

**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 ERIN CONNELL
IN SUPPORT OF DEFENDANT
ORACLE AMERICA, INC.'S MOTION
FOR SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, FOR PARTIAL
SUMMARY JUDGMENT**

EXHIBITS VOLUME 1 OF 3

REDACTED PURSUANT TO COURT ORDER

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Office of Administrative Law Judge
San Francisco, Ca

**EXHIBITS VOLUME 1 OF 3
DECLARATION OF ERIN CONNELL ISO ORACLE'S MOTION FOR SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT**

CASE NO. 2017-OFC-00006

Exhibit A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

---oOo---

RONG JEWETT, SOPHY WANG, and)
XIAN MURRAY, individually and)
on behalf of all others)
similarly situated,)

Plaintiffs,)

vs.)

No. 17-CIV-02669

ORACLE AMERICA, INC.,)

Defendant.)

CONFIDENTIAL, PURSUANT TO PROTECTIVE ORDER
VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.

BY: KATE WAGGONER

July 26, 2018

Volume I

(Pages 1 - 261)

Taken before JANE GROSSMAN

CSR No. 5225

JANE GROSSMAN REPORTING SERVICES
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1939 Harrison Street, Suite 460
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VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.
BY: KATE WAGGONER - VOLUME I

1 many, many, many different leaders.

09:48:22

2 We have product development people who
3 roll up to probably, gosh, double digits, for sure,
4 number of leaders.

5 IT rolls up to a few different people.

09:48:44

6 MS. CONNELL: Are you limiting your
7 questions to California, Jim, or are you asking
8 generally across the globe?

9 MR. FINBERG: Well, that's a -- that's a
10 good point, Erin.

09:48:57

11 Q. Why don't we -- why don't we limit it to
12 California? It might make things simpler.

13 A. Okay.

14 Q. So limiting it to these functions in
15 California, let's repeat the question.

09:49:05

16 Do they each have a head in California?

17 A. No --

18 Q. Okay.

19 A. -- they don't in California either.

20 Q. All right. So I think you said product
21 development rolls up to -- I think you said "double
22 digits."

09:49:15

23 A. Double digits, yeah.

24 Q. Okay. Who are the double-digit leaders to
25 whom it rolls up?

09:49:27

1 many of them come from his organization.

09:54:13

2 But I don't -- I mean, I don't know
3 enough.

4 Q. So does his organization have a group name
5 of some kind or --

09:54:20

6 A. No, not -- I mean --

7 Q. Is it product-specific?

8 A. No, it's not product-specific. Thomas --

9 Q. How could I identify what he is in charge
10 of?

09:54:30

11 A. How could you identify what he's in charge
12 of?

13 MS. CONNELL: Objection. Calls for
14 speculation.

15 MR. FINBERG: Q. Anyone, a person.

09:54:36

16 A. I -- I don't know. You'd have to dig into
17 it further.

18 I mean, his title is president of product
19 development.

20 But we have product development at Oracle
21 under more than just Thomas.

09:54:50

22 Q. Is he the only president of product
23 development?

24 A. He's the only person with that title, yes.

25 Q. Okay. Is there, similarly, one president

09:55:04

1 Q. And the second bullet point on this page 10:51:56
2 says -- well, the first bullet point is:

3 "Function describes the type of work the
4 employee performs."

5 The second bullet point says: 10:52:12

6 "It is not necessarily specific to the
7 employee's LOB."

8 What does that mean?

9 Does "LOB" mean line of business?

10 A. "LOB" is line of business. 10:52:23

11 Q. And what is a line of business?

12 A. Line of business are -- is -- generally,
13 an organization that is led by a specific person, we
14 would refer to as a line of business.

15 That sentence is put into there because -- 10:52:52
16 simply because somebody has a job code in the
17 finance function doesn't mean they roll up to a
18 line of business that is, in general, known as the
19 finance line of business.

20 Q. What does that mean? 10:53:21

21 A. For example, it is generally fairly well
22 known that Safra Catz heads up our finance
23 organization.

24 However, there are people performing
25 finance roles that finance -- in -- in a job code 10:53:41

1 within the finance function who report all over the
2 organization and might roll up to Larry Ellison or
3 might roll up to Mark Hurd instead.

10:53:46

4 Q. Okay. What are the "lines of business"?

5 MS. CONNELL: Again, same objection, that
6 this is beyond the scope of her PMK topics.

10:54:09

7 But she can answer in her percipient
8 capacity, if she knows.

9 THE WITNESS: We on the compensation team
10 generally refer to a line of business by using a
11 leader name, so, like, Dave Donatelli and his line
12 of business.

10:54:25

13 MR. FINBERG: Q. Okay. Who -- who
14 are the line of business leaders in addition to
15 Dave Donatelli?

10:54:44

16 A. I can't name them all.

17 Q. Is it the same 12 people that you listed
18 earlier?

19 A. There's way more than that.

20 Q. Way more than that?

10:54:51

21 A. Yeah.

22 Q. Okay. Well, how many can you name?

23 Are -- are all of those heads of lines of
24 business or not?

25 MS. CONNELL: Objection. Vague.

10:55:01

1 MR. FINBERG: Q. All right. Why don't we 10:55:03
2 just -- give me your best shot at listing the heads
3 of lines of business and tell me what lines.

4 So Dave Donatelli, what is his line of
5 business? 10:55:13

6 A. I don't know. I don't know the specifics.

7 MS. CONNELL: Again --

8 THE WITNESS: I know names of people.

9 MR. FINBERG: Q. Okay. Well, what are
10 the other names that you know head lines of 10:55:19
11 businesses?

12 MS. CONNELL: And, again, I'm just going
13 to assert an objection that that is beyond the scope
14 of the PMK topics.

15 She can answer, if she knows. 10:55:29

16 THE WITNESS: For -- for the purposes of
17 compensation, we speak in terms of a line of
18 business as, like, the direct reports to each,
19 Larry, Mark, and Safra.

20 So Thomas Kurian would have a line of 10:55:52
21 business -- he's -- his line of business under
22 Larry; Edward Screven, his line of business under
23 Larry; Rich Garaffo, his line of business under
24 Mark; Chris Donato, his line of business under Mark;
25 Jim McGeever, line of business under Mark; 10:56:12

1 Jennifer Birk, her line of business under Mark; 10:56:19
2 Chuck Rozwat, his line of business (sic);
3 Luiz Meisler, his line of business under Mark.
4 MR. FINBERG: Q. What is his line of
5 business? 10:56:44
6 A. He is responsible for the Latin America
7 division.
8 Lo -- Loic Le Guisquet -- L-o-i-c, and
9 then it's L-e space G-u-i-s-q-u-e-t -- he's -- he's
10 responsible for AMEA and J-Pac. He's a line of 10:57:02
11 business under Mark.
12 Q. That's Europe and Japan-Asia?
13 A. Yes.
14 Q. Okay.
15 A. And then under Safra, she has -- 10:57:10
16 Ivgen Guner is a line of business under Safra;
17 Joyce Westerdahl; Corey West; Dorian Daley.
18 Q. Dorian Daley heads up what line of
19 business?
20 A. Legal. 10:57:29
21 Q. Okay.
22 A. Randy Smith.
23 Q. What is Randy Smith's line of business?
24 A. It's real estate and facilities.
25 Q. Why don't we limit the question to IT, 10:57:46

1 "Do you want to tell those two directs to
2 allocate to others as these two employees
3 will be getting a bigger increase..."

01:56:56

4 And on the 10th he says:

5 "...tell," and then that's redacted, "to
6 distribute elsewhere. Tell them to go
7 ahead" and "make the changes in CWB
8 themselves."

01:57:08

9 What do you understand that to mean?

10 MS. CONNELL: Objection. Calls for
11 speculation.

01:57:18

12 THE WITNESS: In these cases, we have --
13 Sophy Wang would have been already in line to
14 receive an increase, per her H-1B status. And those
15 are processed automatically. It doesn't require
16 approval up a hierarchy. It is a requirement, and
17 we ensure that those get posted.

01:57:38

18 And in this case, Cammie is informing
19 Richard Jewell that this H-1B increase for Sophy
20 doesn't appear in CWB, which was our compensation
21 workbench. And so the new salary amount doesn't
22 appear for her.

01:57:57

23 And she's saying that there was an
24 increase entered for Sophy, but she's already
25 getting an H-1 increase that's bigger than what was

01:58:15

1 submitted.

01:58:19

2 So shall we pull out what was submitted
3 and -- and use that money elsewhere because we
4 already have an increase in line for her. It just
5 hasn't been posted yet.

01:58:31

6 MR. FINBERG: Q. I see. And then
7 Mr. Jewell, who's at the VP level, in response is
8 saying, "Yes, allocate that money to other people"?

9 MS. CONNELL: Objection. The document
10 speaks for itself.

01:58:44

11 THE WITNESS: That -- that's what he said.

12 MR. FINBERG: Q. Okay. Do you know how
13 many people reported to Mr. Jewell?

14 A. No idea.

15 (Deposition Exhibit 39 was marked for
16 identification.)

01:59:05

17 MR. FINBERG: Q. Okay. Exhibit 39 is a
18 document entitled "Global Corporate Bonus Process
19 and Fusion Workforce Compensation Manager Training."
20 It has Bates numbers -4668 through -712 (sic).

02:00:00

21 Do you recognize this document?

22 A. I do.

23 Q. What is it?

24 A. It is a training document put together by
25 one of my compensation peers to educate managers and

02:00:18

1 of job also match to that same Radford job." 02:45:15

2 So then we get aggregate data back to tell
3 us what our peer companies are paying.

4 Q. And how do you map from the Radford jobs
5 to the Oracle jobs? 02:45:27

6 A. Using our internal descriptions, we read
7 through them.

8 Q. So the Radford survey has job
9 descriptions?

10 A. Absolutely. 02:45:39

11 Q. And you compare them to your internal job
12 descriptions?

13 A. Yes.

14 Q. And you look at the best match?

15 A. Correct. 02:45:45

16 Q. All right. Then "Salary Increases." It
17 says:

18 "This process is called the salary review
19 process or the focal review process."

20 So what process is the salary review
21 process or the focal review process? 02:46:03

22 A. When we review all eligible employees for
23 an increase at one point in time, "focal" is the
24 word for it, the one point in time, because it's a
25 focal point, that we say all eligible employees are 02:46:20

1 up for review at that same time.

02:46:24

2 Q. And do base salary increases occur every
3 year?

4 A. Not necessarily.

5 Q. Okay. During the period 2013 through the
6 present, in which years did they not occur?

02:46:40

7 A. Off the top of my head, I don't know.

8 Q. Okay. And in general, do they occur once
9 per year?

10 MS. CONNELL: Objection. Vague.

02:46:58

11 Do you mean focal?

12 MR. FINBERG: Q. Focal -- focal reviews.

13 A. In theory, it would be a once-per-year.

14 It is never more than once per year.

15 But we have had years where we have had
16 nothing, or it might go 16 months or 18 months.

02:47:09

17 Q. And can you recall what those periods were
18 when there was nothing or it went 16 months or 18
19 months?

20 A. I believe we had one that was effective in
21 October of 2015, and then the next one was December
22 of 2016. So that would have been a 14-month period.

02:47:41

23 And then our most recent was December --
24 we went December of 2016, and the next was effective
25 January of 2018. So that's 13 months.

02:48:14

1 MS. CONNELL: Objection. Asked and 03:04:11
2 answered.

3 THE WITNESS: I don't know.

4 MR. FINBERG: Q. All right. So under
5 the heading "How Are Salary Increases Allocated?" -- 03:04:19

6 A. Which document?

7 Q. We're still looking at 42 --

8 A. Okay.

9 Q. -- which is -4662.

10 -- it says: 03:04:30

11 "Each Line of Business' (LOB) focal salary
12 increase budget is distributed to the LOB
13 Head via the Compensation Workbench web
14 tool."

15 And I think you described earlier that 03:04:41
16 that's a process you're involved in; right?

17 A. Correct.

18 Q. Okay. So it sounds like the first part of
19 that is the establishment of a focal salary increase
20 budget. 03:04:56

21 Who -- who does that?

22 A. Our CEOs.

23 Q. So Hurd and Catz?

24 A. Yes.

25 Q. So they decide what the total employee 03:05:06

1 base salary increase budget is going to be?

03:05:12

2 A. Yes, they give us approval for that.

3 Q. And they do that generally once a year?

4 A. We hope for once a year.

5 It doesn't always happen that frequently.

03:05:27

6 Q. Okay. And after they decide the amount of
7 the budget, what happens next in the process?

8 A. Then the budget is pushed down to each of
9 their directs, based on the approved percentage by
10 country.

03:05:51

11 And from there -- and that's who we would
12 call -- in this explanation, we would call them the
13 "LOB head."

14 And from there each LOB head makes their
15 own determination on how to allocate -- how to push
16 their budget further.

03:06:06

17 Q. Okay. And I think we went through this a
18 little bit earlier.

19 But in the United States or even just in
20 California, who are the LOB heads who report
21 directly to the CEOs?

03:06:17

22 MS. CONNELL: Objection. Asked and
23 answered.

24 THE WITNESS: This is a long list.

25 Do you want me to list all of them again?

03:06:28

1 testimony.

03:09:42

2 THE WITNESS: "Everybody" meaning?

3 MR. FINBERG: Q. All U.S. employees.

4 A. Oh, no. There's still a -- the budget
5 that's approved is the same budget of eligible
6 salaries by the country, but it doesn't go down to
7 the individual level.

03:09:49

8 Q. Okay. So that creates the number?

9 A. Yes.

10 Q. Three percent of salary creates the --

03:10:02

11 A. Overall.

12 Q. -- total amount that gets allocated.

13 So how does that amount get allocated?

14 A. Based on eligible salaries by that country
15 for each of the LOB heads that I named.

03:10:14

16 Q. And so they each get a portion of the
17 total budget in proportion to the people who are
18 reporting to them, the amount of the salary
19 attributable to the people reporting to them?

20 A. Correct.

03:10:33

21 Q. And then what happens? How -- how do they
22 allocate it within their lines of business?

23 A. They would work with their business
24 partner, their HR business partner, probably an ops
25 person or a finance person that supports their

03:10:57

1 organization, to determine the areas that they
2 would like to focus their dollars. It might be
3 product-based. Maybe they have attrition in a
4 specific area that they need to try to get a handle
5 of (sic). Maybe they have low salaries in a
6 specific area where they have a critical group of
7 employees. They evaluate their own individual
8 business and decide where it would be most effective
9 to focus their budget.

03:11:01

03:11:16

10 Q. Okay. And then what happens? What's the
11 next step in the process?

03:11:34

12 A. It goes on down the hierarchy that way.

13 Q. So the heads of the line of businesses,
14 who are the direct reports to the CEOs, allocate it
15 within their lines to people at an EVP level or VP
16 level?

03:11:53

17 A. Not all of the LOB heads have EVPs under
18 them.

19 It would just be their direct -- we refer
20 to it as their "directs." Whether they're a VP or
21 an EVP or a whatever, it's their -- it just goes one
22 level down at a time.

03:12:04

23 Q. Okay. Until eventually it gets to the
24 lowest level manager, M1?

25 A. Yeah, some -- some organizations hold it a

03:12:25

1 little bit higher than that.

03:12:27

2 But for focal, the decision is typically
3 pushed down to first-line manager, and the budget
4 typically goes (sic).

5 Q. Who would be M1?

03:12:39

6 Sometimes it doesn't go that far down?

7 A. It doesn't always go that far down. It's
8 up to the -- it's up to the leader -- the hierarchy.

9 Q. Okay. In the lines of business in product
10 development, how far down does it go?

03:12:53

11 MS. CONNELL: Objection. Vague.

12 THE WITNESS: Product development isn't a
13 line of business.

14 Product development is everywhere.

15 MR. FINBERG: Q. No. I understand.

03:13:02

16 The lines of business that are in product
17 development --

18 A. Yeah.

19 Q. -- how far --

20 A. It would vary.

03:13:08

21 Q. Okay. All right. And then after those
22 allocations are proposed at the M1 level, the
23 approval process then goes back up?

24 MS. CONNELL: Objection as to the word
25 "proposed."

03:13:26

1 and they don't look at the details.

03:16:59

2 They want to know, "Did my people stay
3 within budget?"

4 MR. FINBERG: Q. Okay. And then the next
5 page, -4663, talks about how bonus is allocated.
6 And it says (as read):

03:17:15

7 "Each LOB's pool is distributed to
8 the Line of Business...Head versus (sic)
9 the Compensation Workbench web tool.
10 The Line of Business Heads and Executive
11 Management have complete discretion when
12 further allocating budgets and awarding
13 bonuses to individuals within their
14 organization."

03:17:31

15 So is this a similar process to the one
16 that you just described for the focal review?

03:17:43

17 A. Yes, it is.

18 Q. So the CEOs decide the total amount of the
19 bonus pool in terms of money?

20 A. Yes.

03:17:59

21 Q. And then they allocate it to the direct
22 reports?

23 A. Yes.

24 Q. And how do they do that? Is it based --
25 is this also based on the per-person salary

03:18:08

1 attributable to the direct reports, or is it divided
2 some other way?

03:18:14

3 A. It is generally based on the per person.
4 So the eligible salary is by line of business head.
5 So they each might get five percent of eligible
6 salaries, or whatever.

03:18:26

7 But it has to do with how many employees
8 and how much are the eligible salaries underneath
9 that LOB head.

10 Q. And then how do they decide how to push
11 that down their organization?

03:18:41

12 A. Similar to focal, they would -- they know
13 the areas -- you know, perhaps there was a major
14 project that was completed and got over a huge
15 finish line, and they want to focus more bonus
16 dollars -- if the budget might have been five, maybe
17 they give seven to this group, and three somewhere
18 else, because the one group had a major hurdle that
19 they overcame or there was a large project that
20 contributed greatly to the success of Oracle that
21 year.

03:18:57

03:19:14

22 They know their business and how they want
23 to push it down.

24 Q. And then at what point are the specific
25 amounts of bonus allocated to employees, to ICs?

03:19:30

1 Who does that?

03:19:34

2 MS. CONNELL: Objection. Vague.

3 THE WITNESS: Again, it probably depends
4 on the line of business and the leader.

5 But I would say, more often than not, the
6 first-line manager has some input.

03:19:43

7 If they didn't get a budget themselves,
8 they -- they spoke to the next person.

9 I can give you an example for me. I
10 don't -- Phil doesn't necessarily say, "Here's your
11 budget." But we have a conversation, and he asks me
12 what I would like to give.

03:19:58

13 And I think that is fairly common.

14 MR. FINBERG: Q. He asks you for total
15 amount, or he asks you what you're going to give to
16 your individual people?

03:20:17

17 A. He asks me what I would like to give --
18 what I would like to do for each of my individuals.

19 Q. And then does he say, "That sounds good,"
20 or he says, "I think so-and-so should get more, and
21 so-and-so have had less"?

03:20:31

22 A. We've had -- we have dialogue about it.
23 Sometimes -- sometimes it results in changes, and
24 sometimes it doesn't. It's a conversation.

25 Q. And it's your understanding that that's

03:20:46

1 of California. Those 2,000 people aren't considered
2 peers because they would work on different --
3 different things, different kinds of products.
4 Their scope might be a little bit different than
5 what they're working on.

03:33:22

03:33:37

6 It would suggest that they're doing things
7 at a similar level. But the specific duties they're
8 performing could be different.

9 MR. FINBERG: Q. And then the next bullet
10 is:

03:33:52

11 "- Relevant knowledge, skills, abilities
12 and experience."

13 How do you measure those things?

14 A. That would be, like, what kind of
15 education they have, what's their -- do they have a
16 degree; if yes, what -- what field of study; have
17 they had jobs related to this kind of work in the
18 past, and for how many years; any other type of
19 training or certifications; anything that would --
20 this is basically a look at their resumé.

03:34:03

03:34:22

21 Q. For knowledge or for all four of these?

22 A. Well, I think you can -- you can gather a
23 little bit of all of them from a resumé. You,
24 obviously, can't get to everything. That's why
25 people do interviews. But you get an idea of what

03:34:40

1 CERTIFICATE OF REPORTER

2
3 I, JANE GROSSMAN, a Certified Shorthand
4 Reporter, hereby certify that the witness in the
5 foregoing deposition was by me duly sworn to tell
6 the truth, the whole truth, and nothing but the
7 truth in the within-entitled cause;

8 That said deposition is a true record and
9 was taken in shorthand by me, a disinterested
10 person, at the time and place therein stated, and
11 that the testimony of said witness was thereafter
12 reduced to typewriting, by computer, under my
13 direction and supervision;

14 I further certify that I am not of counsel
15 or attorney for any of the parties to said
16 deposition, nor in any way interested in the events
17 of this cause, and that I am not related to any of
18 the parties thereto.

19
20
21 Dated: August 3, 2018

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23
24 _____
25 JANE GROSSMAN, CSR No. 5225

Exhibit B

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT)
COMPLIANCE PROGRAMS, UNITED)
STATES DEPARTMENT OF LABOR,)
)
Plaintiff,) OALJ Case No.
) 2017-OFC-00006
vs.)
) OFCCP No.
ORACLE AMERICA, INC.,) R00192699
)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF SHAUNA HOLMAN-HARRIES
UNDER RULE 30(b)(6)
San Francisco, California
Thursday, August 1, 2019

Reported By:
Ashley Soevyn,
CSR No. 12019
Job No. 190801ASE

09:44:06 1 data to OFCCP as part of the initial response to
2 OFCCP's scheduling letter?

3 A You mean the first submission only?

4 Q Yes.

09:44:16 5 A Not on the -- not for the scheduling
6 letter.

7 Q Okay. And -- but during the compliance
8 review, OFCCP requested that Oracle provide
9 additional data fields, correct?

09:44:32 10 A Yes.

11 MS. BREMER: Okay. I'm going to show you
12 what's been marked as Exhibit 10 to Sean Ratliff's
13 deposition.

14 (Exhibit 10 previously marked for identification.)

09:45:48 15 THE WITNESS: Thank you.

16 BY MR. GARCIA:

17 Q Is this a true and correct copy of a --
18 an e-mail chain between you and OFCCP between
19 November 19th, 2014 and December 11th, 2014?

09:46:57 20 A It appears to be.

21 Q And it attaches an Item 11 Report that
22 contains additional data fields, correct?

23 A Yes.

24 Q In your e-mail on December 11th, 2014,
09:47:48 25 in the second paragraph you indicate:

09:47:53 1 "We have very few employees or jobs at
2 any Oracle location where there are
3 multiple employees doing the same or
4 similar work with the same
09:48:05 5 skills/experience."

6 What was -- what was your basis for
7 saying that?

8 MR. PARKER: Outside the scope.

9 THE WITNESS: My basis for saying that
09:48:24 10 is, actually, in some of our earlier audits when I
11 started working at Oracle, there were some questions
12 asked by the OFCCP on -- on type of work. And at
13 that time I found out that while jobs could be --
14 have the same title and the same department at
09:48:55 15 Oracle, in many instances the people could be doing
16 completely different things.

17 BY MS. BREMER:

18 Q And how did you find that out?

19 MR. PARKER: Outside the scope. Asked
09:49:08 20 and answered.

21 THE WITNESS: Through my research as just
22 described to you for the other audit.

23 BY MS. BREMER:

24 Q Okay. What -- what research, though, led
09:49:22 25 you to find out or determine that there were a few

11:26:49 1 A Well, job code is representational of job
2 title. It's not exact. But I'm referring to --
3 yes, I think that that would be -- that would be
4 fair, whatever their -- their job had been
11:27:05 5 classified in as represented by the job code.

6 Q Okay. And Oracle provided data in the
7 next four columns for each employee's supervisor in
8 the compensation snapshot as well, correct?

9 A Yes.

11:27:33 10 Q So turning to the next page, Oracle
11 provided data for employee's data of birth in the
12 2014 compensation snapshot as well, correct?

13 A Yes.

14 Q And there's a column that's Global Career
11:28:03 15 Level.

16 What is that?

17 A That is the way that Oracle uses -- it's
18 a coding system, and it -- it organizes people
19 according to, generally, the job that their doing,
11:28:24 20 you know, how -- some of the different
21 responsibilities they have.

22 So, for instance, a person that would
23 come in with absolutely no experience, work
24 experience at all, might come in as a IC0, a con- --
11:28:37 25 an individual contributor zero. And as they -- the

11:28:41 1 job requires more experience, the person would --
2 the numbering would increase.

3 So an IC1 would be, again, a person of
4 low experience, at least for the job that they are
11:28:57 5 performing. And then IC2 would be a little bit more
6 and IC3 a little bit more and so on and so forth.

7 And then you've also got the manager
8 levels, and they follow the same type of rationale
9 with -- starting with M for your management levels,
11:29:16 10 and like a -- a manager -- like an M6 is, I
11 believe -- I would have to look, but I think -- I
12 think that one is like a senior director, but I'd
13 have to -- to look at -- back at the job title.

14 But -- but you -- you kind of get what I
11:29:30 15 mean. Or maybe an M5 is a senior director, or a --
16 an M6 might be a VP. But like -- but that type of
17 thing going up. But I could be off one without
18 looking at the titles next to it.

19 Q So the managers also -- and someone with
11:29:45 20 an M1 global career level would have less experience
21 than somebody with an M5 global career level?

22 A Yeah, for the job that they're performing
23 would be less responsibilities.

24 Q Okay. And so Oracle provided --

11:30:00 25 A I want to qualify --

11:30:01 1 Q -- data --
2 A I want to qualify something.
3 It doesn't necessarily mean less
4 experience. It would be less experience as required
11:30:06 5 by the job. So I might have a person that has 20
6 years experience, but, you know, they're an
7 individual contributor at a specific level. And,
8 you know, that's -- that's kind of like the job that
9 they are performing. So it's related to both of
11:30:19 10 them.
11 Q It's related to both the job that they're
12 performing and -- and their experience in that job?
13 A Correct.
14 Q And Oracle provided -- provided data in
11:30:39 15 the 2014 compensation snapshot for each employee's
16 global career level?
17 A Yes.
18 Q And the next column of data that Oracle
19 provided in the snapshot is entitled "Department,"
11:30:55 20 correct?
21 A Yes.
22 Q The next column on the next page is Work
23 Unit Flow.
24 Is this the same information that was
11:31:18 25 provided in the original Item 11 response?

18:00:47 1 around. When -- when someone is going to be hired
2 at Oracle, they take a look at -- and this is
3 another piece of it. They take a look at the
4 workflow, and -- and -- and -- and what the -- the
18:00:59 5 person's skills and relevant work experience
6 compared to the people in their work group that they
7 are hiring for.

8 And they -- they -- they make sure that
9 the person is paid in an equitable manner with
18:01:15 10 regard to what they're bringing to the job as far as
11 experience and education, skills, and -- and that
12 type of thing. And that's on -- that's on the
13 workflow, so that's actually the first step in the
14 evaluation process.

18:01:37 15 Q And you're saying any -- any analysis
16 that was conducted with respect to this section was
17 on the -- on the -- on the workflow with respect to
18 starting pay?

19 MR. PARKER: Misstates the testimony.

18:01:55 20 THE WITNESS: Yes, for starting pay, it
21 was on the workflow.

22 BY MS. BREMER:

23 Q Okay. Are you aware of any other
24 analyses and where Oracle kept them that would
18:02:08 25 comply with the requirements of, 60-2.17(A)(C), or

18:02:19 1 (B)(C)?

2 A Each manager also looks at any kind of
3 bonus, and it -- it also is imported in -- in the --
4 the -- if there's -- if there is a bonus for that
18:02:30 5 particular group. It's also in the compensation
6 workbench or any type -- or any type of additional
7 pay or incentives. It's all -- all recorded there.

8 And the managers are instructed in the
9 training to make sure that people are -- are -- are
18:02:48 10 paid in a nondiscriminatory fashion and that pay is
11 related to their -- their skills and relevant work
12 experience and education and -- and any other factor
13 that's related to the -- that's job related.

14 Q And are you aware of any other -- where
18:03:14 15 Oracle has kept any other compensation analyses that
16 comply with these regulations?

17 A In 2014, no. Now some of the information
18 is kept in the cloud and maintained there. They've,
19 you know, enhanced the different tools.

18:03:33 20 But I do want to stress that each manager
21 is different, and then the types of information that
22 are -- that's recorded in these documents can vary
23 from manager to manager.

24 Q Were you designated as the responsible
18:04:00 25 person for implementing all Oracle's affirmative

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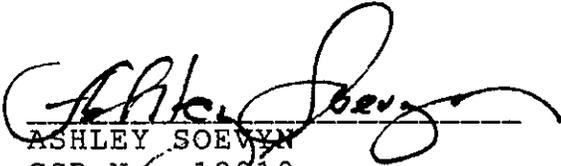
I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; further, that the foregoing is a true record of the testimony given.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: August 5, 2019



ASHLEY SOEWYN
CSR No. 12019

Exhibit C

CONFIDENTIAL

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT)
COMPLIANCE PROGRAMS,)
UNITED STATES DEPARTMENT)
OF LABOR,)
)
Plaintiff,) OALJ Case No.
) 2017-OFC-00006
v.)
) OFCCP No.
ORACLE AMERICA, INC.,) R00192699
)
Defendant.)
_____)

CONFIDENTIAL VIDEOTAPE RULE 30(B)(6) DEPOSITION OF:
KATE WAGGONER

PURSUANT TO NOTICE, the 30(b)(6)
videotaped deposition of KATE WAGGONER was taken on
behalf of the Plaintiff at U.S. Department of Labor,
1244 Speer Boulevard, Suite 515, Denver, Colorado, on
July 19, 2019, at 9:54 a.m., before K. Michelle Dittmer,
Registered Professional Reporter and Notary Public within
Colorado.

JOB No. 190719HGE

1 Q. Okay.

2 MS. CONNELL: For the record, Counsel, you
3 have the errata for the transcripts, so . . .

4 MR. SONG: I just wanted to see what the
5 witness remembered.

6 Q. (By Mr. Song) How are compensation rules
7 set at Oracle?

8 MS. CONNELL: Objection. Assumes facts.
9 Vague and ambiguous. Lacks foundation.

10 A. What do you mean by "compensation rules"?

11 Q. (By Mr. Song) Okay. How about
12 compensation policies?

13 MS. CONNELL: Objection. Assumes facts.
14 Vague and ambiguous. Lacks foundation.

15 A. We don't really have compensation
16 policies. Our one policy related to compensation is the
17 prior pay policy.

18 Q. (By Mr. Song) Uh-huh.

19 A. Other than that, we do not have policies
20 at Oracle about compensation.

21 Q. Okay. So the one policy -- one
22 compensation policy you have at Oracle is regarding prior
23 pay. So can we talk about that?

24 A. Sure.

25 Q. Can you tell me what that policy is,

1 please.

2 A. Effective October of 2017, managers may no
3 longer ask prior pay of a candidate for Oracle's -- for
4 an Oracle job application.

5 Q. Okay. And why is that?

6 MS. CONNELL: Objection. Calls for
7 speculation.

8 But you can answer.

9 A. It was a policy change that -- I know that
10 there was a change in the law in 2018, and we got ahead
11 of what the law was -- was going to mandate in 2018.

12 Q. (By Mr. Song) Okay. And who decided that?

13 A. I don't know.

14 Q. You -- so you --

15 A. I did not --

16 Q. It was not --

17 A. -- decide that.

18 Q. -- your decision?

19 A. No.

20 Q. Well, who -- did somebody tell you to
21 change this policy?

22 MS. CONNELL: Objection. Assumes facts.
23 Lacks foundation.

24 A. I wasn't part of the change in the policy.
25 My role at that time had moved on, already, to being

1 salary is warranted.

2 Q. Okay. And who -- who would decide on
3 these exceptions? Who would make the decision?

4 A. The manager.

5 Q. Manager?

6 A. In consultation with HR. They would --
7 and potentially their comp consultant, to say, "This is a
8 situation that warrants an increase."

9 Q. Okay. And which situations would warrant
10 an increase?

11 A. Oh, goodness.

12 MS. CONNELL: Objection. Calls for
13 speculation. Compound. Calls for -- incomplete
14 hypothetical.

15 A. I -- I mean, I can't speak to every --
16 I -- what I could think of is, you know, if there's an
17 internal equity. If there's an internal peer group
18 comparison that has it be an exception.

19 If -- if somebody has been in a group
20 where potentially they were overlooked for a raise during
21 focal for a couple of years, and they're transferring to
22 a team and the manager notices, "Wow, they've had the
23 same base salary for two years, I would like to do
24 something for them." That might be another situation.

25 Q. (By Mr. Song) Uh-huh. And how would

1 internal -- how would -- in a situation like this, where
2 there's a lateral changing, how would the internal equity
3 of that person's salary be analyzed to determine whether
4 they should be given a raise or not?

5 MS. CONNELL: Objection. Incomplete
6 hypothetical and calls for speculation.

7 A. So a -- say a manager is managing five
8 people that do what this new person is going to do.

9 Q. (By Mr. Song) Okay.

10 A. They would determine who on their team --
11 you know, maybe two of them come with similar background,
12 going to be in the same location, same knowledge skills,
13 abilities, everything they bring to the table, are
14 considered peers. That manager is familiar with the pay
15 of their own team.

16 Q. Okay.

17 A. And so they might say, "Oh, the peers over
18 here make" -- I don't know -- "110- and 112-," and so
19 that would -- that would be their way to say -- I
20 wouldn't say there's -- that they analyze --

21 Q. Uh-huh.

22 A. -- but that they're familiar with the
23 handful of people who do some -- do the same, and so they
24 know what -- what the salaries are of the people who are
25 going -- are performing the same role.

1 Q. Other than salaries, are they also
2 looking -- are they looking at anything else to determine
3 whether a lateral or transfer should get a raise?

4 MS. CONNELL: Objection. Incomplete
5 hypothetical and calls for speculation.

6 A. I -- I don't know.

7 Q. (By Mr. Song) Are they only looking at
8 salary to determine whether the -- that person should get
9 a raise?

10 MS. CONNELL: Same objections.

11 A. I -- I don't know.

12 Q. (By Mr. Song) Okay.

13 A. I mean, going down to individual managers,
14 again, thousands of them, there are cases -- they might
15 look at equity grant history, maybe.

16 Q. Okay.

17 A. Or -- or -- and position and range. There
18 are all sorts of things to consider when determining
19 that.

20 Q. Yeah. Those are the things that I'm
21 looking for.

22 A. Yeah.

23 Q. Like, what else? Would they be looking at
24 job code, job title, GCL, things like that?

25 MS. CONNELL: Objection. Incomplete

1 consider.

2 Q. Okay. And when a manager is comparing
3 this employee, this potential -- this hypothetical
4 transfer or lateral to his or her peers, what is that
5 manager looking at? Are they looking at job code, job
6 title, things -- how are they determining who are the
7 peers of this lateral?

8 MS. CONNELL: Objection. Incomplete
9 hypothetical. Calls for speculation. Asked and
10 answered.

11 A. Yeah, I -- I think I talked about that a
12 little bit. They would appear as same location, same
13 duties, you know, working on the same product.

14 Q. (By Mr. Song) Uh-huh.

15 A. Same level of experience coming in.
16 Their -- their -- maybe their job history, their
17 education history, those kinds of things. So they might
18 look to determine who's -- who's working on the same
19 product. Job code doesn't really tell them much unless
20 you get down to: What product are they working on and
21 what are the duties and their role.

22 So generally, I would say a manager -- you
23 know, in some cases, there's -- the manager might only
24 have one person doing that kind of job, so then you might
25 have to go up to the next level to figure out who the

1 peers are. You might have to get a little bit higher to
2 get a group of people who do the same duties, but what
3 their job code is doesn't necessarily tell you that
4 they're doing the same thing. So you have to get into
5 the individuals and knowing what the individuals are
6 doing and what they bring to the table or brought to the
7 table and where they're located.

8 Q. Okay.

9 MS. CONNELL: And I'll just also insert an
10 objection that I think this line of questioning has gone
11 beyond the scope of the PMK topics.

12 Q. (By Mr. Song) Okay. Who gives the
13 training on the compensation guidelines?

14 A. When it was first rolled out in 2011, so
15 prior to this case even, we did some live -- some live
16 sessions with compensation and HR representing. But
17 since we have moved it to an On Demand, and so all of the
18 modules themselves are available to managers in their
19 time at their -- basically, on -- when they need it, and
20 so we don't have a person behind it.

21 There were -- there were audio recordings
22 of those 2011 versions, and they could listen to it at
23 any time, anyplace. So it's not a -- it's not live.

24 Q. Okay. Have you ever done any live
25 trainings?

1 Q. And have you seen a picture of this slide
2 before?

3 A. Oh, yes.

4 Q. Okay. And I think I forgot to ask you,
5 were you involved in drafting or developing this
6 training?

7 A. This particular training, I was not.

8 Q. Okay. Do you need a second to review it,
9 or --

10 A. No.

11 Q. No? Okay.

12 A. Very familiar.

13 Q. Okay. And this -- this slide -- can you
14 just describe it for me?

15 A. So this slide gives an example of what our
16 global job table would look like. It explains to
17 managers that we have unique job codes. And then from
18 there, there is a system job title, a function that
19 explains the type of work being performed, a specialty
20 area that gets a little bit more specific about the type
21 of work being performed, and then the global career level
22 that represents where in our broad hierarchical structure
23 that job code falls.

24 Q. Okay. Can you explain each global career
25 level a little bit more in detail, please.

1 A. Yes. So there are two tracks: We have
2 the individual contributor track, and we have the manager
3 track. And the individual contributor track, entry level
4 would be -- it goes IC -- it actually starts at IC-0.
5 The IC-0s are more administrative-type roles.

6 So within IC-0, we would have
7 Administrative-1, Administrative-2, A-1, A-2, A-3, A-4.
8 And that's for, like, admin assistants and some of our --
9 I believe, like, our -- some of our help desk and more --
10 just more junior administrative-type roles sit in that
11 IC-0.

12 Q. Uh-huh.

13 A. IC-1 is entry level. Like fresh out of
14 college, you don't have any experience, but it's on the
15 professional ranks, like our developers or our programmer
16 analysts or whoever that might be.

17 So it goes IC-4, all the way up -- IC's
18 actually go all the way up to I- -- we have an IC-7 in
19 product development, but that's a guru, and I think we've
20 only ever had one or two people in that job code in the
21 history of Oracle, so that we --

22 Q. Okay.

23 A. -- in that level in the history of Oracle,
24 so I don't -- we don't really talk about having IC-7.

25 Q. Okay.

1 A. For most jobs, it goes IC-1 through IC-6.
2 And IC-6 is the highest-level individual contributor we
3 have in our table.

4 For managers, it starts at M-1, which is
5 entry-level supervisory, and goes all the way up to M-10,
6 and our M-10 are our CEOs. Most of our employees fall in
7 the M-2 to M-6. And M-6 would represent, like, the VP
8 level; M-2 is, like, first-line manager.

9 Q. Okay.

10 A. And there is no -- you'll see on one of
11 these other -- on the next page, there is no correlation.
12 Like just because you're an IC-4, if you move to manager,
13 it doesn't mean you'll be a specific level of manager.
14 Every case is evaluated on its own merit, every
15 individual is evaluated on its own merit. So we really
16 view it as two completely independent tracks.

17 Q. Okay. And what about job code?

18 A. What about it?

19 Q. Can you explain what that is and how it's
20 used?

21 A. Okay. It's --

22 MS. CONNELL: Objection. Compound.

23 But you can answer.

24 A. Okay. It is a -- just a unique identifier
25 for a very general bucket of overarching responsibilities

1 at a specific career level. So it is -- it is -- it
2 tells us, like a -- like the software developer 3, this
3 10530 is the unique identifier for software developer 3.
4 That tells us at the IC-3 level, which is five to eight
5 years of experience, know -- know what you're doing, but
6 not super-seasoned in your career, but not fresh, either.
7 Kind of right in the middle.

8 Q. (By Mr. Song) Uh-huh.

9 A. And the -- the software developer
10 responsibility, the -- the duties under that are very
11 broad and overarching. It just means they work on
12 developing our products. Which product or what kind of
13 work they do in developing those products, you don't know
14 by the job code.

15 Q. Okay. And how -- does job code factor
16 into compensation at all?

17 MS. CONNELL: Objection. Vague.

18 A. Each job code is assigned a very broad
19 range, so we have an idea of where compensation may fall
20 for that code.

21 Q. (By Mr. Song) Uh-huh.

22 A. But the code itself doesn't really tell
23 you a whole lot.

24 Q. Okay. What about the IC level?

25 A. Again, each code can only have one IC

1 And then from there, the minimum,
2 midpoint, and maximum is derived. So every job that has
3 E.09 as their grade --

4 Q. Okay.

5 A. -- has the same range, as long as -- I
6 need to clarify that -- as long as it's the same
7 location. So we have E.09 HQ, E.09 non-HQ. E.09 -- so
8 you might have a different range depending on your
9 location as well.

10 Q. Okay. So using the job code, salary
11 grade, and salary range, how is it decided where an
12 employee is going to fall within that range?

13 MS. CONNELL: Objection. Vague.
14 Compound. Calls for speculation.

15 A. So I think as the slide says --

16 Q. (By Mr. Song) Uh-huh.

17 A. -- that you account for experience,
18 skills, competencies, your performance, your location.
19 There's all sorts of things that come into that.

20 Q. Okay.

21 A. So it depends on what the employee brings
22 to the table.

23 Q. Okay. And who is making that
24 determination?

25 A. On where the employee will fall?

1 Q. Yeah.

2 A. The managers generally decide the comp
3 package for their employee.

4 Q. Okay. And is there any overview of the
5 manager's decision on where the employee falls in the
6 salary range?

7 MS. CONNELL: Objection. Vague.

8 A. Could you be more specific as to, like,
9 when in the employees stage? Like, what are we --

10 Q. (By Mr. Song) Well, so, for example,
11 the -- a manager says, "Okay, this employee falls at the
12 midpoint, 50 percent."

13 A. Uh-huh.

14 Q. That's what I -- based on the job code and
15 salary grade and range and experience, because all these
16 things, I decide myself, "50 percentile on this" --

17 A. Uh-huh.

18 Q. -- totally --

19 A. Okay.

20 Q. -- average or -- I don't know what that
21 means, the 50 percent there. Does that mean they're
22 fully competent, or average? Is it below average?

23 MS. CONNELL: Objection. Incomplete
24 hypothetical. Calls for speculation. Compound. Vague
25 and ambiguous.

1 A. The 50th percentile of the range
2 generally means they come in with the skills required to
3 do the job at that level.

4 Q. (By Mr. Song) Okay.

5 A. So that's at that level.

6 Q. Okay.

7 A. If you are asking about how manager -- so
8 are we talking about new hires? Are we talking about
9 people all throughout the year? Are we talking about --
10 what do you mean with --

11 Q. Well -- well --

12 A. -- the managers and the oversight question
13 that you had?

14 Q. Well, let's start with new hires.

15 If it's -- if it differs between new hires
16 and current or existing employees, et cetera -- well,
17 let's start with new hires.

18 A. Okay.

19 Q. So --

20 A. So the salary range -- or the salary
21 that's determined by a manager in -- for a new hire --

22 Q. Uh-huh.

23 A. -- the employee -- the candidates
24 generally come to us with -- I mean, they have
25 their -- their resume they've reviewed, the manager

1 decides they are the right candidate.

2 Q. Uh-huh.

3 A. Maybe they bring something a little more
4 to the table than your average person at, say, an IC-3,
5 and so they want to place that person in the third
6 quartile.

7 The manager can make that decision.

8 There's -- they may have consulted with their business
9 partner or -- or included the compensation analyst, their
10 compensation consultant in it. But the manager makes
11 that decision and then would submit that offer into that
12 iRecruitment work form.

13 Q. Right.

14 A. But then works its way up the approvals.

15 In the end, the -- the top approver is
16 really doing more of a sanity check, like -- to make sure
17 somebody didn't enter, like, a million dollars for an
18 IC-3, just more of a sanity: Does this make sense within
19 the range?

20 But in general, the -- the manager makes
21 that decision for where they're going to place their
22 employee based on what they bring to the table, where
23 they are located, what's the internal -- what is the
24 internal peer group paid, all those kind of things.

25 Q. Can they go outside -- can a manager go

1 level is defined, they don't tend to have that hire/fire,
2 compensation decision type of authority.

3 Q. (By Mr. Song) All right. M-2s would have
4 the compensation authority --

5 MS. CONNELL: Objection --

6 Q. (By Mr. Song) -- or do have the
7 compensation authority?

8 MS. CONNELL: -- incomplete hypothetical.
9 Asked and answered.

10 A. Yes. That's the first-line manager when
11 they're hiring somebody.

12 Q. (By Mr. Song) Okay. If an M- -- so let's
13 say an M-2 makes a compensation decision. How many
14 levels of a review -- review, sorry, does it go up?

15 MS. CONNELL: Objection. Calls for
16 speculation. Incomplete hypothetical.

17 A. The -- anything regarding pay --

18 Q. (By Mr. Song) Uh-huh.

19 A. -- really would -- prior to -- we had the
20 accelerated hiring experience. I don't know if you're
21 familiar with that. That is one of the exhibits that are
22 here.

23 But in 2013, when this started up, until
24 fairly recently with the accelerated hiring experience,
25 it would go up every level. It would first go to an HR

1 representative, and then it would go to a compensation
2 person, and it would go up the whole chain, up to the
3 very top.

4 But once you reach, you know, the -- once
5 it goes through, like, HR and comp and then maybe one
6 level of manager, it's really -- it goes to the -- the
7 sanity check piece: Like, does this pass the sniff test?
8 They're not doing any real deep diving into anything. It
9 really is what that first-line manager has submitted --

10 Q. Okay.

11 A. -- just continues on up the road.

12 Q. Okay.

13 A. With accelerated hiring, it skips, now,
14 compensation and tends to go all the way up so that the
15 process happens as -- as it indicates, accelerated
16 hiring, everything moves much quicker.

17 Q. Uh-huh.

18 A. And so it goes up, but again, to the -- to
19 the CEO office. But again, it's really that sanity check
20 of making sure -- we've had -- we've had situations, for
21 example, where the CEO office realizes they missed a
22 comma, and then the salary they offered was, like, \$2,000
23 instead of 200,000 -- like, just things that --

24 Q. Yeah.

25 A. -- if they look too quickly --

1 Q. Yeah, dotting your T's?

2 A. -- they miss it.

3 Q. Yeah, dotting -- yeah.

4 A. So it's -- it's the -- in the end, does
5 this look fine? They're not going into any specific
6 detail.

7 Q. And when did accelerated hiring start?

8 A. I believe it was 2018 sometime.

9 Q. Okay. But prior -- so prior to then, HR,
10 comp, and maybe one manager would have more of a
11 substantive review rather than just a sanity check?

12 A. In most cases, I would say --

13 Q. In most cases?

14 A. -- yes. Yeah.

15 Q. Okay. And so what -- what would that
16 entail?

17 MS. CONNELL: Objection. Calls for
18 speculation.

19 A. That would entail, you know, maybe looking
20 at -- looking at a resume to see what kind of experience
21 they bring, making sure -- you know, looking at --
22 glancing at the peer group to say: Does this make -- you
23 know, what does -- what compa-ratio does it give this
24 person? Where does it place them in the range? Does it
25 make sense for what they bring to the table? And, you

1 know, if we've identified these are the seven peers, does
2 it fall nicely in there?

3 It's just kind of a review to make sure
4 that that -- that that makes sense.

5 Q. (By Mr. Song) Okay. So HR, comp, and the
6 manager directly --

7 A. First-line manager.

8 Q. -- above that manager --

9 First-level manager?

10 A. Yeah.

11 Q. Would do this kind of a review?

12 MS. CONNELL: Objection. Incomplete

13 hyp- --

14 Q. (By Mr. Song) Or maybe they should do one?

15 MS. CONNELL: Incomplete hypothetical and
16 calls for speculation.

17 A. I would -- so the -- the manager the next
18 level up maybe wouldn't go into that -- that's more --
19 first-line manager, HR, and compensation would either
20 review it individually or maybe over the phone to say:
21 This -- you know, this is where we think this person
22 should fall based on the resume and -- and their location
23 and what they bring to the table.

24 And then when the manager submits the
25 Workflow, they would probably put in the justification,

1 you know: This -- we positioned it here for this reason.
2 And then the next-level manager might look a little bit
3 closer.

4 Q. Okay.

5 A. But if it's not -- I mean, if it's over
6 the range, yes, they're going to dig into it a little bit
7 more.

8 If it seems kind of out of line, really,
9 it -- it -- even that next-line manager, it's likely that
10 the hiring manager probably already had a conversation
11 with his or her direct manager to say, "This is my
12 opening and this is the window of what I'd like to
13 offer." And so there's probably already been, before
14 they even get to that point.

15 So I would say when it reaches that
16 next-level manager, they likely aren't digging in quite
17 as much as HR and comp would have with the manager in
18 that initial setting.

19 Q. (By Mr. Song) Okay. And who at HR would
20 it be that would review these compensation decisions?

21 MS. CONNELL: Objection. Calls for
22 speculation. Compound.

23 A. It would be the -- the business partner
24 assigned to support that particular area of the business
25 would be who the manager would call if they needed

1 consultation.

2 Q. (By Mr. Song) Okay. Would there be
3 anybody else at HR that would look at that?

4 MS. CONNELL: Objection. Incomplete
5 hypothetical. Calls for speculation.

6 Q. (By Mr. Song) Just primarily the business
7 partner?

8 A. Yeah. Yeah.

9 Q. Okay. And what about at comp --
10 compensation? Sorry.

11 A. Again, there's a compensation consultant
12 assigned to various areas of the business.

13 Q. Uh-huh.

14 A. And the HR business partner assigned to
15 that particular manager would engage comp to say, "We
16 could use your help in -- in developing the compensation
17 package for this person."

18 Q. Okay. Would they also consider gender?

19 A. No.

20 MS. CONNELL: Objection. Vague.

21 Q. (By Mr. Song) No? Okay. Would they
22 consider race?

23 A. No.

24 Q. Okay.

25 A. We're trained not to consider either one

1 ambiguous. Asked and answered.

2 And for the record, you're asking her in
3 her personal capacity?

4 MR. SONG: Yeah, right now.

5 A. I definitely recommended using them as a
6 point of reference.

7 Q. (By Mr. Song) Okay.

8 A. I don't know what -- what else you --

9 Q. Okay. That's just what I was trying to --

10 A. Yeah.

11 Q. -- figure out.

12 A. It's like point -- yes, it -- point of
13 reference for any manager --

14 Q. Okay.

15 A. -- a good point of reference to be able to
16 compare employees across.

17 Q. Okay. So then, similarly, does Oracle
18 recommend -- does Oracle's compensation guidelines
19 recommend using these compa-ratios to managers?

20 MS. CONNELL: Objection. The guidelines,
21 as she testified, are in writing and have been produced
22 in this case, and they speak for themselves.

23 A. So, I mean, if I read -- the -- the slide
24 says, this is how you use it, tells how to calculate it,
25 and it says: It's helpful when you are managing

1 employees during -- doing different kinds of work.
2 Remember that not everyone has, nor should they have, the
3 same. And the right compa-ratio does depend on
4 individual experience, skills, contribution, and
5 performance.

6 So educating managers on what they can get
7 out of compa-ratio and what it tells them is part of the
8 guidelines. But, you know, whether we say, "You must use
9 this," it's always been used as a point of reference and
10 just educating them on what they can -- what they can
11 glean from that -- that number when they look across
12 their team.

13 Q. (By Mr. Song) Yeah. It's certainly not
14 required. But I was trying to figure out whether it's
15 recommended -- because it doesn't even -- it doesn't even
16 really recommend the use of them. It just kind of
17 explains what they are and how they can be used.

18 But -- but I was just trying to find out
19 if there was -- if Oracle recommends using compa-ratios
20 versus not recommending them or making a
21 nonrecommendation?

22 A. The recommendation --

23 MS. CONNELL: Well, I'll object to the
24 characterization of the document, and it speaks for
25 itself. And the question itself is asked and answered.

1 A. Yeah, I do.

2 Q. Okay. And can you tell us what it is,
3 very quickly?

4 A. So it just outlines the approval levels
5 required for various kinds of changes submitted in
6 Workflow.

7 Q. Okay. And are approvals required for
8 compensation decisions?

9 A. Well, yes.

10 MS. CONNELL: Objection. Compound,
11 but . . .

12 A. It -- so on here, the -- when it comes to,
13 like, the assignment, one of -- about halfway down the
14 page, the assignment when it comes to some -- like job
15 change, I think in -- in my capacity here, the job codes
16 and the job changes would be part of compensation-ish,
17 and, you can see, it's one level up and then an HR is
18 required.

19 But when it comes to any changes in pay,
20 there's the -- when it -- dollars at the bottom of the
21 page.

22 Q. (By Mr. Song) Uh-huh.

23 A. All of this -- you'll see some of them --
24 so base salary increase goes all the way up through the
25 CEO office. But again, that's a cursory, a sanity

1 check --

2 Q. Sanity check?

3 A. -- they're not doing anything real . . .

4 And then, like, the addition of annual
5 target variable for the first time, that also goes up to
6 the very top level. Relocation.

7 So yeah, there's -- there's things that
8 are compensation related that -- that go up and it --
9 this documents what level of final approval is required
10 in order for it to get processed.

11 Q. Okay. And is this document still current?

12 A. I am not positive on that, simply because
13 of the accelerated hiring experience.

14 Q. Oh. Well, actually, it would probably be
15 different then, right? Because this is March of 2017?

16 A. 2017.

17 Q. So that was before the accelerated hiring,
18 right?

19 A. I -- yes. I -- I think so. So I -- to
20 what extent this changed for that --

21 Q. Uh-huh.

22 A. -- I'm not positive -- because, like, part
23 of the accelerated hiring experience, they removed
24 compensation, for example, from the review. And this one
25 doesn't have compensation on it anyway.

1 So when that communication happens is
2 still -- is in those conversations before -- before the
3 formal offer goes. And then once the final -- once that
4 top-level approval is done, then they can say, "Okay,
5 we've got approval. It's going into the system. We got
6 you at this base salary."

7 So -- and similarly, with transfers as
8 well, they would have the conversation to say, "This is
9 what we're going to put in for you."

10 Q. Okay. And the -- the final-level sanity
11 check, is that Mr. Ellison or the board?

12 A. No. That is -- we have a team of three
13 who are considered the CEO office of approvers, and they
14 are lower-level individual contributors that, again, do
15 that sanity check to say, "Does this -- is this -- does
16 this look okay?"

17 But they're handling thousands every month
18 because they do it globally, and it's really just that
19 cursory review to say, "Does this -- does everything look
20 up to . . ."

21 Q. Okay. And that's Mr. Ellison, Ms. Catz,
22 and is it --

23 A. Oh, no. They have nothing to do with it.
24 There is a team of three low-level individual
25 contributors who represent the office of the CEO to

1 make -- to -- to do that final checkbox that it's
2 approved after their sanity check.

3 Q. Who are the three team members?

4 A. Carolyn Balkenhol; she's mentioned in this
5 document, in fact, in the notes on page 10. It says
6 Carolyn Balkenhol is in there. Carolyn Balkenhol, and
7 then the other two women are Lynn -- I forgot Lynn's last
8 name -- and Yvonne Sieber. I forget -- I forget Lynn's
9 last name, though.

10 But it's three women who monitor that
11 in-box that's considered the CEO office of approvers.
12 But the -- the CEO and executive, that -- they're proxies
13 for them. They -- those guys don't actually see these.

14 Q. And the CEO office, is that Mr. Ellison's
15 office?

16 A. No. Our CEO, the -- well, now it
17 represents all three of them, the CEO office of
18 approvers. Our CEOs are Safra Catz and Mark Hurd.

19 Q. Uh-huh.

20 A. And then Mr. Ellison is the executive
21 chairman and CEO -- or CTO. That's why it says the
22 "CEO(s)" with the "s" in the parentheses and "executive
23 chairman" and CTO." Those are the three M-10s, but it's
24 really, they proxy, they have -- they have proxies that
25 act on their behalf.

1 A. But, you know, if they, like a couple
2 weeks later, realize something that -- that it didn't
3 quite get to the amount that they were -- like there
4 could be a subsequent change.

5 Q. Uh-huh.

6 A. But changing what was approved in a
7 Workflow, that doesn't happen once it's gone --

8 Q. Okay.

9 A. -- to that level.

10 Q. At what level can changes still be made to
11 the salary decision? All the way to the CEO office?

12 MS. CONNELL: Objection. Vague and
13 ambiguous. Incomplete hypothetical.

14 A. I would say -- I mean, technically
15 speaking, a request for a change could happen at any
16 level. It's pretty rare. I -- it's very rare that stuff
17 gets changed. Because there's so much done by the
18 front-line manager, with HR and with comp and coming --
19 like, they don't -- they don't have any interest in
20 delaying this process. They are not interested in
21 putting something up for -- for the levels of approval,
22 only to have it shot down and come back to them.

23 So the -- the thorough review at the
24 beginning is intended to make its way and pass all the
25 way through. So it's very rare that anything would

1 change after the manager.

2 Q. (By Mr. Song) Okay. If -- if somebody at,
3 let's say, the -- the next-level manager makes a request
4 for a change to a salary decision?

5 A. Uh-huh.

6 Q. Does it have to go back to the lower-level
7 manager who made the decision, or does it just keep going
8 up?

9 A. No, it goes back.

10 Q. Okay.

11 A. So that if the -- if, say, just -- say,
12 for example, if my manager, if I submitted something and
13 my manager thought I needed to change it, he would return
14 for correction.

15 And then I would make a change, note the
16 change, and then send it back up --

17 Q. Okay.

18 A. -- again.

19 Q. So it has to go back and then all the way
20 back up --

21 A. Yeah.

22 Q. -- again?

23 A. Yeah. Or it would be denied and say, "You
24 know, start over." They'll -- they could just click
25 "Reject" and say, "Will you resubmit that? I didn't like

1 wish.

2 Q. But there's no box -- I mean, there's no
3 requirement to include comments on why you're rejecting a
4 salary decision?

5 A. Not to my knowledge. I don't believe it's
6 required.

7 Q. Are there guidelines that suggest to do
8 that, or . . .

9 A. Not to my knowledge.

10 Q. All right.

11 MR. SONG: I think that's it. We can --

12 THE WITNESS: For now?

13 MR. SONG: -- take a break.

14 THE WITNESS: Okay.

15 MS. CONNELL: Okay. Great. Thank you.

16 THE VIDEOGRAPHER: Going off the record.

17 Time is 12:32 p.m.

18 (Recess taken from 12:32 p.m. until
19 1:14 p.m.)

20 THE VIDEOGRAPHER: Back on the record.

21 Time is 1:14 p.m.

22 Q. (By Mr. Song) Ms. Waggoner, regarding
23 sanity checks --

24 A. Uh-huh.

25 Q. -- for the top-level reviews, how do you

1 know that they're only sanity checks at the top?

2 A. I have had numerous conversations. I know
3 Carolyn fairly well. I've had numerous conversations
4 about -- about her and kind of what they're -- what
5 they're looking at, what they're looking for.

6 I also know that because there's only
7 three of them and they handle this responsibility
8 globally --

9 Q. Uh-huh.

10 A. -- there are thousands that come through.
11 So they don't -- there would be no possible way for three
12 of them to do any deep digging into what's going on.

13 Q. Okay. And so did anybody tell you that
14 they're just sanity checks?

15 A. Oh, yes. My -- I mean, Carolyn, when
16 we've talked about what it is she's looking at and what
17 it is she's going -- she's going through, she and I have
18 talked about, before, how this is just making sure
19 nothing crazy is going on.

20 Q. Uh-huh. Okay. And what about at the EVP
21 level, those are sanity checks as well?

22 A. Yes, I believe so.

23 Q. Okay. All right. And how do you know
24 they're only sanity checks there?

25 A. Also because at this level, people are

1 pretty far removed from the individuals themselves and
2 the -- the data, the actual data.

3 Q. Uh-huh.

4 A. And because they have a lot -- a lot of
5 volume that will come through to them as well and -- they
6 simply don't get into that kind of detail when it come --
7 they have much bigger strategic and visionary work to do
8 than get into the minutiae of an offer.

9 Q. Okay. Then did you hear any -- did you
10 hear from anybody specific about the EVP level only doing
11 sanity checks? So you heard from Carolyn at the CEO
12 level.

13 A. Uh-huh.

14 Q. What about EVP, did anybody tell you that?

15 A. No.

16 Q. No?

17 A. I wouldn't say anybody's told me that --

18 Q. Okay.

19 A. -- specifically.

20 Q. All right. So you're just -- you know,
21 you're just basing that on your knowledge of their
22 workload, the number of requests they get, et cetera?

23 A. Yes.

24 MS. CONNELL: Objection.

25 A. And --

1 Q. (By Mr. Song) Okay.

2 A. And conversations with HR -- HR that
3 supports them, that kind of -- so not specific
4 individual -- like I couldn't name specific individuals,
5 but just knowing kind of what that process is.

6 Some EVPs, for example, might have one day
7 of the week that they look at transactions because they
8 just get so many, they -- they dedicate and just do a
9 quick sanity check to make sure that nothing is awry.

10 Q. All right. What about SVP, senior vice
11 president?

12 MS. CONNELL: Objection. Vague.

13 A. What about them?

14 Q. (By Mr. Song) What -- do -- they do sanity
15 checks, correct?

16 A. I would -- yes, I would say that theirs is
17 a sanity check, unless the hire is for someone right
18 below them. I mean, it really -- it depends on how far
19 down -- if they're the first level after the submission,
20 then they --

21 Q. Okay.

22 A. -- might look at it a little more closely,
23 but --

24 Q. Okay. And then how do you know those are
25 sanity checks at that level?

1 A. Same answer.

2 Q. Okay. All right. And then if you could
3 look at Exhibit --

4 A. If I could add to that. The other reason
5 I know is because it's -- they're almost never changed.
6 Like, it -- it almost never gets rejected or -- or
7 changed or anything. So it really is -- if this passes
8 the sniff test, if this passes sanity, it's good.

9 Q. Yeah.

10 In your experience, how many have been
11 changed at those levels?

12 A. At that level?

13 Q. Yeah.

14 A. I couldn't even begin to guess, but --

15 Q. Okay.

16 A. -- very small.

17 Q. Okay. Like less than five?

18 A. Over the span of many, many years? I
19 couldn't say a number. I would say well less than
20 5 percent over the span of many years.

21 Q. Okay. And I wanted to -- I forgot to ask
22 you about one page on Exhibit 7, so if you could turn to
23 Exhibit 7, page 29.

24 MS. CONNELL: You mean Bates Label 29 --

25 MR. SONG: Yeah.

1 maybe they're not contributing at quite the right
2 standard, they might be lower in the range.

3 And that's why when I was saying you can't
4 make any determination about what the right compa-ratio
5 would be for somebody, because there are factors involved
6 in -- in why they may be positioned a certain way in the
7 range.

8 And then similarly, the higher quartiles,
9 if their contribution is exceptionally high or they're
10 ready for promotion, they might be higher in that range
11 because they're ready to go to the next step, and the
12 next range would be higher.

13 Q. Okay. And when it says -- next to
14 "Market," it says, "External equity"?

15 A. Uh-huh.

16 Q. And what's that?

17 A. So those are our salary surveys.

18 Q. Like from Radford and --

19 A. Yeah.

20 Q. Oh, it's -- okay.

21 A. Yeah.

22 Q. And then what about next to "Peers," it
23 says, "Internal equity"?

24 A. Uh-huh.

25 Q. What does that mean?

1 A. So the internal -- the people on the team
2 who perform the same role, working on the same products,
3 exact same responsibilities, at the same level, in the
4 same location.

5 Q. Okay. And would that be under the same
6 manager, all the --

7 A. Typically.

8 Q. All the peers? Okay.

9 A. It could get a little broader than that.
10 I mean, it -- it could get a little broader; if there's
11 only one or two, we might say, "Let's move up so we have
12 a little bigger sample size," but it's under specific
13 team.

14 Q. Okay. And salaries could be allocated
15 either below or above this range, right?

16 MS. CONNELL: Objection. Asked and
17 answered.

18 A. Yes, we've established there could be
19 people below or above range.

20 Q. (By Mr. Song) Okay. And what would you
21 consider to be -- what would you consider to be low, like
22 on this salary range?

23 A. I think we --

24 MS. CONNELL: Objection --

25 A. -- already talked about that.

1 documents speaks for themselves.

2 A. Yeah.

3 Q. (By Mr. Song) Yeah.

4 A. Salary ranges should be used by
5 managers --

6 Q. Okay.

7 A. -- to make decisions.

8 Q. Okay. But they're not required to be
9 used?

10 MS. CONNELL: Objection. Asked and
11 answered, and the documents speak for them-- --

12 A. Salary ranges are guidelines --

13 Q. (By Mr. Song) Yeah.

14 A. -- as I've said before, and they're meant
15 to guide decisions that they make regarding salaries.
16 But as I mentioned, you're not required to have it within
17 the range, and where you place them in the range is based
18 on a variety of factors.

19 Q. Okay. Does product factor into pay?

20 A. Product --

21 Q. Like the product that the employee works
22 on?

23 A. Absolutely.

24 Q. Okay. And how -- how does it factor into
25 pay?

1 A. So it factors into the pay for the
2 individual. It does not factor in for the salary range
3 piece, the range that we assign internally at Oracle. As
4 I said, our ranges are intentionally broad to account for
5 things such as product and location and that.

6 And I believe I went over an example
7 earlier where a product would impact. Say, for example,
8 somebody has an older skill that is not as highly
9 commanded in the market and like -- like the JD Edwards,
10 product development of the JD Edwards product or
11 maintaining the JD Edwards product. That's just not a
12 hot product anymore, and so the market is not dictating
13 that we must pay them in the fourth quartile.

14 Conversely, we've got the hot skills of,
15 like, machine learning or artificial intelligence or some
16 areas of -- of cloud, where the market is incredibly hot,
17 there isn't as much talent out there for it, and a lot of
18 us high-tech companies are competing for that talent.

19 So therefore, their knowledge of that
20 particular product and that particular technology would
21 warrant them higher in the range.

22 Q. Okay. And recommending a salary for an
23 employee who's working on, say, a hot -- a hot product?

24 A. Uh-huh.

25 Q. Do they have to justify that in writing

1 anywhere?

2 MS. CONNELL: Objection. Asked and
3 answered.

4 A. Generally, in the offer, if it's going to
5 be high in the range -- or -- and really anywhere in the
6 range, the manager does give a little blurb about what it
7 is they bring to the table and what they might -- and
8 their reason for putting the salary where it is.

9 Not required, but in general --

10 Q. Okay.

11 A. -- like I said, they don't -- they're not
12 interested in sending something up that isn't going to
13 get approved, so they will -- they will document their
14 reasons behind the decision to expedite the process of
15 approval.

16 Q. (By Mr. Song) Okay. And is there
17 something in the guidelines about how to consider product
18 in making a pay decision?

19 MS. CONNELL: Objection. The documents
20 speak for themselves.

21 A. Off the top of my head, I don't know if we
22 specifically say "product" in the guidelines.

23 We talk about how the ranges are broad to
24 allow managers to account for difference in experience,
25 skills, competencies, and performance of the candidates

1 and incumbents. And so I would say what they bring to
2 that product would be their -- some of their skills and
3 competencies would be relevant to what it is they're
4 going to work on because the -- you -- likely, we would
5 be looking for machine learning skills in order to
6 perform the machine learning roles here.

7 So I think it kind of is baked into that,
8 but a specific product name or specific product, we don't
9 call that out as something different here.

10 Q. (By Mr. Song) Okay. Because, yeah, I
11 didn't see anything in here specifically about how to
12 factor into -- factor in product into pay.

13 But I wanted to know if you knew of
14 anything specific?

15 A. Yeah. I don't believe we mention product,
16 but what they can -- in order to get hired into a
17 product, your skills and experience and competencies
18 would be part of that experience.

19 Q. Okay.

20 A. Or would be part of that, kind of how you
21 can contribute to that product.

22 Q. So that's more of an unwritten guideline
23 or guidance?

24 MS. CONNELL: Objection. Misstates her
25 testimony.

1 A. It's -- it's known that certain --
2 depending on the product you're working on, your skills
3 and experience and competencies will be different, and so
4 what you bring to the table and what -- what you're going
5 to be working on here is what factors in.

6 Q. (By Mr. Song) Okay. Yeah. I think I
7 understand that.

8 But I'm just trying to get to the
9 guidance, of whether there is specific guidance on how to
10 do that or how to factor into, you know, a pay decision
11 what the product is?

12 MS. CONNELL: Objection. Asked and
13 answered.

14 Q. (By Mr. Song) So it doesn't sound like
15 there's anything written --

16 A. You know --

17 Q. -- in the guidelines?

18 A. -- as I said --

19 MS. CONNELL: Objection. Asked and
20 answered. The documents speak for themselves, and
21 mischaracterizes her testimony.

22 A. It doesn't say the word "product," but the
23 experience and the skills and the competencies that
24 people bring is what makes them qualified to work on a
25 certain product. Therefore, it can all be encompassed in

1 what helps to make their decision on where to position
2 their pay.

3 Q. (By Mr. Song) All right. I think you
4 mentioned compensation committee earlier today?

5 A. Yeah.

6 Q. Yeah. Can you --

7 A. That's duties.

8 Q. Yeah. Can you tell me about the
9 compensation committee?

10 A. So --

11 MS. CONNELL: Objection. Vague.

12 A. -- the compensation committee that I was
13 referring to before is the compensation committee of the
14 board of directors, and they oversee executive
15 compensation matters at Oracle.

16 Q. (By Mr. Song) And that would be from SVP
17 on up, or --

18 A. EVP on up.

19 Q. EVP on up. Okay.

20 And how many members are there of the
21 committee?

22 MS. CONNELL: Just object as this line of
23 questioning being beyond the scope of the topics on which
24 she's been designated to testify.

25 But you can answer in your personal

1 person, prorated based on their eligibility for the
2 period. If they were -- for example, if our -- if they
3 were only eligible for six months of the period, that
4 focal eligible salary would be one-half of their actual
5 annual salary because they're eligible for only six
6 months.

7 Q. Okay. And then what about the "Focal base
8 amount increase"?

9 A. That would be the base salary increase
10 in -- I can't tell if this was turned on to U.S. dollars
11 or not, but it would be the -- the amount of increase
12 that they're -- the manager has input to give to that
13 person.

14 Q. And is "Focal" just returning to --
15 referring to the focal review?

16 A. Yes.

17 Q. Okay.

18 A. It's like the -- that's the use -- word we
19 use for merit, our merit increase cycle.

20 Q. Okay. And -- and then towards the end of
21 those columns, that includes the compa-ratio that we
22 previously spoke about?

23 A. Yeah.

24 Q. Okay. And it has the quartile.

25 And then towards the end of that, it's a

1 plan.

2 Q. Okay. And then what about stock options,
3 they wouldn't be included on here?

4 A. They were not part of this plan.

5 Q. Oh, okay. And then while we're on -- on
6 the subject of focal reviews, can you tell us a little
7 bit about the focal reviews?

8 MS. CONNELL: Objection. Vague.

9 A. What about them?

10 Q. (By Mr. Song) What are they?

11 A. It's the one time that we review all
12 employees for potential base salary increases or job
13 changes, promotions. It's -- focal is just, it refers to
14 a focal one point in time, instead of -- some companies
15 might do anniversary reviews. We do it one point in
16 time.

17 Q. Okay. And are there guidelines regarding
18 the focal review?

19 MS. CONNELL: Objection. Vague.

20 A. Guidelines? What --

21 Q. (By Mr. Song) Well, you have guidelines on
22 salary range, compa-ratio?

23 A. Uh-huh.

24 Q. Is there -- are there any instructions or
25 any guidance on how to do a focal review --

1 A. No.

2 Q. No?

3 A. No.

4 Q. When --

5 A. It varies.

6 Q. Okay. And how is it decided what time
7 they're going to happen?

8 A. It has to do with business conditions and
9 budget and when we can afford to do it.

10 Q. Okay. But it is annual?

11 A. Not necessarily.

12 Q. Okay. So what's the -- is it typically
13 annual?

14 A. No.

15 Q. No?

16 A. It's not.

17 Q. Okay.

18 A. It's not.

19 Q. Then what's the average kind of time frame
20 of when you guys do focals?

21 MS. CONNELL: Objection. Assumes facts
22 and vague.

23 A. I would say in the 14 to 18 months, maybe.
24 We've had a lot of different effective dates in the time
25 that I have been here, and we have had other years where

1 we have not had anything at all.

2 Q. (By Mr. Song) Okay. And then who decides
3 when to have them?

4 A. Our CEOs.

5 Q. And do you know how they decide?

6 A. It has to do with business conditions and
7 what we can afford at the time.

8 Q. Just those -- just those two things?

9 Like --

10 A. I don't know what else goes into their
11 head.

12 Q. Okay.

13 A. But that's what --

14 Q. Okay.

15 A. They are looking at Oracle globally and
16 what is in the best interest of the company.

17 Q. Okay. So once they decide they're going
18 to have a -- Oracle's going to have a focal review, what
19 do they do next? How do they implement it or how do they
20 get it done?

21 A. They let me know that we're going to do
22 it, and we -- we actually are -- we propose to them
23 country budgets, to say: Around the world, this is what
24 the budget should be per country, as a percentage of
25 eligible salaries.

1 to some of their client groups. My team does not
2 personally do that training, but there is training that
3 exists.

4 And -- and we also post training online,
5 on a website for managers to access, and we have links to
6 that training to say: Here -- here's training on how to
7 use workforce compensation and -- and guidelines for this
8 process.

9 Q. And then it's left to the managers to
10 actually conduct the focal reviews?

11 A. Yes. The managers input their
12 recommendations.

13 Q. Okay.

14 A. For the increases, the managers put those
15 in.

16 Q. And that's when those reviews that go up
17 the chain of command -- we talked about earlier --
18 happen, right?

19 A. This -- in this particular -- in -- for
20 focal, so the up-the-chain-of-command thing, that's
21 for -- more for new hires, for individual Workflows. For
22 this particular process, it -- it can go up the chain of
23 command.

24 Q. Uh-huh.

25 A. And, like, a third- or fourth-level

1 manager can see everything that's been entered for their
2 lower-level managers, but it does not require that every
3 single level click "Approve, Approve, Approve, Approve."
4 It doesn't -- it doesn't really work quite the same way.

5 Q. Okay. And -- but there's still the sanity
6 checks at the top for -- for these focal review
7 approvals?

8 A. At the very top, the -- it's more, it --
9 the -- they confirm that everybody stayed within the
10 budget they were given.

11 So at the end of a program, I present a
12 summary to our CEOs and CT- -- executive vice -- or
13 executive chairman and CTO that shows: This was their
14 eligible head count, this is who -- this is how many got
15 a raise, this was their budget, and this was their spend.

16 And as long as everybody stayed within the
17 budget they were given, we get the green light to post,
18 to process them.

19 Q. Okay. For new hires, you -- you mentioned
20 that there were -- there was the next-level manager, the
21 compensation -- the compensation consultant, and the HR
22 business manager who would do a little bit more of a
23 substantive review of the pay decision.

24 Is that -- is that true here as well for
25 the focal review process?

1 A. For the -- so I believe -- I believe
2 more -- what I testified to that was that the -- the
3 managers might consult with their business partners, and
4 they would have a conversation about what makes sense for
5 that new hire offer. And if necessary, HR might engage
6 comp if they would like some help. Comp was --
7 compensation consultant was not always involved with
8 those decisions.

9 With a -- when we have a focal program
10 open, the manager may or may not engage with HR. HR may
11 or may not engage with comp.

12 But they -- but HR and compensation do
13 look at the worksheets and run downloads of the
14 worksheets to do some sanity checks to make sure, you
15 know, we -- we might have a case where somebody
16 accidentally -- actually, what happen -- what tends to
17 happen, and I mentioned it here, there is a currency
18 switcher.

19 And so sometimes managers think they're
20 entering all their recommendations in as -- as U.S.
21 dollars, but then when HR goes in to run kind of a -- to
22 run a -- just a spot-check of what's going on and what's
23 been entered and how much progress has been made --

24 Q. Uh-huh.

25 A. -- HR discovers that they put in -- say

1 they put in for 10,000 and their intention was \$10,000,
2 but it actually was only -- they were on the local
3 currency page, so 10- -- it was 10,000 rupees, which
4 comes to like a dollar.

5 And so just those kinds of -- they go in
6 and check to make sure that what they're -- what is being
7 inputted is -- and they'll follow up then with the
8 manager to say, "I don't think you meant to do this."

9 So they'll do a little bit of spot checks
10 on it, but it's not -- I wouldn't say there are real
11 in-depth analyses on things, but they are available to
12 consult with the manager, should the manager need to have
13 some conversation around . . .

14 Q. And what would you say is the primary
15 purpose of the focal review?

16 MS. CONNELL: Objection. Assumes facts.
17 Calls for speculation.

18 A. We say that our primary purpose, it's to
19 keep up with local markets. We have to -- the market
20 moves every single year in every single country, and CPI
21 is a big deal in our employees' buying power.

22 So to be able to keep up with market
23 movement, to be able to -- to give raises to people if
24 they have moved into a higher-level role or -- or are
25 going to be taking on, say, a management role to be --

1 hiring, HR is seeing all of these Workflows. So from
2 that standpoint, HR would be involved because they see it
3 come through. Whether the manager consulted with HR on
4 making that final decision before putting it in the
5 Workflow, I can't -- can't say for certain.

6 Q. (By Mr. Song) Uh-huh.

7 A. But someone in HR would see it when the
8 manager enters it in.

9 Q. Okay. So I wanted to talk a little bit
10 more about prior pay.

11 Oracle does not have a policy regarding
12 prior pay, correct?

13 MS. CONNELL: Objection. Misstates her
14 prior testimony.

15 Q. (By Mr. Song) No. I'm saying it does not?

16 A. We do have a policy. We spent the first
17 hour --

18 Q. Oh, I'm sorry.

19 A. -- of this talking about it.

20 Q. I'm sorry. Yeah, I'm sorry, that is the
21 policy. I'm sorry. I meant prior to -- okay. Let me
22 rephrase that. I think I'm having a lunch moment.

23 Does -- Oracle does not have a policy
24 regarding -- like prior to the change in policy -- or
25 enactment of the policy that you can't use prior pay,

1 Oracle did not have a policy regarding use of prior pay
2 in setting -- setting compensation, correct?

3 A. We did not have a policy on it, no.

4 Q. Okay. Was there ever a time that -- that
5 Oracle managers were required to use prior -- to --
6 required to consider prior pay in setting a salary?

7 A. I would say no.

8 Q. No? Okay.

9 Were they -- were there guidelines
10 regarding use of prior pay in setting salary?

11 A. I believe, in reviewing some of the
12 documents that have been produced, I've been sort of
13 refreshed that that could be a reference point. But as
14 far as requiring that to be used, I don't believe it was
15 ever required to be used.

16 But it -- it certainly has been mentioned
17 in -- in prior documentation, that prior pay could be
18 a -- either a starting point or a consideration or
19 something, and then we go into skills, experience,
20 location, product, you know, where -- where they would
21 be -- peers, all that stuff.

22 MS. CONNELL: And for the record, those
23 guidelines have been produced and they do speak for
24 themselves.

25 Q. (By Mr. Song) Did -- prior to the

1 A. And then we plug in those country
2 percentages. And then from there, the budget is assigned
3 to each: Safra Catz, Mark Hurd, and Larry Ellison, and
4 then it gets cascaded each level, one level at a time.

5 Q. Okay. And then once that budget is
6 approved, can any changes be made to it?

7 MS. CONNELL: Objection. Vague.

8 A. The very top level budget? I mean, we
9 could -- Safra could say: We're going to spend a little
10 bit more here.

11 Q. (By Mr. Song) Okay.

12 A. But it really -- we start out with that,
13 and nobody has authority to make changes to that top
14 number except for our CEOs.

15 Q. Okay. So once the managers get the budget
16 cascaded down to them -- and so, for example, Safra,
17 under her line of business, would decide how much each
18 manager gets, what their budget is?

19 MS. CONNELL: Objection. Assumes facts.
20 Misstates her testimony.

21 A. It goes one level at a time.

22 Q. (By Mr. Song) Okay.

23 A. So I meet with Safra to ask her how she
24 would like to push down her top number.

25 Q. Okay.

1 A. Say her top -- her overall percentage
2 globally is 3.8 percent.

3 Q. Okay.

4 A. Depending on the area that we're talking
5 about, she might say -- you know, or actually, what I --
6 what I usually start to do for her is model -- go back
7 into the countries, because she might have a leader who
8 has a much larger population in India where that country
9 percentage was 9 percent, and so maybe she would say,
10 "Give them 5.7 because they've got U.S., they've got
11 India, they've got people all over the world."

12 So she makes the decision for the next
13 level down --

14 Q. Okay.

15 A. -- what their budget would be, and then
16 those reports make their decision for the next level
17 down.

18 Q. Okay.

19 A. It goes, usually, one level at a time.

20 Q. Okay. So if you're at the bottom level,
21 like the M-2 or M-1, you don't have any say in, like
22 changing the budget or anything like that?

23 MS. CONNELL: Objection. Misstates --

24 Q. (By Mr. Song) You're stuck with it?

25 MS. CONNELL: Objection. Misstates her

1 Q. But if all things were working out well,
2 it's annual, like, if you've got the budget for it?

3 A. Yes, yeah.

4 Q. Okay.

5 A. It would be to recognize performance each
6 fiscal year. If we're going to have one --

7 Q. Okay.

8 A. -- it recognizes the prior completed year.

9 Q. Okay. And is there a specific budget
10 for -- for bonuses?

11 A. Absolutely.

12 Q. Okay.

13 A. Yeah.

14 Q. And -- and is that similar to the fiscal
15 review budget? How does that work?

16 A. No. That one is: Our CEOs with finance
17 accrue, throughout the year, how much they think we will
18 be able to afford. And then if they decide we will be
19 going forward with paying out a bonus, they tell me a
20 dollar amount at the very top level.

21 Q. Okay. And then does it cascade down, the
22 way the other budget did?

23 A. Yes. Same way.

24 Q. Okay. But this is more at the end of the
25 fiscal year, correct?

1 A. Yes.

2 Q. And then the -- the amount of the -- the
3 budget that's cascaded down, how is that -- how is that
4 figured out? Like, how do they calculate that?

5 MS. CONNELL: Objection. Vague.

6 A. So the very top level pool, as I said, is
7 decided with our CEO in finance.

8 Q. (By Mr. Song) Uh-huh.

9 A. And then that ends up becoming, we -- we
10 calculate from that number the percentage of the eligible
11 salaries that is.

12 Q. Okay.

13 A. So whether it comes out to be [REDACTED] percent
14 of all eligible salaries in the company --

15 Q. Okay.

16 A. -- then the next level cascading,
17 everybody would get [REDACTED], across the board. So then from
18 the Safra, Mark, and Larry directs, they all get [REDACTED].
19 And how they cascade from there is up to them.

20 Q. Okay. So would it also be dependent on
21 how many employees are within your line of business?

22 A. That factors into the eligible salary. So
23 yes, you get the percentage of the eligible salaries. If
24 you have more employees, you probably have a higher
25 eligible salary. So your dollar amount to spend would be

1 more.

2 Q. Okay. And at the -- at the manager level,
3 when they're actually making the bonus decisions, how are
4 they doing that? Is it just up to their discretion?

5 MS. CONNELL: Objection. Calls for
6 speculation.

7 A. The -- the corporate bonus program is a
8 discretionary program. It's manager input.

9 Q. (By Mr. Song) Okay. So the -- the manager
10 gets to decide how much to -- how much and who to give it
11 to?

12 A. Yes.

13 Q. Okay. And are there guidelines for the
14 manager on how to, you know, distribute bonuses?

15 A. In our compensation guidelines and when
16 we've had bonuses, we do speak to being sure --
17 refreshing managers on how they should really focus on
18 the people who had an outstanding year or maybe they
19 contributed to a really critical project that year, but
20 just sort of highlighting -- our guidelines highlight for
21 them, especially in years of lean budget -- which is what
22 we've had for the last many years -- specifying for them,
23 "Remember to focus on the people who are" -- done -- so
24 who contributed in that particular fiscal year to the
25 most important things.

1 Q. Okay. And are the -- the bonuses that
2 managers decide to give employees reviewed? Is there,
3 like, a supervision of -- or check on --

4 A. So that follows the same as the focal. So
5 it works -- it kind of works its way up within the
6 workforce compensation module.

7 Q. Okay. And are there any systems in place
8 to try to ensure equity or fairness in distributing the
9 bonuses?

10 MS. CONNELL: Objection. Vague. Assumes
11 facts. Beyond the scope of the PMK topics for which
12 she's been designated.

13 A. I don't know. I mean, there's nothing
14 centrally mandated or done.

15 Q. (By Mr. Song) Uh-huh.

16 A. If different HR business partners go in
17 and try to do that, they -- they maybe could. But I
18 don't know of anything centrally done.

19 Q. And so it's the -- the same managers that
20 are making the salary decisions, they're the ones that
21 are also making the bonus decisions?

22 A. Correct.

23 Q. Okay.

24 A. It's the direct managers for the eligible
25 employees.

1 MS. CONNELL: Objection. Vague.

2 A. It's the same as the Workflow process that
3 come -- that is outlined in our matrix, the Exhibit 8.
4 If it involves money, it goes all the way -- it goes up
5 the chain.

6 If it is just a -- and then the other
7 reviews, it speaks in Exhibit 8, if it's a job change to
8 a position below an M-4, it only has to go up one level.
9 But if it's a job change to a director or senior
10 director, it goes up to a few levels; and then job change
11 to M-6 or above, it goes up to the CEO office.

12 So it depends. But it's -- it's the
13 Workflow process. Kind of like the offer, where it has
14 to go through various stages.

15 Q. (By Mr. Song) All right. And then can you
16 tell me about the dive and save? Is dive and save a
17 policy at Oracle?

18 A. I -- not a policy.

19 Q. Okay.

20 A. Dive and saves happen at Oracle.

21 Q. All right.

22 A. And essentially, that refers to an
23 employee who has an offer to leave Oracle. They have an
24 offer in hand for a higher compensation package than
25 they're earning at Oracle, and they could go to their

1 manager to say, "I'm resigning. I've gotten an offer at
2 X company," and the manager may say, "I would like to
3 counter."

4 It's essentially a counter to an external
5 offer and then -- and then they could -- if the employee
6 would stay for our counteroffer, then they would initiate
7 a transaction for that counteroffer.

8 Q. Okay. And is that one of the better ways
9 to get a big raise at Oracle?

10 MS. CONNELL: Objection. Assumes facts.
11 Vague and ambiguous. Argumentative.

12 A. I guess I'm not -- I'm not sure what --
13 what you mean by that.

14 Q. (By Mr. Song) Well, if you -- it seems
15 like -- it seems like the dive and save -- I don't know
16 what you want to call it -- program or practice seems to
17 result in larger increases or raises for --

18 MS. CONNELL: There's no question pending.

19 THE WITNESS: Okay.

20 Q. (By Mr. Song) So is -- and so it seems
21 like that's one of the -- one of the better ways or best
22 ways to get a large increase at Oracle, or maybe at any
23 company.

24 But would that be fair to say, that the
25 dive and -- getting an offer from an outside company is

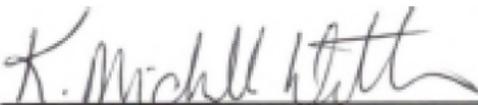
1 STATE OF COLORADO)
2 CITY & COUNTY OF DENVER) ss.

3 I, K. Michelle Dittmer, a Registered
4 Professional Reporter and Notary Public within the State
5 of Colorado, do hereby certify that previous to the
6 commencement of the examination, the said deponent was
7 duly sworn or affirmed by me to testify to the truth.

8 I further certify this deposition was taken in
9 shorthand by me at the time and place herein set forth
10 and thereafter reduced to typewritten form, and that the
11 foregoing transcript constitutes a true and correct
12 record.

13 I further certify that I am not related to,
14 employed by, nor of counsel for any of the parties or
15 attorneys herein, nor otherwise interested in the result
16 of the within action.

17 My commission expires: April 13, 2020.

18 
19 _____
20 K. Michelle Dittmer
21 Registered Professional Reporter
22 Notary Public

23 Dated: July 29, 2019
24
25

Exhibit D

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,
Plaintiff,
vs.
ORACLE AMERICA, INC.,
Defendant.
OALJ No. 2017-OFC-00006
OFCCP No. R00192699

VIDEOTAPED DEPOSITION OF 30(b)(6) - JANE Y. SUHR

Volume I

San Francisco, California

Wednesday, June 26th, 2019

REPORTED BY:
MONICA LEPE-GEORG
CSR No. 11976

Job No. 10057767

1 conciliation agreement that would itemize ways for 03:04:56
2 Oracle to -- from a policy standpoint amend its 03:04:59
3 practices? 03:05:05
4 MR. MILLER: So I'm going to instruct the 03:05:05
5 witness not to answer this to the extent that it 03:05:07
6 would reveal predecisional agency deliberations or 03:05:09
7 attorney-client communications, but to the extent 03:05:14
8 that you -- I mean, there may be other things to -- 03:05:15
9 MR. SHWARTS: You know what, I can ask it a 03:05:16
10 different way to avoid the objection. Let me cure 03:05:18
11 that. 03:05:20
12 THE WITNESS: Okay. 03:05:20
13 BY MR. SHWARTS: 03:05:20
14 Q. At this point -- as of June, OFCCP had not, 03:05:22
15 as of this point, made any proposal to Oracle about 03:05:25
16 back pay; is that correct? 03:05:28
17 A. Correct. 03:05:29
18 Q. And at this point, as of June of 2016, 03:05:30
19 OFCCP had not submitted to Oracle any draft 03:05:34
20 conciliation agreement, correct? 03:05:38
21 A. Correct. 03:05:39
22 Q. And as of June of 2016, OFCCP had not made 03:05:39
23 any substantive proposals to Oracle, how to cure the 03:05:43
24 violations in the NOV, beyond -- separate and apart 03:05:49
25 from back pay; is that correct? 03:05:51

1 Q. And again, other than what is stated in the 03:15:05
2 NOV and certain information that was provided in one 03:15:09
3 of Ms. Atkins' letter, the agency had not provided 03:15:11
4 additional information to Oracle following the 03:15:16
5 issuance of the NOV? 03:15:20
6 A. Correct. 03:15:21
7 MR. SHWARTS: Can I have 60, please. 03:15:47
8 (Exhibit 15 was marked for identification.) 03:15:49
9 THE REPORTER: Exhibit 15. 03:15:50
10 BY MR. SHWARTS: 03:16:05
11 Q. Exhibit 15 is an e-mail from 03:16:10
12 Mr. Siniscalco's assistant, Ms. Swirky attaching an 03:16:15
13 e-mail that she says was dictated to her by 03:16:20
14 Mr. Siniscalco and sent to Ms. Atkins on 03:16:23
15 September 21, 2016. 03:16:26
16 Please take a look at it and let me know 03:16:27
17 how (sic) you're ready to proceed. 03:16:31
18 A. Okay. Okay. 03:16:37
19 Q. Again, in this instance -- in this letter, 03:17:00
20 Mr. Siniscalco indicated that, again, while Oracle 03:17:10
21 was willing to meet and discuss it, it was rejecting 03:17:11
22 the notion that it had to provide a rebuttal 03:17:16
23 analysis, as stated in the letter, correct? 03:17:20
24 A. Yes. 03:17:23
25 Q. And at least stating his position that 03:17:24

1 was unmitigated because we didn't have all the 03:26:34
2 information from Oracle to mitigate the damages. 03:26:36
3 Q. Did Oracle respond to that at the time? 03:26:40
4 A. I don't think there was a response. 03:26:45
5 Q. Was a draft conciliation agreement tendered 03:26:46
6 by OFCCP -- 03:26:51
7 A. Provided. 03:26:53
8 Q. -- to Oracle at this meeting? 03:26:53
9 A. No. We didn't discuss the conciliation 03:26:56
10 agreement itself. It wasn't requested. I don't 03:26:59
11 think it was discussed. 03:27:02
12 Q. Was there any discussion about the -- and 03:27:02
13 beyond what was stated in the NOV, about other -- 03:27:05
14 besides payment of back pay, other remedial steps 03:27:08
15 that Oracle could or should take as part of a 03:27:11
16 conciliation? 03:27:15
17 A. Other than what's in the NOV -- 03:27:15
18 Q. Correct. 03:27:18
19 A. -- and the corrective action? 03:27:19
20 Q. Correct. 03:27:23
21 A. I think most -- I think it was captured in 03:27:24
22 the corrective action piece. 03:27:28
23 Q. Okay. Did Oracle make any substantive 03:27:31
24 presentation during this meeting? 03:27:32
25 A. Presentation, no. 03:27:34

1 NOV, did the OFCCP ever, in writing, describe to 04:03:35
2 Oracle what nonmonetary actions it needed to take to 04:03:40
3 come into compliance -- 04:03:47
4 MR. MILLER: Objection. Asked and 04:03:48
5 answered. 04:03:49
6 BY MR. SHWARTS: 04:03:50
7 Q. -- up and through the date of Exhibit 18? 04:03:51
8 A. No. 04:03:53
9 Q. Aside from the oral statements that were 04:03:53
10 made at the October 6th meeting, did the OFCCP ever, 04:03:57
11 in writing to Oracle, state what monetary 04:04:02
12 compensation would be required to remedy the NOV up 04:04:06
13 and through the date of the -- of Exhibit 18? 04:04:10
14 A. No. 04:04:15
15 Q. At -- following the Exhibit 18 and up and 04:04:19
16 through the date that the complaint was filed, in 04:05:13
17 mid-January of 2017, was OFCCP made aware that 04:05:15
18 Oracle was complaining that conciliation should have 04:05:23
19 continued and that litigation was premature? 04:05:27
20 MR. MILLER: I'm going to instruct the 04:05:31
21 witness not to answer to the extent her answer would 04:05:32
22 reveal attorney-client communications. 04:05:34
23 THE WITNESS: Well, from the letters there 04:05:39
24 was indication -- I mean during this process that, 04:05:46
25 you know, the agency withdraw the Notice of 04:05:52

1 Q. Okay. Let me take a short break -- 04:06:52

2 A. Okay. 04:06:52

3 Q. -- and I may be done. 04:06:56

4 THE VIDEOGRAPHER: We are going off the 04:06:57

5 record. 04:06:59

6 The time is 4:06 p.m. 04:06:59

7 (Short recess was taken from 4:06 p.m. 04:07:02

8 until 4:11 p.m.) 04:07:04

9 THE VIDEOGRAPHER: We are back on the 04:11:35

10 record. The time is 4:11 p.m. 04:11:36

11 BY MR. SHWARTS: 04:11:36

12 Q. To the extent that Ms. Wipper, at the 04:11:44

13 October 6th meeting, provided compensation as back 04:11:47

14 pay as a propos- -- it wasn't meant as a specific 04:11:51

15 proposal, correct? It was meant sort of as a 04:11:56

16 general, This is what we're thinking about? 04:11:59

17 A. Yes. 04:12:00

18 Q. All right. And, again, there was any 04:12:01

19 follow-up that provided a specific number for 04:12:03

20 Oracle, besides what was said generally at the 04:12:05

21 October 6th meeting? 04:12:08

22 A. No. 04:12:09

23 Q. And there was no backup even for the 04:12:10

24 numbers that Ms. Wipper provided at the October 6th 04:12:14

25 meeting for how OFCCP came up with the proposal that 04:12:17

1 Ms. Wipper made? 04:12:25

2 A. Backup information? 04:12:27

3 Q. Yeah. How OFCCP arrived at the 22 million 04:12:30

4 number for one year and 66 for three? 04:12:35

5 A. So at the meeting we discussed this is an 04:12:38

6 estimate based on information we had. 04:12:41

7 Q. But it didn't provide that information to 04:12:43

8 Oracle to help -- 04:12:45

9 A. Back to Oracle, no. 04:12:47

10 Q. -- to help it validate these numbers in 04:12:48

11 assessing whether a settlement of that magnitude was 04:12:51

12 appropriate? 04:12:54

13 A. No. 04:12:55

14 Q. In the Pacific region, to the extent that 04:12:56

15 notices of violation have been issued to 04:13:18

16 contractors, has the region required rebuttal 04:13:20

17 analysis before any conciliation agreement was 04:13:23

18 entered -- let me reask it a different way. 04:13:26

19 Have there been instances in which a 04:13:30

20 conciliation agreement has been reached with 04:13:34

21 contractors where no rebuttal analysis was provided? 04:13:38

22 A. I don't recall. I don't think so. I mean 04:13:43

23 it's -- that would be unusual for the contractor not 04:13:55

24 to rebut the NOV and just agree to the findings 04:13:57

25 without conducting its own analysis. 04:14:02

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were placed under oath; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; further, that the
11 foregoing is an accurate transcription thereof.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a federal
14 case, before completion of the proceedings, review of
15 the transcript [] was [X] was not requested.

16 I further certify that I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney of any of the parties.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21

22 Dated: June 27th, 2019

23

24

25



MONICA LEPE-GEORG, No. 11976

Exhibit E

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

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

Plaintiff,

vs.

OALJ No. 2017-OFC-00006
OFCCP No. R00192699

ORACLE AMERICA, INC.,

Defendant.

_____ /

VIDEOTAPED DEPOSITION OF
SEAN RATLIFF
(30(b)(6) DESIGNEE, OFCCP)

SAN FRANCISCO, CALIFORNIA
WEDNESDAY, JUNE 26, 2019

REPORTED BY:

HOLLY THUMAN, CSR No. 6834, RMR, CRR

Job No.: 10056900

1 A. This is the one I remember seeing, yes. 09:44:59

2 Q. All right. You just don't remember seeing 09:45:01

3 the amended which just changed the dates. 09:45:02

4 A. Correct. 09:45:04

5 Q. Thank you. Do you know whether or not -- 09:45:05

6 following Exhibit 5, whether or not OFCCP made any 09:45:09

7 other requests for a provision of the AAP, the 09:45:18

8 affirmative action plan? 09:45:25

9 A. This year's? 09:45:29

10 Q. Correct. 09:45:34

11 A. I don't know that we asked for another 09:45:35

12 version of the original year that's in the 09:45:36

13 scheduling letter. 09:45:37

14 Q. Do you know whether or not at any point in 09:45:38

15 time OFCCP asked -- relating to the -- to the 09:45:41

16 scheduling order and desk audit that's referenced 09:45:47

17 in Exhibit 4, asked for any other AAPs from Oracle? 09:45:49

18 A. Can you say that again? 09:45:57

19 Q. Sure. Relating to the scheduling letter 09:45:59

20 and the -- and the desk audit that's referenced in 09:46:03

21 Exhibit 4 -- Exhibit 4 is the September 24th, 2014, 09:46:06

22 letter. 09:46:12

23 A. Okay. 09:46:14

24 Q. Do you know, at any other point in time 09:46:14

25 did OFCCP make a request for Oracle's affirmative 09:46:17

1 action plan? 09:46:20

2 A. I believe they did for other years. 09:46:21

3 Q. And do you recall -- let me ask this: Did 09:46:29

4 that relate to the audit at HQCA, or did it relate 09:46:31

5 to other audits outside of HQCA? 09:46:35

6 A. Well, certainly we would have asked in 09:46:38

7 other audits for their affirmative action programs, 09:46:41

8 but I believe we also asked for additional AAPs. 09:46:44

9 Q. Do you know when that request was made? 09:46:49

10 A. Not exactly, no. 09:46:51

11 Q. Would that request have been in writing? 09:46:52

12 A. I don't recall seeing it in writing. 09:46:56

13 Q. How would that request have been made? 09:47:00

14 A. It may have been orally requested as part 09:47:04

15 of the onsite or communication before or after the 09:47:06

16 onsite. 09:47:10

17 Q. By whom would the request have been made? 09:47:11

18 A. I don't know. One of the people on the 09:47:15

19 team. 09:47:17

20 Q. Okay. And who would that have 09:47:18

21 encompassed, then, the -- possibly people who could 09:47:21

22 have made the request? 09:47:25

23 A. From my review, Hoan, whose last name I 09:47:26

24 don't know how to say. Hoan was part of the team. 09:47:31

25 Hea Jung was part of that team at some point in 09:47:37

1 time at various points. Robert Doles was on this 09:47:42
2 case as some point in time. Brian Mikel was on 09:47:45
3 this case at some point in time. Jane Suhr went 09:47:49
4 out to the onsite. 09:47:54
5 I believe there were a couple other 09:47:58
6 compliance officers that were on the onsite as 09:47:59
7 well, but I don't -- I'm spacing out their names 09:48:02
8 right now. 09:48:06
9 Q. During your preparation for the 09:48:09
10 deposition, did the people -- I know you spoke to 09:48:10
11 Hea Jung. Correct? 09:48:15
12 A. Yes. 09:48:16
13 Q. Did you speak to Robert Doles? 09:48:16
14 A. I did not. 09:48:18
15 Q. Did you speak to Brian Mikel? 09:48:19
16 A. I did not. 09:48:20
17 Q. Did you speak to Jane Suhr? 09:48:21
18 A. Yes. 09:48:23
19 Q. And did you speak to Hoan? 09:48:24
20 A. I did not. 09:48:26
21 Q. And I assume you didn't speak to the 09:48:28
22 couple other compliance persons. 09:48:30
23 A. No. 09:48:33
24 Q. Did Hea Jung or Jane Suhr tell you that 09:48:34
25 they had made an oral request for an AAP? 09:48:38

1 Q. And do you know whether or -- what AAPs 09:50:27
2 were actually requested by one of the members on 09:50:30
3 the team orally? 09:50:33
4 A. Not definitively, no. 09:50:40
5 Q. What does that mean, not definitively? 09:50:42
6 A. I mean, I can make assumptions based on 09:50:45
7 knowledge of how we do compliance reviews, but I 09:50:47
8 don't -- because there is nothing in writing, I 09:50:50
9 don't really know that for sure. 09:50:52
10 Q. And when we were talking about writing -- 09:50:56
11 and I think you know this, but let's just be clear. 09:50:57
12 When I say "writing," letter, email, or any written 09:51:02
13 correspondence. 09:51:05
14 A. Yes, I understand. 09:51:07
15 Q. Okay. All right. Let me direct your 09:51:08
16 attention to what we'll have marked as Exhibit 6. 09:51:24
17 (Deposition Exhibit 6 was marked for 09:51:29
18 identification.) 09:51:31
19 BY MR. PARKER: 09:51:45
20 Q. And if you can just let me know when you 09:51:50
21 have finished reviewing this document. 09:51:52
22 A. Okay. 09:52:17
23 Q. Have you seen Exhibit 6 before? 09:52:17
24 A. I don't think so. 09:52:19
25 Q. Okay. Do you know whether or not 09:52:20

1 difference? 10:18:37

2 A. I don't know that there would be. 10:18:44

3 Q. Okay. When -- now, a cleanup question. 10:18:46

4 Again, I want to go back to the AAP, and I'm going 10:18:52

5 to state some things. If I'm wrong, you tell me 10:18:56

6 I'm wrong. I am not intending to misstate your 10:18:59

7 testimony at all. Okay? 10:19:02

8 A. Okay. 10:19:04

9 Q. But we talked about during the audit 10:19:05

10 period someone on the compliance team -- and you 10:19:07

11 identified a list of names -- made an oral request 10:19:09

12 for at least one but more than one AAP. Correct? 10:19:12

13 A. I believe that there was an oral request 10:19:19

14 made for additional AAPs than what was originally 10:19:21

15 produced. 10:19:24

16 Q. What was Oracle's -- who -- and I don't 10:19:25

17 know -- I didn't ask you, who was the request made 10:19:28

18 of, do you know? 10:19:30

19 A. I don't. 10:19:32

20 Q. Okay. Do you know what the response was 10:19:32

21 from -- from whomever at Oracle -- strike that. 10:19:35

22 Do you know the response -- the request 10:19:39

23 was made to someone at Oracle, I assume. Correct? 10:19:41

24 A. That's a fair assumption, yes. 10:19:46

25 Q. Do you know who? 10:19:48

1 A. I don't. 10:19:49

2 Q. Do you know what that person said in 10:19:50

3 response? 10:19:52

4 A. I don't. 10:19:53

5 Q. Okay. Do you know if that person said, 10:19:54

6 "I'm not going to provide this information"? 10:19:56

7 A. I do not know what the response was. 10:20:00

8 Q. Do you know if there was any follow-up? 10:20:03

9 In other words, request made, no AAP received, and 10:20:05

10 then request made again? 10:20:09

11 A. In the documents I reviewed, there's 10:20:14

12 nothing that would allow me to know for sure how 10:20:18

13 many times we might have asked for an additional 10:20:21

14 AAP. 10:20:23

15 Q. And you don't know -- you can't answer 10:20:24

16 that question based on the preparation you did for 10:20:28

17 today's deposition. Correct? 10:20:31

18 A. That's correct. I would say that my 10:20:34

19 understanding is that additional AAPs were 10:20:36

20 requested as part of the litigation. So in terms 10:20:40

21 of time frame, I don't know when things were 10:20:42

22 requested during the compliance review process, 10:20:46

23 because there's nothing in writing that I could 10:20:49

24 find on that. But I believe that during the actual 10:20:51

25 litigation, that there was a request made for 10:20:55

1 additional AAP information. 10:20:57

2 Q. And when you say this -- after the NOV, 10:21:03

3 after at least the first amended complaint was 10:21:08

4 filed. Correct? 10:21:10

5 I'm trying to frame out what you mean by 10:21:12

6 "this litigation." 10:21:14

7 A. Yeah. So when I'm talking about the 10:21:16

8 litigation, I'm thinking of, you know, post NOV 10:21:17

9 filing the actual complaint by the solicitor's 10:21:21

10 office. 10:21:24

11 Q. Okay. Let me direct your attention to 10:21:25

12 what we'll have marked as Exhibit 12. 10:21:28

13 (Deposition Exhibit 12 was marked for 10:21:36

14 identification.) 10:21:38

15 BY MR. PARKER: 10:21:53

16 Q. And Exhibit 12 is a email from Minh-Chi 10:21:57

17 Yeh to Shauna Holman-Harries, and it has a cc to 10:22:03

18 Brian Mikel. 10:22:08

19 It's dated January 22, 2015, and it's 10:22:10

20 Bates stamped DOL1350. 10:22:14

21 Have you seen this document before? 10:22:20

22 A. Yes. 10:22:21

23 Q. Okay. And who is Minh-Chi Yeh? 10:22:22

24 A. She was a compliance officer, I believe, 10:22:28

25 in Hawaii. 10:22:32

1 I'm going to take you up on your suggestion that we 10:46:00
2 start with Mr. Doles' letter. Depending on your 10:46:02
3 answer, this could go much quicker than I 10:46:05
4 anticipated. 10:46:08
5 A. Okay. 10:46:09
6 Q. But I won't tip you which answer is the 10:46:09
7 way to go, because -- 10:46:11
8 A. Fair enough. 10:46:13
9 Q. -- that would be unfair. 10:46:13
10 (Deposition Exhibit 14 was marked for 10:46:15
11 identification.) 10:46:27
12 BY MR. PARKER: 10:46:28
13 Q. Let me -- in front of you now is 10:46:28
14 Exhibit 14, which is a November 2, 2015, letter 10:46:31
15 from Mr. Doles to Shauna Holman-Harries. And I 10:46:37
16 believe this is the letter you referenced before we 10:46:47
17 took the break. 10:46:49
18 A. Yes. 10:46:50
19 Q. Okay. And you've seen this letter before. 10:46:51
20 A. I have. 10:46:54
21 Q. All right. Now, here's the question. Now 10:46:55
22 I'll tip my hand. Here's the question that may 10:46:59
23 shorten things up or may not. 10:47:02
24 A. Okay. 10:47:04
25 Q. Does this letter reflect the items that 10:47:04

1 OFCCP believes, as a factual matter, that Oracle 10:47:08
2 either failed or refused to produce? 10:47:14

3 MS. DAQUIZ: Objection. Vague as to time. 10:47:21
4 Are we talking about November 2, 2015, as of the 10:47:23
5 date of the letter? 10:47:26

6 THE WITNESS: Say it for me one more time. 10:47:37

7 BY MR. PARKER: 10:47:38

8 Q. Absolutely. So that we're quite clear, 10:47:39
9 then -- 10:47:41

10 A. Yeah. 10:47:41

11 Q. -- I want to reference Exhibit 2. There 10:47:41
12 are items identified in Exhibit 2, paragraphs 44 -- 10:47:43

13 A. Yes -- 10:47:47

14 Q. -- 45, and 47. 10:47:48

15 Does this -- does Exhibit 14 identify 10:47:50
16 those same items? 10:47:54

17 A. There may be more items in this than even 10:47:58
18 are referenced in the complaint, but certainly the 10:48:02
19 things in the complaint are contained in this 10:48:04
20 letter. 10:48:06

21 Q. Very good. Is there anything else that 10:48:07
22 OFCCP believes as a factual matter were requested 10:48:11
23 that Oracle failed to produce? 10:48:15

24 A. Not that is -- oh, sorry. 10:48:23

25 THE VIDEO OPERATOR: You can try putting 10:48:30

1 it on the jacket. Sometimes ties are very slick. 10:48:31

2 THE WITNESS: Okay. Now I lost -- 10:48:41

3 MR. PARKER: I'll repeat the question. 10:48:43

4 Q. Is there anything else outside of 10:48:45

5 Exhibit 14 that OFCCP believes, as a factual 10:48:47

6 matter, were requested that Oracle failed to 10:48:50

7 produce? 10:48:53

8 A. There may be other items that we requested 10:49:01

9 that were not produced. However, the things that I 10:49:05

10 think are at issue in the litigation that the 10:49:09

11 agency felt were important are contained in this 10:49:13

12 letter. 10:49:17

13 Q. Is there anything outside -- anything else 10:49:18

14 outside of Exhibit 14 that OFCP -- OFCCP believes, 10:49:21

15 as a factual matter, were requested that Oracle 10:49:26

16 refused to produce? 10:49:29

17 A. I feel like that's the same question, but 10:49:39

18 I don't -- could you say it again for me, please? 10:49:41

19 Q. That's fine. I'll just note the only 10:49:44

20 difference is I used the word "refused" in that 10:49:47

21 question I just asked, and the prior asked question 10:49:50

22 was "failed." 10:49:53

23 A. Okay. 10:49:54

24 Q. I can repeat the question, but the 10:49:55

25 difference is this. You just answered about 10:49:57

1 failed, and now I'm asking, are there any documents 10:49:59
2 or any information that is not reflected in 10:50:01
3 Exhibit 14 that Oracle was -- that OFCCP requested 10:50:05
4 that Oracle refused to produce? 10:50:12
5 A. Not that I'm aware of that there were 10:50:19
6 things outside of this. 10:50:22
7 Q. All right. So let's go through -- I just 10:50:24
8 lost the -- 10:50:29
9 So the first item referenced in the -- in 10:50:42
10 this document, Exhibit 14, is an internal pay 10:50:45
11 equity analysis. 10:50:50
12 Do you see that? 10:50:51
13 A. I do. 10:50:51
14 Q. Great. Is the -- is that another way in 10:50:53
15 which Oracle -- I mean OFCCP would describe what is 10:51:00
16 referenced in Item (d) under paragraph 44, which is 10:51:06
17 analysis of Oracle's total employment process? 10:51:12
18 A. So it's a subset of what's required by 10:51:16
19 (d). 10:51:18
20 Q. Very good. Are there any other aspects of 10:51:21
21 (d) that were not provided other than the pay 10:51:23
22 equity analysis? 10:51:27
23 A. So the short answer is, I'm not sure. And 10:51:40
24 the reason is that (d) talks about personnel 10:51:49
25 activities and recruitment procedures, and, because 10:51:55

1 Q. -- with a cc. And I just want to direct 11:06:38
2 your attention to the last paragraph. 11:06:46
3 A. Yes. 11:06:52
4 Q. I'm sorry. Let me do this. 11:06:53
5 It starts -- first paragraph starts, 11:06:55
6 "Hello Hea Jung. I'm sending this email in 11:06:57
7 response to your Request Number 3 in your April 27 11:07:00
8 letter regarding internal pay equity analysis." 11:07:03
9 Do you see that? 11:07:06
10 A. I do. 11:07:07
11 Q. Do you know whether the reference in 11:07:09
12 Exhibit 14 relates to the internal pay equity 11:07:12
13 analysis that's requested on April 27, 2015? 11:07:20
14 And I'll tell you a hint. It should, 11:07:26
15 because it actually references that letter. 11:07:28
16 A. Yeah, it would seem to, yes. 11:07:30
17 Q. Okay. And then at the very end, it says 11:07:32
18 in the last paragraph, "With regard to pay audits 11:07:38
19 to assess legal compliance with Oracle's 11:07:41
20 nondiscrimination obligations," do you see that? 11:07:43
21 A. Yes. 11:07:47
22 Q. Did OFCCP understand the reference to "pay 11:07:48
23 audits" to mean internal pay equity analyses? 11:07:50
24 A. Say that again. 11:07:59
25 Q. Let me ask it this way. 11:08:00

1 A. Yeah. 11:08:02

2 Q. Did OFCCP have an understanding -- OFCCP 11:08:02

3 have an understanding during the period of time it 11:08:05

4 was requesting documents that -- and information 11:08:07

5 that Oracle's view was that its internal pay equity 11:08:12

6 analysis was protected by the attorney-client 11:08:15

7 privilege? 11:08:17

8 A. That is what Oracle told us, yes. 11:08:19

9 Q. And is it your understanding that that is 11:08:22

10 still Oracle's position? 11:08:25

11 A. As far as I know, that is still Oracle's 11:08:28

12 position. 11:08:30

13 Q. Is there any belief on OFCC -- OFCCP's 11:08:31

14 part that Oracle's explanation that it believed its 11:08:36

15 internal pay equity analysis was protected by the 11:08:41

16 attorney-client privilege was late, tardy, in its 11:08:44

17 assertion? 11:08:49

18 A. My understanding is that with respect to 11:08:49

19 the litigation, it was. I think it's discussed in 11:08:52

20 our recent motion to compel. 11:08:56

21 Q. Yeah, I'm not asking -- let me just be 11:08:58

22 clear. I know there's a motion pending. I'm not 11:09:00

23 seeking discovery on that. 11:09:02

24 In the -- during the audit period, is 11:09:04

25 it -- was the invocation of the attorney-client 11:09:06

1 privilege late in OFCCP's estimation? 11:09:09

2 A. Well, to the extent that typically in -- 11:09:14

3 there was no privilege log provided. There was no 11:09:19

4 indication of when the analyses -- these -- the 11:09:22

5 assertion that there were privileged analyses done 11:09:26

6 was made, but it was never clear to the agency when 11:09:31

7 those were done, who did them. You know, all the 11:09:34

8 things that would normally go into a privilege log, 11:09:37

9 we didn't have any of that information. 11:09:39

10 Q. Okay. But -- and now I just -- I 11:09:43

11 understand that, and now I just want to focus -- 11:09:47

12 when in the audit process Oracle informed OFCCP 11:09:49

13 that its internal pay equity analyses were 11:09:53

14 protected by privilege, was that a tardy assertion 11:09:57

15 in OFCCP's mind? 11:10:00

16 A. I mean, I don't know -- 11:10:07

17 MS. DAQUIZ: Objection. It's outside the 11:10:08

18 scope of the 30(b)(6). 11:10:09

19 But you can answer. 11:10:11

20 THE WITNESS: The assertion was made 11:10:30

21 relatively early in the process. I think the 11:10:34

22 agency's view would be that -- one, that 11:10:41

23 assertion -- we can't assess that without the kind 11:10:46

24 of privilege log. Right? 11:10:48

25 And two, that the agency's position as 11:10:50

1 spelled out a lot more in these recent motions to 11:10:53
2 compel would be that, in fact, self-audit, 11:10:56
3 self-analyses that are done in compliance to comply 11:11:02
4 with our regulations, are not protected by 11:11:06
5 attorney-client privilege. 11:11:09
6 BY MR. PARKER: 11:11:10
7 Q. During the audit period, do you know 11:11:13
8 whether or not OFCCP requested a privilege log? 11:11:16
9 A. I don't know that. 11:11:20
10 Q. And let me direct your attention to 11:11:29
11 Exhibit -- what we'll have marked as Exhibit 16, 11:11:32
12 which -- got it. 11:11:45
13 MR. PARKER: Now, this is the mother of 11:12:02
14 all attachment documents. So we can do it if you 11:12:10
15 want, but let's just play it by ear. 11:12:12
16 (Deposition Exhibit 16 was marked for 11:12:22
17 identification.) 11:12:24
18 BY MR. PARKER: 11:12:55
19 Q. And Exhibit 16 is an email from Shauna 11:12:56
20 Harries to Mr. Luong and then cc'd to others dated 11:12:58
21 October 29th, 2015, and its subject is "HQCA 1 of 11:13:03
22 29," and it has attachments. 11:13:11
23 Have you seen this document before? 11:13:15
24 A. The cover email, yes. 11:13:16
25 Q. Okay. And then Item 1 on this email 11:13:17

1 refers to internal pay equity analysis conducted 11:13:19
2 during the past three years. 11:13:23

3 Do you see that? 11:13:26

4 A. Yes. 11:13:27

5 Q. And then there's a response, which is, "We 11:13:27
6 have responded previously," and then it ends with, 11:13:29
7 "We again addressed our pay equity analysis in an 11:13:33
8 email sent to Hea Jung Atkins on June 2nd, 2015." 11:13:36

9 Do you see that? 11:13:41

10 A. I do. 11:13:43

11 Q. Okay. From OFCCP's perspective, is there 11:13:44
12 anything that would be false about this -- the 11:13:50
13 paragraph regarding internal pay equity analysis? 11:13:54

14 MS. DAQUIZ: To the extent that -- 11:14:15
15 objection to the extent that the documents all 11:14:16
16 referenced, including Lisa Gordon's interviews, are 11:14:18
17 in the record here or available. They speak for 11:14:22
18 themselves. 11:14:26

19 THE WITNESS: I mean, I have no reason to 11:14:28
20 believe that the -- the -- that Oracle did not tell 11:14:31
21 us that they believed that their pay equity 11:14:37
22 analyses were privileged very early, and that 11:14:40
23 that's contained in various documents along the 11:14:44
24 way. And I believe it's included in that interview 11:14:46
25 that's referenced as well. 11:14:50

1 Q. Going to Item 3, compensation database 11:18:53
2 snapshot -- sorry. I keep doing this to you and -- 11:18:56
3 A. That's all right. We're on 14? 11:19:02
4 Q. Let me just do the question right. 11:19:04
5 A. Okay. 11:19:06
6 Q. Turning back to Exhibit 14, I'm on Item 3 11:19:07
7 now, compensation database snapshot, 1/1/13. 11:19:09
8 Do you see that? 11:19:14
9 A. I do. 11:19:15
10 Q. Do you know whether or not any of that 11:19:27
11 information was ever provided in any way, shape, or 11:19:32
12 form, even if not complete, to OFCCP? 11:19:36
13 A. I don't believe that the agency ever got 11:19:40
14 the 2013 data until after it brought the 11:19:43
15 litigation. 11:19:46
16 Q. And was there an explanation from Oracle 11:19:48
17 why that information was not provided? 11:19:50
18 A. There could have been. I -- if it's in a 11:19:54
19 document somewhere. 11:19:58
20 Q. Do you know whether Oracle ever said that 11:20:01
21 it just would not provide that information? 11:20:03
22 A. I don't know whether they said they would 11:20:13
23 not. The thing -- I think in terms of parsing 11:20:14
24 language, refusing to produce something explicitly, 11:20:19
25 and then just not producing it after it's been 11:20:23

1 requested multiple times are essentially the same 11:20:26
2 thing. 11:20:28

3 Q. So I'll use a fancy word. They're 11:20:29
4 synonymous in your view? 11:20:32

5 A. Yeah. From the OFCCP's perspective, if 11:20:34
6 we've asked for something multiple times and we 11:20:35
7 don't get it, the contractor doesn't have to say 11:20:38
8 "We're not going to give it to you" for it to be a 11:20:43
9 denial of access. At some point, you can assume 11:20:47
10 that they're not going to give it to you. 11:20:50

11 Q. And in your view, this was a denial of 11:20:51
12 access when Oracle did not provide the compensation 11:20:54
13 database snapshot of 1/1/2013? 11:20:58

14 A. Yes. 11:21:01

15 Q. Okay. And then on the employee personnel 11:21:36
16 actions, was that information ever provided by 11:21:39
17 Oracle? I'm referencing Item 4 on Exhibit 14. 11:21:45

18 A. I don't think so based on my review, but 11:21:59
19 if you have something showing that you all did 11:22:03
20 provide it, I would be happy to look at it. 11:22:05

21 Q. You just don't know one way or the other. 11:22:08
22 Is that accurate? 11:22:10

23 A. I don't believe that it was. 11:22:11

24 Q. Okay. And then Exhibit 14 -- I'm skipping 11:22:12
25 the things that were -- are marked "hiring." So 11:22:18

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CERTIFICATE OF STENOGRAPHIC REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

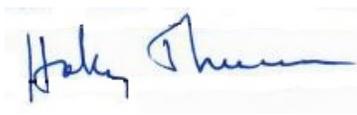
That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [X] was [] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: June 28, 2019



Holly Thuman
RMR, CRR, CSR No. 6834

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
80 7th Street, Suite 11-100
San Francisco, California 94103



Certified Mail, Return Receipt Requested AND Electronic Mail

November 2, 2015

Shauna Holman-Harries
Director Diversity Compliance
Oracle America, Inc.
500 Oracle Parkway
Redwood Shores, CA 94065

Dear Ms. Holman-Harries:

This correspondence will serve as the Agency's final request for documents in connection with the U.S. Department of Labor, Office of Federal Contract Compliance Program's ("OFCCP") equal employment opportunity and affirmative action compliance evaluation of Oracle America, Inc. ("Oracle") at Redwood Shores. As noted below, despite the Agency's repeated requests for relevant documents over nearly a one-year period, Oracle has continued to disregard the federal government's requests and its related deadlines.

Oracle shall provide complete and accurate records responsive to the Agency's outstanding requests by **November 9, 2015**, as noted below. If such complete and accurate information is not received by this final deadline, the Agency will be forced to proceed with the compliance evaluation based upon the presumption that the information not provided would have been unfavorable to Oracle, pursuant to 41 C.F.R. §60-1.12(e).

1. **Internal Pay Equity Analysis:** Analyses conducted during the past three years, as required under 41 C.F.R. §60-2.17. For each analysis, include the date of analysis, dataset used for the analysis, and actions taken, if any, as a result of the analysis.

This item was previously requested on 11/19/2014, 01/22/2015, 01/28/2015, 04/27/2015, 05/11/2015 and 05/28/2015. The missed deadlines were 11/26/2014, 01/28/2015, and 05/08/2015.

2. **Compensation Database (Snapshot 01/01/2014):** Resubmit compensation database provided on 06/16/2015 with 01/01/2014 snapshot date, with the following additional information, and any other relevant compensation information and factors affecting pay, added in separate columns:
 - Name of school attended
 - Educational degree earned
 - Prior salary immediately before joining Oracle
 - Years of experience before joining Oracle



DOL000001053

This information was requested on 11/19/2014, 02/10/2015, 04/27/2015, 05/11/2015, 05/28/2015, 07/30/2015, and 10/14/2015. The missed deadlines were 11/26/2015, 2/27/2015, 05/08/2015, 08/14/2015 and 10/21/2015.

3. **Compensation Database (Snapshot 01/01/2013):** Submit compensation database by including all the factors in the 01/01/2014 snapshot compensation database, and to include the following:

- Names of school attended
- Education degree earned
- Prior salary immediately before joining Oracle
- Performance evaluation rating
- Rank (by performance)
- Years of experience before joining Oracle
- Hiring manager(s)
- Amount of signing bonus
- Visa status
- Type of visa, including but not limited to H1B
- Date (mm/dd/yyyy) that the visa was initially processed
- Current status of visa
- Date (mm/dd/yyyy) that green card/permanent resident card was processed.

This information was requested on 07/30/2015, 08/28/2015, 09/21/2015, 10/01/2015 and 10/14/2015. The missed deadlines were 08/14/2015, 09/04/2015 and 10/21/2015.

4. **Employee Personnel Actions:** Employee personnel actions containing job and salary information and history for all employees and student interns. This information should include, but not be limited to, starting wages, wage increases, bonus awards, job title hired into, starting stock level, job title and supervisor changes, stock level changes, promotion history, performance evaluations, ranking information, with dates associated for each action.

This information was requested on salary history information were made on 02/10/2015, 04/27/2015, 05/11/2015, 05/28/2015, and 10/14/2015. The missed deadlines were on 02/27/2015, 05/08/2015 and 10/21/2015.

5. **Applicant Flow Database (01/01/2013 – 06/30/2014):** For all employees who were hired during the review period 01/01/2013 – 06/30/2014, resubmit the applicant flow database from the 02/19/2015 submission to include the factors below in separate columns:

- Visa Status (yes/no)
- If they are on visa status, include type of visa
- Date of Hire
- Date of Application
- Name and job title of the hiring manager (s) for each vacancy/requisition.
- Job title applied to and hired into
- Vacancy applied to and hired into

- Global career level applied to and hired into
- Job function applied to and hired into
- Specialty applied to and hired into
- Group name applied to and hired into
- Education Institution
- Type of degree (e.g., no degree, high school, associate, bachelor's, master's, PhD)
- Degree majored in (e.g., computer science, systems software, finance, accounting, etc.)
- Location Preference

The request was made on 10/14/2015 and the deadline missed was 10/21/2015.

6. Applicant Flow Database (01/01/2012 – 12/31/2012): Submit applicant flow log for all hires during the period of 01/01/2012 – 12/31/2012 including the factors below in separate columns.

- First and Last Name
- Sex
- Race/Ethnicity
- Visa Status (yes/no)
- If they are on visa status, include type of visa
- Job Title
- Job Group
- Department
- Vacancy/Requisition Number
- Disposition Code
- Date of Hire
- Date of Application
- Name and job title of the hiring manager (s) for each vacancy/requisition

This information was requested on 07/30/2015, 10/01/2015 and 10/14/2015. The missed due dates were 08/14/2015 and 10/21/2015.

In addition to the factors above, please also include the factors below per the 10/14/2015 request:

- Job title applied to and hired into
- Vacancy applied to and hired into
- Global career level applied to and hired into
- Job function applied to and hired into
- Specialty applied to and hired into
- Group name applied to and hired into
- Education Institution
- Type of degree (e.g., no degree, high school, associate, bachelor's, master's, PhD)
- Degree majored in (e.g., computer science, systems software, finance, accounting, etc.)
- Location Preference

7. **Labor Condition Applications (LCAs):** OFCCP has received five (5) batches of LCAs from Oracle, which contain 413 LCAs for 832 employees. Oracle has not submitted all remaining LCAs to OFCCP.

This information was requested on 06/24/2015, 07/27/2015, 09/02/2015, 09/29/2015, 10/01/2015 and 10/14/2015. The missed deadlines were 10/02/2015 and 10/21/2015.

8. **Documents for Hiring:** For all applicants and hires in the Software Developer job titles from 01/01/2012 – 06/30/2014, please provide the following:
- Copies of each requisition, including copies of each job posting and each job description
 - Copies of all applications, resumes and any and all supplemental information submitted by each applicant
 - Name and job title of the hiring manager(s) for each requisition

Requests made on 4/27/2015, 05/11/2015, 05/28/15/2015, 07/30/2015, 10/01/2015 and 10/14/2015. The missed deadlines were 05/08/2015, 08/14/2015 and 10/21/2015.

To date, OFCCP has only received applications and resumes for Software Developers 4-5 and Student Interns.

9. **Resume Files:** Please resubmit the Resume Files that were sent on 03/26/2015, in an easy to read format. The picture-format resumes pasted on MS Word is not legible.

This information was requested on 04/27/2015, 05/11/2015, 05/28/15, 07/30/2015, and 10/14/2015. The missed deadlines were 05/08/2015, 08/14/2015 and 10/21/2015.

10. **Employee Contact Information:** Contact information for all current and former employees during the review period, including home phone, cell phone, and personal email addresses.

The requests were made 05/29/2015, 07/02/2015 and 10/14/2015. The missed deadlines were 06/05/2015, 07/10/2015 and 10/21/2015.

11. **Internal and External Complaints:** A list of current and former employees who have made internal and external discrimination, harassment or retaliation complaints or otherwise opposed any form of discrimination, harassment or retaliation at Oracle Redwood Shores (HQCA) during the last 3 years by: name, gender, race, national origin, job title, organization, discipline, profession.

The requests were made on 03/04/15, 03/24/2015, 03/26/2015, 04/15/2015 and 10/14/2015. The missed deadlines were 03/23/2015, 04/24/2015 and 10/21/2015.

12. **Personnel Records:** Please provide non-redacted personnel files of the following individuals:
- Anne Ephraim
 - Anuradha Sri Mantripragada

- Bhagya Yalakshmi Veeraraghavan
- Chandana Rattehalli
- David Cheng-Fang Lin
- Donnalyn Marie Villados
- Gulling Sui
- Huong Thu Nguyen
- Ian Spadow
- James Clark
- John Barron
- Juan Oropeza
- Krishnaraj (Krishna) Nandakumar
- Mandy Troung
- Maryanne Gacusan
- Mitsuko Kashima
- Neha Sethi
- Nikhil Sabharwal
- Oksana Stepaneeva
- Oleg Golubtsov
- Ping Wan
- Praveen Mandya Narayana
- Rajesh Bella
- Sang Hatee
- Sarah S. Moskovitz
- Saxena Vishwadeep
- Shivani Gupta
- Sophia Tsay
- Sungpack Hong
- Sunnia H Lin
- Vaishali Arun Chopde

Requests were made on 07/30/2015 and 10/14/2015. The missed deadlines were 08/14/2015 and 10/21/2015.

OFCCP continues to welcome Oracle's cooperation in completing the Agency's compliance evaluation of its Headquarters at Redwood Shores. Accordingly, the Agency requests that Oracle submit complete and accurate records responsive to the outstanding requests by **November 9, 2015**. If such complete and accurate information is not received by this final deadline, the Agency will be forced to proceed with the compliance evaluation based upon the presumption that the information not provided would have been unfavorable to Oracle, pursuant to 41 C.F.R. §60-1.12(e).

If you have any questions regarding this matter, please contact me at (310) 268-1247.

Sincerely,



Robert A. Doles
Acting District Director
San Francisco District Office

cc: Shauna Holman-Harries (Shauna.Holman.Harries@oracle.com)

Gary R. Siniscalco
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, CA 94105-2669

Exhibit F

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,
Plaintiff,
vs.
ORACLE AMERICA, INC.,
Defendant.
OALJ Case No.
2017-OFC-00006

VIDEOTAPED DEPOSITION OF SHIRONG "ANDY" LEU
Volume I
San Francisco, California
Monday, July 1st, 2019

REPORTED BY:
MONICA LEPE-GEORG
CSR No. 11976
Job No. 10057521

1 Q. And did you work on a compliance review for 11:49:43
2 Oracle's headquarters' location in Redwood Shores? 11:49:47
3 A. Where? 11:49:50
4 Q. In Redwood Shores, the headquarters' 11:49:51
5 location? 11:49:56
6 A. Redwood and -- 11:49:56
7 Q. Redwood Shores is the name of the city. 11:49:58
8 A. Ah, yes, yes. 11:50:01
9 Q. It's also the headquarters. 11:50:02
10 A. Yes, yes. 11:50:04
11 Q. Okay. Do you recall if that headquarters' 11:50:04
12 review was the first compliance review of Oracle in 11:50:07
13 which you were involved? 11:50:11
14 A. I don't remember if it was the first one or 11:50:13
15 not first one, but I -- I think so. I -- I involved 11:50:26
16 that one, yeah, but I don't know if it's the first 11:50:30
17 one or second or third one. I don't know. 11:50:33
18 Q. Okay. What was your involvement with the 11:50:36
19 OFCCP compliance review of Oracle's headquarters' 11:50:39
20 location? 11:50:49
21 A. Oh, this one, I just do the regressions 11:50:50
22 from -- I think it's a -- management, they sent me 11:50:52
23 the database and provide me factors to do the 11:50:59
24 regressions. 11:51:10
25 Q. When you say "management" who are you 11:51:11

1 referring to? 11:51:12

2 A. It's Janette Wipper. 11:51:13

3 THE REPORTER: I'm sorry? 11:51:13

4 MS. MANTOAN: 11:51:13

5 Q. Janette Wipper? 11:51:13

6 A. Janette Wipper. 11:51:24

7 Q. That's W-i-p-p-e-r; is that correct? Okay. 11:51:25

8 So with respect to the Oracle's 11:51:31

9 headquarters' compliance review, Ms. Wipper sent you 11:51:33

10 a data file and sent you instructions on which 11:51:36

11 factors to include in your regression; is that 11:51:40

12 correct? 11:51:44

13 MR. ELIASOPH: Objection. This is 11:51:44

14 deliberative process privileged information. I'm 11:51:46

15 instructing the witness not to answer. 11:51:50

16 MS. MANTOAN: So, I disagree in light of 11:51:54

17 today's order, just for the record, which says that 11:51:56

18 the factual basis for the statistical model, 11:51:59

19 including what individuals are told about what to 11:52:03

20 include, or not, is not something that's privileged 11:52:04

21 when the results of the statistical model are made 11:52:07

22 public. True, the order is about the SAC, but the 11:52:11

23 NOV was made public and included in the original 11:52:16

24 complaint in this action, so I disagree with that 11:52:17

25 legal -- with that -- with that interpretation of 11:52:19

1 (Short recess was taken from 12:15 p.m. 12:16:21
2 until 12:16 p.m.) 12:16:23
3 THE VIDEOGRAPHER: We are back on the 12:16:53
4 record. The time is 12:16 p.m. 12:16:54
5 BY MS. MANTOAN: 12:16:56
6 Q. So, I want to ask you some questions 12:16:59
7 looking back at Exhibit 2. 12:17:02
8 A. One, four, three -- two, okay. 12:17:04
9 Q. Looking at Attachment A. That's what 12:17:09
10 starts at page 1404. 12:17:13
11 A. 1404, okay. 12:17:15
12 Q. Okay. Starting in the middle of that first 12:17:18
13 paragraph it says, "OFCCP analyzed Oracle employees' 12:17:23
14 compensation data by Oracle job function." 12:17:27
15 Do you see where I read that? 12:17:29
16 A. Yeah. 12:17:31
17 Q. Did you conduct an analysis of Oracle's 12:17:33
18 headquarters' location by job function? 12:17:36
19 A. I believe so, yeah. 12:17:38
20 Q. Okay. What is a job function at Oracle? 12:17:40
21 MR. ELIASOPH: Objection. Calls for 12:17:43
22 speculation. 12:17:44
23 THE WITNESS: I just followed Janette, you 12:17:48
24 know, who used this PAG. 12:17:52
25 ///

1 MR. ELIASOPH: Go ahead. You can answer 12:22:11
2 the question, just don't state the content of the 12:22:13
3 communications. 12:22:15
4 THE WITNESS: Okay. 12:22:16
5 MR. ELIASOPH: But you can discuss the 12:22:17
6 communications that you received. 12:22:18
7 THE WITNESS: Okay. 12:22:18
8 MS. MANTOAN: Yeah. 12:22:19
9 BY MS. MANTOAN: 12:22:19
10 Q. Did you receive any other information, 12:22:20
11 other than that data file -- one or more data files, 12:22:21
12 to review in connection with this compliance review 12:22:25
13 of Oracle's headquarters' location? 12:22:29
14 A. I cannot recall how many. I don't know. 12:22:31
15 Q. But you -- do you recall receiving anything 12:22:33
16 other than a data file? 12:22:36
17 A. No. Just data file and the model from 12:22:38
18 Janette, that's it. 12:22:46
19 Q. Did you receive -- the answer to these next 12:22:47
20 series of questions maybe somewhat contained in what 12:22:49
21 you just said, but I'm going to ask just so the 12:22:52
22 record is clear. 12:22:54
23 Did you receive any policy documents to 12:22:55
24 review? 12:22:59
25 MR. ELIASOPH: Objection. Vague. 12:23:00

1 MR. ELIASOPH: Objection to the extent it 12:28:28
2 calls for speculation. 12:28:30
3 BY MS. MANTOAN: 12:28:32
4 Q. You don't recall how you selected that hire 12:28:33
5 date to measure from hire to snapshot, correct? 12:28:36
6 A. Yeah, I just -- they provide us a hire date 12:28:39
7 there, right, but they don't explain a little bit 12:28:42
8 more explanation, so they say, "Andy, can you do the 12:28:47
9 regression for us" like that. 12:28:49
10 Q. Do you have a view, as a statistician, as 12:28:51
11 to whether you would ideally use the hire date only 12:28:53
12 at Oracle America or whether you would use the hire 12:28:55
13 date at a predecessor company or a sister company? 12:28:58
14 MR. ELIASOPH: Objection. Calls for 12:29:01
15 speculation. Calls for legal conclusion. 12:29:02
16 THE WITNESS: I cannot recall that specific 12:29:05
17 situation, no. 12:29:07
18 BY MS. MANTOAN: 12:29:07
19 Q. So I'm just asking if you have a view as to 12:29:08
20 which is statistically more proper. 12:29:11
21 A. Yeah, yeah, well, I will review, yes, so 12:29:13
22 sometimes I review, so... 12:29:16
23 Q. But did you -- it's not "did you review"; 12:29:18
24 it's "do you have a view." 12:29:21
25 Do you have an opinion as to whether the 12:29:22

1 hire date that's used in a work experience 12:29:24

2 calculation should be hire date only at the legal 12:29:26

3 entity you're looking at or a continuous service 12:29:29

4 date which might bring in time at a prior company? 12:29:33

5 A. Yeah. 12:29:36

6 MR. ELIASOPH: Objection. Calls for legal 12:29:36

7 conclusion. Calls for speculation. 12:29:37

8 THE WITNESS: I think at that time I just, 12:29:40

9 you know, follow Janette's, you know, instruction. 12:29:51

10 Do the -- they already come -- they already come, 12:29:57

11 the time in company, for us -- for me already. They 12:29:58

12 come for me. They send me that data, you know. 12:30:02

13 MS. MANTOAN: Okay. 12:30:02

14 THE WITNESS: They don't give a -- for 12:30:04

15 example -- they give me the -- 12:30:05

16 I'm sorry, go ahead. 12:30:05

17 BY MS. MANTOAN: 12:30:08

18 Q. Yeah, I'm -- I'm not asking sort of a 12:30:08

19 historical question about how this came to be in 12:30:09

20 this analysis. I'm asking you, as someone with a 12:30:12

21 Ph.D. in applied statistics, whether you have a view 12:30:15

22 as to whether when you're looking at work experience 12:30:18

23 at a company that may have, say, acquired other 12:30:21

24 companies if you should look only at the hire date 12:30:23

25 at that company or if you should look at the 12:30:27

1 answered. Compound. Calls for speculation. 12:49:12

2 THE WITNESS: I cannot recall for this 12:49:32

3 part. 12:49:33

4 BY MS. MANTOAN: 12:49:33

5 Q. Did you -- do you recall doing anything to 12:49:33

6 confirm whether the employees that the model 12:49:38

7 compares are performing substantially similar work? 12:49:40

8 MR. ELIASOPH: Objection. Asked and 12:49:44

9 answered. 12:49:46

10 THE WITNESS: What do you mean? You mean 12:49:46

11 compare the similar work? I don't know. I 12:49:48

12 cannot -- I cannot answer this question, so -- 12:49:53

13 BY MS. MANTOAN: 12:49:56

14 Q. We talked earlier -- 12:49:56

15 A. Yeah. 12:49:56

16 Q. -- about needing to group together 12:49:57

17 comparable employees. 12:50:00

18 A. Uh-hm. Uh-hm. 12:50:00

19 Q. What did you do, if anything, to determine 12:50:01

20 whether the model, whose results are presented in 12:50:03

21 Attachment A, groups together comparable employees? 12:50:07

22 A. No, I don't do that part, no. 12:50:10

23 Q. So you don't have any opinion, one way or 12:50:13

24 another, as to whether the model, whose results are 12:50:20

25 presented in Attachment A, groups together employees 12:50:24

1	<u>who are comparable; is that correct?</u>	12:50:26
2	A. <u>Yeah. Janette, she decide, I believe,</u>	12:50:28
3	<u>yeah.</u>	12:50:31
4	MS. MANTOAN: I am ready to take a lunch	12:50:38
5	break, if you are.	12:50:40
6	MR. ELIASOPH: Yeah -- yes, let's do that.	12:50:40
7	THE VIDEOGRAPHER: We are going off the	12:50:43
8	record.	12:50:45
9	The time is 12:50 p.m.	12:50:45
10	(Lunch break was taken from 12:50 p.m.	12:50:48
11	until 1:32 p.m.)	12:50:52
12	THE VIDEOGRAPHER: We are back on the	01:32:19
13	record.	01:32:20
14	The time is 1:32 p.m.	01:32:21
15	BY MS. MANTOAN:	01:32:24
16	Q. Good afternoon, Dr. Leu?	01:32:25
17	A. Good afternoon.	01:32:27
18	Q. I understand -- well, let me ask this...	01:32:27
19	Did you have an opportunity to speak with	01:32:29
20	counsel during the break?	01:32:31
21	A. To what?	01:32:32
22	Q. Did you speak with your lawyer during the	01:32:35
23	break?	01:32:37
24	A. Me?	01:32:37
25	Q. Yes.	01:32:38

1 some analysts, but I don't know specifically for 01:42:52
2 Oracle, if I sent to Jane as well -- Jane Suhr, 01:42:54
3 S-u-h-r is the last name. 01:43:03
4 Q. Jane Suhr? 01:43:04
5 A. Yeah. Jane Suhr, yes. 01:43:08
6 Q. Okay. 01:43:08
7 A. Other than that, I never -- I don't send to 01:43:08
8 any other people at all. 01:43:10
9 Q. Okay. And is that typical in a compliance 01:43:12
10 review that you send your statistical analysis to -- 01:43:15
11 that you would send it to Ms. Wipper when she was at 01:43:17
12 OFCCP? 01:43:22
13 A. Yeah. 01:43:22
14 Q. Okay. 01:43:22
15 A. Because she give me the order, so I just 01:43:23
16 send to her. That's it. 01:43:26
17 Q. And the order she gave you included which 01:43:27
18 factors to include in the model, correct? 01:43:32
19 A. Yeah. 01:43:34
20 Q. And the order she gave you included which 01:43:35
21 employee groupings to use? 01:43:38
22 A. Yes. They included -- yeah, the -- yeah, 01:43:40
23 that's right. 01:43:44
24 Q. Okay. Do you have any understanding of 01:43:44
25 whether Oracle -- 01:43:48

1 her questions. 01:44:54

2 THE WITNESS: Oh, sorry. 01:44:55

3 BY MS. MANTOAN: 01:44:56

4 Q. And did you ever see or hear any 01:44:56

5 information that indicated that Oracle had said that 01:44:58

6 the factors that you included in your model were the 01:45:00

7 factors that should be used to evaluate pay amongst 01:45:04

8 its employees? 01:45:07

9 MR. ELIASOPH: Objection. Compound. Calls 01:45:09

10 for speculation. 01:45:12

11 THE WITNESS: No. 01:45:13

12 BY MS. MANTOAN: 01:45:13

13 Q. What, if anything, did you do to determine 01:45:38

14 whether the factors that are controlled for in your 01:45:41

15 statistical model were in fact factors considered by 01:45:46

16 Oracle when it was determining pay? 01:45:52

17 MR. ELIASOPH: Objection. Confusing. 01:45:59

18 Asked and answered. 01:46:07

19 THE WITNESS: "Did you do to determine"... 01:46:08

20 No. 01:46:25

21 BY MS. MANTOAN: 01:46:28

22 Q. "No" meaning you did not do anything? 01:46:28

23 A. Na-huh. I didn't hear, yeah, from 01:46:31

24 anywhere. 01:46:34

25 Q. No, the question is whether you did 01:46:34

1 anything to determine whether the factors that you 01:46:36
2 controlled for in your statistical model -- 01:46:40
3 A. Uh-hm. 01:46:40
4 Q. -- are factors that Oracle managers in fact 01:46:42
5 consider when determining pay. 01:46:45
6 MR. ELIASOPH: Objection. This has been 01:46:48
7 asked and answered. 01:46:49
8 MS. MANTOAN: Well, the answer was about 01:46:53
9 whether he'd heard anything, -- 01:46:55
10 BY MS. MANTOAN: 01:46:57
11 Q. -- and the question is whether you, 01:46:57
12 yourself, did anything to determine whether the 01:46:58
13 factors in this model in Attachment A of 01:47:00
14 Exhibit 2 -- 01:47:03
15 A. No, just -- I just followed, you know, 01:47:03
16 Janette's e-mail colonies, yeah. 01:47:10
17 Q. And earlier today -- 01:47:16
18 Oh, I'm sorry, were you finished? 01:47:18
19 A. No, I'm finished. 01:47:19
20 Q. Oh. Okay. 01:47:19
21 Earlier today you used the phrase 01:47:20
22 "legitimate factors," -- 01:47:22
23 A. Yeah. 01:47:22
24 Q. -- what, if anything, did you do to 01:47:23
25 determine whether the factors controlled for in your 01:47:26

1 statistical model, set forth in Attachment A, 01:47:29
2 Exhibit 2 -- 01:47:31
3 A. Uh-hm. 01:47:31
4 Q. -- were legitimate factors at Oracle? 01:47:34
5 MR. ELIASOPH: Objection. Calls for legal 01:47:37
6 conclusion. Vague. 01:47:39
7 THE WITNESS: No, I just followed Janette 01:47:40
8 orders at the time. I don't think a little bit 01:47:53
9 further about, you know -- 'cause I was -- I heard 01:47:56
10 the data is pretty clean at that time. I don't 01:48:02
11 know... 01:48:06
12 BY MS. MANTOAN: 01:48:06
13 Q. So the model set forth -- 01:48:14
14 A. Uh-hm. 01:48:14
15 Q. -- in Attachment A to Exhibit 2 includes a 01:48:16
16 control for job title, correct? 01:48:19
17 A. Which page? 01:48:21
18 Q. Well, you said the model on 1404 and 1405 01:48:23
19 are the same. 01:48:28
20 A. Oh, 1404, yeah. 01:48:29
21 Q. The question is whether the model set forth 01:48:32
22 in Attachment A to Exhibit 2, specifically pages 01:48:37
23 1404 and 1405 -- 01:48:37
24 A. Uh-hm. 01:48:37
25 Q. -- includes a control for job title. 01:48:41

1 THE WITNESS: So because you -- 03:28:07

2 specifically for Oracle, but for Oracle 03:28:09

3 specifically. Usually I just -- you know, receive 03:28:12

4 the orders from the management, and I have to 03:28:14

5 complete, and that's it. 03:28:17

6 BY MS. MANTOAN: 03:28:18

7 Q. Okay. So since you use those orders from 03:28:18

8 management -- 03:28:21

9 A. Uh-hm. 03:28:21

10 Q. -- to structure the statistical 03:28:22

11 analysis, -- 03:28:25

12 A. Uh-hm. 03:28:25

13 Q. -- am I correct that you didn't do 03:28:25

14 anything, independent of that, to determine which 03:28:27

15 employees at Oracle were similarly situated; -- 03:28:30

16 A. Uh-hm. 03:28:30

17 Q. -- is that correct? 03:28:34

18 A. Pretty much, yes, uh-hm, at that time. 03:28:35

19 Q. So you just said "at that time." Have you 03:28:39

20 done anything since that time to determine which 03:28:41

21 employees at Oracle are similarly situated? 03:28:44

22 A. No -- not -- not for Oracle. For another 03:28:47

23 cases probably. You know, from a -- some of the 03:28:53

24 district CO, right, they probably knew. They don't 03:28:59

25 know about this kind of directive. They probably 03:29:02

1 call me to discuss, you know, something like that. 03:29:07

2 Q. Okay. But none of that happened in 03:29:07

3 connection with Oracle? 03:29:09

4 A. Oracle, no. 03:29:10

5 Q. Okay. Sorry, I asked a question with a 03:29:11

6 "none" in it, so then the "no" is confusing. 03:29:14

7 Did any of that discussion with a CO about 03:29:17

8 who is similarly situated occur in connection with 03:29:29

9 Oracle? 03:29:32

10 A. No. 03:29:33

11 Q. Then on the same page the term "Systemic 03:29:33

12 Discrimination" -- 03:29:37

13 A. Uh-hm. 03:29:38

14 Q. I think you used that term in some of your 03:29:38

15 answers earlier today. 03:29:41

16 A. Uh-hm. Uh-hm. 03:29:43

17 Q. It says: 03:29:44

18 "A pattern or practice of discrimination or 03:29:45

19 an identified employment practice with 03:29:45

20 disparate impact." 03:29:50

21 My question is: Do you have any 03:29:52

22 understanding of what is meant by "pattern or 03:29:54

23 practice" in Directive 307? 03:29:56

24 MR. ELIASOPH: Objection to the extent it 03:29:59

25 calls for a legal conclusion. 03:30:01

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were placed under oath; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; further, that the
11 foregoing is an accurate transcription thereof.

12 I further certify that I am neither
13 financially interested in the action nor a relative
14 or employee of any attorney of any of the parties.

15 Further, that if the foregoing pertains to
16 the original transcript of a deposition in a federal
17 case, before completion of the proceedings, review of
18 the transcript [X] was [] was not requested.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21

22 Dated: July 5th, 2019

23

24

25



MONICA LEPE-GEORG, No. 11976

Exhibit G

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT)	OALJ Case No.
COMPLIANCE PROGRAMS, UNITED)	2017-OFC-00006
STATES DEPARTMENT OF LABOR,)	
)	OFCCP No.
Plaintiff,)	R00192699
)	
vs.)	
)	
ORACLE AMERICA, INC.,)	
)	
Defendant.)	

VIDEOTAPED DEPOSITION OF JOYCE WESTERDAHL
May 30, 2019
Orange, California

Reported by:
Michael McMorran
CSR No. 13735
JOB No. 190530RCR

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Q Okay.

A -- you determine what you're going to give your people in all -- you have 30 countries we talked about.

Q Okay.

A And you hit "Approved."

Q Okay.

A It then goes up for further approvals.

Q Okay.

A And then once it's approved, it comes back to you and says your spreadsheet's approved, basically. You may talk to your employees.

Q I see. Now, in developing the focal budget, do individual managers get to recommend that their -- let's say they get to -- they have one really good employee or maybe five or whatever, do they get to recommend that these five get raises before the focal budget is approved?

A They would do it after the budgets are actually approved.

Q Okay. After?

A Yeah.

Q Okay. So manager -- so once the -- so the focal budget is approved and the managers are told, "This is how much money you have for increases"; is

10:28 1 that correct?

2 A Correct.

3 Q Oh, okay. And so then it's at that point
4 that the manager decides how much increase to give

10:28 5 each employee, if any, correct?

6 A Correct.

7 Q Okay. And is it done by the direct manager
8 of the employee, like the direct supervisor of the
9 employee?

10:28 10 A Yes.

11 Q Okay. So, for example, you would decide on
12 your reports' increases?

13 A Correct.

14 Q Okay. And if we go to let's say an M-1,
10:28 15 then does it go all the way up to the top? Or how
16 far does the review or approval process go?

17 MR. SHWARTS: Objection. Vague.

18 BY MR. SONG:

19 Q Okay. All right --

10:29 20 A I don't even know how to answer that --

21 MR. SHWARTS: I think I know where you were
22 going, but I don't think you asked it the way you
23 wanted to. Try again.

24 BY MR. SONG:

10:29 25 Q Okay. Let's say an M -- we'll take as an

11:15 1 an instructor bonus.

2 Q Okay. If we take, for example, product
3 development in the U.S. or Redwood Shores, how -- or
4 who determines whether they get a bonus, first?

11:15 5 A We -- it's first funded by -- if we perform
6 a certain way.

7 Q Okay.

8 A And then once that happens, just like focal,
9 there's a pool.

11:15 10 Q Okay.

11 A And it goes into that Comp Workbench thing
12 again. And -- and then managers would do the exact
13 same thing as they do with the focal process and
14 make a judgment on how to give out their bonus

11:16 15 dollars.

16 Q So it's similar to the salary increases
17 where the manager -- there's a budget, the manager
18 gets to make recommendations?

19 A Correct.

11:16 20 Q And this is -- this would be contained in
21 the Compensation Workbench again?

22 A Correct.

23 Q Okay. And the managers can make changes
24 again?

11:16 25 A Up to --

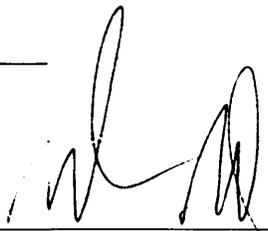
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true record of the testimony given by the witness.
(Fed. R. Civ. P. 30(f)(1)).

Before completion of the deposition, review
of the transcript [X] was [] was not requested.
If requested, any changes made by the deponent (and
provided to the reporter) during the period allowed,
are appended hereto. (Fed. R. Civ. P. 30(e)).

Dated: 6/3/2019



MICHAEL G. MCMORRAN, CSR No. 13735

Exhibit H

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATION LAW JUDGES

OFFICE OF FEDERAL CONTRACT)
COMPLIANCE PROGRAMS, UNITED)
STATES DEPARTMENT OF LABOR,)
)
Plaintiff,)
)
vs.)
)
ORACLE AMERICA, INC.,)
)
Defendant.)

OALJ Case No.
2017-OFC-00006
OFCCP No. R00192699

VIDEOTAPED DEPOSITION OF MADHAVI CHERUVU
San Francisco, California
June 11, 2019

REPORTED BY:
JOHNNA PIPER
CSR 11268
Job No. 10057054

1 this individual X which will put this individual at 10:41:04
2 this pers -- you know, of the range," so yes. 10:41:09
3 BY MS. FLORES: 10:41:12
4 Q. And also a hiring manager from another 10:41:13
5 team, if they want to know the salary ranges. Is 10:41:17
6 that correct? 10:41:20
7 MR. PARKER: Lacks foundation. 10:41:20
8 THE WITNESS: If they want to know the 10:41:21
9 salary range of -- a range in -- in a specific 10:41:22
10 geography, then yes. 10:41:27
11 BY MS. FLORES: 10:41:29
12 Q. Okay. And the next -- 10:41:29
13 A. And they don't always do that. If they 10:41:31
14 have access to the information, and if they feel 10:41:32
15 con -- you know, if they feel they can make the 10:41:35
16 determination of what the range is without talking 10:41:38
17 to anybody, then they would go ahead with the 10:41:40
18 determining what the starting salary is. 10:41:45
19 Q. And what do you mean, without talking to 10:41:47
20 anybody? Like, do you mean HR? 10:41:49
21 A. Yes. 10:41:50
22 Q. So a hiring manager can determine a 10:41:51
23 starting salary or set a starting salary without 10:42:00
24 talking to HR? 10:42:04
25 A. Yes. 10:42:05

1 THE WITNESS: How to do, you know, talent 10:53:35
2 review boards, how to do performance management, how 10:53:41
3 to have crucial conversations. 10:53:44
4 BY MS. FLORES: 10:53:52
5 Q. Any other training? 10:53:53
6 A. There may be others that's not coming to my 10:53:55
7 mind right now. 10:53:59
8 MS. FLORES: Okay. Counsel, you need a 10:54:00
9 break? 10:54:05
10 MR. PARKER: Yes. 10:54:05
11 THE VIDEOGRAPHER: This marks the end of 10:54:07
12 Media 1 in the deposition of Madhavi Cheruvu at 10:54:08
13 10:53. We're going off the record. 10:54:15
14 (Recess taken.) 10:54:16
15 THE VIDEOGRAPHER: On record at 11:09. 11:09:46
16 This marks the beginning of Media 2 in the 11:10:11
17 deposition of Madhavi Cheruvu. 11:10:13
18 MR. PARKER: And before we start, I think 11:10:18
19 there's one thing Ms. Cheruvu wants to clarify for 11:10:19
20 the record. 11:10:23
21 MS. FLORES: Okay. 11:10:24
22 THE WITNESS: We talked about using current 11:10:24
23 salary as one of the factors? 11:10:35
24 BY MS. FLORES: 11:10:36
25 Q. Yes. 11:10:37

1 A. We do not do that today. 11:10:37

2 Q. Okay. 11:10:39

3 A. It was one of the factors, but -- but not 11:10:42

4 since the change in the law. 11:10:44

5 Q. Okay. But it was true in March 2015? 11:10:47

6 A. It was one of the factors, yes. 11:10:52

7 Q. Okay. 11:10:54

8 A. Sometimes. 11:10:56

9 **Q. Before we went on break, we were talking a** 11:10:57

10 **little bit about training. What -- what is HR's** 11:11:02

11 **role with training employees at Oracle?** 11:11:10

12 MR. PARKER: Vague and ambiguous; vague as 11:11:14

13 to time. 11:11:15

14 THE WITNESS: That's a very broad question. 11:11:16

15 I don't know what that means. 11:11:17

16 BY MS. FLORES: 11:11:18

17 **Q. Okay. Does J -- does HR conduct training?** 11:11:19

18 A. That is also a broad question. There's 11:11:22

19 several individuals in HR who do it, so I don't now 11:11:24

20 how to answer that question. 11:11:29

21 **Q. Okay. What kind of training does HR** 11:11:32

22 **provide to -- to employees at Oracle?** 11:11:35

23 MR. PARKER: Vague and ambiguous; vague as 11:11:38

24 to time; lacks foundation. 11:11:39

25 THE WITNESS: I -- I can't answer that 11:11:40

1 who sort of gives the employee a job title? 13:19:49

2 MR. PARKER: Vague and ambiguous; compound. 13:19:55

3 THE WITNESS: The hiring manager. 13:19:58

4 BY MS. FLORES: 13:20:00

5 Q. Okay. What about the job code? 13:20:01

6 MR. PARKER: Same objections. 13:20:04

7 THE WITNESS: The hiring manager. 13:20:05

8 BY MS. FLORES: 13:20:07

9 Q. Okay. And it would be the hiring manager 13:20:07

10 for a specific line of business or for a hiring 13:20:09

11 manager in HR? 13:20:14

12 MR. PARKER: Lacks -- lacks foundation. 13:20:16

13 THE WITNESS: Can you repeat that? 13:20:18

14 BY MS. FLORES: 13:20:19

15 Q. Is it a hiring manager in HR that assigns a 13:20:20

16 job code or a hiring manager in their own line of 13:20:23

17 business that assigns the job code? 13:20:27

18 A. In their own line of business. 13:20:29

19 Q. Does HR have any role in assigning a job 13:20:31

20 code to an employee? 13:20:41

21 MR. PARKER: Vague and ambiguous; vague as 13:20:43

22 to time; lacks foundation. 13:20:46

23 THE WITNESS: If managers have questions, 13:20:47

24 they would sometimes ask their HR business partners. 13:20:53

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CERTIFICATE OF REPORTER

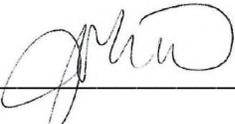
I, JOHNNNA PIPER, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [X] was [] was not requested.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition nor in any way interested in the event of this cause and that I am not related to any of the parties thereto.

DATED: June 18, 2019



JOHNNNA PIPER, CSR 11268

Exhibit I

Oracle Compensation & Mapping

Sid Deka
Sr. Director, Development Line HR

Nikki Husain
Sr. M&A Consultant, Compensation

September 16, 2016



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Agenda

- 1 Oracle's Compensation Philosophy
- 2 Compensation System Fundamentals
- 3 Mapping Process
- 4 Q&A

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Compensation Philosophy

- Attracting, retaining and motivating highly skilled, high performing employees is key to Oracle's ongoing success
- Oracle's goal is to compensate employees based on their contribution to the company and Oracle's financial performance



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Our employees are the reason we are successful, innovative and thriving so it comes as no surprise that attracting, retaining, and motivating highly skilled, high performing employees is key to Oracle's ongoing success. Our goal is to compensate employees based on their contribution to the company and its financial performance.

Compensation Components at Oracle

Base Salary

Linked to an employee's skills and competencies in their current role, sustained performance and local labor market conditions

Short-term Incentives

Provides a mechanism to reward short-term (less than one year) performance and results. Payouts are intended to vary based on performance

Examples of Short-term incentives at Oracle are

- Sales Incentive Plans - tied to individual or team performance against a quota
- Global Corporate Bonus - discretionary bonus funded by company performance

Long-term Incentives

Intended to be a retention tool. Equity awards also tie individual awards to adding shareholder value.

Oracle uses

- Stock Options
- Restricted Stock Units



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4

There are several components to compensation at Oracle shown on this slide. They include Base Salary, Short-term and Long-term incentives.

All employees have a Base Salary which is intended to be linked to their skills and competencies in their current role, as well as, their sustained performance and the local labor market conditions.

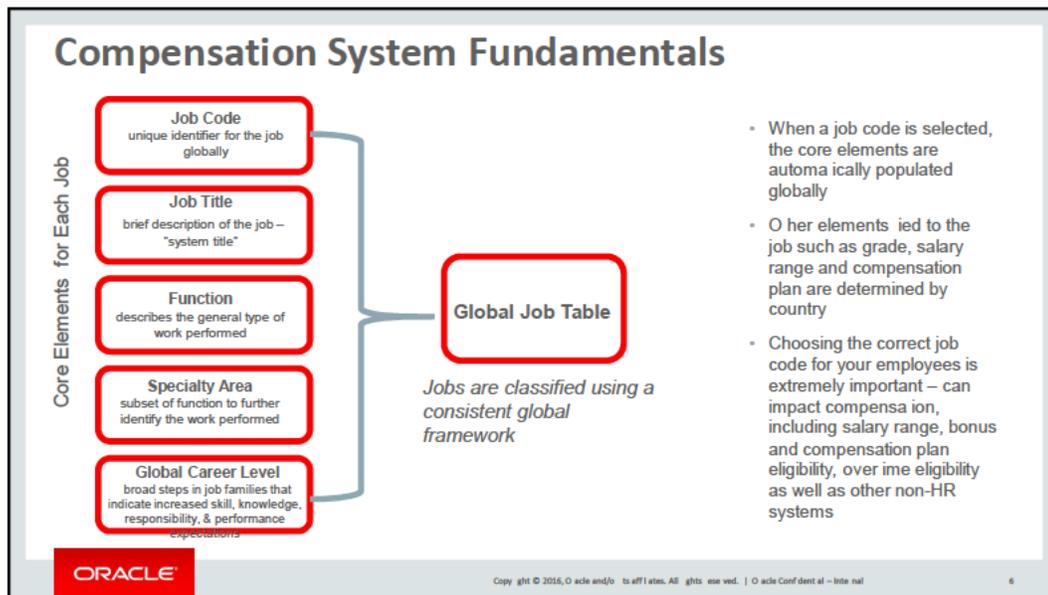
Some jobs are eligible for Short-term incentives or Bonuses. These incentives or bonuses are tied to short-term performance and results. Payouts vary based on those results.

Examples of these types of incentives at Oracle are: Sales Incentive Plans for Sales employees which are tied to individual or team performance against a quota and the Global Corporate Bonus which is a discretionary bonus funded by company performance.

The long-term incentive we use at Oracle is equity. These equity awards may be in the form of Stock Options and/or Restricted Stock Units. Equity awards are intended to be a retention tool, as well as, tie employees to stockholder value.



In this next section we will review several of the compensation systems fundamentals that you'll need to understand as a manager.



The first fundamental is the Job Table.

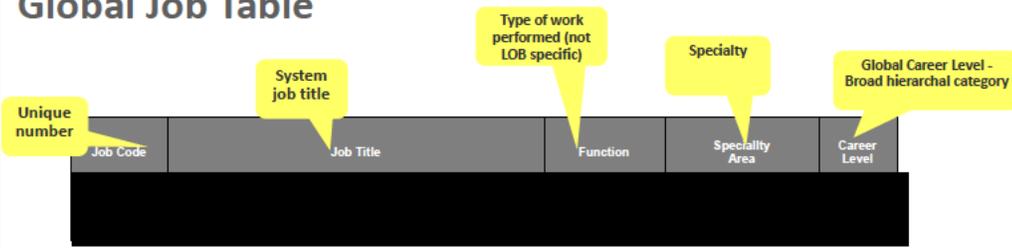
All employees are assigned to a job code. Jobs at Oracle are classified using a consistent global framework. Each job is assigned 5 core elements globally.

- The Job Code which is the unique identifier for the job,
- The job title or system title that describes the job,
- The function which describes the general type of work performed,
- The specialty area which is a subset of the function and is intended to further identify the work performed and
- The global career level which indicates broad steps in job families that indicate increased skill, knowledge, responsibility and performance expectations. You can use the global career level to compare roles across organizations and countries. The Global Career Level structure has 2 paths – Management positions and Non-Management Positions which are referred to as Individual Contributors. There is no direct mapping between the 2 structures.

Other elements tied to the job such as grade, salary range and compensation plan are determined by country.

Choosing the correct job code for your employees is extremely important as it can impact compensation, including salary range, bonus and compensation plan eligibility, overtime eligibility as well as other non-HR systems.

Global Job Table



Every employee with same Job Code will have the same Global Job Title, Function, Speciality Area and Global Career Level



Here is an example of the core elements to a job on the Global Job Table.

Job Functions, Specialty Areas and Job Families

Below is a subset of functions, specialty areas and job families at Oracle

FUNCTION	SPECIALTY	JOB FAMILIES
What does the employee do?	What specialist work does the employee perform within the professional function?	What is the discipline within the professional function?
Product Development	Development Product Management Technical Writing Technical/Process QA	Software Development Hardware Development User Experience Development
Information Technology	Business Implementation & Planning Data Center Services Functional Network Services Risk Management	Database Administrator Network/Systems Analyst Programmer Analyst
Finance	Accounting Contract Management Audit Payroll/Commissions Tax Treasury	Accounts Payable Financial Analyst
Marketing	Channel Marketing Product Marketing Market Research	Marketing Communications Field Marketing Events Marketing

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Oracle has 15 distinct functions and multiple job families within each function. This slide shows some examples of job functions, specialty areas and job families.

Job families are a series of progressively higher, related jobs distinguished by levels of knowledge, skills, and abilities and other factors

Global Career Levels

- Global career levels are a set of broad, hierarchical categories related to the level at which a job is performed
- Responsibilities, contribution and job complexity increase from one job level to the next in the hierarchy
- The global career level structure has two paths: Management (M1-M10) and Individual Contributor (IC0 – IC6).
There is **no correlation** between M and IC level



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Global career levels are a set of broad categories related to the level a job is performed. These levels indicate where responsibilities, individual contributions and job complexity increase from one job level to the next.

The career level for a job in one organization with the same level of responsibilities and complexity as a job in another organization, will be the same level. This means that if a job in Finance does have the same level of responsibilities and complexity as a job say in Sales, the career level of the two jobs will be the same.

The career level structure has 2 paths. Management positions and Non-Management positions which are referred to as Individual Contributors. There is no direct mapping between M-levels and IC-levels. Each career path is considered separate from the other, and transfers or job changes across the paths should be evaluated on a case-by-case basis.

Individual Contributor Career Levels

IC1	Associate Professional	Learning	Contributes through Following Directions : Activity with guidance and problem solving with assistance Follow standard practices and procedures Gaining competence in own area 0-2 yrs experience
IC2	Intermediate Professional	Developing	Contributes Independently : Completes own role largely independently with some assistance and guidance Works on duties that are semi-routine but recognizes the need for occasional deviation from accepted practice Developing professional expertise Typically a Bachelor's degree with minimum of 2 yrs experience
IC3	Staff Professional	Career (Team Lead)	Contributes through Expertise : Tasks are varied and complex requiring independent judgment Contributes to moderately complex aspects of a project or assignment Fully competent in area of expertise May assist peers with aspects of their role or have a project lead role 5 years of relevant experience; 4 years for Development
IC4	Senior Professional	Advanced (Mentor)	Contributes through Others : Leading contributor providing direction and mentoring to others Recognized authority and leading contributor in immediate business area/function Decisions and solutions may impact current/future design and strategy of product technologies and/or business Work is non-routine with high complexity involving the application of advance technical/business skills 8 years of relevant experience; 7 years for Development
IC5	Guru (Internal Expert)	Leadership (5% - 10% global pop)	Contributes through Leadership : Manages and plans implementation of company policy for achieving business goals Acknowledged authority within the corporation Recommends, justifies and implements major changes to existing products/services/processes Frequently operating at the leading edge of technology Provides technical/product/professional leadership and expertise to management in development of new products/processes 12+ years related experience
IC6	Architect	Acknowledged Expert (2% - 3% global pop)	Acknowledged authority within the corporation and/or industry nationally and internationally Provides leadership in the development and strategic direction of new products, processes and techniques Primary consultant on large global projects that affect the organization's long term objectives/strategy/vision

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This slide shows high level descriptions of the individual contributor career levels.

Management Career Levels

Management is defined as one who is directly responsible for the practice or process of managing two or more employees with accountability for performance management, hire, fire, disciplinary, and rewards activities. Should have budget responsibility

M1	Supervisor	Primarily a resource/allocation role coordinating the daily activities of a work group and setting priorities Supervise within prescribed procedures
M2	Manager	First line manager with operational focus within a single function Manages employees who perform similar tasks within a single function BU/dept. product or technical discipline Majority of interaction is within the same BU or function Manage tasks and projects as defined by senior management to meet business targets Typical span of control is 2-5 employees
M3	Sr. Manager	Modifies and executes company policies that affect immediate operations and may have company-wide effect Manages employees who perform similar tasks across multiple work groups or department Primary interaction is within the same BU/function. May occasionally interact with customers on issues Plans Implements maintains budget for functional area or section
M4	Director	Participates in developing and recommending strategic plans Develops short/medium and long term plans to successfully implement operational policies Influence across functions to shape ideas of executives or customers Manages multiple first line managers with different accountabilities and/or functional experts Typical span of control is up to 8 employees
M5	Sr. Director	Developes and recommends strategic plans and set business and fiscal objectives Develops corporate and/or organizational policies and authorizes their implementation Establishes and maintains influential relationships at all levels of internal and external customers/prospects Responsible for cultivating cross functional communication Manages first line managers and directors with different accountabilities and/or functional experts across multiple depts Typical span of control is up to 15 employees

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This slide shows the high level descriptions for the management career levels.



Mapping Process



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Job Mapping Process

- Job mapping is a process to align NetSuite employee's job titles and levels to Oracle job titles and career levels
- When determining an employee's Oracle job title and career level, we will consider:
 - Benchmark job match to external market
 - Employee's job duties and scope compared to similar positions at NetSuite and Oracle
 - Employee's NetSuite salary, job title and description
- Decisions will be reviewed cross functionally to ensure fairness
- Decisions approved by NetSuite senior management member

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Job mapping is a process to align [Target employee's] job titles and levels to Oracle job titles and career levels.

There are several key things that are considered when determining an employee' Oracle job title and level - the benchmark job match to the external market, the employee's job duties and scope compared to similar positions at [Target Company] and Oracle and the employee's current salary, job title and job description.

Decisions will be reviewed across functions to ensure fairness and approved by [Target Company] senior management.

How Do Netsuite Jobs Fit Into Oracle Job Families?

Job title and career level determinations are based on the specific work being performed based on both:

➤ Job Content

- Jobs are assessed relative to the various families and their corresponding content summaries to find the best fit

➤ Leveling Criteria

- To be considered for a given level, 80% or more of the defined leveling criteria required must be met

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Job title and career level determinations are based on the specific work being performed considering both job content and Oracle leveling criteria. Review the summaries of the various job families to find the best fit. Then review the leveling criteria. The best fit will be where the scope of the role meets 80% or more of the leveling criteria.

Choosing the Correct Job Code/Title

- The Job code selected should correspond with job title which most closely reflects the role in the organization
- If the job code is incorrect, there could be an impact to the employee's compensation including:
 - Salary range, bonus eligibility, overtime eligibility, and compensation program eligibility
- In some cases, an incorrect job code could impact an offer letter or employment terms for M&A employees or access to manager self service and compensation program tools

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When choosing a job code, you should select the job that most closely reflects the role. It is important to remember that the job code need not be in a specific line of business. An example of this is Admin Assistants. Admins have a function of Admin but can be located across the organization.

If the job code is incorrect there could be an impact to the employee's compensation, including their salary range, bonus eligibility, overtime eligibility and compensation plan eligibility.

In some cases an incorrect job code could impact an offer letter or employment terms especially for M&A employees and hamper access to manager self service and compensation program tools.



QUESTIONS?

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Exhibit J

Global Job Classification

In order to provide accurate, consistent, employee information for global reporting and analysis, Oracle must classify all employees according to four standard categories: **Function**, **Specialty Area**, **Career Level**, and **Product Association**. This page defines **Function** and **Specialty Area**, as well as identifies which **Function / Specialty Area** combinations require a **Product Association**. The **Product List** and **Career Level** definitions can be found on the other worksheets within this excel file.

To facilitate this job classification process, Oracle US uses a jobcode structure. Each employee is assigned a jobcode which has one function, one specialty area, and one career level combination associated with it. If required, a product is assigned directly to an employee's record in the HRDB.

FUNCTION			SPECIALTY AREA		PRODUCT	
What does the employee do? This field describes the type of work the person performs; it is not necessarily specific to the organization in which they work.			What specialist work does the employee perform within the professional function? If an employee's role covers more than one specialist area then chose the specialist area which is most representative.		Is the position associated with a particular product?	
Function	Code	Function Description	Specialty Area	Code	Specialty Area Description	Product Required?
Information Technology	INFTECH	Management of the internal IT infrastructure and systems.	Business Implementation & Planning	BUSIMP	Coordinates all aspects of internal information system-specific projects from initiation to delivery.	No
			Data Center Services	DCS	Management and delivery of production IT systems.	No
			End User Services/Support	EUSUPP	Management and delivery of on-going services/support to the end user.	No
			Functional	FUNC	Implementation and planning of IT related business solutions.	No
			Network Services	NETSERV	Management and delivery of network infrastructure.	No
			Risk Management	RISK	Develops, implements, manages and educates in the area of programs in Information Protection and Business continuity.	No
			Technical	TECH	Develops, implements, and supports Oracle's global infrastructure	No
			Product Development	PRODEV	Develop Oracle software products for external customers.	Software Engineering

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 Deponent: K. Waggoner
 Date: July 26, 2018
 Reporter: Jane Grossman, CSR No. 5225

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FUNCTION			SPECIALTY AREA		PRODUCT
<i>What does the employee do? This field describes the type of work the person performs. It is not necessarily specific to the organization in which they work.</i>			<i>What specialist work does the employee perform within the professional function? If an employee's role covers more than one specialist area, they chose the specialist area which is most representative.</i>		<i>Is the position associated with a particular product?</i>
Function	Code	Function Description	Specialty Area Code	Specialty Area Description	Product Required?
			Product Management	PRODMG Responsible for a specific product or group of products from product definition and planning through production and release to the marketplace. Serves as the central resource and driving force with design, process, manufacturing, test, quality, and marketing as the product(s) move to completion and distribution.	No
			Technical/ Process QA	TECHQA Application of continuous monitoring and improvement within the production/development process to ensure the highest possible standard for the products incorporating adherence to both internal and external standards as appropriate.	No
			Technical Writing	TECHWR Writes operational, maintenance, or user manuals.	No
			Localization	LOCALIS Localizes software to comply with local markets and regulatory requirements.	No
			Translation	TRANS Adapts and translates technical documentation/ screens etc. to suit local user market within a given country/ group of countries	No
Support	SUPP	Provision of contracted technical support services to customers.	Account Management	SUPPACC Provides services under programs such as critical accounts/customer care, customer advocate program, client relations.	Yes
			Premium Services	PREMSERV Delivers expert remote and expert on-site services	Yes
			Product Support	PRODSUPP Principally delivers telephone / electronic support to external customers, although occasionally may be required to provide premium/on-site services.	Yes

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Exhibit K

Oracle Compensation Guidelines

Total Compensation

Total compensation is a summation of base salary, performance-related bonuses, commissions, and other applicable incentives and benefits.

When determining the employee's total compensation package, the following factors may be taken into account:

- the job's salary range which is based on the external market value for the job,
- the employee's global career level,
- the salaries of other Oracle employees in the same job and location,
- and the individual employee's performance.

In addition to cash compensation and other benefits, there are other 'intangible' benefits of working at Oracle such as your working environment and career opportunities.

Your eligibility to receive each component of total compensation will vary depending on the country in which you are employed and your function here at Oracle.

When is compensation paid out?

MONTHLY	QUARTERLY	ANNUAL
Sales Commission	Consulting Bonus Sales Consulting Bonus Instructor Bonus	Corporate Bonus Stock Option Focal (Base) Salary

These are simple guidelines for when salary increases, bonuses, and/or options may be reviewed, paid or granted. This is not a guarantee that an employee will be reviewed for or receive a raise, bonus, or option grant. Such compensation or allocations are offered at the discretion of management.

Base Salary

Base salary is designed to compensate employees for performing their job duties and responsibilities, and to reward for individual performance. It provides employees with a rate of pay that is competitive with other companies in Oracle's industry for similar jobs.

Salary Increases

Oracle management reviews all eligible employees' salaries and assignment changes at one point in time. This process is called the salary review process or the focal review process. Employees are not guaranteed a salary increase. Salary increases are offered at the discretion of your manager.

How are Salary Increases Allocated?

Each Line of Business' (LOB) focal salary increase budget is distributed to the LOB Head via the Compensation Workbench web tool. The LOB Heads and Executive Management have complete discretion when further allocating budgets and awarding salary increases to individuals within their organization.

Who is Eligible for a Salary Increase?

To be eligible for consideration for a focal salary increase and/or assignment change, an employee must meet all of the requirements listed below:

- Be a regular Oracle employee (excludes contractors and temporary employees in most countries)

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Date: July 26, 2018
Reporter: Jane Grossman, CSR No. 5225

- Have been hired and start at least 61 days before the performance period ends. Note: Eligibility may be pro-rated on a daily basis depending on the new hire start date.

To comply with local legislation, some countries require adjustments to these eligibility rules. Eligibility for employees from recent mergers and acquisitions will be evaluated on a case-by-case basis, depending on the agreement between the two companies. For a complete list of eligibility rules by country please consult your manager.

Global Corporate Bonus

The Global Performance Bonus Plan is an annual plan for the performance period: June 1st through May 31st.

Bonuses are discretionary; designed to reward employees for assisting the company in meeting key strategic company goals and objectives; including profitability. Bonuses are not entitlements. This bonus plan is funded according to performance criteria determined by the Company with individual employee bonuses being ultimately awarded at the discretion of management. The Company regularly reviews the plan and, at its sole discretion, the Company may cease the plan or change the plan to ensure that the strategic direction of the Company is supported.

How is the Bonus Allocated?

Each LOB's pool is distributed to the Line of Business (LOB) Head via the Compensation Workbench web tool. The LOB Heads and Executive Management have complete discretion when further allocating budgets and awarding bonuses to individuals within their organization.

Who is Eligible?

To be eligible for consideration for a discretionary Global Performance Bonus, an employee must meet all of the requirements listed below:

- Be a regular Oracle employee (excludes contractors, temporary employees in most countries)
- Work in a position that is eligible for the Global Performance Bonus Plan and not eligible for any other variable plan. *Examples of other variable plans which are not eligible for the Global Performance Bonus Plan include: Executive, Sales (including Channel Reps and Managers and Business Development Reps and Managers on revenue plans), Sales Consulting, Consulting, Instructor, and Recruiting plans, as well as employees who are US Overtime eligible.*
- Have been hired and start on or before March 31st (i.e. 61 days before the performance period ends)
- Be eligible for at least 31 days during the performance period
- Be active or on an approved leave of absence the day the bonus is paid

Eligibility may be pro-rated on a daily basis due to the following:

- New hire
- Transfer into or out of a different variable plan
- Paid and unpaid leave of absence during the bonus period (does not include vacation or holiday time)
- Part-time (percentage based on time worked compared to country's full time hours)

To comply with local legislation, some countries require adjustments to these eligibility rules. For example, the corporate global bonus is not paid in every country, such as in Germany and Brazil. Consult your manager for more information.

Eligibility for employees from recent mergers and acquisitions will be evaluated on a case-by-case basis, depending on the agreement between the two companies.

Other Bonuses and Compensation

Consulting Bonus

Oracle Consultants who are "billable" may be eligible to participate in the Consulting Discretionary Bonus Plan. Consulting bonuses are administered through Global Incentive Planning. Further plan information can be found on the [Global Incentive Planning & Strategy website](#).

Instructor Bonus

Oracle Instructors, outside the U.S., who are "billable" are eligible to receive a quarterly bonus. Instructor bonuses are administered through Global Incentive Planning. Further plan information can be found on the [Global Incentive Planning & Strategy website](#).

Sales Bonus

Some sales positions such as Sales Consultants and Business Development Representatives are eligible to receive a quarterly bonus. Sales bonuses are administered through Global Incentive Planning. Further plan information can be found on the [Global Incentive Planning & Strategy website](#).

Sales Commissions

Sales commissions are designed to direct, motivate, and reward sales employees for achieving desired business objectives. Sales commissions are paid monthly and administered through Global Incentive Planning. Further plan information can be found on the [Global Incentive Planning & Strategy website](#).

Spot Bonus

A Spot bonus is a non-cash special recognition bonus valued up to \$250 (for example, a dinner or gift-of-choice). The award must be submitted on an expense report and categorized as a non-cash bonus. A non-cash bonus greater than \$250 and all cash bonuses require approval by the CEO office and Human Resources. A Spot bonus is taxable in accordance with country regulations. The intent of this program is to provide managers with a means to recognize truly exemplary employee contributions. It is important that managers do not use this program as a way of providing regular "bonuses" to employees. Managers are accountable to utilize the program in a financially responsible manner, and ensure that a bonus is granted with consideration to budgetary constraints. Misuse of the program may result in a manager being made ineligible for its future use, and/or disciplinary action as deemed appropriate by management and HR.

Patent Awards

In appreciation of our employee-inventors Oracle maintains an active patent award program. Contact your manager or [HR Manager](#) for more patent information.

Allowances

Allowances, such as car allowances, may be provided to employees in order for them to perform the duties/responsibilities of their job. In some countries, other allowances, such as transportation or housing, may be applicable. In support of Oracle's commitment in developing practices that protect the environment, employees are encouraged to use the most fuel efficient and cost effective methods of conducting business on behalf of Oracle. Refer to your HR Web site for information specific to your country.

Overtime

Some countries require that employees who work overtime hours be compensated for those overtime hours. For further details contact your manager or HR Web site.

Benefits

Total compensation at Oracle means more than just base salary and bonus/commission incentive programs. It also includes the valuable benefits and perquisite programs available to our employees, such as health and welfare benefits including medical, dental, vision, retirement savings plan with a company match, vacation policy, etc. valued, on average, at approximately 20-25% of an employee's total compensation.

Employee Stock Purchase Plan

The ESPP program provides employees the opportunity to put aside money to purchase stock at a discounted price. For more information regarding the ESPP program contact Employee Stock Services (775) 689-3456 stock_us@oracle.com. ESPP is not available in all regions/countries. Consult your regional HR Web site.

Stock Option Program

The Annual Stock Option Process operates at the sole discretion of the Company. Whether Oracle continues to operate this arrangement, as well as what factors to consider when exercising its discretion will be reviewed regularly to ensure the strategic direction of the Company is supported.

The Stock process is an annual event with awards being granted in June/July. Individual grants are ultimately awarded at the discretion of management.

Who is eligible?

To be eligible:

- you must be a regular Oracle employee (excludes contractors and temporary employees in most countries.)
- working in a country with at least 100 employees,
- and assigned to a jobcode with career level IC1 or greater.
-

Eligibility for employees from recent mergers and acquisitions will be evaluated on a case-by-case basis, depending on the agreement between the two companies.

To comply with local legislation, some countries require adjustments to these eligibility rules. Stock Options are not always granted to employees in some countries. Consult your Human Resources Representative for more information.

Exhibit L

Q4FY15 HR Webinar

Oracle Compensation

Shawn DeValle
Lisa Gordon
Corporate Compensation
March 2015

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Deposition Exhibit 51

Deponent: K. Waggoner

Date: July 27, 2018

Reporter: Jane Grossman, CSR No. 5225

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HR Webinar Presenters



Lisa Gordon
Director, Compensation



- **Shawn DeValle**
- Compensation Consultant

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Program Agenda

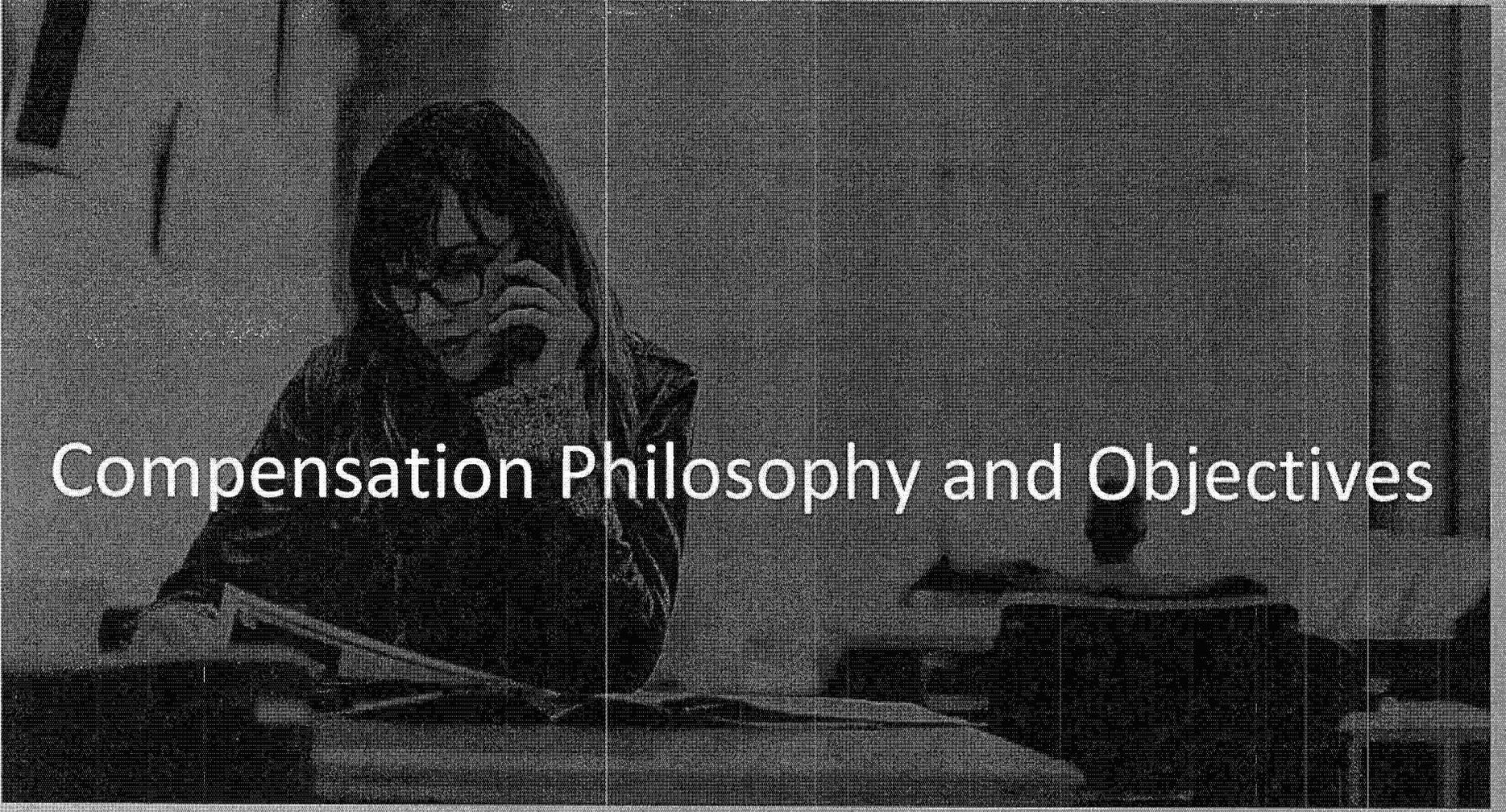
- 1 Compensation Philosophy and Objectives
- 2 Total Compensation Components
- 3 Compensation System Fundamentals
- 4 Managing Pay Decisions
- 5 Compensation Programs
- 6 Tools and Resources

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Compensation Philosophy and Objectives

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Oracle's Compensation Philosophy and Objectives

Oracle must attract, retain and motivate highly skilled, high performing employees to be successful.

- Provide compensation programs that:
 - **Attract** and **Retain** by being Market Competitive
 - **Motivate** employees to maximize their productivity, but also consider shareholder interests
 - Are legally compliant
 - Are designed to support corporate objectives
- Pay for Performance
 - Company Performance
 - Individual Performance

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Total Compensation Components

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Total Compensation Components

- Cash
 - Base Salary
 - Short term incentives (commission/bonus)
- Stock
 - Long term incentive – Stock Options and Restricted Stock Units (RSUs)
 - Employee Stock Purchase Plan
- Benefits

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Total Compensation Components (cont.)

- Base Salary
 - Linked to employee's skills and competencies in current role, as well as the sustained performance and the local market
- Short term incentives (commission/bonus)
 - Provides a mechanism to reward short-term performance
 - Payments vary according to performance and allows companies to lower cost when results are not achieved
 - Commission – tied to individual/team performance against quota
 - Bonus – tied to company or LOB results

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Total Compensation Components (cont.)

- Stock
 - Long term incentives – Stock Options and Restrict Stock Units (RSUs)
 - Employee Stock Purchase Plan
- Benefits

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It Isn't Always About the Money

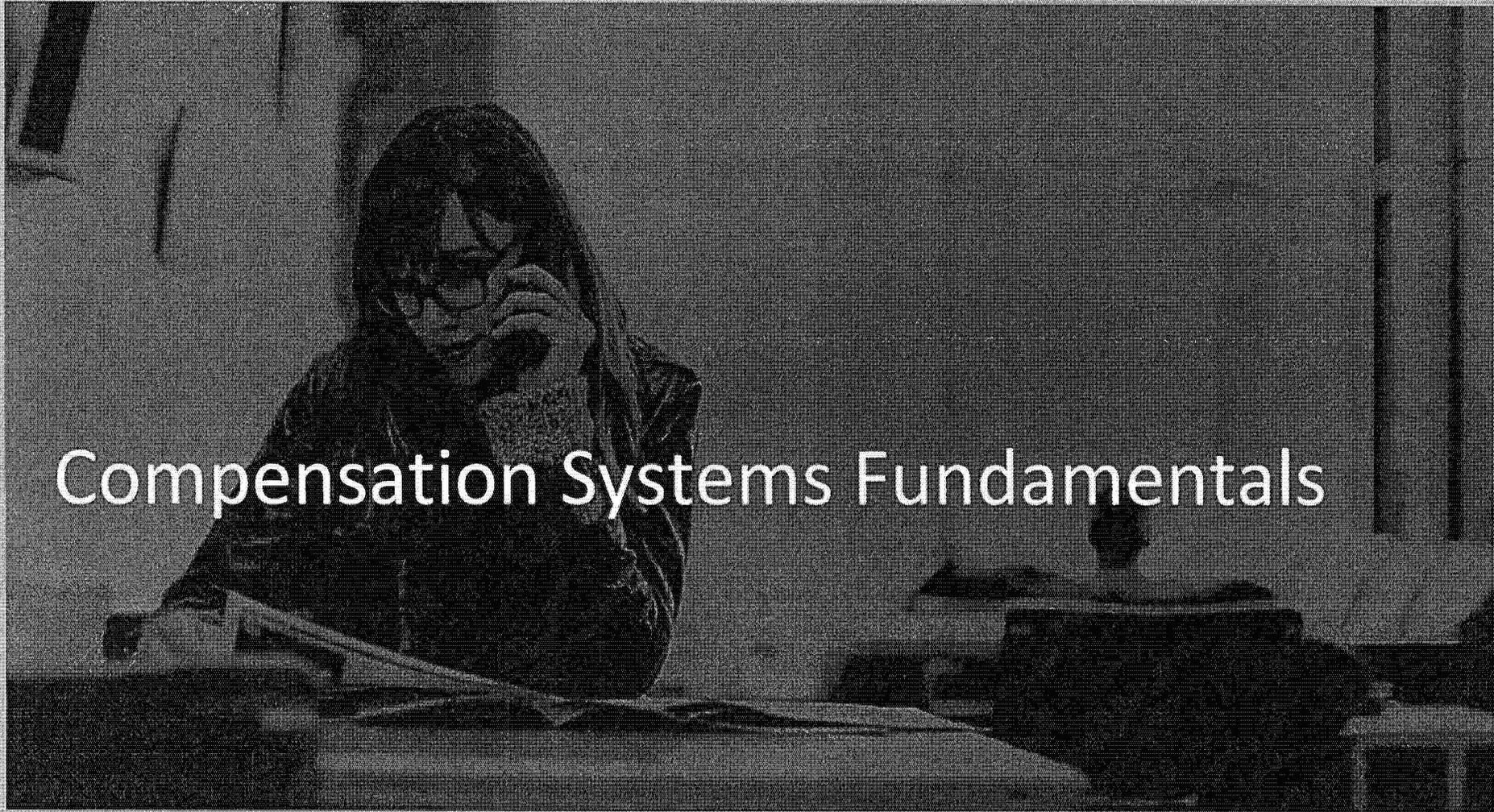
	Employee Ranking	Manager Ranking	2010 Emp Rank - Dr. David Spicer updated research
Appreciation for work done	1	8	3
Feeling "in" on things	2	10	7
Sympathetic help on personal problems	3	9	10
Job Security	4	2	2
Good Wages	5	1	4
Interesting Work	6	5	1
Promotion/grown opportunities	7	3	5
Personal loyalty to workers	8	6	6
Good working conditions	9	4	9
Tactful disciplining	10	7	8

The 1001 Rewards & Recognition FieldBook - Bob Nelson and Dean Spitzer



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Compensation Systems Fundamentals

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Job Classification & the Global Job Table

- Job Classification is a consistent global framework for job related information that supports a number of key HR and non-HR processes as well as management reporting
- The Global Job Table is a key component of the Job Classification system
- Managers are responsible for ensuring that employees on their teams are in the correct job code
- Assigning an incorrect job code to an employee can cause problems for various processes downstream

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Global Job Table

- To facilitate the global job classification process, Oracle uses a Global Job Table
 - Each job is assigned a unique combination of globally defined attributes
 - Job code: Unique identifier/reference number
 - Job Title: Commonly known as the “system job title”
 - Function: Describes the type of work the person performs. It is not specific to the employee’s LOB
 - Speciality: The specialist work within the Function
 - Career Level: Broad category that recognizes increases in responsibilities and performance expectations

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Global Career Level

- Global career levels are a set of broad, hierarchical categories related to the level a job is performed
- Responsibilities, individual contributions and job complexity increase from one job level to the next in the hierarchy
- The global career level structure has two paths: Management and Individual Contributor. There is no correlation between M and IC level
- An employee is considered to be a manager if their primary responsibility is management (with hire/fire authority) of two or more regular full time equivalent Oracle employees. All other employees should be considered individual contributors, including team leaders

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Choosing the Correct Job Code

- The Job code selected should be the job that most closely reflects the role in the organization
- If the job code is incorrect, there could be an impact to the employee's compensation including:
 - Salary range, bonus eligibility, overtime eligibility, and compensation program eligibility
- In some cases an incorrect job code could impact an offer letter or employment terms for M&A employees or access to manager self service and compensation program tools.

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Scenario - Career Level

I came to Oracle through an acquisition and feel that my career level is not appropriate compared to others in my work group who are existing Oracle employees. Is it possible to change my career level?

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Salary Ranges

- Salary ranges are a tool to assist managers in making decisions about pay
 - Broad ranges allow managers to account for differences in experience, skills, competencies and performance of candidates and incumbents
 - Ranges help managers with employees in multiple countries to pay according to the local market

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How are Salary Ranges Developed?

- Local compensation teams participate in, and use data from, salary surveys conducted regularly by external consulting companies
- Compensation surveys should only be purchased and participated in by the Global/Regional Compensation Team

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Creating Salary Ranges

Preferred Competitor Companies

- Apple
- Cisco
- EMC
- Google
- HP
- IBM
- Intel
- Microsoft
- Netapp
- Qualcomm
- Salesforce
- SAP
- VMWare

Software Industry
Local Companies
Sales Separate List
Geographical Differences

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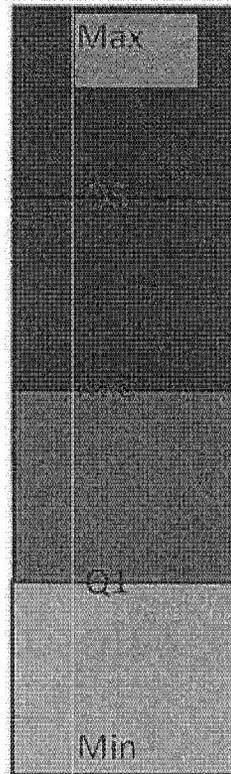
Understanding Salary Ranges

Quartile 4 = Max

Quartile 3 = $(Q2+Q4)/2$

Quartile 2 = Mid

Quartile 1 = $(Min+Q2)/2$



Managing Base Pay

3rd & 4th Quartiles are for employees whose contribution is high or ready for a promotion

Midpoint typically reflects external market rate for fully experienced, fully competent employee

1st Quartile is for employees still learning their role, or below standard contributions

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Base Salary – Compa-Ratio

- Compa-Ratio is the ratio of the employee's salary to the midpoint of their salary range.

- Example:

Annual salary - \$30,000

Local salary range midpoint - \$28,000

Compa-ratio = Employee salary ÷ Range Midpoint x 100

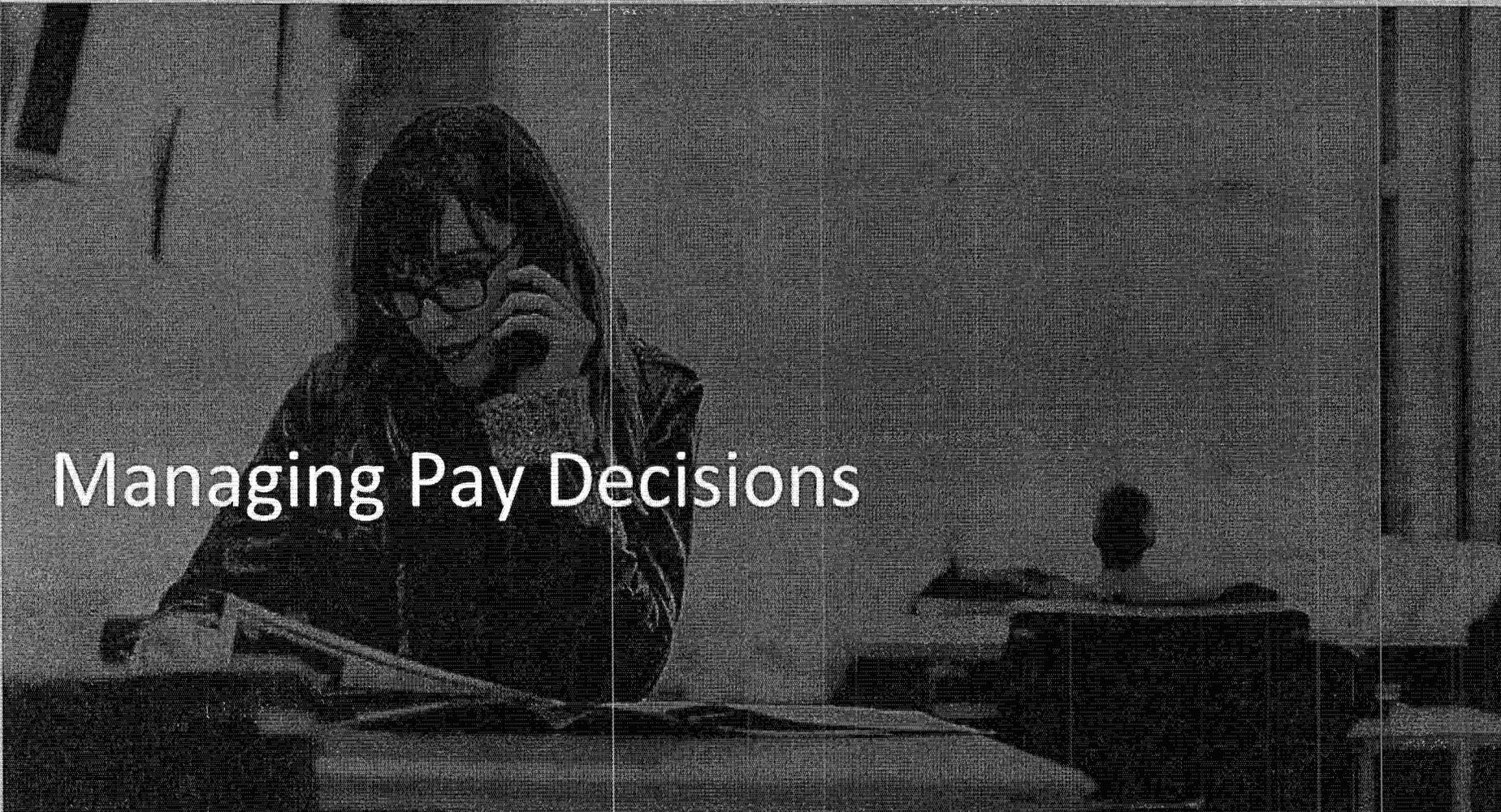
$$= \$30,000 \div \$28,000 \times 100$$

$$= 107.1$$

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Managing Pay Decisions



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General Principles of Managing Pay

- Compensation and benefits must be in line with the standard for the job
- Balance external and internal equity
- Consider the relevant knowledge, skills, abilities and experience of the employee
- A promotion does not necessarily require a simultaneous salary increase
- Employees must not take a new role until the compensation has been fully approved and the appropriate terms and conditions have been accepted

General Principles of Managing Pay (cont.)

- Differentiate rewards by performance but manage within your budget
- Be honest and open with communications on rewards and performance
- These principles apply globally, but pay rates differ by country

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External Hiring

- When recruiting you should consider the value of the “total reward” rather than salary alone, both tangible and intangible:
 - Value of base salary and any bonus opportunity
 - Oracle experience, training, career development, long term opportunities, location, etc.

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External Hiring (cont.)

- Example Scenario:

- Range (from CWB or IWB) min \$49,000 – mid \$68,000 – max \$86,000
- Average salary on team: \$65,000
- Candidates doing the job are earning \$63,000 – \$75,000

- Recruitment dilemma:

- Qualified candidates are earning as much or more than existing team members
- A premium will be required to attract these candidates:
 - say 68,000 (midpoint) x (5% to 10% = 71,500 to 75,000, higher than midpoint and Oracle average)
- Would increase costs and pay pressures within the group
- But could still recruit as pay requirement is still within range

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Promotions

- A promotion is typically a move from a job in one career level to a job in a higher career level with greater responsibility and impact on the Company's business
- Promotions are not always accompanied by a salary increase

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Is a Promotion Appropriate?

A promotion could be considered if:

- Business need for higher level role
- Employee is assuming significantly more responsibilities in current role and is ready for promotion

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Polling Question

- Under which situation would you feel a promotion is appropriate?
 - A. An employee has been in the same grade for a while and is due a promotion
 - B. I'm concerned the employee may leave the organization
 - C. The salary of my employee is too low and by promoting him I get a chance to increase it
 - D. "My colleague next to me is doing the same job as I do but has a higher career level, so I should be promoted"
 - E. None of the above

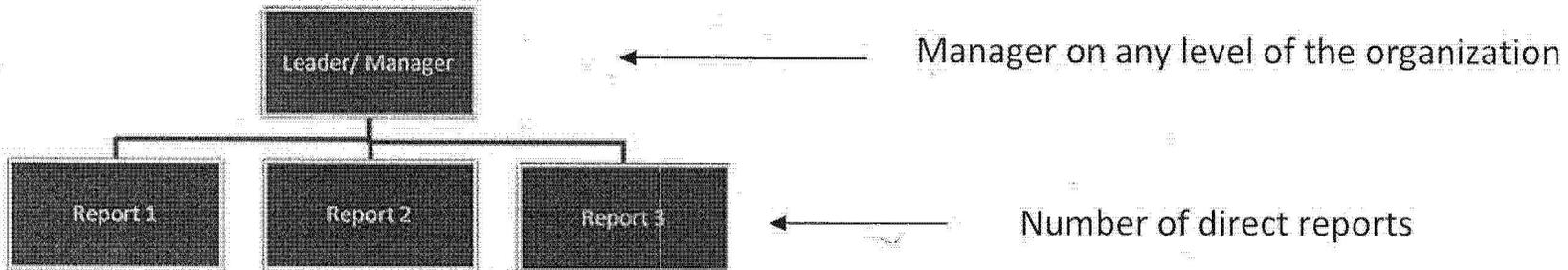
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Management Promotions

Span of Control (SOC)



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Guiding Principles for Span of Control (SOC)

- Normally, increased complexity, more work variety, and a remote working environment call for smaller spans of control in order to maximize the manager's level of productivity
- The number of direct people managed often increases with each layer deeper into the organization, as job complexity decreases and management oversight is not as critical
- Technology or other organizational systems can often help managers who would normally need a smaller span of control by providing better efficiency in managing information and employees
- Smaller spans of control often results in more organizational layers

International Transfers

- A cross border transfer is a permanent move from one country to another. It is NOT an assignment
- You should pay appropriately in the new country. Do NOT simply transfer at the same salary converted to the new currency
- Pay levels for the same job differ markedly from country to country even where currency is the same, e.g. in Europe several countries use the Euro but have different salary ranges

International Transfers (cont.)

- To determine appropriate salaries for international transfers transferring to the same position in a new country use the employee's current compa-ratio and keep it constant in the salary range of the new country.
 - This methodology places the salary at the same position in range in the new country as in the old country
 - If employee's current compa-ratio is extremely high or extremely low it may be appropriate to use the new peer group to place the salary appropriately
 - Do not simply convert the current salary to the new currency
 - Generally this type of transfer is a lateral move with no change in job level
 - If transfer is into a completely different job family, then determine salary as if a new hire
- $\text{Compa-ratio} = \text{current salary} / \text{midpoint of salary range}$

Salary Increase Timing

- Use the annual salary increase review for:
 - Promotions
 - Promotions that were not accompanied by a salary increase
 - Rewarding performance
 - Addressing equity issues where differentials are not justified on the grounds of
 - Knowledge
 - Skills
 - Experience
 - Some other measurable factor

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Scenario – Internal Transfer

I have an internal candidate I would like to hire. He will only transfer if I promote him. He has the exact skill set I need for my group and we desperately need the help. I'm going to tell him that I'll promote him and give him a salary bump to ensure he accepts my offer.

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Recap

- Each situation should be reviewed on a case-by-case basis but the principles should be applied as consistently as possible
- There are no absolute right or wrong or “one size fits all” answers
- Look at the whole picture, not just the position in the salary grade
 - Internal equity
 - Average salaries
 - Skills, Knowledge, Competencies, etc.
- Reasons for the decision should be documented
- The salary and benefits should be set correctly for the new position
- The increase/change in status should not be backdated

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Compensation Programs

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Global Compensation Programs

- Annual Stock Program
- Global Corporate Bonus
- Sales and Non-Sales Salary Increases
- Workforce Compensation Replaces Compensation Workbench

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What is Workforce Compensation?

- Workforce Compensation (WC) is an Oracle Self Service Application for managing compensation processes, allowing you to –
 - Model and allocate budgets
 - Publish (pass down) budgets to subordinate managers
 - Rate, Rank and Award individual employees
 - Review historical compensation information
 - View and download employee information for off-line work for further analysis
 - View submission status of subordinate managers

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Basics for All Programs

- Budgets
 - Communicated to LOB Heads and HR
 - Each LOB may determine their own strategy/method for allocation
- Timelines
 - Corporate Deadlines
 - LOB timelines to meet Corporate Deadlines
- Eligibility
 - Review eligibility document – can change
 - M &A eligibility is dependent on agreement

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Basics for All Programs

- **WC Worksheet**
 - Populated with eligible employees
 - Check for accuracy promptly
- **Communication**
 - Do not communicate anything until final BOD approval is obtained
 - Always check WC before you communicate to ensure that amounts haven't changed
 - Communicate bonus and salary increase amounts in local currency

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Differences Between Programs

- Budgets

- Stock budget is a fixed amount – will not vary if employees are added or deleted
- Bonus and salary increase budgets are based on eligible salaries – changes if employees are added or deleted
- Stock budget is expressed in # of options

- Eligibility

- Different for all programs
 - Stock eligibility is based on # of employees in country and tax regulations

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Tools and Resources

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Tools and Resources

- Your manager
- Your HR manager
 - You will find your HR Manager by checking your ARIA page
- Internal Websites
 - Manager Self Service
 - Comp Training Modules, including Region-Specific content
 - Workforce Compensation – used for bonus, stock & salary increase processes
 - IWB – shows salary information and history for all employees within your organization
 - HR Global Website, global HR policies

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Information Workbench (IWB)

- Main View options:

- Salary
- Job Information
- Sales Salary
- Total Compensation (summarized - Rolling 12 months)
- US hours worked - great tool to track overtime hours

- Filters:

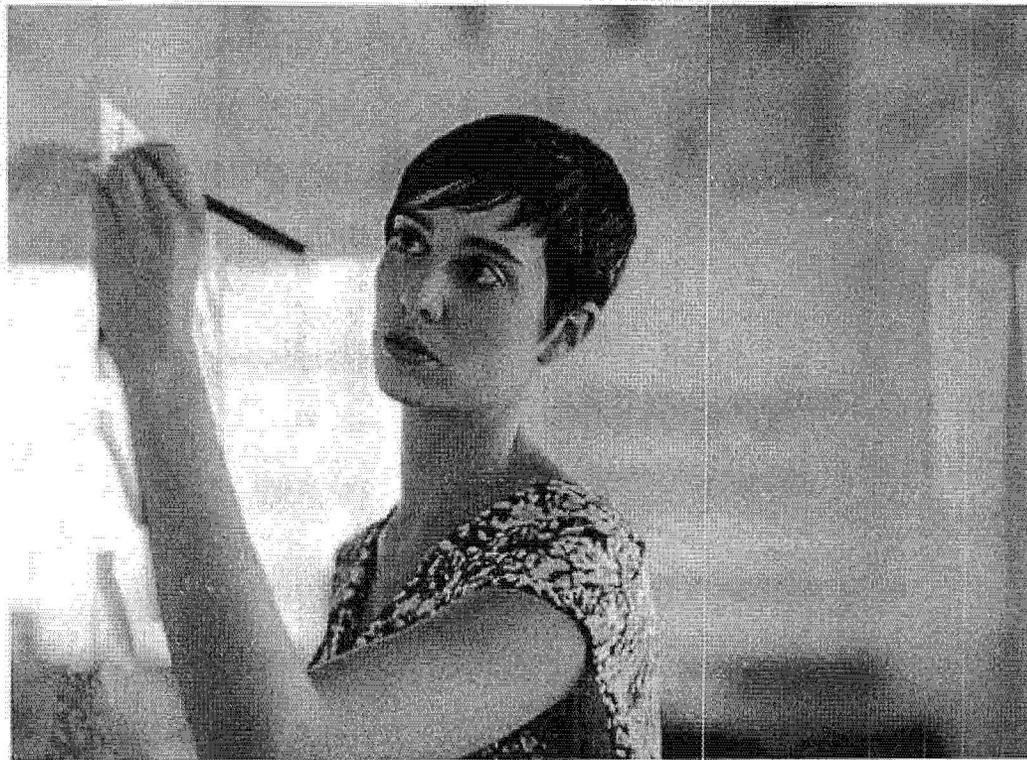
- All employees
- Direct employees
- By team
- Per country

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Your Human Resources Organization



How do I know who to contact?

- HR Rep and HR Manager is identified in ARIA
- Enter your employee's name
- Look under Additional Information
 - HR Representative
 - HR Manager

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Your Human Resources Organization (continued)

HR Representative:

- Work with employees to resolve HR processing issues
- Respond to employee questions on routine policy and resource matters
- Work with employees and managers to ensure accurate HR data
- Complete Workers' Compensation claim forms
- Conduct exit interviews
- Facilitate effective approval process for hiring, transfers (benchmark analysis), status changes, unpaid leaves, voluntary terminations and temporary employee transactions

HR Manager:

- Partner with division management to enhance organizational and individual development
- Facilitate resolution of employee relations issues
- Train and assure that managers/employees are current on HR policies, practices and procedures
- Support compensation programs and provide counsel on appropriate use of job codes, titles and promotional practices
- Facilitate an effective performance management process
- Available as resource for employees to discuss issues related to their employment

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Chat Question



Based on what you learned today, what is one thing that you will do differently?

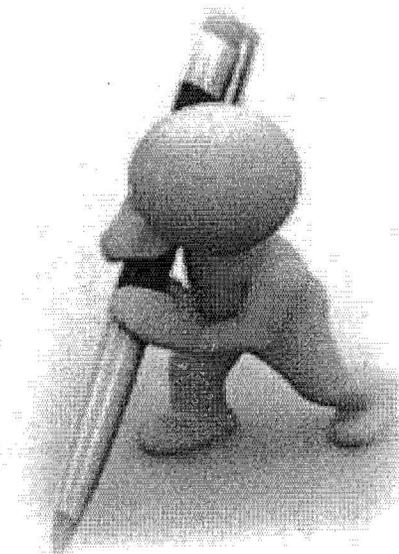
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SURVEY

- What worked?
- Suggestions for improving the training
- Suggested topics for future sessions

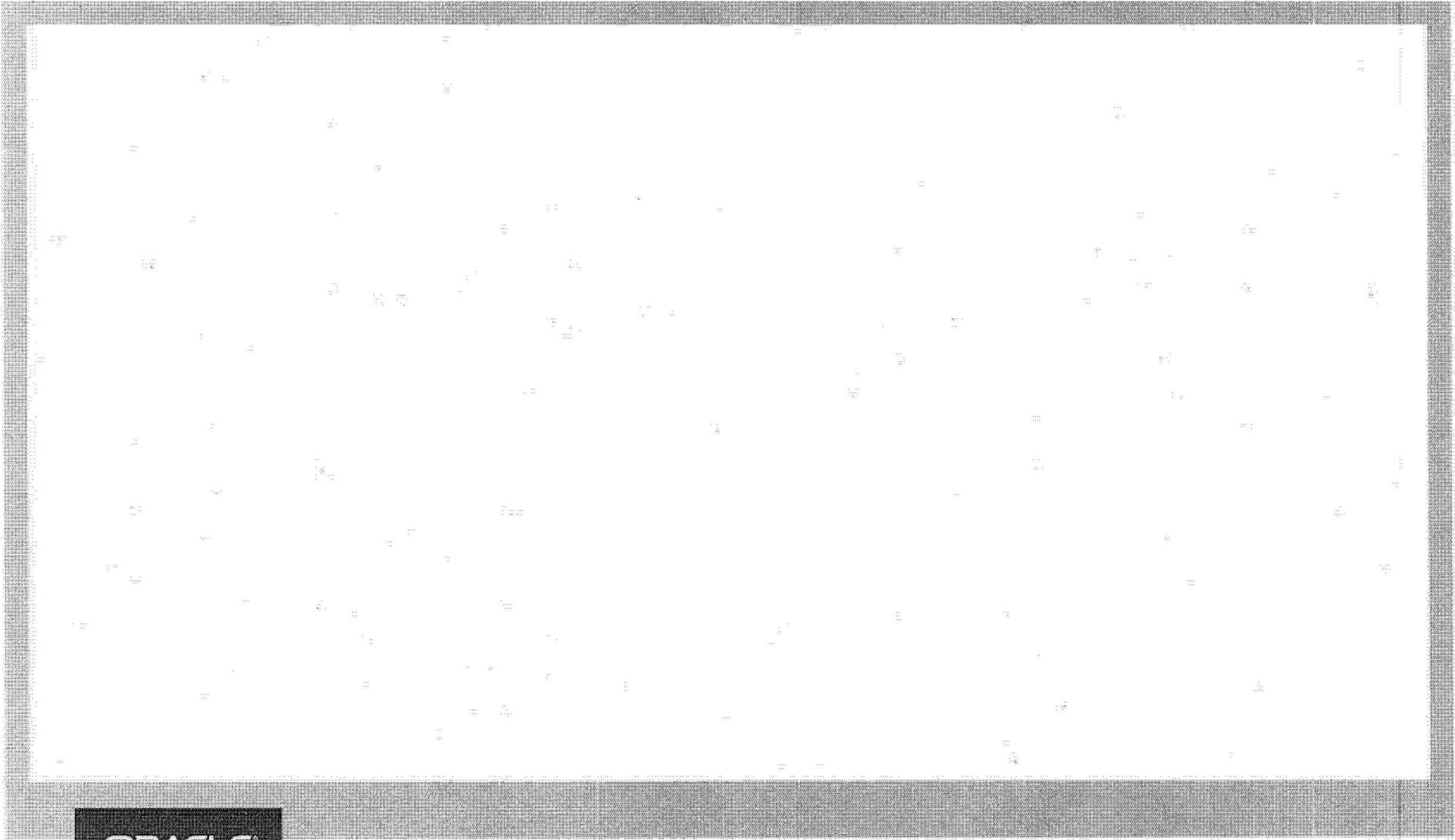


We need your feedback!

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