to process applications (as opposed to offers). We anticipate producing this data on a rolling basis, and will update you promptly if we encounter any unexpected extraction issues that may impact completing production by the May 31, 2019 deadline.



Laura C. Bremer, Esq.

February 27, 2019

Page 4

OFCCP also asks for all educational information within Candidate Offers (ORACLE_HQCA_0000062859.xlsx), but Oracle has already provided this information.¹ Specifically, the educational information OFCCP requests is in ORACLE_HQCA_0000062859.xlsx, column X("LONG_TEXT"). That field contains the candidate's available resume data, including school, major, and degree.

Visa Data

Oracle will respond to OFCCP's requests and questions regarding visa data in separate correspondence. As we've stated before, this data is not kept in the centralized Oracle data repositories in which other data is maintained (e.g., GSI, Fusion, iRecruitment, Taleo), and thus can only be obtained through an entirely separate process.

Compa-ratio

We have asserted objections to OFCCP's document requests on this issue, and invite OFCCP to meet and confer further on it, explaining why the information sought is relevant and warranted here. See Oracle's Objs. and Resps. to OFCCP's RFP Set 5, Nos. 161, 179.

Historical Data

For the first time, OFCCP is now requesting compensation data for all Oracle HQCA employees who worked in the Product Development, Support, or and IT job functions at any time since 1985. See Oracle's Objs. and Resps. to OFCCP's RFP Set 5, No. 178. This patently overbroad request for information compounds the oppression and burden OFCCP seeks to impose on Oracle, and seeks to require production of personal information for *decades*' worth of employees who cannot possibly have any actionable claims in this matter. Indeed, OFCCP appears to acknowledge that any claims based on acts or omissions occurring prior to January 1, 2013 are barred by the statute of limitations, and in any event there is no claim that the alleged unlawful

¹ As mentioned in Jinnifer Pitcher's December 8, 2017 letter to Marc Pilotin, the "workflow" data in ORACLE_HQCA_000062859.xlsx refers to "Candidate Offers" data.



Laura C. Bremer, Esq.

February 27, 2019

Page 5

practices were in existence continuously, if at all, prior to that date. Discovery into that period therefore is irrelevant.

Please let us know if you would like to schedule a call to discuss these matters further.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn G. Mantoan".

Kathryn G. Mantoan

EXHIBIT F

U.S. Department of Labor

Office of the Solicitor
90 7th Street, Suite 3-700
San Francisco, California 94103



March 20, 2019

VIA ELECTRONIC MAIL ONLY

Kathryn G. Mantoan
ORRICK HERRINGTON & SUTCLIFFE LLP
405 Howard Street
San Francisco, CA 94105
kmantoan@orrick.com

Re: *OFCCP v. Oracle America, Inc.*, Case No. 2017-OFC-00006,
Data Requests

Dear Katie,

This letter responds to your March 6, 2019 letter to me regarding data production. I provide further support for our requests, but for some of the issues I believe it would be most productive to have a conversation about them. Accordingly, I suggest that we schedule a meet and confer conversation for the end of the week in the hopes of resolving the outstanding issues on Oracle's data production.

Compa-ratios

Oracle acknowledges that compa-ratios are relevant, but (so far) refuses to produce them for international transfers. Contrary to your representations, the international transfers' compa-ratios at the Oracle affiliates are routinely available to managers setting pay upon transfer to the United States and are highly relevant to compensation decisions. Oracle's module on "Managing Pay Decisions" directs "To determine appropriate salaries for international transfers transferring to the same position in the new country use the employee's current compa-ratio and keep it constant in the salary range of the new country." As Oracle's training explains, "[t]his methodology places the salary at the same position in range in the new country as in the old country." Similarly, Oracle's "Global Compensation Training" directs managers setting pay during "Cross-Border Transfers" that "[i]f the employee's job code is not changing in the [international] transfer, use the employee's current compa-ratio as a starting point to determine the base salary in the new location."

Your suggestion that salary at the Oracle affiliate could be used as a substitute for compa-ratio is dismissed by Oracle's own training materials. Managing Pay Decisions cautions against using prior salary to set pay. "Do not simply convert the current salary to the new salary." Similarly, Oracle's Global Compensation Training emphasizes, "You should pay appropriately in the new country. Do NOT simply transfer at the same salary level converted to the new currency." Given Oracle's directions to its managers, compa-ratio is the key data point in setting

compensation, not prior salary. Thus, Oracle's suggestion that prior salary could be used as a substitute is contradicted by its own training materials.

Oracle's training materials also contradict your statement that compa-ratios are not in Oracle's possession, custody, or control. Oracle's policies and training, as well as the systems interviews we conducted, reveal that Oracle uses a "global compensation system," that includes the data of its affiliates. As stated above, Oracle managers are directed to routinely access data showing the compa-ratios employees in other countries have. Oracle's Information Workbench has data for Oracle global, and can filter by country, by employee, and other categories. Significantly, you do not deny that Oracle wrote scripts to exclude compa-ratios of international transfers from its data pull in 2017.

Moreover, your suggestion that some comments include references to compa-ratios is no substitute for the complete data, showing the prior compa-ratios for all international transfers. You acknowledge that the comments do not provide complete data, and, in any event, the comments are not data that can be used in a statistical analysis.

I also note that in June 2017, OFCCP requested compa-ratios and salary histories for each employee in the Product Development, Support, and Information Technology job functions. Oracle agreed repeatedly agreed that it would produce the data requested, without disclosing that it would exclude the salary history and compa-ratios of employees working abroad, despite the fact that this data is contained in Oracle's Global Compensation databases. Despite Oracle's agreement to produce all salary histories for employees (including compa-ratios), OFCCP drastically limited its request to the last compa-ratios of international transfers before they transferred from abroad. OFCCP also specifically requested compensation and compa-ratio information for international transfers in RFPs 161, 179, and 180.

It appears that Oracle is refusing to produce the most relevant piece of data for the compensation of international transfers – data that Oracle itself uses in setting the compensation of international transfers. If Oracle does not reconsider its position on this issue by the end of the week, we intend to bring a motion to compel this data.

Compensation History Data

Your letter requests authority requiring Oracle to produce "pre-liability discovery." The Secretary of Labor in *OFCCP v. Uniroyal, Inc.*, No. OFCCP 1977-1, at 9 (Sec'y June 28, 1979), held that "discovery is not limited to the issues raised by the pleadings and that the correct test for the scope of discovery is relevancy to subject matter of the suit." Accordingly, the Secretary of Labor permitted discovery extending back in time eight years prior to the compliance review. *Id.*; see also, *U.S. Dep't of Labor v. Prudential Ins. Co.*, 1980 WL 275523, *8 (July 27, 1980) (allowing OFCCP to obtain historical data prior to review period). As I previously explained, the data of employees in the same job functions and for the same period of time for which Oracle produced data for class members is not sought to establish *liability* for the those people; rather it is to conduct a statistical analysis of historical compensation data that includes all relevant data – the data of all persons employed by Oracle in the job functions at issue. In a case alleging, *inter alia*, that "Oracle pays women and Asians less on hire," including "by suppressing their pay relative to other employees in the same or comparable job," it is highly relevant to obtain the

data of “other employees in the same or comparable job.” Second Amended Complaint, ¶ 18. Thus relevance of data of comparators was recognized in *U.S. Dep’t of Labor v. Harris Trust & Savings Bank*, 78 OFC-2 (ALJ Decision Dec. 22, 1986), in which OFCCP obtained data including the initial salaries and promotions of employees who were not included in the class eight years prior to the review period.

Oracle’s asserted concerns about producing the private information of employees is not a basis for refusing to produce highly relevant information. As you know, the Court has entered a Temporary Protective Order that will remain in place until it enters a new Protective Order, which the parties agree will protect the privacy interests of former and current Oracle employees. Moreover, as OFCCP has explained, it plans to use the data in a statistical analysis, based on the aggregated data.

Although Oracle has already produced historical data for employees in the three job functions at issue going back to 1985, OFCCP has offered a compromise: to limit the data production for those employees who left Oracle prior to 2013 to the time frame of 2002-2013. We ask that Oracle reconsider this compromise. Otherwise, OFCCP will consider seeking to compel historical data for the period 1985 to 2013 – the same time frame for which Oracle produced data for Oracle’s employees employed since 2013.

Supplementation of Previously-Produced Data Files

“Available Updated Data, If Any”

Despite OFCCP’s request that Oracle identify any files that Oracle does not intend to supplement, Oracle does not do so. Instead, your letter vaguely states that your letter “referenced ‘readily available updated data, if any’ *primarily* because certain of the data files previously produced were pulled from legacy systems no longer in use, such that additional entries post-dating Oracle’s earlier production would not exist.” (emphasis added). Please confirm that Oracle will be supplementing all the data files it previously produced, except (1) those OFCCP specifically stated could be excluded from supplementation; and (2) those files that OFCCP did not exclude, but which contain no data after January 2017. If there are data files Oracle does not intend to supplement (and does not fall into one of the exclusions above), please identify them.

Oracle did not respond to OFCCP’s request that if there are new sources of data, please identify them, so that we can adequately meet and confer. As OFCCP noted, if Oracle has new databases storing the data that Oracle previously produced, Oracle will need to supplement its data production from such databases.

Supplementation of Hiring Data

OFCCP does not agree that Oracle should rewrite its scripts to exclude hiring data previously produced, which will result in the hiring data being produced in a different format. This will make it more burdensome to understand, combine with the other data, and work with. It will also permits Oracle to unilaterally decide what data is relevant, particularly since Oracle has not identified what it intends to exclude from its supplementation.

Moreover, the hiring data for employees hired into Oracle's PT1 job group after 2013 is highly relevant to the compensation class, since over 99% of the employees in the PT1 job group were also employees in the Product Development, Support, and Information Technology job functions. Contrary to Oracle's suggestion, this fact does not undermine OFCCP's request for hiring data for these class members. While Oracle is already producing compensation data for these individuals, Oracle limited its production of data from the hiring process for these individuals, even though such data is also relevant to the compensation claims.

Educational Data and Experience of Oracle Employees in Compensation Class

We appreciate the further explanation in your letter about the educational data that Oracle will be producing. However, your response remains vague. It states that Oracle will supplement information on education "that is available in Oracle's centralized HRIS data systems." Please identify the systems Oracle intends to include in this search, and those it intends to exclude.

Earlier today, I requested a telephonic meet and confer with you on Friday to further discuss Oracle's data production. We look forward to talking to you further about these issues on Friday.

Sincerely,

A handwritten signature in black ink that reads "Laura C. Bremer". The signature is written in a cursive style with a horizontal line at the end.

Laura C. Bremer

EXHIBIT G

[scientificamerican.com](https://www.scientificamerican.com)

How the Survivor Bias Distorts Reality

Michael Shermer

5-6 minutes

How the survivor bias distorts reality

When I purchased my latest vehicle, I was astonished to get the license plate 6NWL485. What are the chances that I would get that particular configuration? Before I received it, the odds were one in 175,760,000. (The number of letters in the alphabet to the power of the number of letters on the plate times the number of digits from 1 to 10 to the power of the number of digits on the plate: $26^3 \times 10^4$.) After the fact, however, the probability is one.

This is what Pomona College economist Gary Smith calls the “survivor bias,” which he highlights as one of many statistically related cognitive biases in his deeply insightful book *Standard Deviations* (Overlook, 2014). Smith illustrates the effect with a playing card hand of three of clubs, eight of clubs, eight of diamonds, queen of hearts and ace of spades. The odds of that particular configuration are about three million to one, but Smith says, “After I look at the cards, the probability of having these five cards is 1, not 1 in 3 million.”

The conclusion seems obvious once you think about it, but most of us are regularly fooled by the survivor bias. Consider the plethora of business books readily available in airport bookstalls that feature the

most successful companies. Smith analyzes two of the best sellers in the genre. In his 2001 book *Good to Great* (more than three million copies sold), Jim Collins culled 11 companies out of 1,435 whose stock beat the market average over a 40-year time span and then searched for shared characteristics among them that he believed accounted for their success. Instead, Smith says, Collins should have started with a list of companies at the *beginning* of the test period and then used “plausible criteria to select eleven companies predicted to do better than the rest. These criteria must be applied in an objective way, without peeking at how the companies did over the next forty years. It is not fair or meaningful to predict which companies will do well after looking at which companies did well! Those are not predictions, just history.” In fact, Smith notes, from 2001 through 2012 the stock of six of Collins's 11 “great” companies did worse than the overall stock market, meaning that this system of post hoc analysis is fundamentally flawed.

Smith found a similar problem with the 1982 book *In Search of Excellence* (more than three million copies sold), in which Tom Peters and Robert Waterman identified eight common attributes of 43 “excellent” companies. Since then, Smith points out, of the 35 companies with publicly traded stocks, 20 have done worse than the market average.

The survivor bias was evident in the reception of Walter Isaacson's 2011 best-selling biography of Steve Jobs, as readers scrambled to understand what made the mercurial genius so successful. Want to be the next Steve Jobs and create the next Apple Computer? Drop out of college and start a business with your buddies in the garage of your parents' home. How many people have followed the Jobs model and failed? Who knows? No one writes books about them

and their unsuccessful companies. But venture capitalists (VCs) have data on the probability of a garage start-up becoming the Next Big Thing, and here the survivor bias is of a different sort.

David Cowan of Bessemer Venture Partners in Menlo Park, Calif., told me in an e-mail: "For garage-dwelling entrepreneurs to crack the 1% wealth threshold in America, their path almost always involves raising venture capital and then getting their start-up to an initial public offering (IPO) or a large acquisition by another company. If their garage is situated in Silicon Valley, they might get to pitch as many as 15 VCs, but VCs hear 200 pitches for every one we fund, so perhaps 1 in 13 start-ups get VC, and still they face long odds from there. According to figures that the National Venture Capital Association diligently collects through primary research and publishes on their Web site, last year was somewhat typical in that 1,334 start-ups got funded, but only 13% as many achieved an IPO (81 last year) or an acquisition large enough to warrant a public disclosure of the price (95 last year). So for every wealthy start-up founder, there are 100 other entrepreneurs who end up with only a cluttered garage."

Surviving those statistical odds is rare indeed.

This article was originally published with the title "Surviving Statistics" in *Scientific American* 311, 3, 94 (September 2014)

doi:10.1038/scientificamerican0914-94



Michael Shermer

- Michael Shermer is publisher of *Skeptic* magazine (www.skeptic.com) and a Presidential Fellow at Chapman University. His new book is *Heavens on Earth: The Scientific Search for the Afterlife, Immortality, and Utopia* (Henry Holt, 2018).

Credit: Nick Higgins

EXHIBIT H

BUSINESS

The Myth of the Successful College Dropout: Why It Could Make Millions of Young Americans Poorer

ROBERT J. ZIMMER MAR 1, 2013

Sensational media stories about millionaire drop-outs miss one thing: The vast majority of America's 30 million college dropouts are more likely than graduates to be unemployed, poor, and in default



Reuters

An increasingly familiar and seductive story has been circulating about young people who, drawing inspiration from billionaire entrepreneurs and computer giants, consider dropping out of college a fast track to business success.

Names like Jobs, Gates, Dell, and others lend star power to the myth of

the wildly successful college dropout. One recent *New York Times* homage to the phenomenon compared dropping out to "lighting out for the territories to strike gold," with one young executive describing it as "almost a badge of honor" among startup entrepreneurs. Like any myth, this story has a kernel of truth: There are exceptional individuals whose hard work, determination, and intelligence make up for the lack of a college degree. If they could do it, one might think, why can't everybody?

Such a question ignores the outlier status of these exceptional drop-out entrepreneurs and innovators.

Those who are able to achieve such success often rely on a set of skills already developed before they get to college. They know how to educate themselves, get a bank loan, and manage their time and their money. They may benefit from a network of family, friends and acquaintances who open doors and provide a safety net.

But what happens to young people without access to these important resources? For them, skipping college to pursue business success is like investing their savings in lottery tickets in the hopes they will be a multimillion-dollar winner, or failing to pursue an education because they expect to be an NBA superstar. The reality is that the next college dropout will not be LeBron James, James Cameron, or Mark Zuckerberg. He will likely belong to the millions of college drop-outs you don't hear the press singing about. These are the 34 million Americans over 25 with some college credits but no diploma. Nearly as large as the state of California, this group is 71 percent more likely to be unemployed and four times more likely to default on student loans. Far from being millionaires, they earn 32 percent less than college graduates, on average.

The vast majority of kids, especially those from disadvantaged families, need college to improve their circumstances. In fact, a recent UCLA study found that those who are least likely to attend college, including

kids from disadvantaged backgrounds, benefit most from a college education.

These students are not offered the choice between Ivy League universities and Silicon Valley. They are not paid by Peter Thiel, the PayPal co-founder who awards \$100,000 fellowships for students under 20 to leave college and pursue a venture for two years. For them, college is not a choice but a necessary and vital stepping-stone toward a future of opportunity. It is the platform from which whole families can be lifted to better prospects. Almost without fail, every degree -- from associates to doctorate -- leads to progressively higher wages, according to another recent report.

College provides young adults with the intellectual capital to succeed and the social capital to help them make connections, build networks, and establish life-long relationships. It provides them with skills in analysis and reasoning combined with confidence that will lead them boldly to articulate and embrace new ideas. It transforms their perspectives, opening them up to different cultures, different world views, and different ways of seeing -- and solving -- some of the world's most complex problems.

Far from being an obstacle to entrepreneurial success, a college education arms a person with the suite of skills necessary to capitalize on a great idea. At their best, colleges and universities are themselves hothouses of innovation, a natural site and climate for translating ideas into application. It is no coincidence that some of the practical ideas that have most changed our world, such as the Internet, came directly out of universities and colleges. Nor is it a coincidence that communities of entrepreneurs, Silicon Valley included, grow up around great universities.

Appealing as it may be, the against-all-odds story of the college dropout is not the story we should be selling our young people. Research with

Chicago Public Schools students -- arguably among those who have the most to gain from college education -- shows that only a fraction of those qualified for selective colleges ever make it there, in part because of misconceptions about what is possible. Let's not further diminish their prospects and ambitions. There is a proven path for economic, social and intellectual opportunity, and it leads through our college campuses.

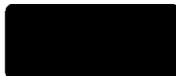
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