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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 SHAUNA HOLMAN-HARRIES
9:00 a.m.
May 8, 2019
Phoenix, Arizona

REPORTED BY:
Robin L. B. Osterode, CSR, RPR
AZ Certified Reporter No. 50695
JOB No. 190508ROS

1 VIDEOTAPED DEPOSITION OF SHAUNA HOLMAN-HARRIES
2 commenced at 9:00 a.m. on May 8, 2019, at Phoenix,
3 Arizona, before Robin L. B. Osterode, CSR, RPR,
4 Arizona Certified Reporter No. 50695.

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25

1 Phoenix, Arizona
2 May 8, 2019
3 9:00 a.m.

09:04:28 3
09:04:28 4 THE VIDEOGRAPHER: This is the videotaped
09:04:30 5 deposition of Shauna Holman-Harries, in the matter of
09:04:34 6 U.S. Department of Labor versus Oracle America,
09:04:38 7 Incorporated, case number 001929699 [sic]. The time
09:04:44 8 on the video monitor is 9:04 a.m. Today's date is
09:04:48 9 May 8th, 2019.

09:04:51 10 My name is Leonard Call, with Gradillas
09:04:56 11 Court Reporters, located at 520 North Central Avenue,
09:05:00 12 Suite 720, Glendale, California 91203.

09:05:04 13 Would counsel please voice identify
09:05:06 14 themselves.

09:05:07 15 MS. BREMER: This is Laura Bremer. I'm
09:05:12 16 representing the U.S. Department of Labor.

09:05:14 17 MR. GARCIA: Norm Garcia, United States
09:05:16 18 Department of Labor.

09:05:17 19 MS. CONNELL: Erin Connell of Orrick,
09:05:17 20 Herrington & Sutcliffe, representing defendant Oracle
09:05:21 21 and the witness.

09:05:21 22 MS. GRUNDY: Kayla Grundy from Orrick,
09:05:24 23 Herrington & Sutcliffe, on behalf of defendant
09:05:26 24 Oracle.

09:05:26 25

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SHAUNA HOLMAN-HARRIES,

having been first duly sworn, was examined and testified as follows:

E X A M I N A T I O N

BY MS. BREMER:

Q. Please state your name for the record.

A. Shauna Holman-Harries.

Q. And how would you prefer that I refer to you during the deposition?

A. It's completely up to you. You can -- probably "Shauna" would probably be best, easiest, I think, for you.

MS. CONNELL: Laura, can I put something on the record at the beginning, similar to the statement I made at Kate Wagner's deposition?

MS. BREMER: Yes.

MS. CONNELL: Okay. I just want to make clear for the record that Ms. Holman-Harries is here today to testify in her personal capacity, not as a 30(b)(6) witness on any topic. And under Federal Rule of Civil Procedure 30(d), OFCCP is entitled to one day of deposition with her for up to seven hours. So we're here today for that deposition.

We've told OFCCP previously, including in

09:06:27 1 writing, that data and document production is still
09:06:30 2 underway, and have suggested that OFCCP may wish to
09:06:33 3 wait until all of those documents and data are
09:06:36 4 produced before deposing Ms. Holman-Harries, but
09:06:40 5 OFCCP, nevertheless, chose to go forward with the
09:06:43 6 deposition today. So as we've confirmed before, this
09:06:45 7 is OFCCP's one day of deposition with her.

09:06:48 8 OFCCP also has served several 30(b)(6)
09:06:52 9 deposition topics, including several related to OFCCP
09:06:57 10 compliance-related matters. We've suggested that,
09:07:00 11 for the convenience of the witness and the parties,
09:07:02 12 it would make sense to do Ms. Holman-Harries'
09:07:06 13 personal deposition and those 30(b)(6) topics at one
09:07:09 14 time, but OFCCP declined that request, even though we
09:07:09 15 did offer to make her available.

09:07:14 16 So Oracle reserves its rights, in light of
09:07:17 17 all of this, to take all of this into consideration
09:07:19 18 on the ongoing meet and confer discussions over
09:07:22 19 30(b)(6) topics.

09:07:23 20 Thanks.

09:07:25 21 MS. BREMER: Okay. That -- you -- the
09:07:29 22 record speaks for itself, in terms of what
09:07:33 23 suggestions you've made and whether or not we, you
09:07:35 24 know, our responses to those.

09:07:39 25 In addition, we understand your position,

09:07:42 1 but we have a different opinion. And so we'll go
09:07:47 2 ahead and move forward with the deposition.

09:07:49 3 Q. Have you ever had your deposition taken
09:07:52 4 before?

09:07:53 5 A. No.

09:07:53 6 Q. You understand that you're -- the testimony
09:07:56 7 that you give today is under oath. Correct?

09:07:59 8 A. Yes.

09:07:59 9 Q. And it's subject to the penalty of perjury
09:08:02 10 if you don't tell the truth?

09:08:03 11 A. Yes.

09:08:03 12 Q. The court reporter is going to be
09:08:07 13 transcribing all of my questions and all of your
09:08:10 14 answers, so it's important that you speak audibly, as
09:08:16 15 opposed to shaking your head or saying "uh-huh" or
09:08:19 16 "huh-uh."

09:08:20 17 Do you understand?

09:08:21 18 A. Yes.

09:08:21 19 Q. And it's also important that you wait until
09:08:24 20 I finish my question before you start your answer,
09:08:28 21 and I'll try and wait until you finish your answer
09:08:30 22 before I ask another question.

09:08:32 23 Is that fair?

09:08:33 24 A. Yes.

09:08:33 25 Q. If you don't understand one of my

09:08:37 1 questions, please ask me to clarify or tell me that
09:08:42 2 you don't understand my question, and I'll be glad to
09:08:45 3 do so.

09:08:45 4 Is that fair?

09:08:46 5 A. Yes.

09:08:46 6 Q. If you do answer my question and do not ask
09:08:52 7 me to clarify, I'll assume that you understand the
09:08:54 8 question.

09:08:54 9 Is that fair?

09:08:55 10 A. Yes.

09:08:56 11 Q. Please answer each question to the best of
09:08:59 12 your ability. I'm entitled to your best estimate,
09:09:04 13 but I don't want you to guess. Do you understand the
09:09:08 14 difference between those two things?

09:09:10 15 A. Yes.

09:09:10 16 Q. After the deposition, the court reporter
09:09:15 17 will produce a formal transcript; you'll have a
09:09:18 18 chance to review and correct it. And I will have the
09:09:21 19 chance to comment on any changes that you make at the
09:09:24 20 hearing. So it's important that you give your best
09:09:26 21 testimony today.

09:09:27 22 Do you understand?

09:09:28 23 A. Yes.

09:09:28 24 Q. Do you have any questions?

09:09:30 25 A. No.

09:09:31 1 Q. Is there any reason we cannot proceed
09:09:35 2 today?
09:09:36 3 A. No.
09:09:37 4 Q. What did you do to prepare for today's
09:09:41 5 deposition?
09:09:41 6 A. I met with outside counsel from Orrick law
09:09:48 7 firm.
09:09:48 8 Q. And how many times did you meet to prepare
09:09:51 9 for the deposition?
09:09:52 10 A. I met two times in person, and I had two
09:09:55 11 telephone calls.
09:09:56 12 Q. Did you review any documents when you were
09:10:01 13 preparing for this deposition?
09:10:02 14 A. Yes.
09:10:03 15 Q. How many documents did you review?
09:10:08 16 MS. CONNELL: Just going to caution the
09:10:09 17 witness not to disclose which documents those were on
09:10:12 18 the basis of attorney work product.
09:10:14 19 THE WITNESS: I can't recall the number of
09:10:17 20 documents that I reviewed.
09:10:20 21 BY MS. BREMER:
09:10:21 22 Q. Can you approximate?
09:10:22 23 A. I don't feel comfortable approximating. I
09:10:27 24 know that there were more than 30, but I can't -- I
09:10:29 25 really don't feel comfortable approximating. I want

09:10:33 1 to give you a truthful answer and -- and so that's my
09:10:36 2 answer, is I really don't recall how many there were.

09:10:38 3 Q. Did any of the documents help you refresh
09:10:40 4 your recollection or remember what had occurred today
09:10:45 5 or in preparation for the deposition?

09:10:49 6 A. Yes.

09:10:50 7 Q. And which documents were those?

09:10:51 8 A. The Lisa Gordon interview refreshed my
09:11:02 9 memory. And then that's -- that's really -- that's
09:11:06 10 about it.

09:11:06 11 Q. Have you discussed your deposition with
09:11:13 12 anyone outside of attorneys at Orrick?

09:11:18 13 A. Yes.

09:11:18 14 Q. And who is that?

09:11:19 15 A. My staff and my coworkers. And my
09:11:29 16 daughter. Various coworkers.

09:11:31 17 Q. And when you discussed your deposition with
09:11:35 18 staff and coworkers, was that outside the presence of
09:11:41 19 your attorneys at Orrick?

09:11:43 20 A. Yes, on some occasions.

09:11:47 21 Q. Did you discuss the substance of this
09:11:50 22 deposition with your staff or coworkers?

09:11:52 23 A. No. Only -- only that it was in relation
09:12:00 24 to the HQ audit, but nothing other than that.

09:12:03 25 Q. And when you say "HQ," you mean Oracle's

09:12:07 1 headquarters?

09:12:07 2 A. Yes.

09:12:08 3 Q. And if we use the term "HQ" or

09:12:12 4 "HQCA" throughout the deposition, we'll be referring

09:12:14 5 to Oracle's headquarters at Redwood Shores. Okay?

09:12:19 6 A. Okay.

09:12:20 7 Q. What is your highest educational degree?

09:12:22 8 A. I have a master's degree.

09:12:24 9 Q. And where did you get your master's degree?

09:12:29 10 A. At Strayer University.

09:12:31 11 Q. How do you spell that?

09:12:32 12 A. S-t-r-a-y-e-r, University.

09:12:35 13 Q. And where is Strayer University located?

09:12:37 14 A. They're located in -- in various locations,

09:12:41 15 but Maryland, Washington, D.C., that area.

09:12:45 16 Q. And which -- which campus did you attend?

09:12:49 17 A. The campus was in Washington, D.C.

09:12:52 18 Q. And when did you graduate from Strayer

09:13:02 19 University?

09:13:02 20 A. In 2005.

09:13:04 21 Q. Was your first job after graduating from

09:13:08 22 Strayer University at United Space Alliance?

09:13:12 23 A. After graduating from there, yes.

09:13:17 24 Q. And you worked there for five years?

09:13:18 25 A. Yes.

09:13:19 1 Q. What was your title at United Space
09:13:27 2 Alliance?

09:13:27 3 A. Oh, gosh, it was either manager of
09:13:29 4 diversity compliance, or diversity compliance
09:13:33 5 manager, something like that.

09:13:33 6 Q. And what level were you in the organization
09:13:36 7 at United Space Alliance?

09:13:38 8 MS. CONNELL: Objection; vague.

09:13:39 9 THE WITNESS: I don't understand what you
09:13:41 10 mean by "level."

09:13:42 11 BY MS. BREMER:

09:13:42 12 Q. How many people -- how large was United
09:13:52 13 Space Alliance?

09:13:52 14 A. It varied. When I start working there, it
09:13:56 15 was about 11,000 employees, but when I left, due to
09:14:00 16 the space shuttle being, you know, phased out, I
09:14:05 17 think it was less -- it could have been like 5,000;
09:14:08 18 I'm not totally certain.

09:14:10 19 Q. Was United Space Alliance a federal
09:14:18 20 contractor?

09:14:18 21 A. Yes.

09:14:19 22 Q. And did you have any duties with respect to
09:14:28 23 affirmative action at United Space Alliance?

09:14:30 24 A. Yes.

09:14:31 25 Q. Did you have duties with respect to EEOC

09:14:36 1 compliance?

09:14:36 2 A. Yes.

09:14:37 3 Q. Did you have duties with respect to

09:14:39 4 diversity?

09:14:39 5 A. Yes.

09:14:40 6 Q. Were you involved in any OFCCP compliance

09:14:46 7 audits --

09:14:47 8 A. Yes.

09:14:47 9 Q. -- at United Space Alliance?

09:14:49 10 A. Yes.

09:14:49 11 Q. How many?

09:14:50 12 A. There were two.

09:14:54 13 Q. And what was your role in those audits?

09:15:00 14 A. One was an audit that was in Florida, and I

09:15:03 15 came in on the very tail end of that audit. It had

09:15:06 16 been open for a number of years. And so it was -- it

09:15:10 17 was more like informative, you know, while it was

09:15:12 18 there and most of the information was handled by

09:15:15 19 other people prior to me going there.

09:15:17 20 And then the second audit was one for

09:15:21 21 Texas. And in that audit I submitted the documents

09:15:26 22 for the scheduling letter, and then I left. And then

09:15:29 23 after -- that was all I did on that audit.

09:15:32 24 Q. And did you work at Lawrence Berkeley

09:15:43 25 National Laboratory after you left United Space

09:15:45 1 Alliance?

09:15:45 2 A. Yes.

09:15:46 3 Q. And what was your title at Lawrence

09:15:53 4 Berkeley National Laboratory?

09:15:53 5 A. I can't give you the exact title, because I

09:15:59 6 don't always remember my titles, but it was -- it was

09:16:02 7 some kind -- it was some kind of manager position

09:16:06 8 over diversity and compliance.

09:16:08 9 Q. And how long did you work for Lawrence

09:16:12 10 Berkeley National Laboratory?

09:16:12 11 A. Seven months.

09:16:13 12 Q. Did you work on any OFCCP audits when you

09:16:17 13 were at Lawrence Berkeley National Laboratory?

09:16:20 14 A. No.

09:16:23 15 Q. Was your next job at Westar Energy?

09:16:26 16 A. No.

09:16:26 17 Q. What was your next job after Lawrence

09:16:31 18 Berkeley National Laboratory?

09:16:31 19 A. Oracle.

09:16:32 20 Q. Oracle.

09:16:34 21 Did you work at Westar Energy?

09:16:35 22 A. Yes.

09:16:36 23 Q. And when was that?

09:16:37 24 A. That was from 2000 to 2005, I believe.

09:16:44 25 Q. And what was your title at Westar Energy?

09:16:47 1 A. It was -- well, there were various titles.
09:16:53 2 It was the director -- I think it started as a
09:16:57 3 manager. And then it -- then promoted to a director
09:17:03 4 when I first started there it was -- it was like
09:17:10 5 managing EEO and employee relations, that type of
09:17:14 6 thing. And then shortly after I was there, I -- and
09:17:18 7 that included affirmative action. Shortly after I
09:17:21 8 was there, they also had me start overseeing training
09:17:25 9 and organizational development.

09:17:26 10 Q. So was your job at Westar Energy before you
09:17:40 11 graduated from Strayer University?

09:17:43 12 A. Yes.

09:17:43 13 Q. Was Westar Energy a federal contractor?

09:17:49 14 A. Yes.

09:17:50 15 Q. Were you involved in any OFCCP audits at
09:17:56 16 Westar Energy?

09:17:57 17 A. Yes.

09:17:57 18 Q. How many?

09:17:58 19 A. I don't recall with certainty, but I'd
09:18:08 20 say -- I'd estimate somewhere from four to five. It
09:18:12 21 could be different from that, but somewhere in that
09:18:15 22 range.

09:18:20 23 Q. And then what year did you start working
09:18:22 24 for Oracle?

09:18:23 25 A. In 2011.

09:18:26 1 Q. What was your title when you started
09:18:33 2 working for Oracle in 2011?
09:18:35 3 A. It was director, diversity compliance.
09:18:41 4 Q. Have you ever had the title senior director
09:18:46 5 of diversity compliance at Oracle?
09:18:48 6 A. Yes.
09:18:48 7 Q. And when was that?
09:18:51 8 A. I can't give you the exact date. I believe
09:18:55 9 it was some -- approximately -- I've had it for
09:19:00 10 approximately two years, but I don't remember the
09:19:02 11 exact date at all.
09:19:03 12 Q. Who was your supervisor in 2011?
09:19:16 13 A. Where at?
09:19:18 14 Q. At Oracle.
09:19:19 15 A. Liz Snyder.
09:19:22 16 Q. And what was Liz Snyder's title?
09:19:26 17 A. I'm not certain exactly what her title was,
09:19:30 18 but she was one of the vice presidents in human
09:19:33 19 resources.
09:19:34 20 Q. Is Liz Snyder still your supervisor?
09:19:40 21 A. No.
09:19:41 22 Q. Who was your supervisor after Liz Snyder?
09:19:48 23 A. Vickie Thrasher.
09:19:49 24 Q. And when did Vickie Thrasher become your
09:19:53 25 supervisor?

09:19:53 1 A. I believe it was sometime in 2015.

09:19:59 2 Q. And what was Vickie Thrasher's title?

09:20:03 3 A. I don't know her title exactly, but she's

09:20:06 4 one of the vice presidents in human resources.

09:20:12 5 Q. Is Vickie Thrasher still your supervisor?

09:20:16 6 A. Yes.

09:20:16 7 Q. Where is Vickie Thrasher located?

09:20:21 8 A. In Washington, D.C.

09:20:23 9 Q. What line of business are you in?

09:20:32 10 MS. CONNELL: Objection; vague.

09:20:33 11 THE WITNESS: I --

09:20:36 12 BY MS. BREMER:

09:20:36 13 Q. At Oracle. You have different lines of

09:20:38 14 business at Oracle?

09:20:40 15 MS. CONNELL: Objection; vague.

09:20:41 16 THE WITNESS: I -- I don't know what you

09:20:43 17 mean, because I'm in a support function. So I'm

09:20:46 18 really unclear as to what you mean.

09:20:48 19 BY MS. BREMER:

09:20:48 20 Q. So your job function is support?

09:20:53 21 MS. CONNELL: Objection; vague.

09:20:54 22 THE WITNESS: I'd have to have more

09:20:56 23 information, support of what?

09:20:58 24 BY MS. BREMER:

09:20:58 25 Q. What is -- what is your job function at

09:21:01 1 Oracle?

09:21:02 2 MS. CONNELL: Objection; vague.

09:21:04 3 BY MS. BREMER:

09:21:05 4 Q. In terms of the organizational structure of

09:21:09 5 Oracle?

09:21:09 6 MS. CONNELL: Objection; vague, assumes

09:21:11 7 facts.

09:21:11 8 THE WITNESS: Could you give me a little

09:21:14 9 bit more information as to specifically what you

09:21:16 10 mean?

09:21:16 11 BY MS. BREMER:

09:21:19 12 Q. Oracle has different job functions, right,

09:21:22 13 the way that it categorizes employees by job

09:21:26 14 functions, such as product development, finance,

09:21:31 15 sales? Do you know what I'm talking about?

09:21:34 16 A. Yes.

09:21:34 17 Q. Okay. What is your job function?

09:21:36 18 MS. CONNELL: Objection; vague, assumes

09:21:39 19 facts.

09:21:40 20 THE WITNESS: I really -- I don't know.

09:21:41 21 I've never really looked at it.

09:21:49 22 BY MS. BREMER:

09:21:50 23 Q. Who is Vickie Thrasher's supervisor?

09:21:52 24 A. Joyce Westerdahl.

09:21:58 25 Q. And Joyce Westerdahl is the head of HR?

09:22:03 1 MS. CONNELL: Objection; assumes facts.

09:22:05 2 THE WITNESS: What do you mean the "head of

09:22:08 3 HR"?

09:22:09 4 BY MS. BREMER:

09:22:09 5 Q. Is she the top person at Oracle for the

09:22:15 6 human resources department?

09:22:18 7 MS. CONNELL: Calls for speculation.

09:22:19 8 THE WITNESS: Could you be a little bit

09:22:21 9 clearer?

09:22:21 10 BY MS. BREMER:

09:22:22 11 Q. What's Joyce Westerdahl's title?

09:22:24 12 A. She's a -- she's an EVP, but and she's in

09:22:31 13 human resources, but I don't know what her exact

09:22:33 14 title is.

09:22:34 15 Q. So "EVP" is executive vice president?

09:22:38 16 A. Yeah.

09:22:38 17 Q. And who does Joyce Westerdahl report to?

09:22:42 18 A. She reports, to my knowledge, to Safra

09:22:48 19 Catz.

09:22:48 20 Q. And Safra Catz is a CEO of Oracle?

09:22:53 21 A. One of them.

09:23:08 22 Q. How many reports did you have in 2011?

09:23:11 23 A. One.

09:23:12 24 Q. And who is that?

09:23:13 25 A. Christina Solis.

09:23:18 1 Q. And what was Christina Solis's title?

09:23:22 2 A. Her official title in the system was HR

09:23:29 3 consultant II, but her working title was compliance

09:23:32 4 analyst.

09:23:32 5 Q. What does a compliance analyst do?

09:23:39 6 A. It's a -- they -- they work on matters --

09:23:43 7 in my team, they work on matters of affirmative

09:23:47 8 action. I can't -- however, I want to clarify that.

09:23:52 9 There may a compliance analyst in another area doing

09:23:55 10 completely different work, but for purposes of my

09:23:59 11 work group, it -- it's somebody that works on

09:24:02 12 affirmative action and compliance.

09:24:04 13 Q. Has the number of people that you -- sorry,

09:24:08 14 let me start over.

09:24:10 15 Has the number of people who report to you

09:24:12 16 changed since 2011?

09:24:14 17 A. Yes.

09:24:14 18 Q. And how has it changed?

09:24:17 19 A. It's increased.

09:24:18 20 Q. Okay. Can you tell me in 2013 how many

09:24:23 21 people reported to you?

09:24:24 22 A. Christina Solis. And I started adding

09:24:33 23 people, and then I think in 2013 we added one

09:24:36 24 contractor at that time named Neil Bourque.

09:24:41 25 Q. And did anyone else work for you in 2013?

09:24:52 1 A. Those were the only two that I recall in
09:24:56 2 2013. I'd have to look at all the dates to be
09:25:00 3 specific and, you know, since that time since we've
09:25:05 4 added people, since that time, but in 2013, there
09:25:11 5 were just one contractor that worked for a temporary
09:25:14 6 agency, and -- and Christina Solis. So officially on
09:25:18 7 the payroll there was just Christina.

09:25:22 8 Q. Has anyone else worked in Oracle's
09:25:30 9 compliance group between 2013 and the present?

09:25:34 10 A. Yes.

09:25:34 11 Q. And who is that?

09:25:36 12 A. Sean Smith.

09:25:41 13 Q. And what's Sean Smith's role?

09:25:44 14 A. He is a senior compliance analyst.

09:25:47 15 Q. And when did Sean Smith start working for
09:25:51 16 the compliance group?

09:25:52 17 A. I'd have to look to get the exact dates.
09:25:56 18 But he started as a contractor in 2015, when he came
09:26:01 19 onto Oracle's payroll and wasn't a contractor and was
09:26:04 20 hired by that -- I don't feel comfortable giving you
09:26:07 21 a date without looking -- looking at it and -- and
09:26:09 22 researching it.

09:26:10 23 Q. But he started working with your compliance
09:26:12 24 group in 2015?

09:26:13 25 A. Yes.

09:26:14 1 Q. And is he still working?

09:26:16 2 A. Yes.

09:26:16 3 Q. He's still working with the compliance
09:26:21 4 group?

09:26:21 5 A. Yes.

09:26:21 6 Q. Okay.

09:26:21 7 A. Yes.

09:26:22 8 Q. Anyone else join the compliance group?

09:26:25 9 A. Yes.

09:26:25 10 Q. And who is that?

09:26:26 11 A. Well, Neil Bourque came on officially on
09:26:32 12 Oracle's payroll in 2014.

09:26:35 13 Q. Anyone else?

09:26:36 14 A. Yes. And there was a person that worked
09:26:41 15 for us for a short period of time by the name of Bill
09:26:45 16 Couch.

09:26:45 17 Q. And what was Bill Couch's role?

09:26:47 18 A. He was a compliance analyst. Or senior
09:26:53 19 compliance analyst. And he was a contractor first.
09:26:56 20 And then came on sometime later, but I would have to
09:27:00 21 look at the exact dates to tell you when.

09:27:02 22 Q. Okay. Do you know when about he started
09:27:04 23 working as a contractor for Oracle?

09:27:07 24 A. Yeah. It was sometime, I believe, in 2014,
09:27:10 25 but again, it's been -- I haven't refreshed my memory

09:27:14 1 on this, so I could be off. I just want to clarify
09:27:17 2 that.

09:27:32 3 Do you want the rest of them?

09:27:33 4 Q. Yes.

09:27:34 5 A. Okay. Do you want -- okay, so we've got
09:27:37 6 Bill. And then -- then we brought on Lida Daniel.

09:27:43 7 Q. And what was Lida's role?

09:27:45 8 A. She's a senior compliance analyst. And she
09:27:48 9 replaced Christina Solis. And that was in 2000 -- at
09:27:54 10 the very end of 2014. And she came directly on
09:27:57 11 payroll. And then, let's see, we -- we had -- one
09:28:04 12 person by the name of Kela Moon that worked for us as
09:28:08 13 a contractor. And I'm not certain of the amount of
09:28:11 14 time there. I know it was at least a year, but I'd
09:28:15 15 have to -- to look at records to be exact, and she --
09:28:18 16 she came on as a compliance analyst. And she was a
09:28:22 17 contractor, though; she was not on our payroll.

09:28:29 18 And we had another contractor that just
09:28:32 19 worked for us for a few weeks by the name of Mike.
09:28:37 20 And he was a temporary employee.

09:28:39 21 Q. And that was just a couple weeks?

09:28:41 22 A. Yeah, or maybe a month, tops, you know,
09:28:43 23 right around there. It wasn't very long. And --
09:28:47 24 and, let's see, I'm trying to make sure I have all of
09:28:49 25 them. And then we have Carlos Sanchez, and he came

09:28:56 1 on as a contractor, I think sometime in 2015. It may
09:29:02 2 have been the beginning of '16, but I think it was
09:29:06 3 2015. And he was a contractor for a while, and then
09:29:09 4 came on our payroll. But I don't know how long he
09:29:12 5 was a contractor before he came on our payroll.

09:29:15 6 Q. And was Carlos Sanchez also a compliance
09:29:19 7 analyst?

09:29:20 8 A. Yeah. He was a senior compliance analyst.

09:29:26 9 And I think, let's see, so, let me -- oh,
09:29:29 10 and then we have Tobi MacIntyre. And she's a
09:29:38 11 compliance analyst, but she also does a lot of our --
09:29:43 12 our local outreach development, and that type of
09:29:46 13 thing. So she's a little different than the others.

09:29:48 14 Q. And when did Tobi MacIntyre start working
09:29:54 15 with your group?

09:29:55 16 A. She came on as a contractor, I believe in
09:30:03 17 2000 -- it could have been '16. You know, I keep
09:30:05 18 telling you '15 on these, it could have been '16 for
09:30:05 19 Carlos and Tobi, because they came about the same
09:30:09 20 time. So I'm going to take back what I said. I
09:30:11 21 believe they came on in 2016, because you're asking
09:30:14 22 for my memory, and I just want you to be really clear
09:30:17 23 that I'm guessing on these.

09:30:19 24 And -- and so it's -- you know, it's an
09:30:21 25 educated guess for proximity, but I don't want to

09:30:26 1 be -- have my -- mislead you in any way.

09:30:28 2 So they came -- I think that it was 2016
09:30:31 3 that they came on, I'm pretty sure. And then -- and
09:30:34 4 then -- and that would be the same for the
09:30:37 5 contractor, Mike. And so kind of move up that group
09:30:42 6 for a minute. But in '15 it was Bill Couch, Lida,
09:30:48 7 and then we also have a person by the name of Charles
09:30:52 8 Nyakundi. And he -- he came on as a contractor for
09:30:58 9 another team at the end of 2014. And then he started
09:31:05 10 working for my team in -- as a contractor in March of
09:31:13 11 2015. And I do not recall when he came on our
09:31:21 12 payroll.

09:31:21 13 So -- and -- and so Charles -- Charles was
09:31:25 14 actually -- so there. So just like move everything
09:31:29 15 else up a year. So Lida was the bottom -- '14 she
09:31:34 16 came on; Charles in -- in '15, for my team. And then
09:31:39 17 Neil was '13. And then Sean -- Sean came on, I
09:31:49 18 believe that was the -- in 2015. And Kela, I think
09:31:56 19 it was 2015. But Carlos and Tobi, I believe it was
09:32:01 20 2016.

09:32:02 21 But please, you know, allow me some -- I
09:32:05 22 could be off slightly on that. So I don't want to
09:32:09 23 be, you know, held to exactness. I'd really have to
09:32:13 24 look it up to give you a better answer.

09:32:15 25 Q. That's your best recollection of when --

09:32:17 1 A. My best recollection, but it could -- it
09:32:19 2 could be erred.

09:32:21 3 THE REPORTER: Please wait for her to
09:32:22 4 finish.

09:32:24 5 BY MS. BREMER:

09:32:24 6 Q. Do your responsibilities include overseeing
09:32:29 7 OFCCP audits at Oracle?

09:32:31 8 A. Yes.

09:32:32 9 Q. How long have you been overseeing OFCCP
09:32:35 10 audits for Oracle?

09:32:38 11 A. Since the beginning of 2011, which was my
09:32:43 12 hire date; however, we -- we didn't have an audit for
09:32:46 13 the first few years I was there or the first year and
09:32:51 14 a half.

09:32:52 15 Q. How many audits have you overseen over the
09:32:55 16 course of your career at Oracle?

09:32:59 17 A. Approximately, I'd have to look at the
09:33:02 18 list, but approximately so far that have been
09:33:05 19 initiated, somewhere around 45.

09:33:07 20 Q. Has Oracle been a federal contractor for
09:33:19 21 the entire time that you've worked for Oracle?

09:33:22 22 A. Yes.

09:33:22 23 Q. What are your responsibilities in
09:33:28 24 overseeing OFCCP audits?

09:33:31 25 A. With regard to the audit only, my team and

09:33:36 1 I put together the response to the initial scheduling
09:33:39 2 letter. We coordinate the collection of information
09:33:46 3 that's requested in the scheduling letter.

09:33:50 4 We -- you know, it really depends. I'd
09:33:54 5 have to -- you know, that's from the initial onset.
09:33:58 6 In order to be able to answer your questions
09:34:01 7 factually, I'd have to know -- I'd have to have you
09:34:05 8 ask me questions with regard to what phase of the
09:34:07 9 audit. Because each audit has its own, you know,
09:34:11 10 lifespan and different things that occur during the
09:34:13 11 audit, and then we'd always supply information,
09:34:15 12 generally, for requests for information.

09:34:17 13 Q. Is your role in overseeing all aspects of
09:34:24 14 each OFCCP audit for Oracle?

09:34:28 15 MS. CONNELL: Objection; vague.

09:34:29 16 THE WITNESS: Yeah. What do you mean by
09:34:31 17 "all"?

09:34:32 18 BY MS. BREMER:

09:34:32 19 Q. You're the -- ultimately, you're the person
09:34:34 20 in charge of overseeing the audits -- the OFCCP
09:34:40 21 audits for Oracle. Right?

09:34:43 22 MS. CONNELL: Objection; vague.

09:34:44 23 THE WITNESS: It's vague. I mean -- and I
09:34:46 24 want to -- want to -- Laura, I really want to bring
09:34:48 25 something up. I coordinate the collection of data in

09:34:51 1 response to these audits. There -- there are other
09:34:54 2 people that are involved in these audits, so I
09:34:58 3 coordinate the production of it. And so that's
09:35:00 4 really more of a role than overseeing. I think it's
09:35:02 5 a clear role in my role as far as the OFCCP audits.

09:35:08 6 BY MS. BREMER:

09:35:08 7 Q. So your -- so you're in charge -- you're in
09:35:13 8 charge of the team that's pulling together the
09:35:17 9 information for the audits. Correct?

09:35:19 10 MS. CONNELL: Objection; misstates her
09:35:20 11 testimony.

09:35:20 12 THE WITNESS: Which team? There are many
09:35:22 13 teams. And that's -- that's what I'm -- I don't want
09:35:24 14 to answer you erroneously. So I'd have to know what
09:35:29 15 team you're talking about, because there's so many
09:35:32 16 teams that coordinate information; I'm not in charge
09:35:35 17 of all of them. I coordinate.

09:35:36 18 BY MS. BREMER:

09:35:36 19 Q. And what other teams are -- are involved in
09:35:40 20 providing information for OFCCP audits?

09:35:46 21 A. What do you mean by "other teams"? Like,
09:35:50 22 in addition to which team?

09:35:51 23 Q. In addition to the compliance team.

09:35:53 24 A. Okay. Well, there is OAL that developed
09:36:00 25 the program to pull reports for data. There is

09:36:09 1 different people in a recruiting and diversity
09:36:12 2 inclusion, and some of our different employee
09:36:17 3 resource groups that pull information for -- for the
09:36:20 4 audits.

09:36:23 5 There could -- the legal team there,
09:36:26 6 depending on the question could be, you know,
09:36:28 7 providing information for audits. And there's -- you
09:36:36 8 know, and I may have left some off, but that's --
09:36:39 9 that's kind of a general idea of reaching out to some
09:36:42 10 of these different groups. There could be -- some of
09:36:46 11 these other teams that where the OFCCP may have
09:36:50 12 questions where they want to interview somebody, and
09:36:53 13 in those instances, you know, it's just coordinate --
09:36:57 14 I just coordinate the efforts, and so those teams
09:36:59 15 could be involved.

09:37:00 16 There could be any -- any wide range of
09:37:03 17 teams involved in an audit. So I think that in order
09:37:06 18 to answer the question and give you the information
09:37:08 19 that you're looking for, I would need an exact -- you
09:37:13 20 know, need you to kind of drill down a little more.

09:37:16 21 MS. BREMER: Okay. I'd like mark as
09:37:18 22 Exhibit Number 17 a declaration of Shauna
09:37:23 23 Holman-Harries, in the case of Jewett versus Oracle.

09:37:37 24 MS. CONNELL: Which number are we on?

09:37:38 25 THE REPORTER: 17.

09:37:40 1 (Marked for identification Exhibit 17.)
09:37:40 2 MS. CONNELL: Okay. Thank you.
09:37:41 3 BY MS. BREMER:
09:37:41 4 Q. Do you recognize this declaration?
09:37:52 5 MS. CONNELL: Take your time to review it.
09:37:54 6 THE WITNESS: Okay.
09:38:02 7 Yes.
09:38:03 8 BY MS. BREMER:
09:38:03 9 Q. And your signature is on page 4. Correct?
09:38:06 10 A. Yes.
09:38:07 11 Q. And this is a declaration that you
09:38:10 12 signed --
09:38:10 13 A. Yes.
09:38:11 14 Q. Please let me finish my question before you
09:38:14 15 answer.
09:38:14 16 A. Oh, I'm sorry, I thought you did. Yes, I'm
09:38:16 17 sorry.
09:38:17 18 Q. And this is a true and correct copy of a
09:38:22 19 declaration that was filed in the Jewett versus
09:38:25 20 Oracle case?
09:38:27 21 MS. CONNELL: Objection; calls for
09:38:27 22 speculation.
09:38:33 23 THE WITNESS: I don't know. I'm not aware
09:38:34 24 of what was filed in the Jewett case.
09:38:36 25 BY MS. BREMER:

09:38:36 1 Q. This is a true and correct copy of the
09:38:38 2 declaration that you signed on October --
09:38:42 3 A. Uh-huh.
09:38:42 4 Q. -- 2nd, 2018. Correct?
09:38:53 5 A. Yes.
09:38:53 6 Q. And when you signed this declaration, you
09:38:55 7 understood that you were signing it under penalty of
09:38:58 8 perjury. Correct?
09:38:59 9 A. Yes.
09:38:59 10 Q. If you look at that -- look at paragraph
09:39:07 11 2 --
09:39:07 12 A. Yes.
09:39:12 13 Q. -- of the declaration?
09:39:13 14 A. Yeah.
09:39:14 15 Q. It says that, "As senior director of
09:39:17 16 diversity compliance, my responsibilities include
09:39:18 17 overseeing Oracle's Office of Federal Contract
09:39:22 18 Compliance Programs compliance efforts, as well as
09:39:23 19 overseeing Oracle's OFCCP audits"; is that correct?
09:39:28 20 A. Yes.
09:39:29 21 Q. And that's true. Correct?
09:39:30 22 A. That's true. But I'm also the coordinator,
09:39:35 23 you know, for all these other efforts, yes.
09:39:38 24 Q. So in addition to overseeing OFCCP's
09:39:42 25 audit -- I'm sorry, in addition to overseeing

09:39:45 1 Oracle's OFCCP audits, you also coordinate --

09:39:48 2 A. Collecting the data, yes.

09:39:49 3 Q. Okay. So you're responsible for providing

09:39:58 4 information requested by OFCCP?

09:40:03 5 A. Yes.

09:40:03 6 Q. And OFCCP requests data from Oracle when it

09:40:08 7 conducts audits?

09:40:09 8 A. Yes.

09:40:09 9 Q. And you know that Oracle is a database

09:40:12 10 company. Correct?

09:40:13 11 A. Yes.

09:40:13 12 MS. CONNELL: Objection; vague.

09:40:15 13 BY MS. BREMER:

09:40:15 14 Q. It sells software to companies to organize

09:40:19 15 their human resources data?

09:40:21 16 A. Yes.

09:40:22 17 Q. And the data -- the software that Oracle

09:40:38 18 sells to companies to organize its data includes --

09:40:58 19 includes software to organize compensation data.

09:41:02 20 Correct?

09:41:02 21 MS. CONNELL: Objection; vague, assumes

09:41:04 22 facts, calls for speculation.

09:41:05 23 THE WITNESS: I -- I'm not familiar with

09:41:09 24 what products organize compensation data; that's an

09:41:12 25 area that I don't -- that's not my area.

09:41:21 1 BY MS. BREMER:
09:41:21 2 Q. As the person responsible for providing
09:41:23 3 data to OFCCP during OFCCP audits, what have you done
09:41:28 4 to familiarize yourself about the data that Oracle
09:41:30 5 has available?
09:41:31 6 MS. CONNELL: Objection; assumes facts and
09:41:33 7 vague.
09:41:34 8 THE WITNESS: Yeah, I don't understand the
09:41:35 9 question.
09:41:35 10 BY MS. BREMER:
09:41:40 11 Q. You've testified that you're responsible
09:41:41 12 for providing information requested by OFCCP.
09:41:47 13 Correct?
09:41:47 14 A. Yes.
09:41:48 15 Q. Okay. In your role as the person
09:41:51 16 responsible for providing information requested by
09:41:56 17 OFCCP, what have you done to familiarize yourself
09:42:00 18 with the data that Oracle has available?
09:42:04 19 MS. CONNELL: Objection; vague and assumes
09:42:06 20 facts.
09:42:06 21 THE WITNESS: Which data that Oracle has
09:42:08 22 available? I don't know which data you're referring
09:42:11 23 to.
09:42:11 24 BY MS. BREMER:
09:42:11 25 Q. Human resources data --

09:42:14 1 MS. CONNELL: Objection; vague --

09:42:15 2 BY MS. BREMER:

09:42:15 3 Q. -- for example.

09:42:16 4 MS. CONNELL: -- and assumes facts.

09:42:17 5 THE WITNESS: That's a little bit too broad

09:42:19 6 for me. It depends what -- what human resources

09:42:22 7 data.

09:42:23 8 BY MS. BREMER:

09:42:23 9 Q. I'm talking about the data that is

09:42:25 10 requested by OFCCP. What have you done to

09:42:28 11 familiarize yourself with the data that Oracle has

09:42:32 12 available for compensation, for example?

09:42:36 13 MS. CONNELL: Objection; vague. It's also

09:42:37 14 vague as to time.

09:42:43 15 THE WITNESS: And what type of compensation

09:42:45 16 data?

09:42:45 17 BY MS. BREMER:

09:42:45 18 Q. Have you done anything to familiarize

09:42:47 19 yourself with the data that Oracle has available in

09:42:51 20 its databases?

09:42:53 21 MS. CONNELL: Objection; vague,

09:42:54 22 argumentative, assumes facts.

09:42:57 23 THE WITNESS: Which data in the databases?

09:43:00 24 BY MS. BREMER:

09:43:00 25 Q. Human resources data.

09:43:02 1 MS. CONNELL: Same objections.

09:43:04 2 THE WITNESS: Yeah, in relation to what?

09:43:07 3 I don't want to -- you know, I don't want to

09:43:13 4 misanswer you, so I really don't -- there's specific

09:43:16 5 different types of data, so if you could be more

09:43:18 6 specific of which group of data.

09:43:21 7 BY MS. BREMER:

09:43:21 8 Q. Okay. Let's talk about, for example, data

09:43:26 9 that Oracle keeps regarding its employees. That

09:43:29 10 would be the type of human resources data.

09:43:33 11 MS. CONNELL: Objection; vague.

09:43:35 12 THE WITNESS: Okay. Okay. Human

09:43:39 13 resources --

09:43:39 14 MS. CONNELL: Assumes facts.

09:43:41 15 THE WITNESS: Yeah, human resources data in

09:43:42 16 relation to what? Maybe if you could tell me in

09:43:45 17 relation to what? There's different types of human

09:43:48 18 resources data, so if you can be specific, then I can

09:43:50 19 tell you.

09:43:50 20 BY MS. BREMER:

09:43:50 21 Q. How about in relation to compensation?

09:43:53 22 A. In relation to compensation? The only data

09:43:58 23 that I have -- that I've taken a look at in relation

09:44:02 24 to compensation is the data that comes out of the OAL

09:44:08 25 report, and is provided -- and I wouldn't say only --

09:44:14 1 but the data that I'm familiar with that I think that
09:44:17 2 might answer your question -- I want to clarify, not
09:44:20 3 only, because there's many other forms of data that
09:44:23 4 I'm familiar with -- that comes out of that is when
09:44:25 5 you were -- you do a government request for
09:44:28 6 information, and -- and we provide that data to you.

09:44:37 7 And anything other than that, any other
09:44:39 8 data with regard to compensation would be data
09:44:43 9 provided under attorney-client work product to our --
09:44:46 10 our lawyers.

09:44:46 11 Q. And what is the OAL report?

09:44:51 12 A. That's a department.

09:44:55 13 Q. What is "OAL"?

09:44:57 14 A. I don't know what it stands for. It's one
09:44:59 15 of those acronyms that I think they told me once, but
09:45:02 16 I don't -- I don't understand what it stands for.
09:45:05 17 But it's a department that -- of IT professionals
09:45:08 18 that, from my perspective, that -- that work to
09:45:14 19 develop -- do little programs or supply some kind of
09:45:19 20 information to us. That's the extent of my -- my
09:45:22 21 knowledge of everything they do.

09:45:23 22 I know that they -- they develop the
09:45:25 23 reports that I need in order to do a proper
09:45:30 24 reporting. That's -- I mean, I don't know much other
09:45:33 25 than that.

09:45:34 1 Q. Is that Oracle Application Labs?

09:45:37 2 MS. CONNELL: Objection; calls for

09:45:37 3 speculation --

09:45:37 4 THE WITNESS: I have no --

09:45:38 5 MS. CONNELL: -- asked and answered.

09:45:40 6 THE WITNESS: I have no idea.

09:45:44 7 BY MS. BREMER:

09:45:45 8 Q. Does -- did the OAL group develop a

09:45:50 9 specific program that you use for compliance

09:45:55 10 reporting to OFCCP?

09:45:57 11 MS. CONNELL: Objection; vague and calls

09:45:59 12 for speculation.

09:45:59 13 THE WITNESS: Those reports were in place

09:46:02 14 when I started working for Oracle. So any

09:46:05 15 development of those reports happened before I

09:46:07 16 started working there.

09:46:08 17 BY MS. BREMER:

09:46:08 18 Q. And those are standard reports?

09:46:15 19 A. Yes.

09:46:16 20 MS. CONNELL: Objection; vague.

09:46:17 21 THE WITNESS: What do you mean by

09:46:18 22 "standard"?

09:46:19 23 BY MS. BREMER:

09:46:22 24 Q. That means they have certain information --

09:46:25 25 A. Yes.

09:46:25 1 Q. -- the same report gets generated over and
09:46:28 2 over, but with different types of data?

09:46:30 3 MS. CONNELL: Objection; vague.

09:46:31 4 THE WITNESS: With different time frames,
09:46:33 5 yeah. But -- but when you say "different types of
09:46:36 6 data," what do you mean by "different types of data,"
09:46:39 7 because I don't want to --

09:46:40 8 BY MS. BREMER:

09:46:40 9 Q. Okay.

09:46:41 10 A. -- mislead you on that.

09:46:42 11 Q. The same type -- when I say the same type
09:46:44 12 of report --

09:46:45 13 A. Uh-huh.

09:46:45 14 Q. -- or a routine or standard report, it's --
09:46:49 15 it would have the same columns of information --

09:46:56 16 A. Uh-huh.

09:46:57 17 Q. -- but the data itself would be different,
09:47:00 18 depending on the location at issue or the time frame,
09:47:03 19 et cetera?

09:47:04 20 MS. CONNELL: Objection; vague.

09:47:08 21 THE WITNESS: Okay. Could you be a little
09:47:10 22 clearer?

09:47:12 23 BY MS. BREMER:

09:47:14 24 Q. When -- when your group seeks reports from
09:47:17 25 OAL, do you tell them exact -- what data fields

09:47:24 1 you're seeking or do you just tell them I need a
09:47:27 2 report for a desk audit, for example?
09:47:30 3 MS. CONNELL: Objection; compound.
09:47:31 4 THE WITNESS: Okay. Do you want to give me
09:47:33 5 one question? The -- one question at a time and then
09:47:37 6 we'll --
09:47:38 7 MS. BREMER: Can you read the first part of
09:47:40 8 that question, please.
09:47:41 9 (Record read.)
09:47:57 10 THE WITNESS: The report has already been
09:48:00 11 prepared to deliver certain data fields. My team
09:48:09 12 runs the report; they developed it.
09:48:13 13 BY MS. BREMER:
09:48:13 14 Q. Okay. And if OFCCP requests data that's
09:48:23 15 not in the standard report from OAL, how do you get
09:48:32 16 the data that OFCCP's requesting?
09:48:34 17 MS. CONNELL: Objection; incomplete
09:48:35 18 hypothetical.
09:48:36 19 THE WITNESS: Okay. Could you give me a
09:48:39 20 specific instance of maybe some data that I got from
09:48:43 21 OFCCP? Be a little clearer on which data.
09:48:50 22 BY MS. BREMER:
09:48:51 23 Q. Do you have a general practice, in terms of
09:48:53 24 if OFCCP makes a request and it's not for data that's
09:48:57 25 not in the standard OAL report, how do you go about

09:49:00 1 getting that data for OFCCP?

09:49:02 2 A. Yes.

09:49:03 3 Q. Okay. What do you do?

09:49:05 4 A. I complete -- well, there's two different

09:49:10 5 things that we've done, because our systems have

09:49:12 6 changed, and -- during -- during this audit, so I

09:49:14 7 want to add -- at the end of this, I also want to

09:49:17 8 give you another report that we have run. But -- but

09:49:20 9 what we do is if OFCCP requests information and it

09:49:26 10 can it be pulled, we contact -- we do a request -- it

09:49:31 11 used to be called a bug, and now it's called an

09:49:35 12 O-serve -- and we fill out a request for them to

09:49:38 13 complete work and pull the data for us.

09:49:45 14 Q. And when you say you fill out a request for

09:49:49 15 them to pull data for you, who are you talking about?

09:49:53 16 A. OAL.

09:49:54 17 Q. And how do you determine if the data can be

09:49:59 18 pulled?

09:50:03 19 A. By being told what information they can or

09:50:06 20 cannot pull.

09:50:06 21 Q. And who -- who are you talking to that is

09:50:09 22 telling you whether or not the data can or cannot be

09:50:13 23 pulled?

09:50:14 24 A. There have been different people throughout

09:50:18 25 my -- my time at Oracle that tells me whether, you

09:50:23 1 know, different information can be pulled. I don't
09:50:25 2 remember any of the names off the top of my head.

09:50:26 3 Q. Do you have a specific contact at AOL -- I
09:50:30 4 mean --

09:50:32 5 A. OAL. No problem.

09:50:37 6 Q. -- a specific contact at OAL?

09:50:39 7 A. For what time frame, because it's been
09:50:42 8 various people.

09:50:43 9 Q. How about in 2004 -- '14?

09:50:47 10 A. '14, at that time there was a person by the
09:50:51 11 name of Chung Ko [phonetic] that oversaw or provided
09:50:57 12 some of the data, and had some of their folks provide
09:51:01 13 the data for us.

09:51:03 14 Q. And is there always -- from 2013 to the
09:51:10 15 present, is there -- has there always been one person
09:51:14 16 in particular that's from OAL that's the contact with
09:51:19 17 the compliance group?

09:51:20 18 A. Those people have changed over the years.

09:51:22 19 Q. But it's -- it's one -- one person, even
09:51:26 20 though that person has changed?

09:51:27 21 A. It could vary depending on who the -- the
09:51:31 22 director is of that area. So sometimes it's one
09:51:33 23 person and sometimes it's two people, you know,
09:51:36 24 sometimes it's three, depending on who is in charge.

09:51:39 25 Q. And what was Chung Ko's title?

09:51:44 1 A. I don't know.

09:51:44 2 Q. Do you know what level he was?

09:51:49 3 A. No.

09:51:49 4 Q. And you said that there was another report

09:51:57 5 also?

09:51:58 6 A. Yes.

09:51:58 7 Q. And what is that?

09:52:00 8 A. In 2014, there was our applicant tracking.

09:52:08 9 We used to pull it from the O -- the direct OAL

09:52:11 10 report. And in 2014, we switched to Taleo for our

09:52:17 11 applicant tracking system. And with that switch,

09:52:22 12 there -- and sometime during that time frame, a

09:52:24 13 department was developed, kind of an HRIS department

09:52:28 14 to serve as kind of a coordinator of requests for

09:52:31 15 information.

09:52:36 16 And after we switched to Taleo, we started

09:52:40 17 pulling our applicant pulls from -- from this

09:52:45 18 HRIS team. They set up a -- they trained us -- at

09:52:47 19 first they pulled all the data themselves, and -- and

09:52:50 20 now it's to the point where they're -- that we --

09:52:54 21 that we pull the report according to their guidelines

09:52:56 22 or a person on my team does.

09:53:13 23 Q. So as I understand the process, as the

09:53:17 24 person responsible for providing information

09:53:21 25 requested for OFCCP audits, you -- you had a contact

09:53:30 1 with the OAL group, and you would make requests for
09:53:34 2 data that was not standard. Correct?

09:53:37 3 A. Yes.

09:53:37 4 Q. And if they told you that -- if OAL told
09:53:44 5 you that data was not available, did you do anything
09:53:47 6 else to see if -- if data could be pulled or -- or if
09:53:53 7 it was, in fact, possible to obtain the data for
09:53:57 8 OFCCP?

09:53:57 9 MS. CONNELL: Objection; incomplete
09:53:59 10 hypothetical and assumes facts.

09:54:00 11 THE WITNESS: I'd have to really understand
09:54:02 12 what data, because each -- each set of data that was
09:54:06 13 pulled, we would have to try and access different
09:54:09 14 information. Some of it wasn't data that OAL
09:54:13 15 could -- that was under their -- their area. Some of
09:54:16 16 it we had to try and access directly. So I'd have to
09:54:19 17 really understand which data, which set of data.

09:54:22 18 BY MS. BREMER:

09:54:22 19 Q. And what data -- when you say you'd have to
09:54:24 20 access data directly, what do you mean by that?

09:54:27 21 MS. CONNELL: Objection; compound.

09:54:28 22 THE WITNESS: Could you give me
09:54:29 23 specifically what type of data.

09:54:31 24 BY MS. BREMER:

09:54:31 25 Q. I'm asking what -- you just said sometimes

09:54:33 1 we have to access the data directly. I'm asking you
09:54:37 2 what you were talking about, and what you meant when
09:54:40 3 you said that?

09:54:40 4 A. It could have been copies of electronic
09:54:44 5 personnel files, where we would have to go in and do
09:54:48 6 screenshots, and provide that information to OFCCP,
09:54:53 7 which is a heavy manual process. And then also there
09:55:00 8 would be applicant information where we would have to
09:55:05 9 go in and do screenshots of each one of the pages
09:55:08 10 that the applicant applied to in order to provide
09:55:12 11 that information, which was a very laborious process.

09:55:16 12 And so if you -- if you had, for instance,
09:55:20 13 a request where you wanted to see application
09:55:24 14 developers, we would have to find all those people's
09:55:27 15 names and manually go into the system and find the
09:55:33 16 employee's file and screenshot page after page after
09:55:36 17 page. And I believe that in the -- in the
09:55:41 18 information that's been provided to you, there was
09:55:44 19 a -- some type of a time motion study that we did to
09:55:47 20 explain that information.

09:55:48 21 But in those instances, you know, that we
09:55:55 22 would have to manually go in and do this, like,
09:55:58 23 screenshot process, like page after page, which took
09:56:02 24 a long time.

09:56:02 25 Q. As the diversity compliance -- as the

09:56:12 1 director of diversity compliance at Oracle that was
09:56:16 2 responsible for providing information requested by
09:56:21 3 OFCCP, how did you determine that it was necessary to
09:56:27 4 take screenshots in order to provide personnel
09:56:33 5 information to OFCCP?

09:56:35 6 MS. CONNELL: Objection; misstates her
09:56:36 7 testimony, compound.

09:56:39 8 THE WITNESS: I didn't make that
09:56:41 9 determination. I was told that that's what -- that's
09:56:44 10 the way we had to access that information.

09:56:47 11 BY MS. BREMER:

09:56:48 12 Q. And who told you that?

09:56:49 13 A. The first person that made me aware of it
09:56:51 14 was Christina Solis.

09:56:57 15 Q. And Christina Solis was --

09:56:59 16 A. The employee that was there when I started
09:57:03 17 working for Oracle.

09:57:10 18 Q. And she was --

09:57:10 19 A. She was a compliance analyst at that time
09:57:13 20 that she told me.

09:57:14 21 Q. So she -- she reported to you?

09:57:15 22 A. Yes.

09:57:15 23 Q. Did you think it was strange that a
09:57:23 24 database company, such as Oracle, could only obtain
09:57:27 25 personnel information by taking screenshots?

09:57:30 1 MS. CONNELL: Objection; misstates her
09:57:32 2 testimony and argumentative.

09:57:34 3 THE WITNESS: I don't know what you mean by
09:57:40 4 "strange." I don't want to do a value judgment on,
09:57:43 5 you know, something that -- make a value judgment on
09:57:48 6 what's -- what's strange and what's not strange,
09:57:52 7 because I don't believe that would -- that would
09:57:54 8 provide you the information you need. But so I
09:57:59 9 really don't -- I really can't answer that question.

09:58:02 10 BY MS. BREMER:

09:58:02 11 Q. As a person who is in charge of providing
09:58:07 12 the information that was requested --

09:58:10 13 A. Sure.

09:58:10 14 Q. During OFCCP audits, did you think it was
09:58:14 15 important to be truthful in your communications with
09:58:17 16 OFCCP?

09:58:19 17 MS. CONNELL: Objection; calls for an
09:58:20 18 opinion from a fact witness.

09:58:23 19 THE WITNESS: What do you mean by
09:58:24 20 "truthful"?

09:58:25 21 BY MS. BREMER:

09:58:28 22 Q. Do you know what "truth" means?

09:58:29 23 A. Yes.

09:58:29 24 Q. Okay. Did you think it was important that
09:58:32 25 you be truthful when you --

09:58:34 1 A. Yes.

09:58:35 2 Q. -- responded to OFCCP's request?

09:58:37 3 A. Yes.

09:58:38 4 MS. CONNELL: Objection; argumentative.

09:58:39 5 BY MS. BREMER:

09:58:39 6 Q. Do you think it was important as the person

09:58:41 7 in charge of overseeing OFCCP audits to be accurate

09:58:45 8 in your responses to OFCCP?

09:58:47 9 MS. CONNELL: Objection; calls for an

09:58:49 10 opinion and argumentative.

09:58:50 11 THE WITNESS: I always try to be accurate.

09:58:54 12 BY MS. BREMER:

09:58:54 13 Q. Okay. So if you -- did you ever question

09:58:59 14 any information that when -- when Christina Solis

09:59:12 15 told you that the only way to provide electronic

09:59:16 16 personnel information to OFCCP was by taking

09:59:20 17 screenshots, did you -- did you question that

09:59:26 18 information?

09:59:27 19 A. Yes.

09:59:28 20 Q. And what did you do to convince yourself

09:59:31 21 that that was the -- did you convince yourself that

09:59:34 22 that was the only way to provide that information to

09:59:37 23 OFCCP?

09:59:38 24 A. At that time, yes. I -- yes.

09:59:41 25 Q. And what did you do to convince yourself

09:59:43 1 that that was the case?

09:59:44 2 A. I asked a person that worked for Oracle
09:59:50 3 that had pulled different data if there was another
09:59:53 4 way. And I believe they were the person that
09:59:56 5 provided, at that time, and I could be wrong, but I
09:59:59 6 believe at that time they were the person that
10:00:01 7 provided access to that data, so you could -- you
10:00:03 8 could go in and review the applicant files.

10:00:06 9 Q. And who -- what department was that person
10:00:10 10 in?

10:00:11 11 A. They were -- I don't know what the name of
10:00:13 12 the department was at that time.

10:00:14 13 Q. Okay. Who was that person that you -- that
10:00:19 14 you talked to?

10:00:20 15 A. Arthur Roscoe.

10:00:21 16 Q. And what was Arthur Roscoe's title?

10:00:24 17 A. I don't know exactly. He was a manager at
10:00:28 18 that time, but I don't know what his title was.

10:00:30 19 Q. Was he in OAL labs or --

10:00:33 20 A. No.

10:00:34 21 Q. -- or OAL?

10:00:35 22 A. No. He -- OAL was like the programmers.

10:00:40 23 He was -- he was in an HR department that -- that --
10:00:44 24 in order to have access to the information, it was a
10:00:47 25 privilege that was received from this HR team, and I

10:00:53 1 think it's called HR Services now, some kind of
10:00:56 2 thing, but I'm not certain. And I'm not very good
10:01:00 3 with titles of departments and remembering titles of
10:01:03 4 people, so -- but he was -- he was the manager of the
10:01:07 5 person, so if I needed to have permission to go in,
10:01:09 6 because not every person has permission to be able to
10:01:13 7 go into the applications, right, so he would grant
10:01:16 8 permission for that.

10:01:17 9 And -- and, yes, I questioned it, and I was
10:01:20 10 told that -- that we had -- that the way we produce
10:01:25 11 that data were in -- in screenshots, and even some of
10:01:29 12 the data in those files it was -- it wasn't in
10:01:35 13 electronic format. It was -- some of it was in,
10:01:39 14 like, PDF files, and that type of thing. So it made
10:01:43 15 sense, you know, once I really started looking at the
10:01:46 16 data and -- and then talked to Arthur.

10:01:50 17 Q. Okay. So the person that you spoke to to
10:01:53 18 find out how to provide personnel files to OFCCP was
10:02:01 19 in the HR department?

10:02:03 20 A. Yes.

10:02:04 21 Q. Did you also talk to people in OAL about
10:02:08 22 providing personnel data to OFCCP?

10:02:12 23 A. To copy those files, the personnel files?
10:02:15 24 No. I talked to Arthur and he said that this was the
10:02:18 25 only way that they could be retrieved.

10:02:21 1 Q. Okay. And -- and what I'm asking is, is
10:02:25 2 the only person that you talked to in determining
10:02:29 3 that personnel files had to be screenshotted to be
10:02:36 4 provided to OFCCP besides Christina Solis, who
10:02:44 5 reported to you, was the HR department?

10:02:48 6 A. I can't recall if there were any others.
10:02:50 7 The one that stands out in my mind is Arthur, because
10:02:53 8 he was the -- he owned that particular -- he granted
10:02:57 9 permission for that database, so he was most familiar
10:02:59 10 with it, in my mind.

10:03:01 11 Q. Okay. And you now -- do you now know that
10:03:07 12 OF -- that Oracle has the capability to provide data
10:03:14 13 from personnel files in electronic format?

10:03:18 14 MS. CONNELL: Objection; assumes facts,
10:03:22 15 lacks foundation.

10:03:23 16 THE WITNESS: No, I don't know anything
10:03:25 17 about that.

10:03:31 18 MS. CONNELL: Laura, we've been going about
10:03:34 19 an hour; can we please take a break?

10:03:36 20 MS. BREMER: Sure.

10:03:37 21 THE VIDEOGRAPHER: The time is 10:03 a.m.
10:03:39 22 We are off the record.

10:04:00 23 (Recessed from 10:03 a.m. until 10:12 a.m.)

10:11:53 24 THE VIDEOGRAPHER: Time is 10:12 a.m. We
10:12:20 25 are on the record.

10:12:22 1 BY MS. BREMER:

10:12:24 2 Q. Shauna, are you also responsible for

10:12:27 3 overseeing Oracle's OFCCP compliance efforts?

10:12:32 4 MS. CONNELL: Objection; vague.

10:12:34 5 THE WITNESS: Which efforts?

10:12:37 6 BY MS. BREMER:

10:12:38 7 Q. Okay. Let's turn back to Exhibit 17.

10:12:42 8 A. Okay.

10:12:43 9 Q. Again, paragraph 2, it says, "As senior

10:12:51 10 director of diversity compliance, my responsibilities

10:12:54 11 include overseeing Oracle's Office of Federal

10:12:56 12 Contract Compliance Programs" --

10:12:56 13 A. Okay.

10:12:58 14 Q. -- "compliance efforts, as well as

10:13:00 15 overseeing" OFCCP -- "Oracle's OFCCP audits"; is that

10:13:06 16 correct?

10:13:06 17 A. Yes.

10:13:06 18 Q. Are you responsible for overseeing all of

10:13:13 19 Oracle's OFCCP compliance efforts?

10:13:16 20 MS. CONNELL: Objection; vague.

10:13:17 21 THE WITNESS: Okay. Could you describe

10:13:21 22 which compliance efforts?

10:13:23 23 BY MS. BREMER:

10:13:23 24 Q. Is there anyone else at Oracle who is

10:13:26 25 responsible for complying with OFCCP audits and

10:13:32 1 regulations or is that your group?

10:13:36 2 A. I'm the immediate supervisor of that group,
10:13:39 3 but I have a chain that I report up to.

10:13:42 4 Q. And that's Liz -- it was Liz Snyder; now
10:13:48 5 it's Vickie Thrasher?

10:13:49 6 A. Correct.

10:13:50 7 Q. And what's -- what's Vickie Thrasher's
10:13:55 8 role? Does she oversee -- she's in HR. Does Vickie
10:14:04 9 Thrasher oversee areas other than OFCCP compliance?

10:14:09 10 MS. CONNELL: Objection; calls for
10:14:11 11 speculation.

10:14:11 12 THE WITNESS: Could you be specific what
10:14:13 13 types of areas or --

10:14:14 14 BY MS. BREMER:

10:14:14 15 Q. What are -- what are the other areas
10:14:19 16 that -- that Vickie Thrasher oversees?

10:14:21 17 MS. CONNELL: Calls for speculation.

10:14:22 18 THE WITNESS: That's changed since I
10:14:27 19 started reporting to her. So --

10:14:34 20 BY MS. BREMER:

10:14:34 21 Q. Okay. And what -- what about when you
10:14:38 22 first started reporting to her?

10:14:42 23 A. She oversaw the -- the HR business partners
10:14:47 24 in the Americas.

10:14:49 25 Q. Okay. So as I understand it, you oversee

10:14:51 1 the OFCCP compliance efforts, but you report to
10:14:55 2 Vickie Thrasher?

10:14:56 3 A. Correct.

10:14:56 4 Q. Are you responsible for record retention
10:15:06 5 required by OFCCP regulations?

10:15:08 6 MS. CONNELL: Objection; vague.

10:15:09 7 THE WITNESS: What type of record
10:15:11 8 retention?

10:15:12 9 BY MS. BREMER:

10:15:12 10 Q. All the -- all the record retention that's
10:15:17 11 required by OFCCP regulations. Would that be your
10:15:20 12 responsibility?

10:15:21 13 A. That's pretty broad. I would have to -- I
10:15:25 14 mean, there's -- there's different people at Oracle
10:15:27 15 that oversee different records that could be
10:15:31 16 requested by OFCCP. And so I would have to have more
10:15:38 17 specifics on which records you're talking about, and
10:15:41 18 then I could tell you if I'm responsible for
10:15:44 19 overseeing the retention of those records.

10:15:46 20 Q. But are you ultimately responsible for
10:15:49 21 ensuring that Oracle does retain the records that the
10:15:53 22 OFCCP regulations require be retained?

10:15:56 23 MS. CONNELL: Objection; assumes facts,
10:15:58 24 vague.

10:15:59 25 THE WITNESS: Could you tell me the

10:16:01 1 records -- which -- which specific records you're
10:16:04 2 talking about? Because OFCCP requests information
10:16:07 3 for all kinds of different records, and -- and so
10:16:12 4 which of those records are you talking about?
10:16:15 5 Because I'm -- I'm -- if you could -- yeah, if you
10:16:21 6 could be a little bit more specific.

10:16:26 7 BY MS. BREMER:

10:16:30 8 Q. Are -- are you -- do you consider it your
10:16:33 9 responsibility to oversee Oracle's compliance with
10:16:38 10 the requirements of the OFCCP regulations?

10:16:41 11 MS. CONNELL: Objection; vague, calls for a
10:16:44 12 legal conclusion, compound.

10:16:46 13 THE WITNESS: If you could -- but in my
10:16:51 14 mind, there are different types of records at -- at
10:16:55 15 Oracle. So I would say that I'm -- I'm responsible
10:17:01 16 for reporting out based on those records. But there
10:17:05 17 are different groups at Oracle that are responsible
10:17:07 18 for overseeing different kinds of records that you
10:17:11 19 may request that have direct responsibility for that.

10:17:16 20 Mine is reporting out on different records,
10:17:21 21 so if you could be clearer on which records, I can
10:17:24 22 tell you if that's -- that -- where that falls, but I
10:17:28 23 can't -- I can't answer that question without having
10:17:31 24 it be a little bit more specific.

10:17:33 25 BY MS. BREMER:

10:17:33 1 Q. Are there any OFCCP compliance efforts that
10:17:37 2 you're not responsible for --

10:17:38 3 MS. CONNELL: Objection; misstates her
10:17:40 4 testimony --

10:17:41 5 BY MS. BREMER:

10:17:42 6 Q. -- for Oracle?

10:17:42 7 MS. CONNELL: -- vague, calls for a legal
10:17:44 8 conclusion.

10:17:45 9 THE WITNESS: That would depend on what
10:17:46 10 you're requesting.

10:17:53 11 BY MS. BREMER:

10:17:56 12 Q. As -- do you oversee the -- Oracle's
10:18:16 13 Affirm -- Affirmative Action Plan?

10:18:18 14 A. Yes.

10:18:19 15 Q. And do you oversee the affirmative action
10:18:27 16 language in Oracle's contracts?

10:18:30 17 MS. CONNELL: Objection; vague.

10:18:32 18 THE WITNESS: On -- the language in their
10:18:35 19 contracts? With what -- there are different areas
10:18:41 20 with regard to the language in their contracts, so it
10:18:45 21 would be with -- with what type of language are you
10:18:48 22 talking about, and -- and that type of thing.

10:18:53 23 MS. BREMER: All right. Okay. Let me mark
10:18:55 24 as Exhibit 18.

10:18:59 25 THE WITNESS: Okay.

10:19:04 1 MS. BREMER: This is a copy of the
10:19:06 2 regulations 41 CFR Section 60-1.4.
10:19:06 3 (Marked for identification Exhibit 18.)
10:19:13 4 BY MS. BREMER:
10:19:13 5 Q. Are you familiar with these regulations?
10:19:33 6 A. I'm familiar with the regulations, yes.
10:19:35 7 Q. Okay. So Sec -- Section 60-1.4 is the
10:19:45 8 equal opportunity clause, and if you look at
10:19:53 9 subsection (a), it says, "During the performance of
10:19:56 10 this contract, the contractor agrees as follows:
10:19:59 11 One, the contractor will not discriminate against any
10:20:03 12 employee or applicant for employment because of race,
10:20:06 13 color, religion, sex, sexual orientation, gender
10:20:11 14 identity, or national origin. The contractor will
10:20:13 15 take affirmative action to ensure that applicants are
10:20:16 16 employed, and that employees are treated during
10:20:20 17 employment without regard to their race, color,
10:20:23 18 religion, sex, sexual orientation, gender identity,
10:20:28 19 or national origin.
10:20:35 20 "Such action shall include, but not limited
10:20:39 21 to the following employment: Upgrading, demotion, or
10:20:43 22 transfer recruitment, or recruitment advertising,
10:20:47 23 layoff or termination, rates of pay or other forms of
10:20:50 24 compensation, the selection for training, including
10:20:54 25 apprenticeship."

10:20:56 1 Is -- is this -- do you understand that
10:20:58 2 this language that I just read is in Oracle's
10:21:03 3 contracts with the government?

10:21:05 4 MS. CONNELL: Objection; calls for a legal
10:21:07 5 conclusion and calls for speculation.

10:21:09 6 THE WITNESS: Yeah, I would have to -- to
10:21:11 7 see what the contract looked like with the
10:21:13 8 government, I -- I don't --

10:21:15 9 BY MS. BREMER:

10:21:15 10 Q. Have you seen what contracts with the
10:21:17 11 federal government look like?

10:21:20 12 MS. CONNELL: Objection; vague.

10:21:26 13 THE REPORTER: Ms. Connell, you're rubbing
10:21:28 14 your microphone.

10:21:29 15 MS. CONNELL: Oh.

10:21:29 16 THE WITNESS: I've only seen snippets of
10:21:32 17 information for contracts, but I haven't seen, like
10:21:37 18 an actual contract with the government, an actual one
10:21:41 19 with the government. I've seen little snippets, like
10:21:46 20 is this language okay. And that's, you know, in a
10:21:49 21 contract. So -- but it would be -- my team looks at,
10:21:57 22 like, little clauses that are going to go, this is
10:22:00 23 related to affirmative action, or something like
10:22:02 24 that, is this snippet with regard to employment
10:22:05 25 processes, and some of it, you know, anything to do

10:22:08 1 with affirmative action, is this snippet okay? Is
10:22:11 2 this language okay? And so that would be the part
10:22:14 3 that I would -- my team would look at.

10:22:16 4 BY MS. BREMER:

10:22:16 5 Q. And have you looked at equal opportunity
10:22:19 6 clauses to -- that are in -- snippets that are to be
10:22:23 7 included in federal contracts?

10:22:26 8 MS. CONNELL: Objection; vague.

10:22:28 9 THE WITNESS: I've looked at them in regard
10:22:31 10 to government contracts. I would -- I don't recall
10:22:34 11 which contracts, but I've looked at snippets in
10:22:39 12 regard to government contracts.

10:22:39 13 BY MS. BREMER:

10:22:41 14 Q. And is it your understanding that the
10:22:43 15 language contained in 41 CFR Section 60-1.4(a)
10:22:50 16 subsection (1) is in Oracle's federal -- or contracts
10:22:57 17 with the federal government?

10:22:58 18 MS. CONNELL: Objection; calls for
10:22:59 19 speculation, assumes facts.

10:23:01 20 THE WITNESS: Yeah, I would have to look at
10:23:04 21 the contract and review the federal -- the contracts
10:23:07 22 in front of me, in order to be able to answer that
10:23:10 23 question.

10:23:10 24 BY MS. BREMER:

10:23:10 25 Q. So you don't know if Oracle's complying

10:23:15 1 with this provision or not?

10:23:17 2 MS. CONNELL: Objection; misstates her
10:23:18 3 testimony and calls for a legal conclusion.

10:23:20 4 THE WITNESS: I can't give you a conclusion
10:23:21 5 on that, because I haven't seen the contract. I
10:23:25 6 mean --

10:23:25 7 BY MS. BREMER:

10:23:25 8 Q. So as the person in charge of OFCCP
10:23:28 9 compliance for Oracle, you've not -- you don't know
10:23:32 10 one way or the other whether the language in 41
10:23:36 11 CFR Section 60 point -- dash 1.4(a)(1) is in Oracle's
10:23:43 12 contracts with the federal government?

10:23:44 13 MS. CONNELL: Objection; misstates her
10:23:46 14 testimony. She never said she was in charge of OFCCP
10:23:49 15 compliance. It also calls for a legal conclusion,
10:23:52 16 assumes facts, and is not -- calls for a legal
10:23:55 17 conclusion and is argumentative.

10:23:58 18 THE WITNESS: I didn't -- I didn't say
10:23:59 19 that. I said that I would have to review a contract
10:24:02 20 in front of me to be able to specifically state today
10:24:07 21 what -- what is on that contract.

10:24:09 22 BY MS. BREMER:

10:24:09 23 Q. So right now, sitting here today, you don't
10:24:11 24 know one way or the other whether the equal
10:24:14 25 opportunity clause is in Oracle's contracts with the

10:24:17 1 federal government?

10:24:18 2 MS. CONNELL: Objection; assumes facts,
10:24:21 3 calls for speculation.

10:24:21 4 THE WITNESS: I would assume so. I've seen
10:24:23 5 it in some of the contracts that Oracle's provided,
10:24:27 6 but what specific -- which contract you're talking
10:24:29 7 about, I would want to see the contract.

10:24:29 8 BY MS. BREMER:

10:24:32 9 Q. Do you know how much money Oracle's
10:24:35 10 contracts with the federal government are worth?

10:24:36 11 A. No.

10:24:36 12 Q. Is it your understanding that in Oracle's
10:24:54 13 contracts with the federal government, Oracle agrees
10:24:57 14 not to discriminate against employees because of race
10:25:00 15 or gender?

10:25:01 16 A. Yes.

10:25:01 17 Q. Is it your -- your understanding that in
10:25:04 18 Oracle's contracts with the federal government Oracle
10:25:07 19 agrees to take affirmative action to ensure that
10:25:10 20 employees are treated during employment without
10:25:12 21 regard to their race or sex?

10:25:16 22 MS. CONNELL: Objection; calls for a legal
10:25:18 23 conclusion.

10:25:19 24 THE WITNESS: That's my understanding.

10:25:21 25 BY MS. BREMER:

10:25:22 1 Q. And does the affirmative action that Oracle
10:25:24 2 agrees to take in its contracts with the government
10:25:29 3 include affirmative action in compensation?

10:25:32 4 MS. CONNELL: Objection; calls for a legal
10:25:34 5 conclusion, vague.

10:25:40 6 THE WITNESS: Could you be a little
10:25:42 7 clearer, please?

10:25:43 8 BY MS. BREMER:

10:25:43 9 Q. As the person in charge of OFCCP
10:25:46 10 compliance, do you understand that Oracle's
10:25:49 11 affirmative action obligations include obligations
10:25:53 12 regarding compensation?

10:25:55 13 MS. CONNELL: Once again, misstates her
10:25:57 14 testimony as to what her role is with regard to OFCCP
10:26:00 15 compliance, and calls for a legal conclusion, and
10:26:03 16 vague. Also asked and answered.

10:26:27 17 THE WITNESS: I -- she said something.

10:26:27 18 BY MS. BREMER:

10:26:30 19 Q. Go ahead and answer.

10:26:31 20 A. Okay. Could you restate the question?

10:26:35 21 Q. I'll just say as -- as the person -- as
10:26:38 22 Oracle's senior director of diversity and compliance
10:26:44 23 in charge of overseeing Oracle's OFCCP compliance
10:26:49 24 efforts, do you understand that Oracle's affirmative
10:26:55 25 action obligations include affirmative action

10:26:58 1 regarding compensation?

10:26:59 2 MS. CONNELL: Same objections. Calls for
10:27:01 3 speculation, calls for a legal conclusion, and
10:27:05 4 argumentative.

10:27:07 5 THE WITNESS: I --

10:27:10 6 MS. CONNELL: It's also vague.

10:27:11 7 THE WITNESS: I understand that we report
10:27:22 8 out as far as compensation to the government, and --
10:27:35 9 and that we're expected to provide information to the
10:27:38 10 government, and -- and that type of thing, but if you
10:27:41 11 could be a little bit more specific on what part of
10:27:44 12 compensation you're talking about.

10:27:53 13 BY MS. BREMER:

10:27:55 14 Q. Do you understand that as part of Oracle's
10:27:59 15 obligations to the federal government, it's agreed to
10:28:06 16 affirmative action that includes affirmative action
10:28:11 17 regarding rates of pay or other forms of
10:28:14 18 compensation?

10:28:16 19 MS. CONNELL: Objection; calls for a legal
10:28:18 20 conclusion, asked and answered; it's also vague.

10:28:21 21 THE WITNESS: I understand that we report
10:28:25 22 information into the government.

10:28:29 23 BY MS. BREMER:

10:28:29 24 Q. So as Oracle's senior director of diversity
10:28:43 25 compliance in charge of overseeing Oracle's OFCCP

10:28:47 1 compliance efforts, you don't understand that
10:28:52 2 Oracle's obligations include taking affirmative
10:28:56 3 action to ensure that employees are treated during
10:29:00 4 employment without regard to their race, color,
10:29:03 5 religion, sex, sexual orientation, gender identity,
10:29:09 6 or national origin in their rates of pay or other
10:29:12 7 forms of compensation?

10:29:13 8 MS. CONNELL: Objection; calls for a legal
10:29:16 9 conclusion, asked and answered, argumentative. And
10:29:22 10 also the regulation speaks for itself. You're just
10:29:25 11 reading the regulation into the record. It speaks
10:29:28 12 for itself.

10:29:28 13 BY MS. BREMER:

10:29:30 14 Q. I'm asking for your understanding.

10:29:31 15 Please restate the question.

10:29:32 16 (Record read.)

10:30:08 17 MS. CONNELL: Same objections, also
10:30:09 18 misstates her testimony.

10:30:11 19 THE WITNESS: Yeah, I didn't say that I
10:30:13 20 didn't understand. I asked you for more
10:30:15 21 clarification.

10:30:16 22 BY MS. BREMER:

10:30:17 23 Q. Okay. Do you -- do you understand that
10:30:18 24 that is one of Oracle's obligations with the federal
10:30:22 25 government?

10:30:22 1 A. I understand that it's included in the
10:30:26 2 regulations, yes.

10:30:27 3 Q. As an Oracle senior director in charge of
10:30:57 4 OFCCP compliance, are you familiar with Executive
10:31:00 5 Order 11246?

10:31:02 6 MS. CONNELL: Objection; misstates her
10:31:03 7 testimony regarding her responsibilities and calls
10:31:05 8 for a legal conclusion.

10:31:10 9 THE WITNESS: What about Executive Order
10:31:13 10 11246? Could you be a little clearer?

10:31:16 11 BY MS. BREMER:

10:31:16 12 Q. I'm asking if you're familiar with it.

10:31:18 13 A. Am I familiar with that --

10:31:20 14 Q. Yes.

10:31:20 15 A. -- that executive order?

10:31:22 16 Q. Yes.

10:31:22 17 A. I know about it, yes.

10:31:25 18 Q. And you're also familiar with the
10:31:28 19 regulations, OFCCP regulations that implement that
10:31:32 20 order?

10:31:32 21 A. What -- what specific regulations? I --

10:31:37 22 Q. 41 CFR part 60.

10:31:42 23 A. Could you put that in front of me? Do you
10:31:45 24 have a copy of it, so I can tell you, you know,
10:31:47 25 specifically, because there's a lot of language in

10:31:49 1 there, so --

10:31:50 2 Q. Have you reviewed the regulations
10:31:53 3 implementing the executive order?

10:31:56 4 A. Yes, at different times.

10:31:57 5 Q. Have you conducted training regarding
10:32:03 6 compliance at Oracle?

10:32:05 7 A. Yes.

10:32:07 8 Q. Have you conducted any training regarding
10:32:11 9 affirmative action?

10:32:12 10 A. Yes.

10:32:12 11 Q. And how often?

10:32:15 12 A. It's given -- it's an online program, and
10:32:20 13 it's given to managers every two years.

10:32:23 14 Q. All managers?

10:32:28 15 A. All managers that have an employee in the
10:32:30 16 United States or U.S. territory, like Puerto Rico.

10:32:35 17 Q. And what are the topics of that online
10:32:40 18 training program?

10:32:42 19 A. It -- it talks about affirmative action,
10:32:45 20 and it also talks about the revisions that were made
10:32:50 21 in 2014 with regard to 503 and protected veterans, so
10:32:57 22 it includes that in it. And -- and that type of
10:33:04 23 thing.

10:33:05 24 Q. What's the title of the training?

10:33:08 25 A. I believe it has -- it's affirmative action

10:33:13 1 training. I --

10:33:17 2 MS. BREMER: Counsel, do you know if that's

10:33:19 3 been produced?

10:33:19 4 MS. CONNELL: I don't.

10:33:21 5 MS. BREMER: Okay. We would request that

10:33:26 6 it be produced.

10:33:28 7 Q. Have you conducted any other training

10:33:30 8 regarding compliance at Oracle?

10:33:32 9 A. My team hasn't.

10:33:35 10 Q. Do you know if any other team has conducted

10:33:42 11 training regarding OFCCP compliance --

10:33:47 12 MS. CONNELL: Objection --

10:33:48 13 BY MS. BREMER:

10:33:49 14 Q. -- at Oracle?

10:33:50 15 MS. CONNELL: -- calls for speculation.

10:33:51 16 THE WITNESS: I -- I -- I don't know.

10:33:53 17 BY MS. BREMER:

10:33:53 18 Q. Oracle's required to develop an affirmative

10:34:15 19 action program annually. Right?

10:34:17 20 A. Yes.

10:34:18 21 Q. And Oracle conducts affirmative action

10:34:28 22 programs by location?

10:34:30 23 MS. CONNELL: Objection; vague.

10:34:32 24 THE WITNESS: Do you want to be a little

10:34:39 25 more specific on what do you mean by "location"?

10:34:42 1 BY MS. BREMER:

10:34:42 2 Q. Oracle's affirmative action plans include
10:34:46 3 employees assigned to work at a location more than 50
10:34:50 4 percent of their time. Correct?

10:34:51 5 A. Yeah --

10:34:56 6 MS. CONNELL: Objection; vague.

10:34:58 7 THE WITNESS: Yes.

10:34:58 8 BY MS. BREMER:

10:34:58 9 Q. And --

10:35:02 10 A. But the percentage, I mean, we've -- the
10:35:07 11 percentage -- I'd need a little bit more information
10:35:09 12 as far as what do you mean by that?

10:35:13 13 Q. So generally Oracle -- so, for example,
10:35:18 14 Oracle conducted or developed an affirmative action
10:35:22 15 program for its headquarters. Correct?

10:35:24 16 A. Correct.

10:35:25 17 Q. And that's a specific location. Right?

10:35:27 18 A. Right.

10:35:28 19 Q. And that was instead of developing an
10:35:33 20 affirmative action program by a supervisor?

10:35:40 21 MS. CONNELL: Objection; assumes facts,
10:35:42 22 lacks foundation.

10:35:44 23 BY MS. BREMER:

10:35:45 24 Q. Let me ask you this, employees supervised
10:35:48 25 by managers located at Oracle's headquarters are not

10:35:57 1 included in the affirmative action program if
10:36:00 2 employees -- if those employees work at a different
10:36:04 3 location?
10:36:04 4 A. Correct.
10:36:08 5 Q. Does Oracle prepare an affirmative action
10:36:16 6 program that includes every U.S. location every year?
10:36:20 7 A. Yes.
10:36:22 8 Q. And who prepares the affirmative action
10:36:25 9 program?
10:36:26 10 A. My team.
10:36:27 11 Q. And has that changed between 2013 and the
10:36:31 12 present?
10:36:31 13 A. Has what changed?
10:36:35 14 Q. Who prepares the affirmative action
10:36:38 15 programs.
10:36:39 16 A. No, that -- as far as who prepares the
10:36:43 17 affirmative action programs, that's stayed the same.
10:36:45 18 Q. You learned in September of 2014 that
10:36:58 19 Oracle's headquarters had been scheduled for a
10:37:01 20 compliance audit by OFCCP. Correct?
10:37:03 21 A. Correct. I believe that was the date. I'm
10:37:17 22 not totally certain what the date was, but yes,
10:37:20 23 around that time.
10:37:28 24 MS. BREMER: I'm going to mark as Exhibit
10:37:30 25 Number 18 --

10:37:33 1 THE REPORTER: 19.

10:37:34 2 MS. BREMER: 19. I'm going to mark as

10:37:37 3 Exhibit Number 19, a Declaration of Shauna

10:37:40 4 Holman-Harries in Support of Defendants' Motion for

10:37:44 5 Summary Judgment or in the Alternative to Stay the

10:37:46 6 Proceedings for Failure to Conciliate in OFCCP Versus

10:37:53 7 Oracle.

10:38:03 8 (Marked for identification Exhibit 19.)

10:38:03 9 THE WITNESS: Is this one mine?

10:38:05 10 THE REPORTER: For now.

10:38:07 11 THE WITNESS: For now. Okay. I'll give it

10:38:08 12 back.

10:38:08 13 BY MS. BREMER:

10:38:09 14 Q. Is this your signature on page 3 of --

10:38:12 15 A. Yes.

10:38:12 16 Q. -- the declaration?

10:38:15 17 And you signed this declaration on or about

10:38:18 18 April 20th, 2017?

10:38:20 19 A. Yes.

10:38:22 20 Q. If you look at Exhibit A to your

10:38:28 21 declaration, that's the scheduling letter. Correct?

10:38:32 22 A. It -- I don't see it marked A, but yes,

10:38:35 23 that's -- at the bottom.

10:38:36 24 Q. It's at the bottom.

10:38:37 25 A. Never mind.

10:38:39 1
10:38:39 2
10:38:42 3
10:38:49 4
10:38:52 5
10:38:58 6
10:38:58 7
10:39:01 8
10:39:05 9
10:39:06 10
10:39:11 11
10:39:13 12
10:39:20 13
10:39:20 14
10:39:28 15
10:39:44 16
10:39:45 17
10:39:50 18
10:39:58 19
10:40:02 20
10:40:15 21
10:40:19 22
10:40:22 23
10:40:24 24
10:40:31 25

Yes.

Q. And did you receive this scheduling letter from OFCCP on or about September 24th, 2014?

A. I didn't date stamp it. I believe it was sent to -- somebody else sent it to me, but on or about, yes.

Q. And this is a true and correct copy, to your knowledge, of the scheduling letter that was sent?

A. To my -- to my knowledge.

MS. BREMER: Okay. And then let's mark as Exhibit Number 20, an e-mail; it's Bates numbered ORACLE_HQCA 593.

(Marked for identification Exhibit 20.)

THE WITNESS: Oh, it's a different -- okay.
BY MS. BREMER:

Q. Is this a true and correct e-mail that you sent to -- I'm sorry, is this -- is this a true and correct copy of a series of e-mails, dated October 28th, 2014 to -- October 28th, 2014, between you and Hea Jung --

(Interruption in the proceedings.)

THE WITNESS: I'm glad she's helping.

MS. BREMER: I wish she could help too.

THE WITNESS: Okay. It looks like it, yes.

10:40:38 1 BY MS. BREMER:

10:40:38 2 Q. And it's -- the e-mail at the bottom of the

10:40:42 3 page from you says, "Enclosed please find Oracle

10:40:49 4 Corporation's 2014 Affirmative Action Plan."

10:40:55 5 A. Uh-huh.

10:40:56 6 Q. Correct?

10:40:57 7 A. Correct.

10:40:58 8 Q. So in October of 2014, you sent Oracle's

10:41:05 9 2014 affirmative action program to OFCCP?

10:41:07 10 A. Yes.

10:41:09 11 MS. BREMER: Okay. I'd like to mark as

10:41:10 12 Exhibit 21, a document called Affirmative Action Plan

10:41:17 13 for Oracle America January 2014. It's Bates numbered

10:41:24 14 ORACLE_HQCA 4999 through 5196.

10:41:24 15 (Marked for identification Exhibit 21.)

10:41:46 16 THE WITNESS: Thank you.

10:41:47 17 BY MS. BREMER:

10:41:47 18 Q. Is this a true and correct copy of the

10:41:50 19 Affirmative Action Plan that you sent to OFCCP on or

10:41:53 20 about October 28th, 2014?

10:41:56 21 MS. CONNELL: Take your time to review it.

10:43:20 22 For the record, I'll designate this exhibit

10:43:22 23 as confidential, as it's got a confidential

10:43:25 24 designation.

10:45:24 25 THE WITNESS: Back to the question?

10:45:25 1 Since that was five minutes ago.

10:45:29 2 MS. BREMER: Can you state the question

10:45:34 3 again?

10:45:48 4 (Record read.)

10:45:50 5 THE WITNESS: It looks like it.

10:45:51 6 BY MS. BREMER:

10:45:52 7 Q. And looking at page 5000, you are listed as

10:45:58 8 the individual responsible for plan implementation.

10:46:02 9 Correct?

10:46:02 10 A. I'm trying to -- you said 5000 -- oh, okay.

10:46:09 11 Yeah.

10:46:14 12 Q. And Safra Catz is also listed. Correct?

10:46:20 13 A. Yes.

10:46:20 14 Q. What were Safra Catz's responsibilities

10:46:29 15 regarding Oracle's Affirmative Action Plan?

10:46:35 16 MS. CONNELL: Objection; vague, calls for

10:46:37 17 speculation.

10:46:37 18 THE WITNESS: Can you be a little bit more

10:46:42 19 specific?

10:46:45 20 BY MS. BREMER:

10:46:45 21 Q. What is your knowledge of what Safra Catz's

10:46:50 22 responsibilities are with respect to Oracle's

10:46:53 23 Affirmative Action Plan?

10:46:54 24 A. She signs off on policies and over -- and

10:47:03 25 that Oracle -- that ensure that Oracle is an equal

10:47:12 1 employment opportunity employer, in compliance with
10:47:17 2 Oracle's Affirmative Action Plan. Her communications
10:47:31 3 are -- they go to all of the locations with regard to
10:47:35 4 this.

10:47:35 5 Q. Are you aware of any other responsibilities
10:47:41 6 that Safra Catz has with respect to Oracle's
10:47:45 7 Affirmative Action Plan?

10:47:48 8 MS. CONNELL: Objection; calls for
10:47:49 9 speculation.

10:47:49 10 THE WITNESS: I don't -- I can't say that I
10:47:50 11 know of everything that she does. But this is --
10:47:55 12 this is what I'm aware of that she does.

10:47:59 13 BY MS. BREMER:

10:48:00 14 Q. And when communications are sent from Safra
10:48:07 15 Catz to Oracle's locations regarding equal employment
10:48:14 16 opportunity, you receive copies of those. Correct?

10:48:17 17 A. Yes. She sent -- her office sends it to me
10:48:21 18 and then I send it out, yes.

10:48:23 19 Q. Are you involved in preparing the
10:48:25 20 communications that's sent under Safra Catz's
10:48:31 21 signature?

10:48:31 22 A. The communication is not sent out under her
10:48:37 23 signature, the -- the policy is.

10:48:39 24 Q. Okay. Are you involved in preparing the
10:48:42 25 policies that -- for equal employment opportunity

10:48:48 1 that are sent out by Safra Catz?

10:48:52 2 A. Parts of it.

10:48:53 3 Q. And what parts are you responsible for?

10:48:58 4 A. I oversee. I overlook -- I don't oversee,
10:49:03 5 but I over -- I overlook -- I look over the policy to
10:49:05 6 make sure that each year that it's been updated for
10:49:10 7 any kind of legislative changes or regulation
10:49:15 8 changes.

10:49:23 9 Q. And does the policy -- are you referring to
10:49:26 10 one or more policies?

10:49:27 11 A. I'm just referring to this one, for -- for
10:49:31 12 federal purposes, yes.

10:49:32 13 Q. And what is the name of that policy?

10:49:34 14 A. Well, it's in here. It's on page -- she
10:49:40 15 signed it. Oracle's "Equal Employment Opportunity
10:49:44 16 Policy Statement." And this is what goes to each one
10:49:49 17 of the locations. It's on page 5 of the -- in my
10:49:55 18 numbering system.

10:49:56 19 Q. Okay. The policy statement?

10:49:58 20 A. Yes.

10:49:59 21 Q. Okay. So that's Bates numbered 5004.

10:50:15 22 And so your -- you're involved in ensuring
10:50:18 23 that the policy statement included in Oracle's
10:50:24 24 Affirmative Action Plan is updated for changes in the
10:50:33 25 legislation regulations?

10:50:37 1 A. Yes, I'm involved in it.

10:50:39 2 Q. At the bottom of the policy statement, it
10:50:47 3 says, "Oracle has appointed the director, diversity
10:50:50 4 compliance to manage the equal employment opportunity
10:50:55 5 function."

10:50:55 6 Is that -- is that you? Is that referring
10:51:01 7 to you?

10:51:01 8 A. As -- from the perspective of affirmative
10:51:04 9 action.

10:51:04 10 Q. So that's yes?

10:51:10 11 MS. CONNELL: Objection; misstates her
10:51:12 12 testimony.

10:51:12 13 THE WITNESS: From the -- from the
10:51:15 14 perspective of affirmative action, it would be, yes.

10:51:19 15 BY MS. BREMER:

10:51:19 16 Q. But the director of diversity compliance
10:51:23 17 referred to in Safra Catz's policy statement is
10:51:30 18 referring to you. Correct?

10:51:31 19 A. Yes.

10:51:31 20 Q. And it says, "These responsibilities should
10:51:33 21 include monitoring all equal employment opportunity
10:51:38 22 activities and reporting the effectiveness of this
10:51:41 23 Affirmative Action Plan, as required by federal,
10:51:45 24 state, and local agencies." Correct?

10:51:47 25 MS. CONNELL: Objection; the document

10:51:49 1 speaks for itself.

10:51:50 2 THE WITNESS: According to the document,

10:51:51 3 yes.

10:51:51 4 BY MS. BREMER:

10:51:51 5 Q. And so you're responsible for those

10:51:55 6 functions. Correct?

10:51:56 7 A. With regard to affirmative action.

10:52:00 8 Q. And did you hold this responsibility from

10:52:04 9 2013 to the present?

10:52:06 10 A. Yes.

10:52:14 11 Q. Looking at the next page, "Responsibility

10:52:17 12 for Implementation." At the top of the page it says,

10:52:23 13 "The director of diversity compliance administers the

10:52:28 14 Affirmative Action Plan."

10:52:30 15 Again, that's referring you. Correct?

10:52:32 16 A. Yes.

10:52:34 17 Q. Under the implementation guidelines,

10:52:39 18 there's a list of tasks. Are you responsible for the

10:52:43 19 tasks listed on page 6 of Oracle's Affirmative Action

10:52:52 20 Plan?

10:52:52 21 MS. CONNELL: Objection; vague.

10:52:53 22 THE WITNESS: I'm going to have to review

10:52:58 23 this.

10:52:58 24 BY MS. BREMER:

10:52:59 25 Q. Okay.

10:52:59 1 A. Okay.

10:53:14 2 MS. CONNELL: It also misstates the
10:53:16 3 document in saying that she's solely responsible for
10:53:18 4 these tasks.

10:53:40 5 THE WITNESS: Okay. I'm -- I'm responsible
10:53:45 6 for coordinating -- we're getting into coordinating,
10:53:48 7 because I'm not solely responsible for all these
10:53:50 8 tasks.

10:53:51 9 BY MS. BREMER:

10:53:51 10 Q. But you're at least responsible for
10:53:53 11 coordinating the tasks listed under the
10:53:56 12 implementation guidelines?

10:53:56 13 A. Coordinating. It says -- it's -- it's
10:54:05 14 clear as to what the document says.

10:54:08 15 Q. That you may coordinate --

10:54:10 16 A. Yes.

10:54:10 17 Q. -- with others at Oracle?

10:54:12 18 A. Yes.

10:54:12 19 Q. But you are -- you're in charge of ensuring
10:54:17 20 that the Affirmative Action Plan is implemented?

10:54:24 21 A. I'm in charge of administering the
10:54:30 22 Affirmative Action Plan.

10:54:30 23 Q. Okay. Looking at the -- the third task,
10:54:38 24 "Implementing affirmative action program and ensuring
10:54:42 25 appropriate internal and external dissemination of

10:54:47 1 the plan and policies."

10:54:49 2 Do you see that?

10:54:49 3 A. Yes.

10:54:50 4 Q. Who is the -- who is Oracle's Affirmative
10:54:59 5 Action Plan disseminated to?

10:55:00 6 A. Our plan is disseminated to all managers
10:55:05 7 with employees in the U.S. and Puerto Rico. We --
10:55:10 8 the plan is posted internally for our managers to be
10:55:15 9 able to access. In addition to that -- and also --
10:55:18 10 and any employee to be able to access.

10:55:21 11 In addition to that we -- -- we send out
10:55:24 12 goals to all of our managers at a minimum of one time
10:55:29 13 annually, sometimes more. If we have a location -- a
10:55:34 14 large amount of location additions. And we also
10:55:38 15 disseminate this to our recruiters. The goals -- the
10:55:44 16 goals and -- and -- and so they know what the goals
10:55:47 17 are for compliance with our affirmative action
10:55:50 18 obligations. And -- and provide them with a list of
10:55:55 19 where those goals are.

10:56:02 20 Does that -- is that -- I don't know. Is
10:56:07 21 that -- so that's my answer.

10:56:08 22 Q. Okay.

10:56:09 23 A. I know it's like one of those awkward
10:56:12 24 moments, right, so -- sorry.

10:56:14 25 Q. What do you do to assist managers with

10:56:17 1 affirmative action/EEO challenges?

10:56:20 2 A. That's -- that's where the coordination of
10:56:23 3 efforts comes in. The person -- you've got your
10:56:28 4 HR business partners that work directly with
10:56:31 5 managers, but we also have an EEO, a senior director
10:56:34 6 that oversees EEO that does a lot of the
10:56:36 7 investigation. And -- and so it's not just me. So I
10:56:44 8 would maybe point out some affirmative action areas,
10:56:48 9 and there would be other people that would go in
10:56:50 10 depending on what -- what the issue is that they
10:56:53 11 would need to be assisted with.

10:56:54 12 Q. And who is the senior director in charge of
10:57:04 13 the EEO?

10:57:04 14 A. Timmy Baxter.

10:57:05 15 Q. Has Timmy Baxter been in charge of EEO at
10:57:10 16 Oracle since 2013?

10:57:12 17 MS. CONNELL: Objection; misstates her
10:57:13 18 testimony.

10:57:13 19 THE WITNESS: So she's in charge of the
10:57:19 20 EEO investigations, and she has been -- no, she has
10:57:24 21 not been the only person.

10:57:31 22 BY MS. BREMER:

10:57:31 23 Q. Who else has been in charge of
10:57:35 24 EEO investigations since 2013?

10:57:37 25 A. Michael Leftwich.

10:57:41 1 Q. Anyone else?

10:57:41 2 A. I -- I don't know, I don't have knowledge
10:57:44 3 beyond that.

10:57:45 4 Q. Those are the two that you recall now?

10:57:47 5 A. That I recall. Those are the ones that I
10:57:49 6 recall.

10:57:49 7 Q. Okay. If you recall anyone else, you can
10:57:52 8 add to your testimony.

10:57:54 9 A. Okay.

10:57:54 10 Q. With respect to affirmative action, what do
10:58:03 11 you do to assist managers with affirmative action
10:58:06 12 challenges?

10:58:07 13 MS. CONNELL: Objection; asked and
10:58:09 14 answered.

10:58:09 15 THE WITNESS: I work through another
10:58:13 16 director.

10:58:17 17 BY MS. BREMER:

10:58:17 18 Q. And who is that?

10:58:18 19 A. Tracy Wade.

10:58:22 20 Q. And what's Tracy Wade's title?

10:58:26 21 A. She's the director of diversity and
10:58:31 22 inclusion.

10:58:32 23 Q. And is she in the HR department?

10:58:42 24 A. Yes.

10:58:42 25 Q. Who does she report to?

10:58:45 1 A. Vickie Thrasher.

10:58:48 2 Q. How long has Tracy Wade worked for Oracle?

10:58:53 3 A. I -- I don't know.

10:58:53 4 Q. Has she been in the role of director of

10:58:57 5 diversity and inclusion since 2013?

10:59:00 6 A. No.

10:59:01 7 Q. Was there someone else who was in that role

10:59:04 8 before Tracy Wade?

10:59:08 9 A. Yes.

10:59:08 10 Q. And who is that?

10:59:09 11 A. Barbara Williams Hardy.

10:59:15 12 Q. Is the focus of the director of diversity

10:59:21 13 and inclusion on recruiting and hiring or something

10:59:27 14 more than that?

10:59:29 15 MS. CONNELL: Objection; calls for

10:59:31 16 speculation.

10:59:31 17 THE WITNESS: She's -- she's in HR. She's

10:59:36 18 not -- she doesn't do recruiting --

10:59:39 19 BY MS. BREMER:

10:59:39 20 Q. Okay.

10:59:40 21 A. -- and that type of thing; she talks to

10:59:42 22 them about diversity within, you know, the managers,

10:59:46 23 help them within their -- their workforce. Beyond

10:59:48 24 that high level, I don't -- I don't have all the

10:59:51 25 details of her job. But she basically works with

10:59:54 1 managers in increasing the diversity in their
10:59:56 2 workforce, and some strategies that they could --
11:00:00 3 they could utilize.

11:00:01 4 Q. Okay. And do you directly do anything to
11:00:06 5 assist managers with affirmative action challenges?

11:00:12 6 MS. CONNELL: Objection; vague.

11:00:13 7 THE WITNESS: Can you be a little bit more
11:00:16 8 specific on maybe some -- what you're referring to?

11:00:16 9 BY MS. BREMER:

11:00:20 10 Q. Well, this says that I'm looking back at
11:00:23 11 the implementation --

11:00:24 12 A. Okay.

11:00:24 13 Q. -- guidelines --

11:00:25 14 A. Okay.

11:00:26 15 Q. -- and you -- you indicated that in
11:00:28 16 assisting managers with affirmative action
11:00:31 17 challenges, you worked through Tracy Wade. I'm
11:00:35 18 wondering if there's anything that you do yourself,
11:00:37 19 directly, to assist managers with affirmative action?

11:00:41 20 MS. CONNELL: Objection; misstates her
11:00:43 21 prior testimony, and vague.

11:00:45 22 THE WITNESS: I'm included in meetings
11:00:48 23 sometimes with Tracy and a leader. But most of my
11:00:52 24 work is done through Tracy, and is given to -- given
11:00:59 25 to -- like if she has some kind of -- if there's an

11:01:03 1 issue that comes up, it would be given to Tracy to
11:01:07 2 help her have a strategy with the manager directly,
11:01:11 3 so I'm kind of behind the scenes.

11:01:13 4 BY MS. BREMER:

11:01:13 5 Q. And in terms of the organizational
11:01:17 6 structure, is Tracy Wade at the same level as you?

11:01:21 7 A. Not -- not yet. She's the director. So
11:01:25 8 she is where I was, you know, at that time. She's a
11:01:28 9 new director, so --

11:01:29 10 Q. Did your responsibilities change when you
11:01:32 11 went from being a director to a senior director?

11:01:36 12 A. No. There was -- it wasn't a job upgrade,
11:01:42 13 because of the expanding responsibilities due to, you
11:01:45 14 know, the expanding role of -- of -- and the
11:01:47 15 regulations of OFCCP.

11:01:51 16 Q. What do you do to ensure regulatory and
11:02:00 17 policy compliance?

11:02:00 18 A. What kind of regulatory and policy
11:02:05 19 compliance?

11:02:06 20 Q. Looking at the implementation guidelines
11:02:08 21 for the Affirmative Action Plan, that's what I'm
11:02:17 22 referring to, the -- where it says one of the
11:02:19 23 guidelines is ensuring regulatory and policy
11:02:22 24 compliance.

11:02:23 25 A. Well, if a new regulation comes about,

11:02:29 1 we -- we -- we put together teams of people to work
11:02:33 2 on it, because Oracle's pretty big. And -- and so
11:02:38 3 there are different people that work in different
11:02:41 4 areas. And we -- we will -- will go ahead and
11:02:46 5 develop a team and start making sure that whatever
11:02:49 6 change the government has put in place is being
11:02:52 7 implemented.

11:02:55 8 MS. BREMER: Okay. Let's take a break now
11:02:57 9 to switch the tape.

11:03:00 10 THE WITNESS: Okay. And would it be all
11:03:01 11 right with you if I also took a personal break right
11:03:04 12 now?

11:03:04 13 MS. BREMER: Sure.

11:03:06 14 THE WITNESS: All right. Thank you.

11:03:07 15 THE VIDEOGRAPHER: This -- this is the end
11:03:08 16 of video one of the May 8th, 2019 deposition of
11:03:13 17 Shauna --

11:03:14 18 MS. BREMER: Holman-Harries.

11:03:17 19 THE VIDEOGRAPHER: -- Holman-Harries. The
11:03:18 20 correct date is 2019, not 2020, as shown on the video
11:03:23 21 screen. We're off the record at 11:03 a.m.

11:03:28 22 (Recessed from 11:03 a.m. until 11:16 a.m.)

11:16:03 23 THE VIDEOGRAPHER: This is the beginning of
11:16:04 24 video number two. The time is 11:16 a.m. We're on
11:16:09 25 the record.

11:16:12 1 BY MS. BREMER:

11:16:13 2 Q. Shauna, earlier we talked about an online
11:16:20 3 training that was for affirmative action --

11:16:20 4 A. Yes.

11:16:23 5 Q. Do you remember that?

11:16:23 6 A. Yes.

11:16:25 7 Q. Was that online training for sexual
11:16:30 8 harassment or for something -- something else? Is
11:16:34 9 that a two-year sexual harassment training or --

11:16:37 10 A. Are you talking about the affirmative
11:16:40 11 action training or --

11:16:40 12 Q. Yes. Yes.

11:16:41 13 A. The affirmative action training is separate
11:16:44 14 from that.

11:16:45 15 Q. Okay. Okay. Turning back to the
11:16:51 16 Affirmative Action Plan, Exhibit 21. Looking back at
11:16:58 17 the policy statement by Safra Catz, on page 5, it
11:17:08 18 indicates that the responsibilities of the director,
11:17:10 19 diversity compliance includes monitoring all equal
11:17:16 20 employment opportunity activities.

11:17:19 21 What did you do to monitor equal employment
11:17:23 22 opportunity activities?

11:17:28 23 A. Mine was in relationship to affirmative
11:17:32 24 action, and we -- we talked about -- we sent out
11:17:38 25 goals to managers. We talk about the shortage of --

11:17:44 1 of utilization in different areas where there's a
11:17:49 2 shortfall. And make them aware of -- of those
11:17:55 3 shortfalls. We also work pretty closely with the
11:18:04 4 recruiting folks, as far as making them aware of
11:18:10 5 different goals. As far as working with managers, I
11:18:17 6 think that what you just said as far as the
11:18:20 7 affirmative action training, we have thousands and
11:18:21 8 thousands of managers at Oracle, so I'm making them
11:18:25 9 aware of the affirmative action training and making
11:18:29 10 that a requirement for their jobs to take it would be
11:18:34 11 another avenue there.

11:18:38 12 Also, in trying to assist the OFCCP in the
11:18:47 13 program to get people to self-identify as protected
11:18:50 14 vets and individuals with disabilities. We also have
11:18:57 15 put together programs to make employees know how a --
11:19:03 16 aware -- to be aware of that, and when we initially
11:19:05 17 started serving our workforce after -- after that,
11:19:12 18 we -- we -- in the very first survey after the
11:19:15 19 regulations went into place, I believe we had some
11:19:19 20 manager training too, in case employees had questions
11:19:22 21 on it, since it was something a little bit different.
11:19:26 22 And basically those type of support functions.

11:19:28 23 But I really want to stress that I'm only
11:19:31 24 one person, and Oracle has around 50,000 U.S.
11:19:36 25 employees, so I can -- I can communicate with other

11:19:40 1 people, as I described with Tracy, who works a little
11:19:45 2 bit hand-on-hand with the top leaders within the
11:19:49 3 organization, but I -- I personally cannot make
11:19:52 4 contact with each and every manager there.

11:19:55 5 So that's -- that's my role. Those are the
11:20:00 6 things that -- that -- that we did at that time.

11:20:05 7 Q. And when you say "at that time," you're
11:20:10 8 talking about in 2014?

11:20:12 9 A. Yes.

11:20:12 10 Q. Have you -- in 2014, was there anything
11:20:19 11 else that you did as director of diversity and
11:20:23 12 compliance to monitor equal employment opportunity
11:20:28 13 activities?

11:20:29 14 A. To monitor -- it's -- I mean, we -- a lot
11:20:40 15 of the -- it wasn't -- it was all the -- all
11:20:44 16 employment processes' activities and the HR business
11:20:46 17 partners, when there is a person that is terminated
11:20:50 18 or any individual that's hired, promoted. But as
11:20:56 19 far -- but specifically with the hires and
11:20:59 20 promotions, they review all hiring and promotional
11:21:03 21 decisions with regard to, you know, making sure
11:21:08 22 everything, I believe, or, you know, with whatever
11:21:11 23 they do to -- and attest to and sign off on it. So
11:21:17 24 they actually monitor each -- each employment action.

11:21:21 25 Q. Who -- who in HR monitors each employment

11:21:25 1 action?

11:21:25 2 A. We have hundreds of -- we have a lot of
11:21:27 3 HR representatives and business partners that sign
11:21:30 4 off on -- on documents when someone is terminated --
11:21:36 5 or not term -- well, terminated, but the ones I'm
11:21:38 6 thinking of in particular are on the work flows that
11:21:41 7 sign off on it.

11:21:43 8 But I'm not totally clear on exactly what
11:21:46 9 they look for, because I don't work -- you know, I --
11:21:50 10 I don't supervise that group, but -- or I'm not one
11:21:51 11 of them, but -- but I know that they sign off on all
11:21:54 12 those documents. And review every one, every
11:21:59 13 transaction that's made.

11:22:00 14 Q. And what involvement do you have in working
11:22:03 15 with the HR representatives and business partners to
11:22:15 16 ensure that they are informed about their equal
11:22:22 17 opportunity employment, or I'm sorry, their equal
11:22:27 18 employment opportunities and -- and that they are
11:22:38 19 ensuring diversity?

11:22:40 20 MS. CONNELL: Objection; vague and assumes
11:22:43 21 facts.

11:22:43 22 THE WITNESS: Yeah, I -- I didn't say that
11:22:44 23 they ensured diversity. I said that they reviewed
11:22:47 24 all transactions for fairness and equity. But as
11:22:51 25 being part of it, but I can't for certain say -- I

11:22:54 1 want to be really clear, I can't for certain say, you
11:22:58 2 know, everything that's done that way, but -- but --
11:23:02 3 BY MS. BREMER:
11:23:02 4 Q. And what -- what -- what -- what do you do
11:23:07 5 with the HR representatives and business partners to
11:23:13 6 ensure that decisions are made with fairness and
11:23:17 7 equity?
11:23:17 8 A. I can't -- I don't oversee that group, as I
11:23:21 9 said before.
11:23:22 10 Q. Do you provide any training to the
11:23:30 11 HR representatives and business partners?
11:23:33 12 A. Yes. They also are required to take the
11:23:36 13 affirmative action training.
11:23:37 14 Q. And that's once every two years?
11:23:39 15 A. Yes. And they also, because -- they also
11:23:44 16 will contact me if they have a question. And I'll
11:23:48 17 help them resolve those issues.
11:23:52 18 Q. So if an HR representative or business
11:24:00 19 partner has a question regarding affirmative action,
11:24:04 20 they can contact you --
11:24:05 21 A. Yes.
11:24:05 22 Q. -- to talk about it?
11:24:06 23 A. Yes.
11:24:07 24 Q. How often does that happen?
11:24:08 25 A. It -- it probably -- it's really hard to

11:24:14 1 say. I don't want to give you an exact estimate. I
11:24:17 2 can -- I can say the frequency is usually -- it's
11:24:18 3 more frequent right after we send out the goals.

11:24:21 4 But -- but as far as frequency, I -- I
11:24:23 5 don't really have any basis to give you an exact
11:24:26 6 answer of -- of, you know, when that's happened or
11:24:33 7 whatnot, you know, because I've been there for a
11:24:36 8 little over seven years, so --

11:24:38 9 Q. Other -- other than the affirmative action
11:24:43 10 training that the HR representatives and business
11:24:48 11 partners take every two years, do you do anything
11:24:52 12 else proactively to ensure that they are complying
11:24:59 13 with Oracle's Affirmative Action Plan?

11:25:05 14 A. In 2014?

11:25:11 15 Q. In 2013 through the present.

11:25:14 16 A. Okay. In 2014, that's what we did.

11:25:22 17 However, now, if we look at -- we do a high-level
11:25:28 18 overview of a lot of the work flows that come in,
11:25:32 19 what I just described to you as being signed off on,
11:25:36 20 and we -- we take a look at those -- those work
11:25:40 21 flows. If, let's say for instance, it's just a
11:25:43 22 reasonable check with it, but let's say you've got
11:25:48 23 some group that's unfavored, right, and -- but the
11:25:52 24 applicant pool for that unfavored group, and it's not
11:25:56 25 statistically based at all, it was like three or more

11:26:00 1 people greater than the -- or the unfavored group was
11:26:03 2 three or more people greater than the favored group,
11:26:07 3 then -- and -- and someone from the favored group got
11:26:11 4 the job, and this would be, you know, by requisition,
11:26:14 5 then we would go ahead and pull the work flows and
11:26:18 6 check and see if the promotion or the hiring
11:26:24 7 decision, you know, if -- if the rationale for the
11:26:27 8 decision that was made was on the work flow.

11:26:30 9 If the work flow was missing anything, then
11:26:32 10 I would contact the HR business partner that signed
11:26:35 11 the document directly and ask them for more
11:26:38 12 information.

11:26:40 13 Q. When did the procedure of -- now, when you
11:26:47 14 say that you -- when you do a high-level overview of
11:26:56 15 work flows, is that you personally or someone on your
11:26:58 16 team?

11:26:58 17 A. Several of us. The -- it's -- we're
11:27:02 18 talking about thousands of transactions. And so I
11:27:06 19 have a person on my team that oversees the initial
11:27:10 20 process and the data-gathering process, and then I
11:27:14 21 will look at the work flows once we narrow it down,
11:27:19 22 and -- and determine if any work flow that we would
11:27:23 23 question needs to be looked in a little further, and
11:27:29 24 make sure that those work flows are attached for the
11:27:32 25 specific area we're looking to, you know, with the --

11:27:36 1 with the groups -- with the hiring decisions or the
11:27:39 2 promotional decisions that we're looking into.

11:27:41 3 Q. And when did Oracle begin this process of
11:27:49 4 having the senior director of diversity compliance
11:27:57 5 review the work flows?

11:27:59 6 MS. CONNELL: Objection; misstates her
11:28:01 7 testimony, assumes facts.

11:28:03 8 THE WITNESS: The practice -- that's a
11:28:09 9 second-level review, because there's two -- there's
11:28:10 10 always been a review of all -- all of these
11:28:13 11 transactions and these employment processes with
11:28:17 12 regard to hires, promotions, and terms by the HR
11:28:20 13 business partner. The second level of review started
11:28:22 14 with the transactions in 2017.

11:28:26 15 BY MS. BREMER:

11:28:26 16 Q. Okay. So the second-level review is the
11:28:31 17 review by the senior director of diversity
11:28:38 18 compliance?

11:28:39 19 A. It's not just me, though; it's the whole
11:28:42 20 team.

11:28:42 21 Q. It's -- the second-level review is a review
11:28:44 22 by your compliance team?

11:28:46 23 A. Yes.

11:28:46 24 Q. And that started in 2017?

11:28:50 25 A. Yes.

11:28:50 1 Q. And what work flows does the compliance
11:29:03 2 group now review?
11:29:06 3 A. The ones I've just described to you.
11:29:08 4 Q. Promotions?
11:29:10 5 A. Promotions and -- and hires. Terminations,
11:29:17 6 if anything looks, you know, off or -- or there's
11:29:22 7 anything that would indicate that we would need to
11:29:25 8 look at, we also will go in and look in the
11:29:28 9 electronic HR file and review the termination and the
11:29:32 10 notes for the termination.
11:29:36 11 And that's the second-level review. This
11:29:38 12 is after everything's been entered by the HR business
11:29:41 13 partner.
11:29:42 14 Q. And so the HR --
11:29:44 15 A. Or it could be a representative, too. I
11:29:47 16 keep reverting to that, but I want to correct the
11:29:48 17 record in stating that the HR -- the representative
11:29:50 18 from the HR department.
11:29:51 19 Q. Okay. So an HR representative has always
11:29:54 20 reviewed the work flows for promotions, hires,
11:29:59 21 terminations, since 2013?
11:30:01 22 A. I can't say always. I think that's too
11:30:06 23 absolute, but to my knowledge, that is one of their
11:30:09 24 job functions.
11:30:10 25 Q. Okay. And what about compensation, do

11:30:15 1 you -- do the HR business partners review

11:30:20 2 compensation offers?

11:30:21 3 MS. CONNELL: Objection; calls for
11:30:23 4 speculation.

11:30:23 5 THE WITNESS: I'm not fully aware of what
11:30:26 6 they do with regard to compensation.

11:30:28 7 BY MS. BREMER:

11:30:28 8 Q. Okay. Is it under your understanding that
11:30:34 9 there is a first-level review by the HR department of
11:30:39 10 compensation just like the other work flows?

11:30:41 11 A. I -- I have no understanding on that.

11:30:44 12 Q. Are -- since 2017, does the second-level
11:30:50 13 review conducted by your compliance group include
11:30:54 14 review of compensation decisions?

11:30:56 15 A. No.

11:30:56 16 Q. And that doesn't include any compensation
11:31:06 17 decisions in terms of offers, initial compensation
11:31:13 18 offers, or salary increases or bonuses or equity?

11:31:18 19 A. We have a compensation department that
11:31:20 20 reviews all of that, and it's a very inclusive
11:31:23 21 process. And it starts from the moment that -- well,
11:31:27 22 they don't really review; I think I misspoke there.
11:31:30 23 But we have a very comprehensive compensation system
11:31:34 24 in which managers are heavily involved. Oracle's a
11:31:39 25 very entrepreneurial environment, and with that a lot

11:31:43 1 of responsibility goes to managers from the moment
11:31:46 2 that someone comes in to Oracle to -- you know,
11:31:49 3 throughout the employment process.

11:31:51 4 So as far as starting pay, that decision is
11:31:54 5 made by the hiring manager. The HR business partner
11:31:59 6 can provide input, as far as equity with regard to
11:32:03 7 that, but the H -- but the manager that's hiring the
11:32:08 8 person is really the person that has the final say-so
11:32:12 9 on that. And what sign-off process the HR business
11:32:16 10 partner or HR representative, you know, et cetera,
11:32:19 11 does with that, I don't know.

11:32:22 12 And it goes all the way, you know, through
11:32:25 13 our -- if we have a review for an increase called the
11:32:29 14 focal review, we look -- they look at -- the manager
11:32:34 15 looks at compensation for their work group and tries
11:32:36 16 to ensure equity. I think, actually, you know what I
11:32:40 17 think, I think even in the documents we provided you,
11:32:44 18 I believe it even talks about that it's the manager's
11:32:47 19 responsibility in ensuring equity.

11:32:48 20 And I believe there was something that we
11:32:50 21 submitted to you that -- that had that in there. So
11:32:53 22 you might review it. It was a slide. A slide
11:32:55 23 training program. And they go -- bonuses, all of
11:32:59 24 that rests with the manager.

11:33:01 25 Q. So it's your understanding that ensuring

11:33:10 1 equity and fairness with respect to compensation is
11:33:15 2 the responsibility of -- of the managers?

11:33:19 3 A. Yes.

11:33:19 4 Q. And it's not the responsibility of your
11:33:23 5 compliance group?

11:33:24 6 A. Everything rests with the managers.
11:33:27 7 There's so many managers, as I said earlier, I can't
11:33:30 8 ensure what every -- every person is doing. It's --
11:33:33 9 it's a very entrepreneurial environment to where
11:33:38 10 managers and -- generally, they get a budget and
11:33:42 11 they're responsible for how it's distributed and
11:33:44 12 they're trained on -- and in the training it says
11:33:49 13 that they're supposed to consider, you know, it being
11:33:52 14 equitable and fair. I don't know if the word "fair"
11:33:54 15 is in there, but I know "equity" is, and that's their
11:33:58 16 responsibility, yes.

11:33:59 17 Q. Okay. So as the director of diversity
11:34:03 18 compliance at Oracle, and later the senior director
11:34:06 19 of diversity compliance, did you do anything to
11:34:11 20 monitor equal employment opportunity with respect to
11:34:15 21 compensation?

11:34:16 22 A. That's a process that involves many people
11:34:22 23 at Oracle, as I just described. That is done with
11:34:28 24 the focal review. It's done when a person comes on
11:34:31 25 board, and it's done with -- internally within each

11:34:37 1 manager's group. Any other analysis that we've
11:34:39 2 participated in has not been our own analysis, but
11:34:43 3 it's been an analysis that we've -- we've provided or
11:34:45 4 any other piece of that, too, are our attorneys at
11:34:50 5 their direction.

11:34:51 6 MS. BREMER: Okay. Can -- can you read
11:34:52 7 that question again, please.

11:34:53 8 (Record read.)

11:35:14 9 MS. CONNELL: Objection; asked and
11:35:15 10 answered.

11:35:15 11 THE WITNESS: I've answered that.

11:35:17 12 BY MS. BREMER:

11:35:17 13 Q. Okay. My question was whether you did
11:35:23 14 any -- whether you or your group did anything to
11:35:25 15 monitor equal opportunity employment with respect to
11:35:29 16 compensation?

11:35:29 17 A. Anything like that that my group did was at
11:35:31 18 the direction of our attorneys.

11:35:36 19 Q. Okay. So you --

11:35:38 20 A. And -- and -- and we ran any -- any kind of
11:35:40 21 information that we ran, we -- we ran the information
11:35:43 22 at their direction and provided it to them.

11:35:45 23 Q. So any monitoring -- you did not -- as --
11:35:56 24 as director of diversity compliance at Oracle, and
11:35:59 25 later senior director of diversity compliance, you

11:36:03 1 did not do any monitoring of equal employment
11:36:10 2 opportunity activities with respect to compensation
11:36:13 3 except at the direction of your attorneys?

11:36:17 4 MS. CONNELL: Objection; misstates her
11:36:20 5 testimony and assumes facts.

11:36:23 6 THE WITNESS: The monitoring that we did
11:36:25 7 was at their -- at their direction. The other
11:36:35 8 monitoring is, as I said in my previous statement,
11:36:39 9 through the -- the focal review process, because of
11:36:42 10 the entrepreneurial environment at Oracle.

11:36:45 11 BY MS. BREMER:

11:36:45 12 Q. Okay. Going back to the new -- the
11:36:53 13 second-level overview of work flows that --

11:36:56 14 A. Yes.

11:36:57 15 Q. -- that was implemented in 2017?

11:36:59 16 A. Yes.

11:36:59 17 Q. When you are reviewing -- you said that you
11:37:09 18 pulled -- you pulled data --

11:37:10 19 A. Uh-huh.

11:37:11 20 Q. -- for someone -- for a team, if there was
11:37:20 21 a promotion, hire, or termination. What -- what
11:37:24 22 group did you pull the information for?

11:37:27 23 A. What do you mean by "group"?

11:37:29 24 Q. Was it by -- was it by supervisor, by job
11:37:34 25 title, you know, when you were analyzing --

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11:38:44 24
11:38:48 25

A. Yeah.

Q. -- the promotion, what -- what group were you analyzing?

A. Well, since we do affirmative action, we -- we would look at the data by job group, but we did the more granular study, because you could have, like, at Oracle, and I don't know if you've been told this before, but you could have, like, five software developers and they could even be in the same line of business, but they could be doing completely different -- different things.

So when we look at all of this, we'll go into the job group, and they'll look at each requisition within that job group to see, you know, did -- did they, you know, is something off within that -- that particular job group, and then -- appears needs further investigation, requires further investigation. And then we'll go ahead and request the work flows on that, and -- and take a look at them and see if -- if the hiring decision was supported.

Q. Okay. So, for example, with a promotion, if someone's being promoted, your current second-level review would look at everyone in the same job group as the person being promoted?

11:38:53 1 A. Yes. We're -- where we would maybe have an
11:38:57 2 indicator or something like that that would come out,
11:38:59 3 we would look at every single hire -- it's very
11:39:03 4 tedious, but every single hire within any job group
11:39:06 5 that has any kind of indicator at all, and we would
11:39:09 6 go in and look.

11:39:10 7 So the process would be, we would do -- you
11:39:12 8 know, we would look at the indicators, go in and look
11:39:17 9 at -- pull every single hire, at whatever location it
11:39:22 10 is there, go back and pull in the demographics of the
11:39:26 11 applicant pool. We would -- we would take a look at
11:39:29 12 that, who was hired and who wasn't, and in any
11:39:34 13 instance where the disfavored group was three or more
11:39:38 14 people greater -- and that's just a reasonable thing;
11:39:39 15 it's not statistically significant -- we would go in
11:39:43 16 and then if the favor -- a person from the favored
11:39:45 17 group was hired and not a person from the disfavored
11:39:48 18 group to where -- that we were looking at, because we
11:39:50 19 do it by -- by groups, then we would go in and pull
11:39:54 20 the work flow and review the decision that was made,
11:39:57 21 yes.

11:39:57 22 Q. And the job groups that you're talking
11:40:02 23 about, those are the job groups that are in the AAP,
11:40:14 24 in the section on "Job Group Analysis"?

11:40:24 25 A. Yes.

11:40:27 1 Q. So, for example, PT1 is one of the job
11:40:38 2 groups?

11:40:38 3 A. Yes. If we had an indicator in -- for PT1,
11:40:42 4 then we would go in and -- it takes a long, long time
11:40:44 5 to pull the data, but we'd go in and we'd pull up
11:40:47 6 everything that fits the criteria that I just
11:40:49 7 described to you.

11:40:50 8 Q. Okay.

11:40:50 9 A. And look at it and look at the numbers and
11:40:53 10 then I will -- I will pull the work flow and -- and
11:40:56 11 take a look at the work flow, and see if -- make sure
11:41:00 12 that the justification is there for the hire.

11:41:05 13 Q. So who conducts the analysis of the data
11:41:13 14 for the people in -- in the job group for the
11:41:16 15 second-level review that you're describing?

11:41:19 16 A. My team. We just -- it's -- it's a way of
11:41:27 17 looking at it, you know, beyond that point.

11:41:29 18 Q. Okay. But you don't review the data for
11:41:40 19 compensation changes or do a second-level review for
11:41:45 20 compensation changes?

11:41:47 21 A. I think what I previously told you is -- is
11:41:51 22 correct.

11:41:51 23 Q. When you're doing a second-level review of
11:42:07 24 the job groups for promotions, for example, are
11:42:10 25 you -- you're looking at everyone in the job group

11:42:12 1 and you're looking at the demographic data, are you
11:42:16 2 looking at any other factors other than that?

11:42:21 3 MS. CONNELL: Objection; misstates her
11:42:23 4 testimony and vague.

11:42:24 5 THE WITNESS: Yeah, we only review certain
11:42:26 6 ones, because there's so many of them. So -- and we
11:42:28 7 review the ones where you've got a person in the
11:42:31 8 disfavored group that you're looking at as being
11:42:35 9 disfavored, and you look -- we look at it by
11:42:38 10 requisition. And it's organized high level, like an
11:42:41 11 umbrella under a job group. But the analysis,
11:42:45 12 because we've got so many different managers, and so
11:42:48 13 many different people, you know, making decisions, we
11:42:50 14 look at it by requisition by requisition.

11:42:53 15 There's no other way I can think of to
11:42:56 16 review it. And so then -- then if -- if the
11:43:01 17 disfavored group is three or more people greater than
11:43:05 18 the favored group and we hired somebody from the
11:43:08 19 favored group, then we pull those work flows.

11:43:10 20 BY MS. BREMER:

11:43:10 21 Q. So for the -- for the requisition -- for
11:43:11 22 the promotions, you're looking at the requisitions of
11:43:15 23 people and the people who applied for that promotion?

11:43:18 24 A. Yes, and who was hired, uh-huh.

11:43:20 25 Q. Okay. Okay. If you look at the

11:43:39 1 Affirmative Action Plan, page 8.

11:43:39 2 A. Uh-huh.

11:43:45 3 Q. This page is "Development and Execution"

11:43:48 4 of --

11:43:48 5 A. Uh-huh.

11:43:48 6 Q. -- "Action Programs."

11:43:48 7 A. Yes.

11:43:49 8 Q. Do you see that?

11:43:51 9 A. Yes.

11:43:52 10 Q. The first paragraph is a statement of

11:43:58 11 Oracle's goals for its Affirmative Action Plan.

11:44:03 12 Correct?

11:44:03 13 A. Yes.

11:44:03 14 Q. And its -- its commitment to affirmative

11:44:09 15 action?

11:44:09 16 A. Correct.

11:44:10 17 MS. CONNELL: Sorry, which page are we on?

11:44:12 18 THE WITNESS: On page 8, right here. I

11:44:12 19 think it's like Oracle's primary and most effective

11:44:14 20 program, is that it, under development and execution

11:44:16 21 action programs? That one?

11:44:18 22 BY MS. BREMER:

11:44:18 23 Q. Exactly.

11:44:26 24 And in the discussion of -- in the

11:44:29 25 statement of Oracle's goals, there's no mention of

11:44:33 1 Oracle's commitment to affirmative action regarding
11:44:36 2 employee pay. Correct?

11:44:38 3 MS. CONNELL: Objection; misstates the
11:44:40 4 document. It doesn't refer to goals.

11:44:41 5 THE WITNESS: Yeah, I -- I'm unclear on the
11:44:43 6 question, because I don't see the word "goals" in
11:44:45 7 here.

11:44:48 8 BY MS. BREMER:

11:44:49 9 Q. Okay. In the statement of Oracle's
11:44:53 10 commitment to affirmative action, there's no mention
11:44:56 11 of Oracle's commitment to affirmative action
11:45:02 12 regarding employee pay. Correct?

11:45:04 13 MS. CONNELL: Objection; misstates the
11:45:05 14 document.

11:45:05 15 THE WITNESS: I don't -- I don't believe
11:45:11 16 this -- this doesn't -- this isn't -- pay is not
11:45:16 17 covered in this area. So this is some of the
11:45:18 18 execution of action-oriented programs.

11:45:21 19 BY MS. BREMER:

11:45:21 20 Q. Okay. Let's turn to page 11.

11:45:30 21 A. Okay.

11:45:30 22 Q. Okay. It says, at the top of the page,
11:45:38 23 "The director of diversity compliance" -- that's you.
11:45:41 24 Right?

11:45:41 25 A. Yeah.

11:45:42 1 Q. -- "is responsible for implementing an
11:45:44 2 effective auditing and reporting system."
11:45:48 3 A. Uh-huh.
11:45:48 4 Q. And it says that "Oracle develops and
11:45:57 5 analyzes internal audit reports to assess performance
11:46:02 6 in at least the following areas," and the last one is
11:46:04 7 compensation. Correct?
11:46:05 8 A. Correct.
11:46:06 9 Q. Okay. All right. And you're responsible
11:46:10 10 for developing internal audit reports regarding
11:46:13 11 compensation?
11:46:14 12 A. The only -- the audit reports that we've
11:46:17 13 developed have been at the direction of our
11:46:19 14 attorneys, and have been provided to them.
11:46:21 15 Q. Did you prepare -- did you and your team
11:46:29 16 prepare internal audit reports regarding
11:46:35 17 compensation?
11:46:36 18 MS. CONNELL: Objection; vague.
11:46:37 19 THE WITNESS: Under attorney-client -- for
11:46:39 20 our attorneys.
11:46:40 21 BY MS. BREMER:
11:46:41 22 Q. I'm asking who -- who actually prepared the
11:46:43 23 reports, was that your team?
11:46:44 24 A. For our attorneys? I -- I can't say with
11:46:48 25 certainty that other areas didn't do some kind of

11:46:53 1 overview outside of my group. But my group prepared
11:46:57 2 some of them, I would imagine, or -- but I can't say
11:47:00 3 how extensive that is.

11:47:01 4 Q. Okay. So your group did prepare audit
11:47:06 5 reports to assess Oracle's performance regarding
11:47:10 6 compensation?

11:47:11 7 MS. CONNELL: Objection as to the purpose
11:47:13 8 of the so-called audit reports. Calls for a legal
11:47:18 9 conclusion, and it's vague and ambiguous.

11:47:20 10 THE WITNESS: You would have to -- the
11:47:23 11 purpose of it -- the full purpose of it, again, it
11:47:25 12 was -- our purpose was attorney-client work product.
11:47:28 13 And our attorneys would determine the purpose.

11:47:32 14 BY MS. BREMER:

11:47:32 15 Q. Okay. But you -- your group prepared audit
11:47:38 16 reports regarding compensation. Correct?

11:47:42 17 MS. CONNELL: Objection; vague as to "audit
11:47:45 18 reports."

11:47:49 19 THE WITNESS: What do you mean "audit
11:47:50 20 reports"?

11:47:51 21 BY MS. BREMER:

11:47:51 22 Q. Okay. This document says that "Oracle
11:47:54 23 develops and analyzes internal audit reports to
11:47:56 24 assess performance in at least the following areas";
11:48:00 25 the last one is compensation.

11:48:02 1 Did you -- did your group develop internal
11:48:06 2 audit reports to assess Oracle's performance
11:48:09 3 regarding compensation?

11:48:12 4 A. Only at the direction of our attorneys.

11:48:13 5 MS. CONNELL: Let me get my objection in.

11:48:16 6 THE WITNESS: Okay.

11:48:16 7 MS. CONNELL: Objection; calls for a legal
11:48:18 8 conclusion and asked and answered.

11:48:19 9 BY MS. BREMER:

11:48:19 10 Q. Okay. Did you -- in developing internal
11:48:29 11 audit reports on compensation, did you pull data
11:48:43 12 regarding compensation?

11:48:43 13 MS. CONNELL: Same objections.

11:48:51 14 THE WITNESS: All of our -- any data that
11:48:52 15 we pulled was directed for -- under attorney-client
11:48:55 16 work product.

11:48:56 17 BY MS. BREMER:

11:48:56 18 Q. Okay. But you did pull data to perform or
11:49:00 19 develop internal audit reports on compensation?

11:49:03 20 MS. CONNELL: Objection; vague and
11:49:05 21 ambiguous as to "internal audit reports," asked and
11:49:07 22 answered and calls for a legal conclusion. It's also
11:49:10 23 privileged as to what the purpose of --

11:49:12 24 MS. BREMER: I didn't ask the purpose. I'm
11:49:15 25 following this --

11:49:18 1 Ask the question. Can you repeat the
11:49:20 2 question, please.
11:49:20 3 THE REPORTER: Can you adjust your
11:49:34 4 microphone so it's standing up.
11:49:34 5 (Record read.)
11:49:35 6 MS. CONNELL: Same objections and misstates
11:49:38 7 her testimony.
11:49:38 8 THE WITNESS: I'm going to have to give you
11:49:41 9 the same answer. We pulled data for our attorneys
11:49:47 10 with regard to affirmative action, but it was part of
11:49:50 11 attorney-client work product.
11:49:52 12 BY MS. BREMER:
11:49:52 13 Q. Okay. So the data that you pulled to
11:49:59 14 analyze compensation, did you -- has that been
11:50:08 15 retained?
11:50:09 16 MS. CONNELL: Objection; misstates her
11:50:11 17 testimony, that assumes facts and lacks foundation.
11:50:15 18 Also calls for speculation.
11:50:16 19 BY MS. BREMER:
11:50:16 20 Q. Okay. You just testified that -- that you
11:50:19 21 pulled data for your attorneys?
11:50:21 22 A. Right.
11:50:21 23 Q. How often did your team pull data for
11:50:27 24 Oracle's attorneys?
11:50:28 25 A. It would vary, depending on the request.

11:50:32 1 Q. Okay. Any data that was pulled regarding
11:50:44 2 Oracle's compensation, did you retain that?

11:50:47 3 A. I -- we've retained everything since the
11:50:53 4 lawsuit was filed. I can't say, you know, before
11:50:56 5 that what was retained and what wasn't. But I -- I
11:51:00 6 know that nothing has been deleted and -- and I do
11:51:06 7 know that one employee had a computer that crashed
11:51:12 8 before the lawsuit was filed, that -- and I don't
11:51:15 9 know what data he had on his computer.

11:51:18 10 But -- and we were unable to recover it.
11:51:21 11 But that was before the lawsuit was filed, and
11:51:23 12 that -- I don't believe he had any of the infor --
11:51:27 13 the type of information you're requesting. Or your
11:51:33 14 line of questioning is aligned with.

11:51:36 15 Q. Okay. Did your group do -- conduct routine
11:51:58 16 analyses of Oracle's compensation?

11:52:02 17 MS. CONNELL: Objection; vague.

11:52:07 18 THE WITNESS: The routine analysis that's
11:52:09 19 done is -- is when a person is hired and they come
11:52:15 20 in, the HR business partner may -- may or may not do
11:52:21 21 a pay equity for -- for comparable employees that
11:52:26 22 report to the manager. And then the manager,
11:52:32 23 according to our training guidelines, ensures --
11:52:34 24 takes a look at it for equity. Then it's an ongoing
11:52:39 25 process. And then if there's a focal review -- and

11:52:43 1 there isn't always a focal review -- but if there is
11:52:46 2 a focal review, then the manager, you know, along
11:52:50 3 with the training that they received, is trusted to
11:52:54 4 do a review of the workforce to ensure that people
11:52:58 5 are paid in an equitable manner in their workforce,
11:53:03 6 and that also applies to any bonuses received or any
11:53:07 7 type of stock equity or anything like that.

11:53:09 8 BY MS. BREMER:

11:53:09 9 Q. Okay. Talking about, again, the internal
11:53:14 10 audit reports that are mentioned in Oracle's
11:53:21 11 Affirmative Action Plan, that you prepared --

11:53:24 12 A. Uh-huh.

11:53:25 13 Q. -- do you -- does your group conduct
11:53:36 14 analyses for the internal audit reports?

11:53:42 15 MS. CONNELL: Objection; vague, calls for a
11:53:44 16 legal conclusion.

11:53:45 17 THE WITNESS: I don't -- I don't understand
11:53:47 18 the question.

11:53:47 19 BY MS. BREMER:

11:53:47 20 Q. Okay. You talked about pulling data that
11:53:52 21 was provided to your attorneys regarding
11:53:55 22 compensation, correct, regarding employee
11:53:57 23 compensation?

11:53:57 24 A. Yes.

11:53:58 25 Q. Okay. Did you also -- did your group also

11:54:01 1 conduct an analysis of the data regarding employee
11:54:08 2 compensation?

11:54:09 3 MS. CONNELL: Objection; vague, calls for a
11:54:14 4 legal conclusion.

11:54:15 5 THE WITNESS: Yeah, the only thing -- the
11:54:17 6 only -- I -- the -- all analyses were done under
11:54:21 7 attorney-client work product, as directed by our
11:54:21 8 attorneys.

11:54:21 9 BY MS. BREMER:

11:54:24 10 Q. Okay. But who -- who did the analyses?
11:54:27 11 That's what I'm asking.

11:54:29 12 MS. CONNELL: Objection; vague, also calls
11:54:32 13 for speculation.

11:54:32 14 THE WITNESS: Yeah, I can't --

11:54:34 15 MS. CONNELL: It's also getting very close
11:54:36 16 to intruding on the attorney-client privilege.

11:54:38 17 THE WITNESS: Yeah, I don't know who did
11:54:40 18 the analysis once they got the information, any
11:54:43 19 additional analysis. Some of our -- some of the
11:54:46 20 analysis was done under attorney-client work product,
11:54:50 21 but they also had other data, you know, and I don't
11:54:53 22 know who -- who else did the analysis.

11:54:55 23 BY MS. BREMER:

11:54:55 24 Q. Okay. When you say "who else did the
11:54:58 25 analysis," did you -- did your team do an analysis of

11:55:02 1 compensation data under the -- Oracle's Affirmative
11:55:12 2 Action Plan?

11:55:12 3 MS. CONNELL: Objection; calls for a legal
11:55:14 4 conclusion.

11:55:15 5 THE WITNESS: For --

11:55:20 6 MS. CONNELL: And asked and answered.

11:55:21 7 THE WITNESS: -- I can't talk about the
11:55:23 8 analysis that goes forth with our attorneys.

11:55:25 9 BY MS. BREMER:

11:55:26 10 Q. I'm not asking you to describe the analysis
11:55:28 11 that you did. I'm asking if your group was the one
11:55:32 12 who -- if your group actually did an analysis or just
11:55:35 13 provided data to the attorneys?

11:55:37 14 A. In order to comply with our -- our
11:55:40 15 requirements under Executive Order 11246, that
11:55:46 16 analysis is what I described to you as far as
11:55:49 17 starting with the equity analysis where the -- when
11:55:52 18 the person comes in to Oracle that's done by the
11:55:56 19 manager.

11:55:57 20 And because of these small work groups,
11:56:00 21 you've got to understand that we have thousands of
11:56:03 22 products, and you can have people with the same
11:56:05 23 title; you can have many people and they're all doing
11:56:09 24 different things. So everything's got to really --
11:56:12 25 to really be looked at for any kind of equity, it's

11:56:17 1 got to be done at that very small level because of
11:56:21 2 the nature of the technology industry.

11:56:24 3 And so when they come in, that manager
11:56:24 4 takes a look at their work group, together with
11:56:24 5 human -- you know, with assistance that they
11:56:30 6 requested from the HR business partner or the
11:56:32 7 HR representative, and they take a look at pay equity
11:56:36 8 within their group. That's -- that's when they come
11:56:38 9 in.

11:56:38 10 Then when we have the focal review, it's up
11:56:42 11 to the manager to do the same thing in the
11:56:44 12 distribution of any increases that are made. They do
11:56:47 13 that same assessment. They may or may not ask for
11:56:51 14 help, you know, from their HR person, they may not.
11:56:56 15 And then the same thing goes for stock equity, or,
11:57:01 16 you know, that type of thing, or any kind of
11:57:04 17 incentives or anything like that. That's very much,
11:57:09 18 you know, decentralized, and it's -- it's -- we're a
11:57:12 19 highly matrixed organization with a lot of different
11:57:16 20 managers and a lot of different people that have the
11:57:18 21 same job title doing completely different things.

11:57:21 22 And so it would be impossible for my group
11:57:24 23 to look at that small granular level of analysis, so
11:57:29 24 we have to trust that our managers are doing their
11:57:33 25 job.

11:57:33 1 Q. Okay. My -- yeah.

11:57:50 2 Can you repeat my question, please.

11:57:52 3 (Record read.)

11:58:23 4 THE WITNESS: If our attorney directed

11:58:25 5 us -- or did you --

11:58:26 6 MS. CONNELL: I was just going to say,

11:58:28 7 yeah, same objections.

11:58:29 8 THE WITNESS: If our attorneys directed us

11:58:32 9 to do some kind of analysis, we did it under their

11:58:36 10 work product, but we did not do any kind of analysis

11:58:39 11 separate from our -- our attorney requesting that we

11:58:43 12 do it as part of their work product.

11:58:46 13 BY MS. BREMER:

11:58:47 14 Q. So your compliance group only conducted a

11:58:52 15 compensation analysis if specifically directed by

11:59:06 16 Oracle's attorneys?

11:59:07 17 A. Yes.

11:59:08 18 Q. And you said it would be impossible to look

11:59:27 19 at the compensation of employees at a granular level?

11:59:35 20 A. For my team.

11:59:37 21 MS. CONNELL: Objection; mis --

11:59:38 22 BY MS. BREMER:

11:59:39 23 Q. Okay. It would be impossible for your team

11:59:42 24 to look at employee compensation at a granular level?

11:59:46 25 MS. CONNELL: Objection; misstates her

11:59:48 1 testimony.

11:59:49 2 THE WITNESS: To actually conduct the
11:59:50 3 analysis at a granular level, not look at.

11:59:53 4 BY MS. BREMER:

11:59:54 5 Q. Okay. Did your group conduct an analysis
12:00:01 6 of employee compensation at a more high level to
12:00:12 7 ensure compliance with Oracle's affirmative action
12:00:17 8 obligations?

12:00:18 9 A. I've answered that. Any analysis my group
12:00:23 10 did was as directed by our attorney, under
12:00:25 11 attorney-client privilege and work product.

12:00:28 12 Q. And no other analysis was done?

12:00:33 13 A. No, it was all directed by our attorneys,
12:00:36 14 by my group. And, you know, aside from the focal
12:00:39 15 review that I described that's done by managers, and
12:00:43 16 the -- and in addition to the review that's done when
12:00:46 17 they're hired, and then when any stock options are
12:00:51 18 given out or any type of incentive there. All of
12:00:54 19 that from new hire through the whole employment
12:00:57 20 process, it's that analysis is done by managers of
12:01:00 21 their own work group.

12:01:01 22 Q. And that's just done on a
12:01:04 23 work-group-by-work-group basis?

12:01:05 24 A. I don't know what you mean by work group to
12:01:08 25 work group.

12:01:08 1 Q. Each -- each manager, as you've described,
12:01:12 2 would -- could analyze their own team to ensure
12:01:22 3 equity and fairness in compensation?

12:01:24 4 MS. CONNELL: Objection; calls for
12:01:26 5 speculation.

12:01:26 6 You can answer.

12:01:26 7 THE WITNESS: Yeah, I -- I don't know
12:01:29 8 exactly what each manager does with regard to that.
12:01:32 9 I know that it's in their training and they're
12:01:34 10 trusted to do it.

12:01:36 11 BY MS. BREMER:

12:01:36 12 Q. And you don't to anything other than the
12:01:40 13 training to ensure that managers actually do conduct
12:01:45 14 analyses of their own teams to ensure equity and
12:01:48 15 fairness in compensation?

12:01:50 16 MS. CONNELL: Objection; argumentative.

12:01:51 17 THE WITNESS: I don't do the training. The
12:01:54 18 training's supplied to them by compensation, I think.
12:01:57 19 But I'm unclear who supplies the training. I just
12:02:00 20 know that it's provided to them.

12:02:01 21 BY MS. BREMER:

12:02:01 22 Q. And other than specific requests made by
12:02:06 23 your attorney, your compliance group doesn't conduct
12:02:13 24 any analysis of compensation of employees to ensure
12:02:21 25 overall fairness and equity?

12:02:25 1 MS. CONNELL: Objection; asked and
12:02:28 2 answered.
12:02:29 3 THE WITNESS: I would refer to my previous
12:02:32 4 answer.
12:02:35 5 BY MS. BREMER:
12:02:35 6 Q. Okay. Looking at the last page of the AAP,
12:02:42 7 which is page Bates number 5196.
12:02:54 8 A. Let me find it.
12:02:56 9 Okay. I'm having a hard time finding it --
12:02:59 10 Q. It's the very last page of the --
12:03:02 11 A. Of the narrative?
12:03:04 12 Q. The --
12:03:04 13 MR. GARCIA: Whole document.
12:03:06 14 MS. BREMER: The very -- yes, the very last
12:03:08 15 page.
12:03:08 16 THE WITNESS: This one?
12:03:08 17 MR. GARCIA: No.
12:03:08 18 MS. CONNELL: It's double-sided.
12:03:10 19 MR. GARCIA: No, it's double-sided.
12:03:13 20 MS. CONNELL: Flip it. There you go.
12:03:14 21 MS. BREMER: Yes.
12:03:14 22 THE WITNESS: Oh, okay.
12:03:15 23 BY MS. BREMER:
12:03:16 24 Q. Okay. This is Oracle's placement goals in
12:03:19 25 its Affirmative Action Plan. Correct?

12:03:22 1 A. Yes. Or the goals that are sent out, yes.

12:03:25 2 Q. And the placement goals relate to hiring?

12:03:30 3 A. They -- they relate to what the goal

12:03:33 4 placement rate is as far as -- these are -- the

12:03:36 5 desired placement rate is what's listed under goal

12:03:40 6 placement rate. But this -- this reflects areas

12:03:43 7 where there are shortfalls.

12:03:45 8 Q. With -- with respect to hiring?

12:03:47 9 A. Hiring and promotions.

12:03:49 10 Q. Did Oracle have any goals in its 2014

12:03:59 11 Affirmative Action Plan related to compensation?

12:04:02 12 MS. CONNELL: Objection; the document

12:04:04 13 speaks for itself.

12:04:05 14 THE WITNESS: Yeah, I -- I'm not aware of

12:04:07 15 any -- anything like that. The document would speak

12:04:10 16 for itself, yeah.

12:04:12 17 BY MS. BREMER:

12:04:12 18 Q. Did Oracle have any goals in any its

12:04:16 19 affirmative action plans between 2013 and the present

12:04:19 20 related to compensation?

12:04:23 21 MS. CONNELL: Objection; the document

12:04:25 22 speaks for themselves.

12:04:26 23 You can answer.

12:04:27 24 THE WITNESS: I'm not aware of any -- any

12:04:29 25 goals for compensation that would be in the

12:04:32 1 Affirmative Action Plan.

12:04:45 2 MS. CONNELL: Laura, we've been going about
12:04:47 3 an hour, so maybe whenever you're at a breaking
12:04:51 4 point, we could consider lunch. Just let us know,
12:04:56 5 so --

12:04:57 6 MS. BREMER: Okay. Yes, we can go off the
12:04:58 7 record.

12:04:59 8 THE VIDEOGRAPHER: The time is --

12:05:01 9 THE WITNESS: She's going, "Thank God."

12:05:03 10 THE VIDEOGRAPHER: The time is 12:05 p.m.
12:05:06 11 We are off the record.

12:05:08 12 (Recessed from 12:05 p.m. until 1:05 p.m.)

13:05:19 13 THE VIDEOGRAPHER: The time is 1:05 p.m.
13:05:48 14 We are on the record.

13:05:49 15 BY MS. BREMER:

13:05:50 16 Q. Shauna, you understand you're still under
13:05:52 17 oath. Correct?

13:05:52 18 A. Yes.

13:05:53 19 Q. Okay. Before the break you talked about
13:05:57 20 training managers received regarding focal reviews.
13:06:01 21 Correct?

13:06:01 22 A. I talked about the training managers
13:06:04 23 received as far as compensation and what -- what
13:06:07 24 needs to be covered in that.

13:06:08 25 Q. Okay. And did the compensation training

13:06:13 1 that managers receive involve or include pay equity?

13:06:19 2 A. It includes equity for everybody in their
13:06:23 3 group. So it's based off of performance, and --
13:06:29 4 and -- and also, you know, their skills for the job
13:06:32 5 and that type of thing. And -- and just a bunch of
13:06:37 6 different factors. And it talks about equity for --
13:06:39 7 for everybody in their group.

13:06:40 8 Q. And the equity that the training discussed
13:06:45 9 included equity regarding compensation?

13:06:48 10 A. Yes. I don't know -- well, let me qualify
13:06:53 11 that. I can't say -- there is a slide in there that
13:06:55 12 talks about, in the training, that talks about equity
13:06:58 13 with regard to compensation. As far as, you know,
13:07:03 14 anything other than that slide, I can't speak to
13:07:05 15 that.

13:07:05 16 Q. And were you involved in preparing the
13:07:11 17 slide regarding equity and pay equity in
13:07:16 18 compensation?

13:07:17 19 A. No.

13:07:17 20 Q. What is the training called?

13:07:19 21 A. I don't know off the top of my head, but
13:07:21 22 it's -- it's in what's been produced, and it's --
13:07:27 23 it's some kind of a compensation training. It's a
13:07:31 24 PowerPoint slide deck that's been photocopied.

13:07:35 25 Q. And when you talk about compensation

13:07:46 1 equity, does that include equity in terms of
13:07:52 2 nondiscrimination on the basis of race and gender?

13:07:57 3 A. I can't say what every manager does with
13:08:00 4 regard to that. They consider it, but overall at
13:08:06 5 Oracle they look at pay equity based off of
13:08:09 6 performance, and, you know, what the person's
13:08:13 7 contribution is, their background, all kinds of
13:08:16 8 different factors with regard to pay equity. And in
13:08:20 9 considering all those factors, that's how that's all
13:08:23 10 put together.

13:08:24 11 Q. And does the training that managers receive
13:08:31 12 include pay equity and nondiscrimination based on
13:08:40 13 protected categories, such as gender and race?

13:08:44 14 MS. CONNELL: Assert an objection that the
13:08:46 15 training has been produced and speaks for itself.

13:08:48 16 But you can testify, if you know.

13:08:50 17 THE WITNESS: The only -- the training -- I
13:08:54 18 don't conduct the training. The training has been
13:08:56 19 produced. You can take a look at it. And, again, I
13:08:59 20 can't speak for every manager, because, again,
13:09:02 21 it's -- it's broken down to very small
13:09:05 22 entrepreneurial units that are managed directly by
13:09:10 23 the manager, so I can't say with certainty what each
13:09:13 24 manager does.

13:09:13 25 But I do know that they've been instructed

13:09:16 1 to consider equity in looking at pay and with regard
13:09:19 2 to compensation.

13:09:20 3 BY MS. BREMER:

13:09:20 4 Q. And when they -- when managers have been
13:09:22 5 instructed to consider equity in pay, does that
13:09:26 6 include equity based on protected categories, such as
13:09:33 7 race and gender?

13:09:35 8 MS. CONNELL: Objection; calls for
13:09:36 9 speculation, and the document speaks for itself.

13:09:38 10 THE WITNESS: You'd have to refer to the
13:09:40 11 document.

13:09:40 12 BY MS. BREMER:

13:09:40 13 Q. And you don't know sitting here today one
13:09:43 14 way or the other whether it includes that?

13:09:45 15 A. I would want to look closely at the
13:09:48 16 document. The document that I've seen talks about
13:09:52 17 the pay equity. From what I've seen, I don't know
13:09:57 18 what each manager does in order to determine equity
13:10:03 19 within their group, but they've all been instructed
13:10:06 20 to look at pay equity in this document.

13:10:10 21 Q. And have managers been instructed to look
13:10:22 22 at pay equity in other ways, aside from the training
13:10:29 23 that you've mentioned?

13:10:30 24 MS. CONNELL: Objection; calls for
13:10:31 25 speculation.

13:10:31 1 THE WITNESS: Yeah, I would not know for
13:10:33 2 certain what they've been instructed to, because
13:10:36 3 Oracle's so big, we have thousands of managers. So
13:10:40 4 the only thing -- what I'm aware of -- I can only
13:10:43 5 speak to what I'm aware of, and that's this document.

13:10:46 6 BY MS. BREMER:

13:10:46 7 Q. Are you aware of any instructions that have
13:10:48 8 been given to Oracle managers regarding ensuring pay
13:10:56 9 equity other than the slide that's contained in the
13:11:00 10 PowerPoint that you've mentioned?

13:11:03 11 MS. CONNELL: Objection; asked and answered
13:11:05 12 and calls for speculation.

13:11:07 13 THE WITNESS: Yeah, I don't know exactly
13:11:09 14 what documents have been supplied to managers outside
13:11:12 15 of that training.

13:11:14 16 BY MS. BREMER:

13:11:14 17 Q. Do you know if the training is required by
13:11:16 18 managers?

13:11:20 19 A. I would -- I would hope so. It's available
13:11:23 20 to them.

13:11:23 21 Q. But you don't --

13:11:24 22 A. I don't know, because I don't oversee the
13:11:26 23 training program, so I can't tell you, you know,
13:11:30 24 what's required and what's not with regard to that.
13:11:32 25 I know I've seen -- seen it. I'm a manager. But I

13:11:35 1 can only speak for myself. But as far as reviewing
13:11:38 2 the document, the PowerPoint slide that provides the
13:11:42 3 information on that, I can't speak for other -- other
13:11:44 4 managers or work groups.

13:11:46 5 Q. And your compliance group does nothing to
13:11:52 6 ensure that managers take pay equity into account in
13:11:55 7 studying compensation?

13:11:56 8 MS. CONNELL: Objection; misstates her
13:11:58 9 testimony.

13:11:58 10 THE WITNESS: I think my group does not
13:12:01 11 oversee. And I think we talked about this before --
13:12:03 12 before lunch, but all of that is delegated out to the
13:12:08 13 managers. They are responsible for the compensation
13:12:11 14 in their own work group. There are -- they determine
13:12:16 15 what equity is available in their work group, and --
13:12:23 16 my -- my group does not interact with them
13:12:26 17 individually on compensation issues.

13:12:31 18 BY MS. BREMER:

13:12:33 19 Q. Why did your group start conducting a
13:12:39 20 second-level review of promotion, hiring, and
13:12:43 21 termination decisions in 2017?

13:12:46 22 A. Well, we wanted to do a better -- you know,
13:12:48 23 we wanted to really -- we -- in all honesty, we took
13:12:53 24 our cue from the OFCCP. You know, in going through
13:12:55 25 all of these audits, we wanted to do a second-level

13:13:01 1 review with this, and create a better work product or
13:13:04 2 something a little bit more inclusive in our work
13:13:07 3 product, as far as a second review. No other reason
13:13:11 4 other than that. So I think that, you know, that's a
13:13:18 5 good job to you, so --

13:13:20 6 Q. Did -- did Oracle retain the compensation
13:13:31 7 analyses that Oracle's compensation group sent to
13:13:35 8 Oracle's attorneys?

13:13:37 9 MS. CONNELL: Objection; assumes facts --

13:13:37 10 THE WITNESS: I don't --

13:13:38 11 MS. CONNELL: -- misstates her testimony.

13:13:40 12 THE WITNESS: Yeah, I don't know what

13:13:42 13 Oracle's compensation group sent to Oracle's

13:13:46 14 attorneys.

13:13:46 15 BY MS. BREMER:

13:13:46 16 Q. I'm sorry. I'm sorry. Let me -- I
13:13:49 17 don't -- let me reread the question.

13:13:54 18 Did -- did Oracle retain the analyses --
13:14:01 19 the compensation analyses that Oracle's compliance
13:14:04 20 group sent to Oracle's attorneys?

13:14:07 21 MS. CONNELL: Objection; asked and
13:14:08 22 answered.

13:14:08 23 THE WITNESS: All that is sent -- I believe
13:14:11 24 I answered this before; I can't attest to anything
13:14:16 25 that was kept or not kept prior to the lawsuit

13:14:19 1 starting, and we had the litigation hold put on. Any
13:14:24 2 other analysis that we've done since then under
13:14:27 3 attorney-client work product that's privileged, we
13:14:30 4 have -- we've kept every record with regard to
13:14:33 5 anything.

13:14:33 6 BY MS. BREMER:

13:14:33 7 Q. And the compensation analyses that you --
13:14:38 8 that your group conducted, were reflected in
13:14:43 9 documents. Correct?

13:14:45 10 MS. CONNELL: Objection; vague.

13:14:46 11 THE WITNESS: I don't know what you mean by
13:14:48 12 "documents."

13:14:48 13 BY MS. BREMER:

13:14:48 14 Q. When you say that you sent compensation
13:14:51 15 analyses to Oracle's attorneys, were those documents
13:14:56 16 that you sent to Oracle's attorneys?

13:14:58 17 A. In some instances. Yes, I mean, we would
13:15:06 18 send data to them.

13:15:08 19 Q. And also analyses that were documented?

13:15:13 20 A. Yes.

13:15:15 21 MS. CONNELL: Objection; vague.

13:15:17 22 THE WITNESS: Yeah, I mean, well, some. We
13:15:19 23 would send some documents and some that -- with
13:15:23 24 regard to analysis and some just data.

13:15:26 25 BY MS. BREMER:

13:15:26 1 Q. Okay. Did you receive a copy of the Notice
13:15:40 2 of Violation that OFCCP sent to Oracle in March of
13:15:44 3 2016?

13:15:44 4 A. Yes.

13:15:47 5 Q. Okay. Looking back at Exhibit 19.

13:16:01 6 A. Do we have that one? Is that this? Is it
13:16:04 7 something you've already given us?

13:16:06 8 Q. Yes. It's the Declaration of Shauna
13:16:10 9 Holman-Harries in Support of Defendant's Motion for
13:16:12 10 Summary Judgment.

13:16:13 11 MS. CONNELL: That one.

13:16:14 12 THE WITNESS: That one. Okay.

13:16:15 13 All right.

13:16:17 14 BY MS. BREMER:

13:16:18 15 Q. And looking at Exhibit E --

13:16:22 16 A. E?

13:16:23 17 Q. -- to your declaration.

13:16:25 18 Yes.

13:16:27 19 A. All right.

13:16:28 20 Q. Do you recognize this document as a copy --
13:16:36 21 a true and correct copy of the Notice of Violation
13:16:40 22 that you received from OFCCP on or about March 11th,
13:16:46 23 2016?

13:16:47 24 A. I haven't seen this document for quite some
13:16:50 25 time, so I -- I can't for certain say that it's the

13:16:54 1 document, I could, you know, trust that it would be.

13:17:00 2 Q. There's no reason for you to believe that
13:17:02 3 that's not the Notice of Violation?

13:17:04 4 A. Correct.

13:17:04 5 Q. What was your involvement in responding to
13:17:11 6 OFCCP's March 11, 2016, Notice of Violation?

13:17:17 7 MS. CONNELL: Objection; lacks foundation,
13:17:19 8 assumes facts.

13:17:24 9 THE WITNESS: I -- I -- I -- all that --
13:17:26 10 that went to our -- once we got the NOV everything
13:17:30 11 went to our attorneys.

13:17:36 12 BY MS. BREMER:

13:17:37 13 Q. Did -- if you look at page 10 out of 12 of
13:17:46 14 the NOV.

13:17:54 15 A. I've got to find it.

13:17:54 16 Okay. 10 of 12?

13:17:56 17 Q. Yes.

13:17:57 18 A. There's a bunch in here. I think I've got
13:18:02 19 it.

13:18:02 20 Okay.

13:18:02 21 Q. You see there's an analysis of employees'
13:18:06 22 annual salary and gender?

13:18:08 23 A. Yeah.

13:18:09 24 Q. Okay. Did -- did Oracle attempt to
13:18:13 25 replicate the statistical analysis OFCCP described in

13:18:20 1 Attachment A here?

13:18:22 2 A. I can't speak to that, because all
13:18:27 3 analysis, once we got the NOV, it was handled by our
13:18:31 4 outside counsel. We -- so I can't speak to what --
13:18:35 5 what happened at that point.

13:18:36 6 Q. But your group did not attempt to replicate
13:18:43 7 the statistical analysis that was in the NOV?

13:18:46 8 A. No.

13:18:46 9 Q. And did your group conduct any statistical
13:18:54 10 analyses between March 16th, 2016 and January 2017 --

13:19:04 11 MS. CONNELL: Counsel -- sorry, go ahead.

13:19:07 12 BY MS. BREMER:

13:19:08 13 Q. -- in connection with the audit of Oracle's
13:19:11 14 headquarters?

13:19:12 15 MS. CONNELL: Counsel the witness not to
13:19:14 16 disclose the content of any attorney-client privilege
13:19:17 17 or attorney work product communications or analyses.

13:19:20 18 THE WITNESS: Okay. And I'm looking at the
13:19:22 19 date -- what was the date of the NOV?

13:19:24 20 BY MS. BREMER:

13:19:24 21 Q. March 11th, 2016.

13:19:27 22 A. We did not do anything after the -- provide
13:19:34 23 the lawyers with any kind of analysis as their work
13:19:36 24 product, after we have received the Notice of
13:19:41 25 Violation.

13:19:41 1 Q. Did you receive all the communications
13:19:43 2 regarding the Notice of Violation?

13:19:45 3 MS. CONNELL: Objection; calls for
13:19:47 4 speculation and vague.

13:19:48 5 THE WITNESS: I don't know how many
13:19:49 6 communications were involved with the Notice of
13:19:49 7 Violation.

13:19:52 8 BY MS. BREMER:

13:19:52 9 Q. Did you receive communications between
13:19:57 10 Oracle's attorneys and OFCCP regarding the Notice of
13:20:02 11 Violation?

13:20:02 12 A. I have no idea if I received any of those.

13:20:06 13 Q. You attended a conciliation meeting with
13:20:11 14 OFCCP on October 6th, 2019 [sic]. Correct?

13:20:15 15 A. Yes.

13:20:15 16 Q. And Charles Nyakundi and Juana Sherman from
13:20:28 17 Oracle also attended?

13:20:29 18 A. Yes.

13:20:30 19 Q. What are their positions?

13:20:31 20 A. Charles is -- is a -- well, he's the lead
13:20:37 21 senior compliance analyst on my team. And Juana
13:20:42 22 Sherman is -- oversees the employment legal function
13:20:46 23 at Oracle. She's an attorney.

13:20:49 24 Q. And Oracle's outside counsel also attended.
13:20:54 25 Correct?

13:20:54 1 A. Yes.

13:20:54 2 Q. And that was Gary Siniscalco and Erin
13:20:59 3 Connell from Orrick?

13:21:01 4 A. Yes.

13:21:03 5 Q. And Ian --
13:21:03 6 THE REPORTER: I'm sorry?
13:21:03 7 BY MS. BREMER:

13:21:12 8 Q. Ian Eliasoph, counsel for civil rights,
13:21:15 9 attended the October 6th, 2016 -- '19 meeting.
13:21:22 10 Correct?

13:21:22 11 A. I believe so. I don't remember the names
13:21:24 12 of everybody there.

13:21:27 13 Q. And I also attended, correct?

13:21:28 14 A. I don't remember. I don't remember
13:21:29 15 everybody. I just remember Janette, so --

13:21:33 16 Q. Okay. And Janette Wipper is -- was the
13:21:38 17 regional director of OFCCP?

13:21:40 18 A. Yes.

13:21:41 19 Q. So she attended?

13:21:42 20 A. I would hope so.

13:21:43 21 Q. She attended the October 6, 2019
13:21:47 22 conciliation meeting?

13:21:48 23 A. Yes.

13:21:49 24 Q. And Jane Suhr, the deputy regional director
13:21:56 25 and Hea Jung Atkins also attended, from OFCCP?

13:22:01 1 A. I don't remember everybody from OFCCP.

13:22:03 2 Q. Okay. Do you recall that Hoan Luong from

13:22:06 3 OFCCP also attended?

13:22:08 4 A. No, I don't -- I don't recall. I just --

13:22:11 5 my focus was on, I think, Ian and Janette.

13:22:14 6 Q. But others from OFCCP also attended?

13:22:17 7 A. Yes.

13:22:18 8 Q. Did you take notes of the meeting?

13:22:20 9 A. Yes.

13:22:21 10 Q. Did you review your notes in preparation

13:22:23 11 for this deposition?

13:22:24 12 A. No.

13:22:25 13 Q. The meeting on October 6th, 2019 started at

13:22:37 14 approximately 9:00 a.m. Correct?

13:22:39 15 A. I don't recall.

13:22:41 16 Q. It started in the morning?

13:22:42 17 A. Yes.

13:22:43 18 Q. And it lasted about three hours. Right?

13:22:45 19 A. From what I recall.

13:22:46 20 Q. And OFCCP's regional director made a

13:22:52 21 presentation at that meeting. Correct?

13:22:54 22 MS. CONNELL: Objection; vague.

13:22:56 23 THE WITNESS: What do you mean by

13:22:56 24 "presentation"?

13:22:58 25 BY MS. BREMER:

13:23:03 1 Q. She had a prepared -- she -- she talked to
13:23:09 2 the people present at -- okay. Oracle's regional
13:23:14 3 director discussed Oracle's role as a federal
13:23:19 4 contractor at the October 6th, 2019 meeting.

13:23:23 5 Correct?

13:23:23 6 A. Not Oracle's regional director.

13:23:27 7 Q. OFCCP's regional director discussed
13:23:32 8 Oracle's role as a federal contractor at the October
13:23:35 9 6, 2019 -- I'm sorry, I have my --

13:23:42 10 A. No problem. No problem.

13:23:43 11 Q. OFCCP's -- I've said mistakenly that the
13:23:48 12 meeting took place on October 6th, 2019, but it was
13:23:52 13 October 6, 2016. Correct?

13:23:54 14 A. It was.

13:23:54 15 Q. Okay.

13:23:55 16 A. Thank you for catching that, yeah.

13:23:57 17 Q. Okay. So the times that I said "2019," I
13:24:00 18 meant October 6, 2016.

13:24:03 19 A. Yeah, and I was tracking with you.

13:24:05 20 Q. Okay.

13:24:05 21 A. Okay.

13:24:05 22 Q. Okay. And your answers were related to
13:24:06 23 that meeting?

13:24:07 24 A. Correct.

13:24:09 25 Q. Okay. So on -- at the October 6, 2016

13:24:13 1 meeting, OFCCP's regional director discussed Oracle's
13:24:18 2 role as a federal contractor. Correct?

13:24:20 3 A. I don't recall.

13:24:21 4 MS. CONNELL: Objection; vague.

13:24:22 5 BY MS. BREMER:

13:24:23 6 Q. Do you recall her discussing OFCCP's
13:24:26 7 investigation and the information that was gathered
13:24:29 8 during the investigation?

13:24:32 9 MS. CONNELL: Objection; vague.

13:24:34 10 THE WITNESS: I only recall a very
13:24:38 11 high-level discussion.

13:24:40 12 BY MS. BREMER:

13:24:41 13 Q. Do you recall a discussion of the Notice of
13:24:44 14 Violation at the October 6, 2016 meeting?

13:24:47 15 A. At a very high level. Yes.

13:24:52 16 Q. And at the October 6, 2016 meeting, there
13:24:57 17 was a discussion of OFCCP's statistical model?

13:25:01 18 MS. CONNELL: Objection; vague, assumes
13:25:04 19 facts.

13:25:07 20 THE WITNESS: Actually, there was very
13:25:09 21 little discussion of the statistical model at that
13:25:12 22 meeting, and -- and what factors were -- were used in
13:25:18 23 the -- in the -- in the OFCCP's analysis. That I do
13:25:22 24 remember. I don't remember, you know, everything,
13:25:25 25 but I do remember that -- that we weren't really

13:25:30 1 provided with the model there.

13:25:32 2 BY MS. BREMER:

13:25:32 3 Q. There was a discussion, though, of the
13:25:35 4 factors used in OFCCP's model?

13:25:38 5 A. I don't recall that at all.

13:25:40 6 Q. But it could have happened?

13:25:43 7 MS. CONNELL: Objection; calls for
13:25:44 8 speculation, asked and answered.

13:25:45 9 THE WITNESS: Yeah, I -- I -- actually, I
13:25:49 10 don't really believe that the factors that went into
13:25:54 11 the OFCCP's analysis were discussed, each factor, but
13:25:58 12 I -- you know, I'm relying on memory. And -- but to
13:26:01 13 the best of my memory, I don't recall that it -- any
13:26:04 14 kind of detailed information was provided to us with
13:26:08 15 regard to how the data was analyzed at that meeting.

13:26:26 16 BY MS. BREMER:

13:26:26 17 Q. But you do recall some discussion of
13:26:31 18 OFCCP's statistical model at that meeting?

13:26:36 19 MS. CONNELL: Objection; vague.

13:26:37 20 THE WITNESS: No, I do not recall. I only
13:26:40 21 recall being told what areas that you -- that the
13:26:49 22 OFCCP were underutilized in the final result, but
13:26:52 23 there was no detail even discussion about that. It
13:26:56 24 was -- it was at a very, very high level, the
13:26:59 25 numbers. We weren't given very many facts at all.

13:27:02 1 But just this is what we found, and that's about it.
13:27:06 2 To the best of my ability.

13:27:07 3 Now, there may be something I'm missing
13:27:09 4 because I haven't looked at this for three years,
13:27:12 5 but -- and so I don't want to hang my hat on that,
13:27:15 6 but -- but I'm telling you, from what I recall, it
13:27:20 7 was just a very, very high level.

13:27:21 8 BY MS. BREMER:

13:27:21 9 Q. Do you still have your notes of that
13:27:23 10 meeting?

13:27:24 11 A. I don't know. I'd have to look.

13:27:25 12 Q. At the meeting Gary Siniscalco said
13:27:37 13 Oracle's pay structure is so nuanced that it defies
13:27:42 14 statistical analysis. Correct?

13:27:43 15 A. I don't remember that, see, I can't -- I
13:27:44 16 don't recall.

13:27:44 17 Q. He could have said that; you just don't
13:27:46 18 recall one way or the other?

13:27:47 19 MS. CONNELL: Objection; calls for
13:27:48 20 speculation.

13:27:48 21 THE WITNESS: I don't know if he could have
13:27:49 22 said that or not; I just don't recall.

13:27:55 23 BY MS. BREMER:

13:27:55 24 Q. Did Oracle take the position at that
13:27:58 25 meeting that no statistical analysis of Oracle's

13:28:02 1 compensation system could be done?

13:28:04 2 MS. CONNELL: Objection; assumes facts.

13:28:05 3 THE WITNESS: Yeah, I -- I don't recall any
13:28:07 4 of that. I -- in all honesty, I don't remember the
13:28:12 5 different statements that were made during that
13:28:15 6 meeting. I just remember the high level of what I
13:28:19 7 took away.

13:28:28 8 BY MS. BREMER:

13:28:28 9 Q. Do you recall Gary Siniscalco arguing at
13:28:33 10 the October 6th, 2016 meeting that OFCCP should
13:28:38 11 analyze pay by supervisor?

13:28:39 12 A. I -- I don't -- I don't recall everything
13:28:46 13 that he said. I think that -- I just -- I don't
13:28:47 14 recall who said what. I can't really -- it wouldn't
13:28:50 15 be fair, you know, for me to try and answer and say
13:28:52 16 something occurred if it didn't. And I don't want to
13:28:56 17 be -- mislead you, so I don't recall the statements
13:28:58 18 that were made at that meeting.

13:28:59 19 Q. Do you recall Oracle taking that position
13:29:07 20 during the compliance review that OFCCP should
13:29:12 21 analyze pay by supervisor?

13:29:15 22 A. I recall that Oracle directed or told OFCCP
13:29:22 23 that while we have no perfect way of looking at
13:29:25 24 compensation, that supervisor would -- might be the
13:29:29 25 best way to look at it to break it down to the

13:29:32 1 granularity. But only because of the product or the
13:29:37 2 work that -- that would be associated with those
13:29:41 3 smaller groups of information that I -- that I
13:29:44 4 described to you earlier, with, you know, supervisors
13:29:49 5 only supervising these small groups and the
13:29:53 6 comparator groups are very small.

13:29:54 7 Q. Okay. So you do recall during the
13:29:58 8 compliance review Oracle taking the position that
13:30:04 9 supervisor might be the best way to analyze the data?

13:30:08 10 MS. CONNELL: Objection --

13:30:10 11 THE WITNESS: Only -- sorry.

13:30:11 12 MS. CONNELL: Objection; misstates her
13:30:12 13 testimony.

13:30:13 14 THE WITNESS: Only as it relates to
13:30:15 15 product. It's not just the supervisor; it's the
13:30:17 16 product the supervisor represents. And it might be
13:30:24 17 the best way, but even then, at Oracle you have so
13:30:28 18 many different people doing so many different
13:30:31 19 functions that -- or responsibilities, and I don't
13:30:33 20 want to get it confused with the earlier question you
13:30:36 21 asked me, but you have so many different people
13:30:39 22 performing so many different types of work, that that
13:30:42 23 might -- that would probably be the best way, but
13:30:44 24 it's not inclusive. You could have people working
13:30:46 25 under a supervisor, the same supervisor with the same

13:30:49 1 job title, that are doing different things, but
13:30:51 2 that -- that would be the best way to hone into, you
13:30:55 3 know, true comparators or the closest way that you
13:30:59 4 could come up with true comparators.

13:31:01 5 BY MS. BREMER:

13:31:01 6 Q. And do you recall during the compliance
13:31:05 7 review or any time prior to OFCCP filing this
13:31:13 8 enforcement action, did Oracle back away from the
13:31:22 9 position that a statistical analysis could only be
13:31:28 10 done in -- by supervisor or product or very small
13:31:35 11 categories of employees?

13:31:37 12 MS. CONNELL: Objection; misstates her
13:31:39 13 prior testimony, assumes facts, and lacks foundation.
13:31:42 14 It's also vague.

13:31:43 15 THE WITNESS: Yeah, I -- I would have to
13:31:46 16 look at all the documents to -- and review them in
13:31:50 17 order to be able to answer your question.

13:31:52 18 BY MS. BREMER:

13:31:53 19 Q. Okay. So you don't recall, sitting here,
13:31:55 20 one way or the other, whether Oracle ever took the
13:32:00 21 position that a statistical analysis could be done
13:32:04 22 looking at job function or job group?

13:32:11 23 A. I don't recall Oracle ever saying that a
13:32:15 24 job analysis could be done by a job function or job
13:32:19 25 group, because those are very broad categories. And,

13:32:21 1 again, the work is highly specialized, and it's --
13:32:25 2 it's the only -- only people that we can even come
13:32:29 3 close to creating comparator groups with would be in
13:32:34 4 these very small entrepreneurial work units.

13:32:38 5 Q. Right. And Oracle continued taking the
13:32:38 6 position that compensation could not be --

13:32:43 7 THE REPORTER: I'm sorry, Counsel, can you
13:32:45 8 repeat that?

13:32:46 9 BY MS. BREMER:

13:32:46 10 Q. And Oracle continued to take the position
13:32:49 11 that compensation could not be analyzed by job group
13:32:55 12 or job function during the conciliation period.

13:33:01 13 Correct?

13:33:01 14 MS. CONNELL: Objection; vague, lacks
13:33:04 15 foundation.

13:33:04 16 THE WITNESS: Yeah, I don't recall what
13:33:06 17 happened. There was -- with regard to the
13:33:08 18 conciliation period. There was only one meeting.
13:33:12 19 And other than that, I don't know what counsel put
13:33:15 20 forth with any -- with regards to any conciliation.

13:33:19 21 BY MS. BREMER:

13:33:19 22 Q. Do you recall -- do you recall Oracle
13:33:48 23 taking the position at the October 6th, 2016 meeting
13:33:51 24 that it did not have a data field for products?

13:33:58 25 MS. CONNELL: Objection; lacks foundation.

13:33:59 1 THE WITNESS: Yeah, I don't recall any of
13:34:04 2 the conversation during that meeting off the top of
13:34:06 3 my head. And so I wouldn't want to -- I just don't
13:34:09 4 want to give you the wrong information.

13:34:11 5 BY MS. BREMER:

13:34:11 6 Q. To your knowledge, does Oracle have a data
13:34:14 7 field for products?

13:34:15 8 MS. CONNELL: Objection; vague.

13:34:17 9 THE WITNESS: During -- I don't know. It
13:34:24 10 depends, you know, it would really depend on the time
13:34:28 11 that -- that you'd be requesting that information.
13:34:32 12 But for the specific product somebody's working on,
13:34:37 13 I'm not aware of that. I'm not aware of that.

13:34:40 14 BY MS. BREMER:

13:34:40 15 Q. At any time do you -- between 2013 and the
13:34:44 16 present, are you aware of Oracle having data
13:34:49 17 available for the -- to show the products that
13:34:52 18 employees are working on?

13:34:53 19 MS. CONNELL: Objection; calls for
13:34:55 20 speculation.

13:34:55 21 THE WITNESS: I'm not aware of that.
13:34:57 22 That's kind of out of my area, if that data is
13:35:01 23 available or not. But it would -- if there was
13:35:06 24 anything, it would have to be something very recent.

13:35:14 25 BY MS. BREMER:

13:35:14 1 Q. And -- and the position that Oracle took
13:35:16 2 during the compliance review was that supervisor
13:35:21 3 could serve as a proxy for a product?

13:35:23 4 MS. CONNELL: Objection; misstates her
13:35:25 5 testimony, lacks foundation. It's also vague and
13:35:29 6 calls for speculation.

13:35:30 7 THE WITNESS: Supervisor could represent
13:35:32 8 the product, but it wouldn't necessarily, you know,
13:35:35 9 be the only product.

13:35:38 10 BY MS. BREMER:

13:35:39 11 Q. What do you mean it wouldn't necessarily be
13:35:41 12 the only product?

13:35:42 13 A. Well, it could be -- you know, there could
13:35:44 14 be something else, like, for instance, there might be
13:35:46 15 a supervisor, depending on what level, there may be a
13:35:49 16 couple of products that they -- that they oversee.

13:35:51 17 Q. And a supervisor at Oracle's headquarters
13:35:58 18 might have team members located in India. Right?

13:36:03 19 MS. CONNELL: Objection; incomplete
13:36:04 20 hypothetical.

13:36:05 21 THE WITNESS: It depends upon what
13:36:12 22 supervisor you're talking about.

13:36:14 23 BY MS. BREMER:

13:36:16 24 Q. So some supervisors at Oracle's
13:36:20 25 headquarters might have team members located at

13:36:25 1 Oracle facilities other than headquarters. Right?

13:36:28 2 A. Yeah.

13:36:29 3 Q. And such a supervisor might have only one
13:36:40 4 employee located at Oracle's headquarters. Right?

13:36:46 5 MS. CONNELL: Objection; incomplete
13:36:48 6 hypothetical.

13:36:48 7 THE WITNESS: I think that I would have to
13:36:53 8 know which supervisors you're talking about. And --
13:36:56 9 and to be able to answer that question, because
13:36:59 10 it's -- it's a theoretical statement, and I wouldn't
13:37:02 11 want to -- I wouldn't want to respond to that and say
13:37:07 12 anything to mislead.

13:37:10 13 BY MS. BREMER:

13:37:10 14 Q. Do you recall a discussion of cohort
13:37:13 15 analyses at the October 6, 2016 meeting?

13:37:16 16 A. I've already told you, I don't recall the
13:37:18 17 discussions that occurred during that meeting.

13:37:21 18 Q. Do you recall Gary Siniscalco saying that
13:38:03 19 he looks at compensation data at the October 6th,
13:38:07 20 2016 meeting?

13:38:09 21 MS. CONNELL: Objection; asked and answered
13:38:10 22 at this point.

13:38:11 23 THE WITNESS: Yeah, I'll defer to my prior
13:38:13 24 answer to that.

13:38:13 25 BY MS. BREMER:

13:38:13 1 Q. Well, I didn't ask that specific question.

13:38:15 2 So I'm asking --

13:38:18 3 A. I don't remember what Gary said at that
13:38:20 4 meeting. It was -- and we're talking two and a half
13:38:25 5 years ago, so I don't -- I don't recall what was said
13:38:27 6 at that meeting.

13:38:28 7 Q. At the October 6, 2016 meeting, do you
13:38:35 8 recall OFCCP's regional director providing a dollar
13:38:38 9 figure for the compensation claim?

13:38:42 10 MS. CONNELL: Objection; vague, assumes
13:38:45 11 facts.

13:38:45 12 THE WITNESS: In what way?

13:38:54 13 BY MS. BREMER:

13:38:54 14 Q. Was there a discussion about the value of
13:38:56 15 the compensation claim at the October 6th, 2016
13:38:59 16 meeting?

13:39:00 17 MS. CONNELL: Objection; vague.

13:39:01 18 THE WITNESS: From what I recall, that is
13:39:06 19 one thing I do recall, and that would be at a very
13:39:09 20 high level.

13:39:10 21 BY MS. BREMER:

13:39:10 22 Q. So at a high level, there was a discussion
13:39:12 23 of the value of the compensation claim?

13:39:15 24 A. Yes.

13:39:15 25 MS. CONNELL: Objection; vague.

13:39:18 1 BY MS. BREMER:

13:39:19 2 Q. Do you recall OFCCP making other
13:39:22 3 suggestions about remedies to cure the compensation
13:39:26 4 discrimination violations cited in the NOV?

13:39:30 5 MS. CONNELL: Objection; assumes facts,
13:39:33 6 vague.

13:39:33 7 THE WITNESS: I would have to look at -- I
13:39:35 8 would -- I don't recall off the top of my head. That
13:39:37 9 would be something that I don't recall.

13:39:39 10 BY MS. BREMER:

13:39:39 11 Q. Do you recall OFCCP asking for a proposal
13:39:47 12 from Oracle at that meeting?

13:39:49 13 A. I -- I don't recall.

13:39:51 14 Q. Do you know if Oracle ever did make a
13:39:56 15 monetary offer to OFCCP to resolve the Notice of
13:40:01 16 Violation for Oracle's headquarters?

13:40:03 17 MS. CONNELL: Objection; calls for
13:40:04 18 speculation.

13:40:04 19 THE WITNESS: I don't know.

13:40:06 20 BY MS. BREMER:

13:40:10 21 Q. Do you know if Oracle ever agreed that
13:40:12 22 compensation could be analyzed systemically?

13:40:18 23 A. Agreed where? I don't know. What do you
13:40:24 24 mean? You're saying "agreed," I don't know -- that's
13:40:29 25 kind of a general -- I don't know. I don't know.

13:40:30 1 That's kind of general. So when would they have
13:40:33 2 agreed to this?

13:40:34 3 Q. But I'm -- between March 11th, 2016 and
13:40:42 4 January 2017.

13:40:45 5 A. Oh --

13:40:45 6 MS. CONNELL: Objection; vague.

13:40:46 7 THE WITNESS: Yeah, I wouldn't know.

13:40:48 8 MS. CONNELL: Calls for speculation.

13:40:49 9 THE WITNESS: I wouldn't know. It was --
13:40:52 10 everything beyond that point was out of my -- I was
13:40:58 11 not involved in the processes beyond that point
13:41:01 12 except at a very high level, so --

13:41:17 13 Oh, and I do want to correct that. I had a
13:41:19 14 little bit more knowledge in 2016, but in 2017, I was
13:41:23 15 out of the picture of anything that you discussed
13:41:26 16 with our outside counsel.

13:41:28 17 BY MS. BREMER:

13:41:28 18 Q. So you had some knowledge in 2016?

13:41:35 19 A. Yeah.

13:41:36 20 Q. Up through the October 6th, 2016 meeting or
13:41:39 21 after that?

13:41:39 22 A. Not after that, no. Up to. Just -- just,
13:41:44 23 you know, attending the meeting and that type of
13:41:47 24 thing, and being there. But beyond that point, I
13:41:51 25 have no really -- not much -- I really don't have any

13:41:54 1 knowledge of what transpired between our legal
13:41:57 2 counsel and Oracle's law -- you know, Juana Sherman
13:42:02 3 and -- and the OFCCP beyond that point.

13:42:12 4 MS. BREMER: Okay. Are we on 20?

13:42:33 5 THE REPORTER: We are on 22.

13:42:34 6 MS. BREMER: 22. Okay. I'd like to mark
13:42:37 7 as Exhibit 22, an e-mail from Hoan Luong to Shauna
13:42:44 8 Holman-Harries, dated November 20th, 2014, with an
13:42:50 9 attachment, and it's Bates numbered ORACLE_HQCA 5203
13:42:57 10 through 5206.

13:43:08 11 (Marked for identification Exhibit 22.)

13:43:08 12 THE WITNESS: Thank you.

13:43:20 13 BY MS. BREMER:

13:43:20 14 Q. Did you receive this e-mail on or about
13:43:24 15 November 20th, 2014?

13:43:26 16 A. Yes.

13:43:26 17 Q. And the letter -- you also received the
13:43:33 18 attached letter dated November 19th, 2014?

13:43:38 19 A. I believe so.

13:43:47 20 Q. And with this e-mail, OFCCP was requesting
13:43:50 21 additional information to evaluate Oracle's
13:43:53 22 compensation practices. Correct?

13:43:55 23 MS. CONNELL: Objection; the document
13:43:56 24 speaks for itself.

13:43:57 25 THE WITNESS: According to the document,

13:44:03 1 that's my understanding.

13:44:08 2 BY MS. BREMER:

13:44:08 3 Q. Looking at the attached letter, dated
13:44:10 4 November 19th, 2014, OFCCP requested information
13:44:21 5 including educational data. Correct?

13:44:24 6 A. Yes.

13:44:24 7 MS. CONNELL: Objection; the document
13:44:26 8 speaks for itself.

13:44:28 9 BY MS. BREMER:

13:44:30 10 Q. In looking at -- there's a -- there's a
13:44:35 11 list of 34 items in the letter that OFCCP is
13:44:39 12 requesting. Right?

13:44:41 13 MS. CONNELL: Objection; the document
13:44:42 14 speaks for itself.

13:44:43 15 THE WITNESS: According to the document.

13:44:45 16 BY MS. BREMER:

13:44:46 17 Q. And if you look at number 33, OFCCP
13:44:52 18 requested all human resources and employment
13:44:59 19 policies, including compensation policies, i.e.,
13:45:03 20 compensation philosophy, salary bands,
13:45:08 21 incentive/bonus policy, stock plans. Right?

13:45:12 22 MS. CONNELL: Objection; the document
13:45:13 23 speaks for itself.

13:45:14 24 THE WITNESS: According to the document,
13:45:17 25 yes.

13:45:20 1 BY MS. BREMER:

13:45:21 2 Q. And with respect to data, OFCCP requested

13:45:24 3 that the data be submitted in Excel format. Correct?

13:45:28 4 MS. CONNELL: Objection; the document

13:45:30 5 speaks for itself.

13:45:32 6 THE WITNESS: According to the document.

13:45:32 7 BY MS. BREMER:

13:45:33 8 Q. Which you received. Right?

13:45:34 9 A. (No audible response.)

13:45:35 10 Q. And you -- right?

13:45:36 11 A. According to this document that you --

13:45:40 12 that's in front of me that -- I believe I received,

13:45:45 13 yes.

13:45:45 14 Q. And you collected -- your team was in

13:45:49 15 charge of collecting the documents and data requested

13:45:54 16 by this letter. Correct?

13:45:55 17 A. In coordinating the collection.

13:46:11 18 MS. BREMER: Okay. I'd like to mark as

13:46:15 19 Exhibit 23, a document Bates labeled

13:46:24 20 ORACLE_HQCA 5208. It's from Shauna -- or it's a

13:46:26 21 series of e-mails between Shauna Holman-Harries and

13:46:30 22 Hoan Luong.

13:46:30 23 (Marked for identification Exhibit 23.)

13:19:24 24 BY MS. BREMER:

13:19:24 25 Q. Is -- is Exhibit 23 a true and correct copy

13:46:50 1 of a series of e-mails exchanged between you and Hoan
13:46:55 2 Luong between November 19th, 2014 and December 1st,
13:47:00 3 2014?

13:47:01 4 A. It appears to be, yes.

13:47:03 5 Q. Okay. If you look at the top e-mail from
13:47:14 6 you to Hoan Luong, the second paragraph, it says, "We
13:47:18 7 are working on your request. It has been submitted
13:47:22 8 to our IT department."

13:47:24 9 Do you see that?

13:47:25 10 A. Yes.

13:47:25 11 Q. Did you submit the request to Oracle's IT
13:47:30 12 department?

13:47:30 13 A. Well, we submitted the request for some of
13:47:33 14 the compensation data, that's the -- if you think
13:47:37 15 back earlier today, I explained the process of
13:47:40 16 pulling the information from OAL, which this is the
13:47:44 17 OAL area. And we -- and we made the request to OAL
13:47:48 18 to pull the information from us, and that's one of
13:47:51 19 the IT areas.

13:47:52 20 Q. And this would be the request that was in
13:47:58 21 Exhibit 22?

13:48:00 22 A. Which exhibit is that? Is that --

13:48:03 23 Q. The one -- the document that we just looked
13:48:05 24 at, the letter --

13:48:06 25 A. This one?

13:48:08 1 Q. -- that's dated November 19th, 2014.

13:48:11 2 A. That was related to this letter? You mean

13:48:15 3 in submission of this? Yes. I believe so. But I

13:48:25 4 can't say without looking for certainty, you know,

13:48:27 5 without looking. There were so many communications,

13:48:30 6 I'd have to look at every communication that was sent

13:48:33 7 to say specifically that that was in response to

13:48:36 8 that.

13:48:36 9 Q. Well, if you look at -- if you look at the

13:48:39 10 e-mail on the bottom --

13:48:39 11 A. Yeah.

13:48:40 12 Q. -- of the page, it's the same e-mail that's

13:48:43 13 attaching this letter --

13:48:44 14 A. Oh, okay.

13:48:44 15 Q. -- in Exhibit 22. Correct?

13:48:48 16 A. Okay. Yes.

13:48:50 17 Q. So you submitted that request to OAL?

13:48:54 18 A. We requested that they pull information,

13:48:58 19 yes.

13:48:58 20 Q. Do you know who at OAL your -- you

13:49:03 21 requested the information from?

13:49:05 22 A. I believe it would have been Chung Ko.

13:49:16 23 Q. Did you have any discussion with Chung Ko

13:49:20 24 or anyone at OAL about what databases Oracle was

13:49:28 25 searching to provide the requested information?

13:49:32 1
13:49:33 2
13:49:36 3
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13:49:43 5
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13:50:09 9
13:50:20 10
13:50:20 11
13:50:21 12
13:50:21 13
13:50:22 14
13:50:30 15
13:50:39 16
13:50:48 17
13:50:48 18
13:51:03 19
13:51:03 20
13:51:06 21
13:51:09 22
13:51:14 23
13:51:20 24
13:51:24 25

A. No.

Q. Did you provide any instructions to OAL,
other than the request itself from OFCCP?

A. No. We would just ask them to pull the
data as -- as provided in the headers. And the
headers would reflect the information you were asking
for.

Somebody's phone is going off. Oh.

MS. BREMER: Okay. Let's mark as Exhibit
23 a series of e-mails --

THE REPORTER: 24.

MR. GARCIA: 24.

MS. BREMER: I'm sorry. Let's mark as
Exhibit 24, a series of e-mails between February
17th, 2015 and February 19th, 2015, between Shauna
Holman-Harries and Hoan Luong.

(Marked for identification Exhibit 24.)

THE WITNESS: Thank you.

BY MS. BREMER:

Q. Is Exhibit 24 a true and correct copy of
e-mails you exchanged between -- with Hoan Luong
between February 17, 2015 and February 19th, 2015?

A. Yes. I believe so.

Q. If you look at the bottom e-mail, OFCCP
requested all written policies and procedures for

13:51:27 1 hirings, promotions, and terminations at -- for
13:51:30 2 Oracle at the HQCA location. Right?
13:51:33 3 A. Yes.
13:51:34 4 Q. And in the next e-mail, dated February
13:51:40 5 19th, 2015, you responded that "I'm attaching
13:51:44 6 Oracle's employee handbook," which included Oracle's
13:51:50 7 promotion policy. Right?
13:51:52 8 A. Yes, it would have included -- yes, that's
13:51:54 9 what I was able to find at that time.
13:51:58 10 MS. BREMER: Okay. And so marking as
13:52:07 11 Exhibit Number 25, a document entitled "Oracle U.S.
13:52:15 12 Employee Handbook"; it's Bates stamped
13:52:21 13 ORACLE_HQCA 464 through 569.
13:52:21 14 (Marked for identification Exhibit 25.)
13:52:34 15 THE WITNESS: Thank you.
13:52:39 16 Okay. Did you want me to turn to the page
13:52:42 17 referenced to?
13:52:44 18 BY MS. BREMER:
13:52:44 19 Q. No, that's okay.
13:52:45 20 Is this a true and correct copy of the
13:52:47 21 employee handbook you sent to OFCCP in February of
13:52:51 22 2014?
13:52:51 23 A. I mean, it looks like it.
13:52:53 24 Q. You have no reason to believe it's not?
13:52:56 25 A. No.

13:52:56 1 Q. Where did you get it?

13:52:59 2 A. I got it off of the -- there was an Oracle
13:53:05 3 internal website, and I -- it was downloaded from
13:53:09 4 there. You can download it from the -- the site, the
13:53:12 5 employee site.

13:53:13 6 Q. And do all U.S. Oracle employees have
13:53:18 7 access to the employee handbook?

13:53:20 8 A. They should, yes.

13:53:23 9 Q. Do you know who drafted the Oracle employee
13:53:26 10 handbook?

13:53:27 11 A. I don't know who drafted it.

13:53:30 12 Q. Was your group involved in drafting any of
13:53:33 13 the portions?

13:53:34 14 A. We provided input to the legal department.

13:53:38 15 Q. And for which -- which portions of the
13:53:41 16 employee handbook?

13:53:42 17 A. On this particular version, I don't -- I
13:53:45 18 don't believe on this version we did, because this
13:53:51 19 was 2013, so I think that on this particular version,
13:53:55 20 I don't -- I don't know if there was any portion of
13:53:59 21 this that my department had a part in revising. It
13:54:09 22 didn't under me. So -- this was -- this was -- all
13:54:15 23 this was done by not me. Like I said, I have no
13:54:19 24 idea.

13:54:19 25 Q. Okay. So you just -- you just pulled

13:54:23 1 this --

13:54:23 2 A. Yes.

13:54:23 3 Q. -- to send to OFCCP?

13:54:24 4 A. Yes. Yes.

13:54:25 5 Q. And in the table of contents there are
13:54:28 6 revision dates; is it your understanding that those
13:54:31 7 reflect when each section has been revised?

13:54:34 8 MS. CONNELL: Objection; calls for
13:54:36 9 speculation, the document speaks for itself.

13:54:38 10 THE WITNESS: Yeah, I didn't put this
13:54:40 11 document together, so I can't speculate on what those
13:54:46 12 numbers -- what that means.

13:54:47 13 BY MS. BREMER:

13:54:47 14 Q. Okay. Looking at, for example, on the
13:54:50 15 table of contents it says "Equal employment
13:54:53 16 opportunity revised February 2014," did --

13:54:58 17 A. Where is that? Is that like at the top?
13:55:02 18 Okay. Which -- which line are you working on?

13:55:05 19 Q. Under employment policies it says "Equal
13:55:08 20 employment opportunity"?

13:55:09 21 A. Just a minute.

13:55:11 22 Q. It's page 10.

13:55:12 23 A. Page 10. Okay. Thank you. Okay.

13:55:14 24 Q. Did your group have any involvement in
13:55:20 25 revising the equal employment opportunity section of

13:55:24 1 the employee handbook?

13:55:43 2 A. I'm looking at your page numbers instead of
13:55:46 3 mine. Yes. Because this was in 2014, so we did,
13:56:11 4 yes.

13:56:11 5 Q. Okay. And you indicated that -- or you
13:56:22 6 suggested that you may have revised some of the
13:56:24 7 portions of the employee handbook later; what
13:56:27 8 sections would those have been?

13:56:29 9 A. Oh, later? It would have been in
13:56:33 10 relationship to the regs that came down with
13:56:38 11 veterans, making sure that -- that they were in
13:56:42 12 there, and then making sure that I -- I'd have to
13:56:47 13 really look at the sections to remember, and I don't
13:56:50 14 want to give you false information. But just
13:56:53 15 anything that has to do with any kind of policy, you
13:56:56 16 know, that comes -- comes through generally the OFCCP
13:56:59 17 as part of the regulation.

13:57:00 18 Q. Okay.

13:57:02 19 A. So --

13:57:04 20 Q. And there's a section on affirmative
13:57:07 21 action. Did your group have any input into the
13:57:10 22 affirmative action section?

13:57:12 23 A. This, I believe, was -- this was written
13:57:18 24 before I started, so I don't know who -- who put that
13:57:21 25 together.

13:57:22 1 Q. And did your group ever revise the
13:57:26 2 affirmative action section of the employee handbook?

13:57:28 3 A. I would have to look at the language and
13:57:32 4 then that would probably trigger my memory. And --
13:57:36 5 and see what's in it today. And see if anything is
13:57:39 6 related to one of the regulation changes in there and
13:57:44 7 where it was. But I'd have to, like, visually see it
13:57:47 8 to remember and see if any of the regulation changes
13:57:50 9 were reflected in the section.

13:57:52 10 Q. Okay. Well, let's -- let's look at that
13:57:56 11 section, which is on page 11.

13:58:01 12 A. Okay.

13:58:09 13 Q. In the description of Oracle's affirmative
13:58:13 14 action that's contained in its employee handbook --

13:58:17 15 A. Uh-huh.

13:58:17 16 Q. -- it doesn't mention pay, does it?

13:58:20 17 MS. CONNELL: Objection; the document
13:58:21 18 speaks for itself.

13:58:23 19 THE WITNESS: Yeah, whatever the document
13:58:26 20 says.

13:58:27 21 BY MS. BREMER:

13:58:27 22 Q. Okay. But it doesn't say anything -- you
13:58:29 23 don't see anything about compensation or pay in the
13:58:33 24 affirmative action section of the employee handbook?

13:58:35 25 A. No.

13:58:36 1 MS. CONNELL: Same objections. The
13:58:37 2 document speaks for itself.
13:58:39 3 BY MS. BREMER:
13:58:40 4 Q. Did you or your group ever revise any
13:58:44 5 portion of the employee handbook to talk about equity
13:58:48 6 or affirmative action with respect to employee
13:58:52 7 compensation?
13:58:55 8 A. No.
13:58:56 9 Q. Okay. Let's turn to page 39 of the
13:59:05 10 employee handbook.
13:59:10 11 A. Okay.
13:59:10 12 Q. And the employee handbook provides
13:59:16 13 information to employees about their compensation.
13:59:18 14 Correct?
13:59:18 15 A. Correct.
13:59:19 16 Q. And the employee handbook tells employees
13:59:25 17 three factors that influence their compensation:
13:59:30 18 market research, career level, and performance; is
13:59:33 19 that correct?
13:59:33 20 MS. CONNELL: Objection; misstates the
13:59:34 21 document. The document speaks for itself.
13:59:37 22 THE WITNESS: I think that everything
13:59:41 23 that's covered in there you've got a record of it
13:59:44 24 right now, so --
13:59:46 25 BY MS. BREMER:

13:59:46 1 Q. Okay. Well, let's look at this sentence
13:59:49 2 that I'm referring to right now. It says, "To
13:59:51 3 determine your salary and total cash compensation
13:59:56 4 package, we take into account market research, career
14:00:00 5 level, and your individual performance." Correct?

14:00:02 6 MS. CONNELL: Objection; the document
14:00:04 7 speaks for itself.

14:00:05 8 THE WITNESS: Whatever the document says.

14:00:06 9 BY MS. BREMER:

14:00:07 10 Q. Okay. And did I read that correctly?

14:00:10 11 MS. CONNELL: Objection; argumentative.

14:00:12 12 THE WITNESS: Yes, I'm not -- I'm trying to
14:00:16 13 find the sentence to see if -- to be able to answer
14:00:19 14 that question. Which sentence are you referring to
14:00:21 15 in that first, that you --

14:00:21 16 BY MS. BREMER:

14:00:23 17 Q. It says "To determine your" --

14:00:25 18 A. Oh, determine, there, okay.

14:00:31 19 Yes, that's what it says.

14:00:32 20 Q. Okay. When it says "we take into account
14:00:36 21 market research," is that referring to what Oracle's
14:00:40 22 competitors are paying employees in similar job
14:00:43 23 titles?

14:00:44 24 MS. CONNELL: Objection; calls for
14:00:45 25 speculation.

14:00:45 1 THE WITNESS: I have no way of knowing,
14:00:48 2 because I didn't write this section, and I don't work
14:00:50 3 in the compensation department.

14:00:53 4 BY MS. BREMER:

14:00:53 5 Q. So you have no idea what -- what it means
14:00:57 6 in the compensation section that -- that Oracle takes
14:01:02 7 into account market research in setting compensation?

14:01:05 8 MS. CONNELL: Same objection; calls for
14:01:07 9 speculation, argumentative.

14:01:09 10 THE WITNESS: I -- I don't -- I'm not part
14:01:10 11 of setting pay. I have no part in that. That's a
14:01:15 12 completely different department as far as ranges, and
14:01:18 13 then again, you go back to the hiring manager and how
14:01:23 14 they -- they work with compensation, but this is
14:01:25 15 completely out of my scope.

14:01:27 16 BY MS. BREMER:

14:01:27 17 Q. Okay. In dealing with, so you talk about
14:01:31 18 salary ranges, do you have any understanding that
14:01:35 19 Oracle looks at market research to set salary ranges?

14:01:39 20 MS. CONNELL: Objection; assumes facts,
14:01:42 21 calls for speculation.

14:01:42 22 THE WITNESS: I just have hearsay
14:01:45 23 information, but nothing -- nothing that would -- I
14:01:50 24 don't have any firsthand knowledge.

14:01:50 25 BY MS. BREMER:

14:01:52 1 Q. Right. That's not your group?

14:01:55 2 A. That's not my group.

14:01:55 3 Q. But you do have -- you have some

14:01:58 4 understanding about how Oracle sets compensation for

14:02:01 5 its employees. Right?

14:02:02 6 MS. CONNELL: Objection; assumes facts,

14:02:05 7 calls for speculation.

14:02:05 8 THE WITNESS: I have a very -- very limited

14:02:08 9 understanding, other than what I've described to you

14:02:11 10 earlier, and on the whole complete process that

14:02:14 11 they -- that managers go through in determining pay.

14:02:20 12 BY MS. BREMER:

14:02:20 13 Q. And so you don't have any knowledge of the

14:02:23 14 process that Oracle goes through to consider or

14:02:28 15 account for market research in setting employee

14:02:31 16 compensation?

14:02:31 17 A. No.

14:02:32 18 Q. Okay. It also -- the employee manual also

14:02:38 19 mentions your career level. Is that talking about

14:02:42 20 global career level?

14:02:43 21 MS. CONNELL: Objection; calls for

14:02:44 22 speculation.

14:02:44 23 THE WITNESS: I didn't write the document,

14:02:49 24 so I can't say for certain, but it could be.

14:02:56 25 BY MS. BREMER:

14:02:57 1 Q. Do you have any knowledge that Oracle takes
14:03:00 2 into account global career level in setting
14:03:04 3 compensation for employees?

14:03:06 4 MS. CONNELL: Objection; assumes facts,
14:03:08 5 calls for speculation.

14:03:08 6 THE WITNESS: Yeah, I can't speculate on
14:03:10 7 that, because I'm not part of the compensation group
14:03:13 8 on how they determine compensation. So I just
14:03:15 9 wouldn't feel comfortable telling you how they -- how
14:03:17 10 they determine what.

14:03:19 11 BY MS. BREMER:

14:03:19 12 Q. Okay. As -- as the director of diversity
14:03:31 13 compliance, who's -- one of whose -- one of your
14:03:36 14 duties is to oversee affirmative action and equal
14:03:49 15 employment opportunity with regard to compensation.
14:03:52 16 Correct?

14:03:52 17 MS. CONNELL: Objection; misstates her
14:03:54 18 testimony.

14:03:55 19 THE WITNESS: It's -- I don't oversee
14:03:57 20 compensation. I -- I -- I think I've explained
14:04:03 21 everything before with regards to that, so --

14:04:06 22 BY MS. BREMER:

14:04:07 23 Q. So do you not know one way or the other
14:04:10 24 whether Oracle takes into account global career level
14:04:13 25 in setting compensation for Oracle employees?

14:04:16 1 A. I'm not involved in that process. You're
14:04:18 2 asking for a process question, in my mind, and since
14:04:21 3 I'm not involved in the process, I -- I can't say
14:04:24 4 with any certainty what exactly is considered in
14:04:26 5 setting compensation, because you're talking overall
14:04:30 6 the pay ranges, right, so I have no idea what process
14:04:33 7 they go through in bringing that into the equation.

14:04:36 8 Q. I'm asking about the factors that Oracle
14:04:40 9 considers in setting compensation for its employees.
14:04:43 10 And this manual provided to employees says one of the
14:04:47 11 factors is career level. I'm wondering if you have
14:04:51 12 any knowledge about that.

14:04:52 13 MS. CONNELL: Objection; misstates the
14:04:54 14 document, assumes facts, lacks foundation,
14:04:59 15 argumentative, and calls for speculation.

14:05:00 16 THE WITNESS: I don't know what each
14:05:02 17 manager considers when they -- when they do determine
14:05:06 18 compensation for their employees. I can only speak
14:05:09 19 to the -- the documents that we provided you with
14:05:12 20 this and something else, as far as the overall
14:05:17 21 that -- that -- the PowerPoint training package, so I
14:05:21 22 can't really -- I can't really speak to what each
14:05:24 23 manager considers when they determine who is paid
14:05:28 24 what.

14:05:28 25 BY MS. BREMER:

14:05:28 1 Q. Do you know if employees have access to
14:05:36 2 other materials describing their compensation, other
14:05:39 3 than the employee handbook?

14:05:45 4 MS. CONNELL: Calls for speculation.

14:05:47 5 THE WITNESS: I can't determine what each
14:05:48 6 manager provides their employees with regard to
14:05:52 7 compensation in their work groups.

14:05:55 8 BY MS. BREMER:

14:05:56 9 Q. Okay. What about materials that would be
14:05:58 10 available to employees such as on Oracle's website?

14:06:04 11 MS. CONNELL: Calls for speculation.

14:06:06 12 THE WITNESS: I have not reviewed all
14:06:08 13 materials on Oracle's website. I can -- you know,
14:06:11 14 I've seen the employee handbook. I'm not totally
14:06:15 15 aware of everything that's on Oracle's website, and I
14:06:18 16 can only comment with regard to the materials that
14:06:20 17 I've seen. And -- and this is one that you've got in
14:06:23 18 front of me right now. So this would be -- and this
14:06:25 19 is what I provided at that time, so this is --

14:06:29 20 BY MS. BREMER:

14:06:29 21 Q. Okay. And Oracle's employee handbook does
14:06:33 22 not indicate that the products that employees work on
14:06:40 23 are taken into account in setting employee
14:06:42 24 compensation. Correct?

14:06:43 25 MS. CONNELL: Objection; the document

14:06:44 1 speaks for itself.

14:06:45 2 THE WITNESS: Yeah, I think -- I mean,
14:06:49 3 it -- it, you know, everything is there that --
14:06:54 4 that's provided in the handbook. I mean, it's so --

14:06:58 5 BY MS. BREMER:

14:06:58 6 Q. And it says nothing about products being
14:07:01 7 taken into account regarding compensation. Right?

14:07:04 8 MS. CONNELL: In the entire handbook? Do
14:07:06 9 you want her to read it?

14:07:07 10 MS. BREMER: I'm talking about this section
14:07:09 11 on compensation.

14:07:10 12 MS. CONNELL: The document speaks for
14:07:11 13 itself.

14:07:12 14 THE WITNESS: I think the document speaks
14:07:14 15 for itself, so --

14:07:17 16 BY MS. BREMER:

14:07:18 17 Q. And the document says nothing about
14:07:19 18 products. Right?

14:07:21 19 MS. CONNELL: Objection; the document
14:07:22 20 speaks for itself.

14:07:23 21 THE WITNESS: Yeah, the document speaks for
14:07:24 22 itself.

14:07:40 23 BY MS. BREMER:

14:07:40 24 Q. And the document says nothing about
14:07:45 25 supervisors being taken into account in determining

14:07:51 1 employees' compensation. Right?

14:07:52 2 MS. CONNELL: Objection; assumes facts, and
14:07:54 3 the document speaks for itself.

14:07:56 4 THE WITNESS: I think the document speaks
14:07:57 5 for itself. And this is an employee version, so the
14:08:00 6 document speaks for itself.

14:08:01 7 BY MS. BREMER:

14:08:01 8 Q. Okay. You know that that's not really an
14:08:04 9 answer to my question.

14:08:04 10 Can you please ask the question one more
14:08:07 11 time.

14:08:09 12 And please answer my question.

14:08:23 13 (Record read.)

14:08:24 14 MS. CONNELL: Same objections and
14:08:26 15 argumentative.

14:08:27 16 THE WITNESS: In this particular snippet of
14:08:31 17 an employee handbook, that's -- you know, a
14:08:35 18 high-level type of thing. It says nothing about
14:08:41 19 product in this snippet of information.

14:08:43 20 BY MS. BREMER:

14:08:43 21 Q. Or employees' supervisors?

14:08:46 22 MS. CONNELL: Objection -- same objections.

14:08:49 23 THE WITNESS: In this particular snippet of
14:08:53 24 the employee handbook, the employee version, it does
14:08:57 25 not say supervisors.

14:09:00 1 MS. BREMER: Okay. Let's change the tape.

14:09:03 2 THE VIDEOGRAPHER: This is -- this is the
14:09:05 3 end of video two. The time is 2:09 p.m. We are off
14:09:09 4 the record.

14:09:09 5 (Recessed from 2:09 p.m. until 2:18 p.m.)

14:19:00 6 THE VIDEOGRAPHER: The time is 2:18 p.m.
14:19:01 7 This is the beginning of video three of the May 8th,
14:19:05 8 2019 deposition of Shauna Holman-Harries. We are on
14:19:09 9 the record.

14:19:12 10 MS. CONNELL: Shauna, did you want to
14:19:14 11 clarify something?

14:19:14 12 THE WITNESS: Oh, okay. Yes. You asked
14:19:17 13 about -- about the plan and one of the -- one of the
14:19:22 14 areas that we discussed I brought up that the
14:19:27 15 Affirmative Action Plan narrative is on the internal
14:19:33 16 website for employees, they have access to that. And
14:19:37 17 I just wanted to clarify that it's only the
14:19:38 18 narrative. There's no statistical analysis that's --
14:19:41 19 that's included with that. And it's both the -- the
14:19:47 20 one for race and gender and then also the individuals
14:19:51 21 with disability and protected veteran one.

14:19:56 22 BY MS. BREMER:

14:19:56 23 Q. Okay. So can you turn back to the
14:20:02 24 Affirmative Action Plan --

14:20:02 25 A. Sure.

14:20:02 1 Q. -- which is Exhibit 21?

14:20:04 2 A. Sure. Sure.

14:20:04 3 Q. Using the page numbers, can you tell me

14:20:07 4 which pages are available to employees on the website

14:20:10 5 and which are not?

14:20:11 6 A. Just the written narrative. Only the

14:20:15 7 narrative section and the statistical analysis. So

14:20:19 8 it would be through 16. On this one, yeah.

14:20:21 9 Q. Right. So pages 1 through 16 --

14:20:23 10 A. Yes.

14:20:23 11 Q. -- would be available.

14:20:24 12 A. Yeah, none of this. None of the workforce

14:20:28 13 analysis.

14:20:28 14 Q. So pages --

14:20:28 15 A. 1 through 16.

14:20:30 16 Q. Right. And then starting, I guess the

14:20:32 17 other pages aren't numbered in the document, but it

14:20:35 18 would be --

14:20:35 19 A. They would not be --

14:20:37 20 Q. -- Bates numbered -- the Bates numbers 5016

14:20:41 21 through 5196 would not be available to employees on

14:20:50 22 the website?

14:20:50 23 A. Correct.

14:20:51 24 MS. BREMER: Okay. So I would like to mark

14:21:08 25 as Exhibit 26, a document called "Compensation Review

14:21:12 1 and Oversight."

14:21:14 2 THE WITNESS: Okay. And if anybody -- does
14:21:16 3 anybody want an Altoid? They're cinnamon. They're
14:21:20 4 pretty good. Anybody? No? Okay.

14:21:22 5 MR. GARCIA: But thank you for asking.

14:21:26 6 THE WITNESS: You're welcome.

14:21:28 7 Anybody?

14:21:28 8 MS. CONNELL: I'm okay. Thank you.

14:21:28 9 (Marked for identification Exhibit 26.)

14:22:03 10 THE WITNESS: Thank you.

14:22:14 11 BY MS. BREMER:

14:22:15 12 Q. Do you recognize Exhibit 26?

14:22:17 13 A. Yes.

14:22:17 14 Q. And did you provide Exhibit 26 to OFCCP in
14:22:28 15 response to OFCCP's request for Oracle's compensation
14:22:33 16 policies?

14:22:33 17 A. I think I did, but with the number of
14:22:36 18 audits we've had, I'd have to review the submissions
14:22:40 19 to absolutely verify, but it looks like something
14:22:42 20 that I would have provided.

14:22:44 21 Q. Who prepared this document?

14:22:47 22 A. Sue Charlie, and I believe Lisa Gordon
14:22:51 23 helped her.

14:22:52 24 Q. Who is Sue Charlie?

14:22:56 25 A. She used to be the vice president of

14:22:58 1 compensation. She's retired.

14:23:01 2 Q. Is -- was this document "Compensation
14:23:14 3 Review and Oversight" prepared for OFCCP audits?

14:23:22 4 A. Yes.

14:23:23 5 Q. And did your team provide the compensation
14:23:32 6 review and oversight to OFCCP in response to all
14:23:39 7 audits?

14:23:41 8 MS. CONNELL: Objection; calls for
14:23:42 9 speculation.

14:23:42 10 THE WITNESS: I would have to look and see
14:23:46 11 what each auditor requested in order to be able to
14:23:50 12 answer that question. So I don't recall on which
14:23:52 13 audits it was submitted.

14:23:53 14 BY MS. BREMER:

14:23:53 15 Q. Okay. But if -- if OFCCP requested
14:23:57 16 Oracle's compensation policies, then this document
14:24:01 17 would have been provided in response?

14:24:02 18 MS. CONNELL: Objection; incomplete
14:24:04 19 hypothetical.

14:24:04 20 THE WITNESS: Yes.

14:24:05 21 BY MS. BREMER:

14:24:09 22 Q. Has this compensation review and oversight
14:24:14 23 been revised since 2014?

14:24:20 24 A. I --

14:24:22 25 MS. CONNELL: Objection; vague, calls for

14:24:24 1 speculation.

14:24:24 2 THE WITNESS: I don't remember.

14:24:26 3 BY MS. BREMER:

14:24:38 4 Q. Was the compensation review and oversight
14:24:40 5 used for any purpose, other than in response to OFCCP
14:24:45 6 audits?

14:24:46 7 MS. CONNELL: Objection; calls for
14:24:48 8 speculation, vague.

14:24:48 9 THE WITNESS: I can't really say, because I
14:24:51 10 don't know what other areas the compensation
14:24:55 11 department would use this for, but it doesn't say --
14:24:57 12 I'm not saying that they couldn't, I just don't -- I
14:25:00 13 don't have knowledge of that.

14:25:11 14 BY MS. BREMER:

14:25:15 15 Q. Okay. The first sentence of the
14:25:16 16 compensation review and oversight document states,
14:25:22 17 "Oracle's compensation policy and philosophy is to
14:25:25 18 pay employees in a fair and nondiscriminatory
14:25:29 19 manner."

14:25:29 20 How does Oracle ensure that employees were
14:25:35 21 paid in a fair and nondiscriminatory manner?

14:25:39 22 MS. CONNELL: Objection; lacks foundation,
14:25:41 23 calls for speculation and calls for a legal
14:25:43 24 conclusion.

14:25:43 25 THE WITNESS: I can't speak for every

14:25:47 1 supervisor, but by the review process that we started
14:25:52 2 looking at internal pay equity within these work
14:25:56 3 groups when employees first start with the company
14:25:58 4 and the manager determines an equitable pay amount
14:26:03 5 through the focal review, where employees can receive
14:26:08 6 increases through any kind of bonus allocation and --
14:26:13 7 and any other kind of incentive allocation, like
14:26:17 8 stocks. I would -- I would hope that -- that
14:26:23 9 managers would follow that. But that would be
14:26:27 10 determined -- be determined by that.

14:26:33 11 BY MS. BREMER:

14:26:33 12 Q. Okay. So Oracle's -- so are you saying
14:26:42 13 that individual managers -- that Oracle relied on
14:26:50 14 individual managers to ensure that employees were
14:26:53 15 paid in a fair and nondiscriminatory manner?

14:26:57 16 A. I'm telling you -- I'm not saying that; I'm
14:27:00 17 saying that it's the manager's responsibility to
14:27:03 18 review all compensation within -- within their work
14:27:09 19 groups with regard to pay equity.

14:27:11 20 Q. So it's the manager's responsibility to
14:27:22 21 review compensation within their work groups to
14:27:26 22 ensure pay equity?

14:27:27 23 A. I'm saying it kind of in a different way
14:27:32 24 than you're saying it. I'm saying that managers
14:27:36 25 determine -- look at pay equity within their work

14:27:40 1 group, and they determine pay. Now, I -- I don't
14:27:44 2 know what other responsibilities are other than
14:27:49 3 that -- I don't know if "responsibility" is the right
14:27:51 4 word -- but that's one of their -- one of the areas
14:27:54 5 that managers do.

14:27:55 6 Q. So you're saying that managers would do two
14:27:58 7 things: They would look at equity within their work
14:28:02 8 group and they would determine pay?

14:28:03 9 A. Yes, that's my understanding.

14:28:05 10 Q. So they weren't necessarily responsible for
14:28:10 11 ensuring equity when they determined pay?

14:28:14 12 MS. CONNELL: Objection; calls for
14:28:16 13 speculation. Calls for a legal conclusion.

14:28:18 14 THE WITNESS: Yeah, you would have to look
14:28:19 15 at that slide again on the pay training. I would
14:28:23 16 refer you to that slide, and that will give you
14:28:26 17 exactly the information and verbiage with regard to
14:28:30 18 managers and their responsibility towards pay.

14:28:32 19 BY MS. BREMER:

14:28:32 20 Q. Okay. And what did your -- what did
14:28:39 21 Oracle's compliance group do to ensure that employees
14:28:45 22 were paid in a fair and nondiscriminatory manner?

14:28:48 23 MS. CONNELL: Objection; assumes facts,
14:28:50 24 lacks foundation.

14:28:51 25 THE WITNESS: It's not our -- it's not part

14:28:56 1 of my team's responsibility to -- to assess pay in
14:29:01 2 all of these small groups. My team -- any kind of
14:29:07 3 pay analysis by my team was done under
14:29:12 4 attorney-client work product, and was submitted to
14:29:15 5 our attorneys as part of their work product and as
14:29:18 6 part of privileged information, you know, in the
14:29:22 7 assessment of pay.

14:29:24 8 BY MS. BREMER:

14:29:24 9 Q. Was it a part of your team's responsibility
14:29:27 10 to assess pay in large groups, large employee groups?

14:29:33 11 MS. CONNELL: Objection; vague.

14:29:35 12 THE WITNESS: Any -- any -- any -- any
14:29:41 13 analysis that we did was done under attorney-client
14:29:45 14 work product. I -- I can tell you that --

14:29:49 15 MS. CONNELL: Well, I'm going to instruct
14:29:51 16 you not to answer --

14:29:52 17 THE WITNESS: Okay.

14:29:54 18 MS. CONNELL: -- as to the --

14:29:54 19 THE WITNESS: Okay.

14:29:55 20 MS. CONNELL: -- specifics of any --

14:29:55 21 THE WITNESS: Okay. I'm sorry.

14:29:57 22 MS. CONNELL: -- privileged analysis --

14:29:57 23 THE WITNESS: Privileged.

14:29:57 24 MS. CONNELL: -- that you conducted.

14:29:58 25 THE WITNESS: Yeah, we just -- everything

14:30:01 1 was under attorney-client work product.

14:30:08 2 BY MS. BREMER:

14:30:08 3 Q. And how did you determine that everything
14:30:10 4 that you did to ensure that Oracle's employees'
14:30:15 5 compensation was fair and nondiscriminatory was done
14:30:19 6 under attorney work product?

14:30:22 7 MS. CONNELL: Objection; misstates her
14:30:24 8 testimony, lacks foundation, and calls for a legal
14:30:26 9 conclusion.

14:30:35 10 THE WITNESS: Could you be a little
14:30:36 11 clearer?

14:30:36 12 BY MS. BREMER:

14:30:36 13 Q. What's the basis for you saying that
14:30:39 14 everything that you did -- that your group did to
14:30:41 15 ensure that employees were paid in a fair and
14:30:44 16 nondiscriminatory manner was done under attorney work
14:30:48 17 product?

14:30:49 18 MS. CONNELL: Same objections; misstates
14:30:51 19 her testimony, lacks foundation, calls for a legal
14:30:55 20 conclusion.

14:30:56 21 THE WITNESS: Any kind of analysis that we
14:30:58 22 did with regard to pay was requested by attorneys as
14:31:01 23 part of their work product and under attorney-client
14:31:05 24 privilege.

14:31:05 25 BY MS. BREMER:

14:31:05 1 Q. And your group did not do any review or
14:31:11 2 analysis of compensation unless it was specifically
14:31:16 3 requested by Oracle's attorneys?

14:31:18 4 A. Correct.

14:31:19 5 MS. CONNELL: Objection; asked and
14:31:21 6 answered.

14:31:21 7 THE WITNESS: Yes, you're correct.

14:31:23 8 BY MS. BREMER:

14:31:25 9 Q. When you talked about the managers looking
14:31:32 10 at equity in their work groups, what work groups are
14:31:37 11 you talking about?

14:31:38 12 A. Any work group. I mean, within that
14:31:42 13 manager's -- people that report to them.

14:31:45 14 Q. So you're talking about the employees that
14:31:47 15 a particular supervisor would supervise?

14:31:50 16 A. Yes.

14:32:06 17 Q. The Compensation Review and Oversight
14:32:09 18 document that you provided to OFCCP says that "A new
14:32:12 19 hire salary is reviewed at hire to ensure that they
14:32:18 20 are being placed at the right job level and salary
14:32:21 21 based on their experience and skills."

14:32:24 22 Who does that?

14:32:25 23 A. Who decides what pay a new hire comes in
14:32:31 24 at? Is that what you're asking?

14:32:34 25 Q. Who does -- right. It says -- who reviews

14:32:36 1 a new hire's salary to make sure they're being placed
14:32:39 2 in the right job level and salary, based on their
14:32:42 3 experience and skills?

14:32:43 4 A. The supervisor. Supervisors do. HR may
14:32:47 5 provide some input as far as, you know, pulling the
14:32:50 6 salaries for each person for the supervisor, but
14:32:53 7 ultimately that's the supervisor's decision.

14:32:56 8 Q. Okay. And when it says to make sure that
14:33:01 9 the employees are placed in the right job, is that
14:33:05 10 referring to job code?

14:33:07 11 A. I don't know, because I didn't write this
14:33:10 12 document.

14:33:10 13 Q. At the end of this paragraph it says that,
14:33:22 14 "Any pay increases that may be given to incumbent
14:33:26 15 employees is consistent with Oracle's compensation
14:33:32 16 policies."

14:33:33 17 What compensation policies is this document
14:33:35 18 referring to?

14:33:37 19 MS. CONNELL: Objection; calls for
14:33:39 20 speculation.

14:33:39 21 THE WITNESS: I can't say, because I didn't
14:33:41 22 write this document.

14:33:45 23 BY MS. BREMER:

14:33:48 24 Q. Are you aware -- okay. At the bottom, in
14:34:11 25 the third paragraph of the Compensation Review --

14:34:13 1 A. Okay.

14:34:13 2 Q. -- and Oversight document --

14:34:15 3 A. Sure. Sure.

14:34:16 4 Q. -- it says, "Some departments or business

14:34:18 5 units may also be subject to budgetary constraints

14:34:22 6 that could affect the level of pay, pay increases

14:34:25 7 available to new hires/employees in that

14:34:29 8 organization."

14:34:33 9 Is -- when this document is talking about

14:34:35 10 "budgetary constraints," is that talking about the

14:34:38 11 budget that's provided by the EVP or senior

14:34:47 12 executives?

14:34:47 13 MS. CONNELL: Objection; assumes facts and

14:34:50 14 calls for speculation.

14:34:51 15 THE WITNESS: I -- I can't say the budget

14:34:53 16 provided by the EVP, or whatnot; I don't know how it

14:34:57 17 filters down and who determines who has what budget

14:35:01 18 in different lines of business.

14:35:01 19 BY MS. BREMER:

14:35:02 20 Q. What budgetary constraints affect

14:35:06 21 compensation at Oracle?

14:35:08 22 MS. CONNELL: Objection; calls for

14:35:10 23 speculation, vague.

14:35:12 24 THE WITNESS: I can only speak with regard

14:35:13 25 to my own work group, but I'll get a budget, say, for

14:35:19 1 instance, for a focal review. And I'm told to
14:35:22 2 allocate that money between the people and my team.
14:35:26 3 And I go in and I look at their contribution, their
14:35:30 4 work performance, and the factors that we've talked
14:35:33 5 about earlier in some of the documents you've
14:35:35 6 provided, and I go in and look at, you know, equity
14:35:38 7 within the group, how are they performing? What type
14:35:41 8 of work are they performing? Are they going above
14:35:44 9 and beyond, and that type of thing. And then I
14:35:47 10 determined based off of that -- and their
14:35:49 11 performance -- I determine based off that how much to
14:35:52 12 allocate.

14:35:53 13 And also where they are in the system, you
14:35:55 14 know, where they are compared to people that are
14:35:58 15 doing maybe similar work in my work group, because
14:36:02 16 not everybody that reports to me that has a
14:36:04 17 compliance analyst job title is doing the same work.
14:36:09 18 There's some crossover, but some of it is very
14:36:12 19 different.

14:36:12 20 BY MS. BREMER:

14:36:12 21 Q. And do you know if all managers who are
14:36:19 22 allocating compensation to employees consider the
14:36:22 23 same factors that you do?

14:36:24 24 MS. CONNELL: Calls for speculation.

14:36:24 25 THE WITNESS: I couldn't possibly tell you

14:36:27 1 that, because I -- I -- again, I don't -- we have so
14:36:31 2 many thousands of managers I -- I haven't had a
14:36:34 3 discussion with them on how they do this.

14:36:36 4 BY MS. BREMER:

14:36:36 5 Q. But sometimes you don't have enough of a
14:36:44 6 budget for pay increases to provide as much money to
14:36:48 7 your reports that you'd like. Right?

14:36:51 8 MS. CONNELL: Objection; assumes facts,
14:36:53 9 incomplete hypothetical.

14:36:55 10 THE WITNESS: Do any of us ever have enough
14:36:59 11 money to provide all the money we want to give to
14:37:02 12 other people? So I don't know. I think that's -- I
14:37:06 13 think it's relative.

14:37:08 14 MS. BREMER: Okay. I'd like to mark as
14:37:10 15 Exhibit 27, a document entitled "Oracle Compensation
14:37:16 16 Guidelines," it's Bates stamped ORACLE_HQCA 380594
14:37:25 17 through 597.

14:37:25 18 (Marked for identification Exhibit 27.)

14:37:35 19 THE WITNESS: Thank you.

14:37:36 20 BY MS. BREMER:

14:37:36 21 Q. Do you recognize this document?

14:37:44 22 A. Vaguely. It's not something that I
14:37:49 23 prepared or that -- I think I've seen it, but I
14:37:54 24 haven't delved into it in depth.

14:37:56 25 Q. Did you provide Exhibit 27 to OFCCP in

14:38:01 1 response to its request for Oracle's compensation
14:38:06 2 policies?

14:38:06 3 A. I very well could have. I'd have to look
14:38:11 4 again to verify that. I'd have to look at the
14:38:13 5 e-mails I sent, and the responses that I made to
14:38:17 6 OFCCP, but it looks like something that I would have
14:38:19 7 provided.

14:38:20 8 Q. Did -- is this information, Oracle's
14:38:28 9 compensation guidelines, in Exhibit 27, is that from
14:38:35 10 Oracle's intranet?

14:38:37 11 MS. CONNELL: Objection; calls for
14:38:40 12 speculation.

14:38:40 13 THE WITNESS: I'm not sure if it's there or
14:38:44 14 not. I don't remember.

14:38:45 15 BY MS. BREMER:

14:38:45 16 Q. Have you pulled information -- okay.
14:38:58 17 Looking back at -- at Exhibit 26, the Compensation
14:39:04 18 Review and Oversight document.

14:39:04 19 A. Sure. Sure.

14:39:05 20 Q. And that is a document that you provided to
14:39:08 21 OFCCP --

14:39:09 22 A. Yes.

14:39:10 23 Q. -- if you look at the bottom, it says
14:39:11 24 "Attachment: Compensation Guidelines"?

14:39:13 25 A. Okay. Yeah.

14:39:14 1 Q. So would Exhibit 27 have been the
14:39:18 2 compensation guidelines that you sent to OFCCP?

14:39:22 3 MS. CONNELL: Objection; calls for
14:39:23 4 speculation, asked and answered.

14:39:25 5 THE WITNESS: Yeah, I believe so. Based
14:39:27 6 off of -- it appears like something that I would have
14:39:31 7 sent to them.

14:39:34 8 BY MS. BREMER:

14:39:43 9 Q. And do you recall where you -- if you got
14:39:47 10 this from Oracle's intranet or someplace else?

14:39:52 11 A. I -- I don't recall where I got it. I may
14:39:54 12 have even gotten it from the compensation folks, you
14:39:58 13 know, in asking them to provide the attachment. It's
14:40:01 14 been five years, so -- or almost five years, so I
14:40:06 15 don't recall.

14:40:06 16 Q. Okay. If you look at the section on
14:40:13 17 page -- on the first page, under "salary increases."

14:40:17 18 A. Uh-huh.

14:40:17 19 Q. It says, "Salary increases are offered at
14:40:21 20 the discretion of your manager."

14:40:23 21 Do you see that?

14:40:24 22 A. Yes.

14:40:25 23 Q. Are salary increases at Oracle solely at
14:40:35 24 the discretion of managers?

14:40:38 25 MS. CONNELL: Objection; calls for

14:40:40 1 speculation.

14:40:40 2 THE WITNESS: I don't know.

14:40:43 3 BY MS. BREMER:

14:40:43 4 Q. Okay. You don't know -- and -- and you --
14:40:52 5 do you have any involvement or your group have any
14:40:55 6 involvement in providing advice as to which employees
14:41:01 7 should receive salary increases?

14:41:04 8 A. No.

14:41:04 9 Q. Does your group do anything to ensure that
14:41:11 10 Oracle employees receive salary increases in a
14:41:18 11 nondiscriminatory manner?

14:41:21 12 MS. CONNELL: Objection; asked and
14:41:23 13 answered.

14:41:24 14 THE WITNESS: That was answered in the
14:41:26 15 question in my description of the process, the full
14:41:29 16 compensation equity analysis that occurs from hire,
14:41:34 17 you know, through established employee, through stock
14:41:36 18 options, and through any incentives like bonus.

14:41:40 19 BY MS. BREMER:

14:41:40 20 Q. And the com -- the compliance team doesn't
14:41:53 21 have any involvement in setting the budget for salary
14:41:59 22 increases?

14:42:01 23 A. None.

14:42:02 24 Q. Does the compliance team conduct any
14:42:08 25 compensation analyses for the -- for either the

14:42:15 1 executive vice presidents or senior vice presidents
14:42:22 2 who are setting the budgets?

14:42:23 3 A. No.

14:42:25 4 Q. Does the compliance team conduct any
14:42:33 5 compensation analyses for the managers who are
14:42:37 6 distributing pay?

14:42:40 7 A. No.

14:42:40 8 Q. Okay. Under -- on the next page there's a
14:43:01 9 section on global corporate bonus.

14:43:05 10 A. Okay. I've got to find it.

14:43:07 11 Okay. Yes.

14:43:08 12 Q. It says, "Bonuses are discretionary." Who
14:43:12 13 determines if Oracle will award bonuses each year?

14:43:16 14 MS. CONNELL: Objection; lacks foundation,
14:43:17 15 assumes facts, and calls for speculation.

14:43:19 16 THE WITNESS: Somebody higher than my pay
14:43:27 17 grade determines if there is going to be a bonus -- a
14:43:34 18 bonus for the year, but it's the manager that
14:43:37 19 determines who gets the bonus.

14:43:37 20 BY MS. BREMER:

14:43:39 21 Q. Okay. Who -- do you know who higher than
14:43:41 22 your pay grade decides if bonuses will be awarded?

14:43:45 23 A. I don't know all the people that are
14:43:46 24 involved, no.

14:43:47 25 Q. But do you know some of them?

14:43:49 1 A. It -- I mean, I -- I mean it could be --

14:43:52 2 MS. CONNELL: Calls for speculation.

14:43:53 3 THE WITNESS: I'm not really sure, yeah. I
14:43:55 4 mean, I'm really not. I don't know who all is
14:43:58 5 involved in making that decision because I'm not part
14:44:01 6 of that decision.

14:44:02 7 BY MS. BREMER:

14:44:02 8 Q. But you know it's somebody higher than you
14:44:06 9 in the company?

14:44:07 10 A. The discernment, you know, are we going to
14:44:11 11 have a salary increase this year or bonus increase,
14:44:14 12 yes, but not -- not who gets what.

14:44:19 13 Q. It says also, "Bonuses are designed to
14:44:22 14 reward employees for assisting the company in meeting
14:44:25 15 key strategic company goals and objectives, including
14:44:29 16 profitability."

14:44:31 17 Do you know what key strategic company
14:44:34 18 goals and objectives Oracle considers in awarding
14:44:40 19 bonuses.

14:44:40 20 MS. CONNELL: Calls for speculation,
14:44:41 21 assumes facts.

14:44:43 22 THE WITNESS: I can't say, because I think
14:44:45 23 each work group has their own goals, and I don't know
14:44:48 24 what those are. I know my workers have their own
14:45:02 25 goals, so --

14:45:12 1 BY MS. BREMER:

14:45:12 2 Q. Turning back to the first -- the first
14:45:15 3 page.

14:45:15 4 A. Sure.

14:45:15 5 Q. It says, near the bottom, "How are salary
14:45:18 6 increases allocated?" It says, "Each line of
14:45:23 7 business" -- do you know what they're referring to
14:45:27 8 when it says "line of business"?

14:45:28 9 MS. CONNELL: Objection; calls for
14:45:29 10 speculation.

14:45:29 11 THE WITNESS: I'm not really certain. It
14:45:31 12 could be -- it could be different lines of business,
14:45:34 13 so -- I mean, it just -- line of business, I don't
14:45:38 14 know how that rolls up, no.

14:45:40 15 BY MS. BREMER:

14:45:40 16 Q. What do you understand "line of business"
14:45:43 17 to mean at Oracle?

14:45:47 18 MS. CONNELL: Objection; assumes facts.

14:45:48 19 THE WITNESS: I can only speak to my own
14:45:50 20 line of business, which is human resources. And --
14:45:54 21 but I don't know how the other line of businesses are
14:45:57 22 divided, if they have go down into, you know, smaller
14:46:00 23 product lines, you know, or how it rolls up.

14:46:18 24 MS. BREMER: Okay. I'd like to mark as
14:46:28 25 Exhibit 28, a document entitled "Analysis of Pay at

14:46:36 1 Oracle," and it's Bates numbered ORACLE_HQCA 382599.

14:46:36 2 (Marked for identification Exhibit 28.)

14:46:56 3 THE WITNESS: Thank you.

14:46:58 4 BY MS. BREMER:

14:46:59 5 Q. I want to turn your attention first to the
14:47:01 6 bottom of the page where it says "SHH 1-8-15."

14:47:07 7 Do you see that?

14:47:08 8 A. Yes.

14:47:09 9 Q. What does that footer indicate?

14:47:11 10 A. Those are my initials.

14:47:13 11 Q. Okay. Does that indicate -- did you draft
14:47:15 12 this analysis of pay at Oracle?

14:47:18 13 A. I drafted it with the help of outside
14:47:22 14 counsel, and also the input of the compensation
14:47:24 15 department.

14:47:25 16 Q. And was it drafted on or about January 8th,
14:47:33 17 2015?

14:47:35 18 A. I don't recall when it was drafted, because
14:47:37 19 there could have been some revisions. And that could
14:47:46 20 have been a revision date there; I don't remember.
14:47:48 21 But it could have been the revision date to
14:47:50 22 differentiate from earlier versions.

14:47:52 23 Q. Okay. Did you -- did you provide this
14:48:01 24 analysis of pay at Oracle to OFCCP during its
14:48:07 25 compliance audit of HQCA?

14:48:12 1 A. I believe I did.

14:48:13 2 Q. And is this analy -- did you send Exhibit

14:48:26 3 28 to OFCCP in the desk audit phase?

14:48:32 4 MS. CONNELL: Objection; calls for

14:48:33 5 speculation.

14:48:33 6 THE WITNESS: I don't know.

14:48:36 7 MS. CONNELL: Does your -- just for the --

14:48:38 8 am I supposed to have two pages? Does the exhibit

14:48:41 9 have two pages?

14:48:43 10 MS. BREMER: Oh, no, just one, one page.

14:48:46 11 MR. GARCIA: Well --

14:48:46 12 THE WITNESS: Okay, no problem or is there

14:48:47 13 a different one?

14:48:47 14 MS. BREMER: I know. I'm just using this

14:48:50 15 one.

14:48:50 16 MR. GARCIA: Okay.

14:48:52 17 MS. BREMER: You can just --

14:48:54 18 THE WITNESS: Okay. Yeah, it could have

14:48:57 19 been -- this could indicate the revision. There may

14:49:00 20 be some differences. I don't know; I'd have to read

14:49:03 21 it.

14:49:03 22 BY MS. BREMER:

14:49:03 23 Q. And that's -- that's the second page?

14:49:05 24 A. It could be, but I don't know when. That's

14:49:07 25 why I was trying to tell you that I believe this is a

14:49:10 1 revision date to differentiate, so we don't get it
14:49:14 2 mixed up with something else.

14:49:16 3 Q. And the page -- the second page does not
14:49:18 4 have a footer. Correct?

14:49:20 5 A. Correct.

14:49:20 6 Q. Okay. So the first sentence of the
14:49:28 7 analysis of pay at Oracle says, "When analyzing pay
14:49:32 8 information, evaluating pay based on supervisor is
14:49:34 9 the most accurate method of analysis at Oracle."

14:49:40 10 What was the basis of that statement?

14:49:42 11 A. I think it's followed up in the second
14:49:45 12 sentence where it says, "Supervisor typically denotes
14:49:47 13 the different" -- "the different line of business
14:49:50 14 and/or product the employee is working on."

14:49:52 15 Q. Okay. And you indicated that this document
14:49:55 16 was drafted with the help of outside counsel, as well
14:50:02 17 as people in the compensation department?

14:50:04 18 A. Yes.

14:50:04 19 Q. Who in the compensation department did you
14:50:06 20 consult with?

14:50:07 21 A. I would have sent this to Lisa Gordon, but
14:50:10 22 I don't know who on her team provided input.

14:50:13 23 Q. Okay. Did you consult with anyone else in
14:50:22 24 drafting the analysis of pay at Oracle?

14:50:24 25 A. Kind of -- a different kind of consultant.

14:50:29 1 This was done at the request of one of our OFCCP
14:50:32 2 audits, and they requested this information organized
14:50:37 3 in this -- in this answering questions they had.

14:50:40 4 Q. And what audit was that?

14:50:43 5 A. Cambridge, Massachusetts.

14:50:45 6 Q. When was that audit?

14:50:46 7 A. Somewhere around this time frame, but I
14:50:49 8 can't say exactly without looking at documents.

14:50:53 9 Q. Okay. And did you consult with anyone else
14:50:56 10 in drafting the analysis of pay at Oracle, such as
14:51:01 11 consultants, labor economists?

14:51:03 12 A. No.

14:51:08 13 Q. It says -- the second sentence says,
14:51:25 14 "Supervisor typically denotes the different line of
14:51:27 15 business and/or product the employee is working on."

14:51:33 16 So each supervisor does not have an entire
14:51:44 17 line of business, do they?

14:51:47 18 MS. CONNELL: Objection; incomplete
14:51:49 19 hypothetical.

14:51:50 20 THE WITNESS: Could you be a little bit
14:51:52 21 more specific?

14:51:53 22 BY MS. BREMER:

14:51:53 23 Q. Well, at Oracle there can be multiple
14:51:58 24 supervisors working in the same line of business; for
14:52:01 25 example, in -- is product development -- within the

14:52:12 1 product development job function, how many lines of
14:52:14 2 business are there?

14:52:15 3 MS. CONNELL: Objection; calls for
14:52:17 4 speculation.

14:52:17 5 THE WITNESS: I -- I don't know. I don't
14:52:19 6 know. And it would be depending on who was defining
14:52:23 7 the line of business and how it was being defined,
14:52:25 8 and so -- I don't know how many -- I don't know how
14:52:28 9 many products there would be there, if they were
14:52:30 10 using that for the line of business or exactly --

14:52:32 11 BY MS. BREMER:

14:52:32 12 Q. Well, how do you -- you know, you worked on
14:52:35 13 drafting this document --

14:52:37 14 A. Yes.

14:52:37 15 Q. -- how do you -- how did you define line of
14:52:40 16 business when you were writing this analysis of pay?

14:52:44 17 A. It was from a hypothetical. Different --
14:52:49 18 okay. So it has -- it says, "Different products and
14:52:51 19 different lines of business typically require
14:52:55 20 employees and those" --

14:52:55 21 THE REPORTER: Hold on. Read a little
14:52:57 22 slower, please.

14:52:58 23 THE WITNESS: I'm sorry. I'm sorry. Okay.
14:53:00 24 "Different products and different lines of business
14:53:03 25 typically require employees in those respective areas

14:53:09 1 to have different skill-sets."

14:53:11 2 And that would mean the different products
14:53:19 3 that are represented in different lines of business
14:53:23 4 typically require employees to have different
14:53:27 5 skill-sets. So depending on what product they're
14:53:31 6 working on.

14:53:32 7 BY MS. BREMER:

14:53:32 8 Q. Okay. But I'm -- I'm wondering what line
14:53:43 9 of business -- what you meant by "line of business"
14:53:46 10 in this document. Is that like job function, where,
14:53:53 11 like, product development would be a line of business
14:53:56 12 or would you consider Tom Kurian's group at the time
14:54:01 13 to be a line of business?

14:54:03 14 A. No, because it says "different products and
14:54:06 15 different lines of business," so it would have to
14:54:08 16 marry, because Thomas Kurian, his line of business
14:54:12 17 included many different products.

14:54:14 18 Q. So you're saying every product would be a
14:54:16 19 separate line of business?

14:54:18 20 A. And.

14:54:18 21 MS. CONNELL: Objection; misstates her
14:54:19 22 testimony.

14:54:20 23 THE WITNESS: Yeah, it says -- no, I didn't
14:54:22 24 say that. I said "different products and different
14:54:27 25 lines of business." So it's not either/or; it's an

14:54:27 1 and.

14:54:30 2 BY MS. BREMER:

14:54:30 3 Q. Okay. There could be numerous supervisors
14:54:34 4 working on the same product?

14:54:35 5 MS. CONNELL: Objection; incomplete
14:54:37 6 hypothetical.

14:54:38 7 THE WITNESS: I don't know what the
14:54:38 8 breakdown is. I can't answer that question.

14:54:38 9 BY MS. BREMER:

14:54:38 10 Q. You don't know one way or the other?

14:54:40 11 A. I don't know how many supervisors work on
14:54:42 12 what products, so I wouldn't want to speculate.

14:54:52 13 Was that better the second time?

14:54:53 14 THE REPORTER: It's fine.

14:54:55 15 THE WITNESS: Okay. I'm sorry.

14:54:56 16 BY MS. BREMER:

14:55:00 17 Q. In the third paragraph it says, "Because of
14:55:04 18 the small groups, employee pay and skill level are
14:55:07 19 analyzed each time pay is changed as a result of
14:55:10 20 focal review."

14:55:12 21 Is that what you were talking about earlier
14:55:16 22 when you say that managers would analyze pay?

14:55:20 23 A. Yes.

14:55:21 24 Q. Okay. But that's not something that your
14:55:24 25 group was doing?

14:55:25 1
14:55:25 2
14:55:34 3
14:55:37 4
14:55:39 5
14:55:45 6
14:55:47 7
14:55:55 8
14:56:05 9
14:56:10 10
14:56:13 11
14:56:17 12
14:56:22 13
14:56:25 14
14:56:29 15
14:56:32 16
14:56:39 17
14:56:43 18
14:56:44 19
14:56:47 20
14:56:57 21
14:57:01 22
14:57:05 23
14:57:06 24
14:57:06 25

A. No.

Q. And it says at the bottom, "During this process employees' salaries are evaluated and adjustments are made, if necessary, based on performance and comparators to ensure pay equity."

How do you know that that was done?

A. I've been in -- I've been in a number of OFCCP interviews, and where the OFCCP has asked those questions, and I've heard numerous managers explaining the process repeatedly over and over again. And -- and they talk about pay equity within their group. And -- and then and basing pay on performance. Now, does that mean that I'm speaking for all managers and their processes? No, because I can only speak for the people that I've been in the interviews with. But that is -- that is one of the areas that -- one of the -- I guess the sources of this knowledge.

Q. Okay. So when -- when the document says that during this process adjustments are made, if necessary, based on performance in comparators to ensure pay equity, that's done by the individual managers?

A. Yes.

Q. And then it says, "In addition to the focal

14:57:14 1 review, compensation is reviewed, as directed by
14:57:18 2 in-house counsel to ensure that the process is fair,
14:57:21 3 unbiased, and that there are no unlawful
14:57:25 4 disparities."

14:57:26 5 Do you -- and that's what you were
14:57:29 6 describing previously?

14:57:29 7 A. As far as the in-house counsel during the
14:57:33 8 focal review, yes.

14:57:37 9 Q. In addition to the focal review, it says.

14:57:40 10 A. Yes. Yes.

14:57:41 11 Q. Have any -- are you aware of any
14:57:45 12 adjustments to employee pay that have been made as a
14:57:50 13 result of the review by in-house counsel?

14:57:52 14 A. I don't have access to that knowledge.

14:57:55 15 Q. And you're not aware of that?

14:57:59 16 A. No.

14:58:08 17 MS. BREMER: Okay. I will mark --

14:58:10 18 MS. CONNELL: Just for the record, I -- I
14:58:12 19 haven't been designating exhibits as confidential,
14:58:16 20 but a lot of them have marked "confidential." Do you
14:58:20 21 need me to specially designate exhibits as
14:58:24 22 confidential, if they've got a confidential Bates
14:58:27 23 stamp on them?

14:58:28 24 THE REPORTER: No.

14:58:29 25 MS. CONNELL: Okay. Thank you.

14:58:39 1 MS. BREMER: Okay. I would like to mark as
14:58:42 2 Exhibit 29, a series of e-mails dated February 17th,
14:58:48 3 2015 through February 26th, 2015, between Shauna
14:58:56 4 Holman-Harries and Hoan Luong, with an attachment
14:58:59 5 entitled "Oracle Global Compensation Training."

15:00:05 6 Oh, is that it? Yes.

15:00:24 7 (Marked for identification Exhibit 29.)

15:00:24 8 THE WITNESS: Thank you.

15:00:36 9 BY MS. BREMER:

15:00:37 10 Q. Is Exhibit 29 a true and correct copy of
15:00:40 11 e-mails between you and Hoan Luong of OFCCP between
15:00:44 12 February 17th, 2015 and February 26th, 2015?

15:00:49 13 A. Yes.

15:00:49 14 Q. And the e-mail at the top, dated February
15:00:57 15 26, 2015, indicates that it's got an attachment,
15:01:01 16 "Global Compensation Training-2011 Managing Pay Final
15:01:09 17 PowerPoint."

15:01:09 18 A. Yes.

15:01:10 19 Q. Is the Global Compensation Training
15:01:14 20 Managing Pay module, which is Bates stamped
15:01:19 21 ORACLE_HQCA 407, a true and correct copy of the
15:01:26 22 global compensation training that you provided to
15:01:30 23 OFCCP, along with the notes to that PowerPoint?

15:01:34 24 A. I believe so.

15:01:35 25 Q. Did you have any involvement in preparing

15:01:58 1 this compensation training?

15:01:59 2 A. No, I did not.

15:02:01 3 Q. You've mentioned compensation training
15:02:10 4 earlier in this deposition. Is this the training
15:02:12 5 that you were talking about or something else?

15:02:15 6 A. Yes. This is it, I believe. It has the
15:02:20 7 slide I was referencing.

15:02:21 8 Q. And what slide were you referencing?

15:02:23 9 A. "General Principles."

15:02:26 10 Q. And what page is that?

15:02:27 11 A. Oh, it's the one that ends at 407-8. I
15:02:35 12 think. Or no, she's -- she's correcting me.

15:02:39 13 MS. CONNELL: I'm not -- I'm --

15:02:42 14 THE WITNESS: This one?

15:02:48 15 BY MS. BREMER:

15:02:48 16 Q. It says "General Principles" on 407 --

15:02:49 17 A. Yeah, it doesn't have the 2 after it, it
15:02:52 18 doesn't have the 2.

15:02:54 19 MS. CONNELL: I'm looking at a different
15:02:56 20 page than you're looking at, but you're testifying.

15:02:59 21 THE WITNESS: Okay.

15:03:00 22 MS. CONNELL: But look at the entire
15:03:01 23 document.

15:03:02 24 THE WITNESS: I will.

15:03:12 25 BY MS. BREMER:

15:03:12 1 Q. So is this a training that was provided to
15:03:17 2 Oracle managers?

15:03:20 3 A. As far as I know, yes. This is what I --
15:03:25 4 yes. But I did not -- I didn't provide the training.
15:03:28 5 This wasn't provided by me; it would have been
15:03:31 6 provided by the compensation department. So I just
15:03:33 7 want to qualify that --

15:03:35 8 Q. Right.

15:03:36 9 A. -- that I have limited knowledge on -- on
15:03:38 10 anything other than it's provided to managers.

15:03:41 11 Q. Right. You didn't give the training to
15:03:43 12 managers; you just provided the training to OFCCP?

15:03:45 13 A. You're exactly right, yes.

15:03:48 14 Q. Did you send any other compensation
15:03:50 15 training documents to OFCCP?

15:03:52 16 A. I don't recall.

15:03:53 17 Q. Do you know if Oracle has any other
15:04:01 18 compensation guidelines, policies, or procedures?

15:04:06 19 MS. CONNELL: Calls for speculation.

15:04:08 20 THE WITNESS: Yeah, I'd have to rereview
15:04:10 21 it. And then I'd also have to ask compensation if
15:04:15 22 they have any others, because this audit's -- you
15:04:17 23 know, it's almost five years old, and so I -- I can't
15:04:20 24 really say for certain what all documents they have
15:04:23 25 now. Or what all documents they had then, without,

15:04:27 1 you know, asking.

15:04:27 2 BY MS. BREMER:

15:04:27 3 Q. Did you go to the compensation group in
15:04:30 4 order to get training materials to send to OFCCP?

15:04:35 5 A. I would have had to, yes.

15:04:37 6 Q. Okay. When you look at the general
15:05:01 7 principles that you were referencing --

15:05:03 8 A. Yes.

15:05:04 9 Q. -- it says that, "An employee's salary
15:05:08 10 should take into account comparisons with others in
15:05:12 11 group peers-equity" --

15:05:17 12 A. Yes.

15:05:18 13 Q. -- as one of the factors that should be
15:05:20 14 taken into account?

15:05:21 15 A. Yes.

15:05:21 16 Q. And again, you didn't have any input into
15:05:25 17 drafting these general principles?

15:05:27 18 A. No.

15:05:27 19 Q. Okay. And, to your knowledge, this is
15:05:37 20 information that was provided to managers in helping
15:05:40 21 them determine how to set compensation at Oracle?

15:05:45 22 A. To my general knowledge, yes.

15:05:47 23 Q. Okay. And the notes, which are on
15:05:57 24 407-11 --

15:05:58 25 A. Okay.

15:05:59 1 Q. -- indicate in the second paragraph,
15:06:01 2 "Internal equity is considering how much you pay your
15:06:04 3 employees relative to another."

15:06:07 4 A. Uh-huh.

15:06:07 5 Q. The guidance that managers at Oracle were
15:06:20 6 provided concerning equity did not provide guidance
15:06:26 7 regarding gender equity or nondiscrimination based on
15:06:34 8 gender or race. Right?

15:06:35 9 MS. CONNELL: Objection; misstates the
15:06:37 10 document.

15:06:37 11 THE WITNESS: Yeah, the document states
15:06:39 12 that it says nondiscriminatory criteria.

15:06:45 13 BY MS. BREMER:

15:06:46 14 Q. But there's so -- there's no discussions of
15:06:50 15 the protect categories. Right?

15:06:53 16 MS. CONNELL: Objection; the document
15:06:54 17 speaks for itself.

15:06:55 18 THE WITNESS: Yeah, it talks about every
15:06:58 19 discriminatory area. It speaks for itself, I agree.
15:07:01 20 Non -- nondiscriminatory criteria, I would -- in my
15:07:05 21 mind, would encompass any area that a person could be
15:07:09 22 discriminated against on.

15:07:46 23 MS. BREMER: Okay. I'm going to mark as
15:07:47 24 Exhibit 30, a document Bates stamped DOL 1237 through
15:08:02 25 1240. It's a letter, dated April 27th, 2015 from Hea

15:08:13 1 Jung Atkins of OFCCP to Shauna Holman-Harries.
15:08:13 2 (Marked for identification Exhibit 30.)
15:08:40 3 THE WITNESS: Thank you.
15:08:42 4 Here you go.
15:08:42 5 MS. CONNELL: Thanks.
15:08:46 6 BY MS. BREMER:
15:08:55 7 Q. Is this a true and correct copy of the
15:08:57 8 letter that you received from Hea Jung Atkins of
15:09:01 9 OFCCP on or about April 27th, 2015?
15:09:05 10 A. I believe it is, yes.
15:09:06 11 Q. And OFCCP was requesting additional
15:09:13 12 information from Oracle. Correct?
15:09:16 13 A. Yes.
15:09:17 14 Q. And that was part of its compliance audit
15:09:24 15 it was doing at HQCA?
15:09:33 16 A. Yes.
15:09:34 17 Q. And did you understand OFCCP to be
15:09:36 18 requesting the history of jobs and salary history for
15:09:41 19 Oracle employees?
15:09:42 20 MS. CONNELL: Objection, the document
15:09:44 21 speaks for itself, and calls for speculation.
15:09:46 22 THE WITNESS: Which item are you referring?
15:09:50 23 BY MS. BREMER:
15:09:50 24 Q. Item 2.
15:09:51 25 A. 2, okay.

15:09:56 1 Yes.

15:09:56 2 Q. And in item 7, OFCCP was also requesting

15:10:09 3 that the compensation database for 2014 be

15:10:13 4 resubmitted so that it included additional data.

15:10:18 5 Right?

15:10:18 6 A. Correct.

15:10:18 7 MS. CONNELL: Objection; the document

15:10:20 8 speaks for itself.

15:10:21 9 BY MS. BREMER:

15:10:22 10 Q. Including data for educational background.

15:10:26 11 Right?

15:10:26 12 A. Yes.

15:10:27 13 MS. CONNELL: Objection; the document

15:10:28 14 speaks for itself.

15:10:36 15 MS. BREMER: Okay. I'm going to mark as

15:10:46 16 Exhibit 31, a document Bates numbered ORACLE_HQCA 34.

15:10:57 17 It's an e-mail from Shauna Holman-Harries to Hea Jung

15:11:04 18 Atkins, dated June 2nd, 2015.

15:11:04 19 (Marked for identification Exhibit 34.)

15:11:48 20 THE WITNESS: Thank you again, ma'am.

15:11:51 21 THE REPORTER: Yes.

15:11:53 22 BY MS. BREMER:

15:11:56 23 Q. Is Exhibit 31 a true and correct copy of an

15:11:59 24 e-mail that you sent to Hea Jung Atkins of OFCCP on

15:12:04 25 or about June 2nd, 2015?

15:12:05 1 A. I believe it is, yes.

15:12:08 2 Q. And this e-mail responded to OFCCP's

15:12:12 3 request number 3 in the April 27th, 2015, letter that

15:12:17 4 we just reviewed, which was Exhibit --

15:12:20 5 A. Okay.

15:12:20 6 Q. -- 30. Right?

15:12:22 7 A. Yes.

15:12:22 8 Q. And looking back at Exhibit 30, it

15:12:40 9 requested the dates of internal pay equity analyses

15:12:50 10 conducted during the past three years, as required

15:12:54 11 under 60-2.17, and then it includes specific

15:13:00 12 information for each analysis, to include the dataset

15:13:06 13 used for the analysis, and the action taken, if any,

15:13:09 14 as a result of the analysis.

15:13:10 15 Do you see that?

15:13:11 16 A. And which item?

15:13:13 17 Q. Item 3 in the April 27th, 2015 letter?

15:13:17 18 A. Yes.

15:13:18 19 Q. Okay. So then in Exhibit 31, it states at

15:13:33 20 the bottom of the first paragraph, "Pay equity at

15:13:36 21 Oracle and ensuring fairness and consistency among

15:13:42 22 cohorts is an ongoing process and an integral part of

15:13:46 23 Oracle's evaluation of its compensation system."

15:13:52 24 What did you mean when you said that?

15:13:53 25 A. What I had talked to you before about pay

15:13:56 1 equity being part of a continual process, to where
15:14:03 2 equity is -- employees' initial starting pay is
15:14:08 3 evaluated when they very first come in for pay equity
15:14:12 4 within their group. And then also the analysis is
15:14:15 5 done during the focal review, down to the -- down to
15:14:17 6 bonuses or different stock options, any kind of
15:14:23 7 incentives, so --

15:14:24 8 Q. And this says that "Pay equity at Oracle,
15:14:29 9 and ensuring fairness and consistency among and
15:14:33 10 between cohorts is an ongoing process."

15:14:35 11 What did you mean by "cohorts"?

15:14:37 12 A. People doing the same type of work.

15:14:43 13 Q. Okay. And how did you define the people
15:14:47 14 who were doing the same type of work?

15:14:51 15 MS. CONNELL: Objection; lacks foundation,
15:14:53 16 assumes facts, and misstates the document.

15:14:56 17 THE WITNESS: On -- if you -- generally
15:15:02 18 it's by, again, when you go back to the supervisor
15:15:06 19 part to where the supervisor evaluates people within
15:15:10 20 their work group that do similar work. So, for
15:15:13 21 instance, in my work group, you know, I would have --
15:15:17 22 I have some people I told you that do different work
15:15:20 23 than other people, even though they have the same job
15:15:23 24 title, so I'm going to assess those people against
15:15:26 25 each other more so with regard to pay than I am

15:15:29 1 people that -- that don't work on it. So I may have
15:15:32 2 a person who does a lot of pulling of data, right,
15:15:35 3 and I may have another person that works with the
15:15:40 4 grassroots effort, as far as establishing diversity
15:15:43 5 partners, you know, where Oracle does business.

15:15:46 6 And so I'm going to look at them a little
15:15:48 7 bit differently because they have different
15:15:50 8 responsibilities, even though they have the same
15:15:50 9 titles. So they wouldn't be true cohorts. What
15:15:50 10 would be a true cohort would be somebody that --
15:15:56 11 another data person being compared to -- you know,
15:15:58 12 two data people being compared together.

15:16:04 13 BY MS. BREMER:

15:16:04 14 Q. So when you told OFCCP that Oracle ensured
15:16:07 15 fairness and consistency among and between cohorts,
15:16:10 16 you were talking about employees who had the same
15:16:14 17 supervisor and who were doing the same work?

15:16:15 18 MS. CONNELL: Objection; misstates her
15:16:17 19 testimony.

15:16:17 20 THE WITNESS: I was saying that people that
15:16:20 21 were doing comparable work. I'd have to look at
15:16:23 22 every issue, you know, and the supervisors and get a
15:16:27 23 grasp on a specific work group, because it's just not
15:16:30 24 that easy to draw distinct lines at Oracle. Oracle
15:16:35 25 is heavily matrixed. And in order to really evaluate

15:16:40 1 pay, I mean, the first thing is by supervisor, you're
15:16:45 2 correct there, but we would still -- you know, there
15:16:46 3 may be other similarities involved, but it would
15:16:49 4 mainly be based off the supervisor.

15:16:52 5 BY MS. BREMER:

15:16:52 6 Q. Okay. So when you were talking about
15:16:54 7 cohorts in this document, you were talking about
15:16:56 8 people who were supervised by the same supervisor and
15:17:00 9 who were doing comparable work?

15:17:02 10 MS. CONNELL: Objection; misstates her
15:17:05 11 testimony.

15:17:05 12 THE WITNESS: Essentially, yes.

15:17:07 13 BY MS. BREMER:

15:17:09 14 Q. Okay. It says -- okay. It also says that,
15:17:39 15 in response to your request number 3 -- which, as we
15:17:44 16 saw, dealt with pay equity?

15:17:46 17 A. Which -- which one? Item 3?

15:17:48 18 Q. Yes, item number 3 --

15:17:50 19 A. Yes.

15:17:50 20 Q. -- in your 20 -- April 27th letter
15:17:53 21 regarding internal pay equity analysis, you said, "I
15:17:57 22 refer to the lengthy interview conducted with Lisa
15:18:00 23 Gordon by Brian Mickel over two days on January 9th
15:18:06 24 and 13th, 2015." Right?

15:18:09 25 A. Correct.

15:18:17 1 MS. BREMER: Okay. I'm going to mark as
15:18:24 2 Exhibit Number 32, a document that -- well, it's
15:18:42 3 Bates numbered DOL 575 through 593, and the date at
15:18:52 4 the top is January 9th, 2015, and it lists Oracle
15:19:00 5 participants as Lisa Gordon, Neil Bourque, Lida
15:19:05 6 Daniel, and Shauna Holman-Harries.

15:19:05 7 (Marked for identification Exhibit 32.)

15:19:19 8 THE WITNESS: Thank you.

15:19:29 9 BY MS. BREMER:

15:19:31 10 Q. Is this the Lisa Gordon interview that you
15:19:34 11 were referencing in your June 2nd, 2015 e-mail?

15:19:42 12 MS. CONNELL: Objection; mis -- assumes
15:19:45 13 facts, lacks foundation, and misrepresents the
15:19:47 14 document.

15:20:06 15 THE WITNESS: Yes.

15:20:06 16 BY MS. BREMER:

15:20:06 17 Q. Is that -- is this a true and correct copy
15:20:11 18 of the Lisa Gordon interview that you were
15:20:15 19 referencing in your June 2nd, 2015 e-mail?

15:20:24 20 MS. CONNELL: Objection; lacks foundation.

15:20:28 21 THE WITNESS: June -- I'm trying to find
15:20:30 22 that.

15:20:30 23 MS. CONNELL: These appear to be OFCCP's
15:20:33 24 notes of the interview.

15:20:34 25 THE WITNESS: Yeah, which -- you're saying

15:20:36 1 June 2nd; which exhibit is that?

15:20:36 2 BY MS. BREMER:

15:20:40 3 Q. That's Exhibit -- Exhibit 31 that we were
15:20:43 4 just looking at.

15:20:45 5 A. That's April 27th. Are you talking about
15:20:49 6 that?

15:20:49 7 Q. No, not the letter. The Exhibit 31 that's
15:20:54 8 the e-mail --

15:20:54 9 A. Yeah.

15:20:56 10 Q. -- at the top?

15:20:56 11 A. You said did I reference this in my -- my
15:21:00 12 June 2nd e-mail, so that's why I was confused. I
15:21:03 13 thought that's what --

15:21:06 14 Q. So it says on the June 2nd, 2015 e-mail, it
15:21:11 15 says, "I refer you to the lengthy interview conducted
15:21:14 16 with Lisa Gordon."

15:21:16 17 A. Okay. Where -- which paragraph?

15:21:21 18 Q. There.

15:21:22 19 A. That one.

15:21:22 20 Q. The second sentence.

15:21:23 21 A. Okay. All right. Thank you.

15:21:42 22 Okay. And what was the question that you
15:21:44 23 wanted me to confirm? Is this -- the Lisa Gordon
15:21:48 24 interview, are you asking me if this is the same
15:21:50 25 interview referenced in this April 27th e-mail?

15:21:53 1 Q. Yes. If it's a true and correct copy of
15:21:56 2 the interview that you were referring to in your
15:22:00 3 e-mail to Hea Jung Atkins on June 2nd, 2015?

15:22:08 4 MS. CONNELL: Objection; in that it
15:22:10 5 misstates the document and calls for speculation.

15:22:17 6 THE WITNESS: So you're referring to the
15:22:18 7 first paragraph?

15:22:22 8 MS. CONNELL: She's --

15:22:22 9 BY MS. BREMER:

15:22:24 10 Q. I'm re --

15:22:25 11 MS. CONNELL: Sorry.

15:22:26 12 THE WITNESS: No, I just want to verify
15:22:28 13 that this is what you're -- that in this first
15:22:29 14 paragraph am I referring to this?

15:22:31 15 BY MS. BREMER:

15:22:31 16 Q. Yes.

15:22:32 17 A. Yes.

15:22:32 18 Q. And when you say "this," you're talking
15:22:35 19 about --

15:22:35 20 A. I'm talking about --

15:22:36 21 Q. -- Exhibit 32?

15:22:37 22 A. Yes, Exhibit 32, yes.

15:22:38 23 Q. And that's the interview of Lisa Gordon?

15:22:41 24 A. Yes.

15:22:44 25 MS. CONNELL: Could we go off the record,

15:22:46 1 please? Could we take a break, please, when you're
15:22:49 2 at a breaking point? Laura, when you're at a
15:22:55 3 breaking point?

15:22:58 4 MS. BREMER: Yes, in just a second.

15:23:00 5 Q. And you attended Lisa Gordon's interview by
15:23:10 6 OFCCP. Right?

15:23:11 7 A. Yes.

15:23:12 8 Q. And you were asking OFCCP to rely on Lisa
15:23:20 9 Gordon's interview statement. Correct?

15:23:23 10 MS. CONNELL: Objection; misstates the
15:23:25 11 document.

15:23:32 12 THE WITNESS: I don't -- I don't see
15:23:33 13 anyplace in there where I'm asking you to rely on --
15:23:36 14 on the interview. I'm just asking -- I'm just
15:23:39 15 referencing the interview.

15:23:40 16 BY MS. BREMER:

15:23:40 17 Q. And you were referencing the interview in
15:23:42 18 response to the question about internal pay equity
15:23:49 19 analyses. Correct?

15:23:50 20 A. I -- I can't say with any certainty that
15:24:04 21 that's what I was referencing.

15:24:06 22 Q. Okay. So in -- in the e-mail, which is
15:24:08 23 Exhibit 31, you say "I'm sending this e-mail in
15:24:12 24 response to your request number 3 in your April 27th
15:24:16 25 letter regarding internal pay equity" --

15:24:19 1 A. Yes.
15:24:19 2 Q. -- "analyses. To answer your question, I
15:24:22 3 refer you to the lengthy interview conducted with
15:24:25 4 Lisa Gordon by Brian Mickel over two days on January
15:24:30 5 9th and January 13th, 2015."

15:24:33 6 Correct?

15:24:33 7 A. Yes.

15:24:34 8 Q. So in response to the question regarding
15:24:36 9 internal pay equity analyses by OFCCP, you were
15:24:41 10 referencing or referring OFCCP to Lisa Gordon's
15:24:46 11 interview, which is Exhibit Number 32. Right?

15:24:48 12 MS. CONNELL: Objection; in that Exhibit 32
15:24:52 13 is the interview. It lacks foundation.

15:24:55 14 THE WITNESS: Okay. So this is the
15:25:03 15 interview. So --

15:25:05 16 BY MS. BREMER:

15:25:05 17 Q. Exhibit 32 is the interview?

15:25:08 18 A. Yes.

15:25:08 19 Q. Right. And that's the interview that you
15:25:11 20 were telling OFCCP to look at with respect to
15:25:16 21 internal pay equity analyses. Right?

15:25:20 22 MS. CONNELL: Lacks foundation, misstates
15:25:22 23 her testimony. And it misrepresents the document.

15:25:25 24 THE WITNESS: No, I'm -- I'm -- this -- it
15:25:28 25 would be information that -- that she provided. I --

15:25:32 1 I don't recall if there's anything in here with
15:25:34 2 regard to internal pay equity analysis. But I
15:25:40 3 would -- I would really have to -- to look over this
15:25:43 4 document. And I don't believe -- I don't see
15:25:47 5 anything with regard to internal pay equity analysis
15:25:50 6 that this -- that this is related. I would have to
15:25:53 7 really spend some time on --

15:25:53 8 BY MS. BREMER:

15:25:55 9 Q. Okay. Well, I'm just looking -- looking
15:25:58 10 back on the top of this, you say, "I refer you to the
15:26:01 11 lengthy interview conducted with Lisa Gordon by Brian
15:26:06 12 Mickel over two days, on January 9th and 13th, 2015."
15:26:09 13 If you look at Exhibit 32, the date, it says January
15:26:14 14 9th, 2015, continued on January 13th --

15:26:19 15 A. Right.

15:26:19 16 Q. -- 2015. When -- I'm just trying to
15:26:23 17 establish that Exhibit 32 is what you were
15:26:26 18 referencing in your e-mail to Hea Jung on June 2nd,
15:26:33 19 2015?

15:26:34 20 MS. CONNELL: And I'll just -- again,
15:26:38 21 assert an objection that it misrepresents the
15:26:40 22 e-mail --

15:26:41 23 THE WITNESS: It does.

15:26:42 24 MS. CONNELL: -- and it lacks foundation.
15:26:45 25 It also misrepresents 32, Exhibit 32.

15:26:49 1 THE WITNESS: Yeah, if you look at this, on
15:26:50 2 item number 3, it says "pay equity analysis" in the
15:26:54 3 very first sentence, and if you look at this
15:26:58 4 particular e-mail, and this is, I think, where my
15:27:02 5 confusion is, it refers to a letter that talks about
15:27:08 6 pay analysis, but it's not the pay analysis.

15:27:11 7 BY MS. BREMER:

15:27:11 8 Q. And you're talking -- and the letter that's
15:27:16 9 referenced is what we just went over in Exhibit 30.
15:27:20 10 Right?

15:27:20 11 A. Yeah.

15:27:21 12 Q. The April 27th letter?

15:27:22 13 A. Yeah. If you see it, it says, "Dates of
15:27:22 14 internal pay equity analysis conducted during the
15:27:26 15 first three years, as required under 60-2.17 for each
15:27:29 16 analysis includes," and it says "dataset for the
15:27:34 17 analysis and actions taken, if any, as a result."

15:27:37 18 That's -- that's your particular letter.
15:27:39 19 Right?

15:27:40 20 Q. Right. So that's the request was Exhibit
15:27:42 21 30. And then you're responding, in Exhibit 31,
15:27:47 22 right, to Exhibit 30?

15:27:48 23 A. And -- and with regard to that, this is
15:27:53 24 asking for dates of the internal pay equity analysis.
15:27:57 25 Right? This doesn't reference Lisa Gordon's

15:28:02 1 interview, and in this first sentence, there's
15:28:05 2 nothing here that talks about the dates of the
15:28:07 3 internal pay equity analysis. All it does is it
15:28:10 4 provides information with regard to the pay review
15:28:13 5 process.

15:28:14 6 Q. Okay. But --

15:28:15 7 A. So that's -- that's what the mismatch is.
15:28:19 8 So this would be something that would provide -- Lisa
15:28:26 9 Gordon's interview would provide information, but
15:28:29 10 this request is for the dates of the internal pay
15:28:31 11 equity analysis conducted during the past three
15:28:34 12 years. So they're two different items.

15:28:37 13 Q. Okay. But my question is, the interview by
15:28:44 14 Lisa Gordon that you were asking Hea Jung Atkins to
15:28:49 15 refer to is Exhibit 31. Correct?

15:28:55 16 MS. CONNELL: And I'll just, again, assert
15:28:58 17 that Exhibit 31 isn't an interview.

15:29:01 18 MS. BREMER: Or 32, I'm sorry.

15:29:02 19 Q. Exhibit 32, you were referencing Lisa
15:29:07 20 Gordon's interview, which is Exhibit 32. Correct?

15:29:10 21 MS. CONNELL: Objection; misstates her
15:29:11 22 testimony, and misstates the documents.

15:29:13 23 THE WITNESS: I'm -- I'm referencing this,
15:29:15 24 but not in the context that you're asking the
15:29:19 25 question.

15:29:19 1 BY MS. BREMER:

15:29:19 2 Q. Okay. And when you said "this," you held

15:29:23 3 up --

15:29:25 4 A. This, I'm sorry --

15:29:25 5 Q. -- Exhibit 32?

15:29:25 6 A. -- Exhibit 32, yes.

15:29:25 7 THE REPORTER: Hold on, please.

15:29:25 8 THE WITNESS: Yeah.

15:29:25 9 BY MS. BREMER:

15:29:28 10 Q. And when you said "this," you were holding

15:29:29 11 up Exhibit 32. Right?

15:29:30 12 A. Right.

15:29:32 13 MS. BREMER: Okay. Thank you. Okay.

15:29:32 14 Let's take a -- a break.

15:29:35 15 MS. CONNELL: Thank you.

15:29:36 16 THE VIDEOGRAPHER: The time is 3:29 p.m.

15:29:39 17 We are off the record.

15:30:02 18 (Recessed from 3:29 p.m. until 3:42 p.m.)

15:42:29 19 THE VIDEOGRAPHER: The time is 3:42 p.m.

15:42:46 20 We are on the record.

15:42:48 21 THE WITNESS: Laura, I have a couple things

15:42:50 22 to clear up. The first one is when we were

15:42:56 23 discussing this before the break, there was a little

15:42:59 24 bit of confusion on my part, because I really wasn't

15:43:02 25 looking at the verbiage with regard to this document.

15:43:08 1 And I just want to make it clear, and I told you I
15:43:12 2 hadn't reviewed this, you know, I don't remember a
15:43:15 3 lot of this stuff, especially about what Lisa said.
15:43:19 4 But I -- and I know this is your summary, okay, I
15:43:21 5 know this is your summary.

15:43:22 6 What I was referring to in there was the
15:43:24 7 actual interview that took place, not the summary.

15:43:28 8 BY MS. BREMER:

15:43:28 9 Q. So you were referencing the ac -- the
15:43:41 10 actual interview that took place?

15:43:44 11 A. And not -- not the copy of the summary,
15:43:46 12 because I'm not -- not familiar, you know, with the
15:43:49 13 summary. Like I told you during it, I would have to
15:43:52 14 look through this, I'm not totally familiar with
15:43:55 15 everything that was said in this. So I was
15:43:57 16 referencing the actual interview that took place.

15:44:00 17 Q. Okay. I want to turn -- refer you back to
15:44:04 18 Exhibit 17.

15:44:06 19 A. Sure. I've got to find it.

15:44:22 20 Q. And this Exhibit 17 is your declaration --

15:44:25 21 A. Yes.

15:44:26 22 Q. -- that was filed in the Jewett case.

15:44:29 23 A. Oh, wait a minute, I've got the wrong one.
15:44:33 24 Just a minute. Just a minute.

15:44:48 25 MR. GARCIA: This is what it looks like.

15:44:50 1 THE WITNESS: Yeah, yeah. Here it is.
15:44:53 2 Okay.
15:44:55 3 BY MS. BREMER:
15:44:56 4 Q. Okay. Again, this is the declaration that
15:44:59 5 you filed in the --
15:45:00 6 A. Yes.
15:45:00 7 Q. -- or that you have signed that was filed
15:45:02 8 in the Jewett case. Correct?
15:45:04 9 A. Yes.
15:45:04 10 Q. And if you look at the end of paragraph 4,
15:45:14 11 you say "I did not" -- that attached as Exhibit A is
15:45:22 12 a true and correct copy of OFCCP's interview summary,
15:45:26 13 and that's the interview summary of Lisa Gordon.
15:45:31 14 Correct?
15:45:31 15 A. The OFCCP's interview summary, yes.
15:45:35 16 Q. Okay. And that's true, that this is a true
15:45:42 17 and correct copy of -- of the interview statement
15:45:48 18 for -- of OFCCP's report of Lisa Gordon's interview?
15:45:54 19 A. That's OFCCP's copy of the interview, but I
15:45:58 20 can't say for certain, because, like I was telling
15:46:01 21 you, I would have to look at that; I'm not familiar.
15:46:04 22 I can't attest to what was said. I don't recall what
15:46:08 23 was said during the interview.
15:46:10 24 Q. But it was a true and correct copy of
15:46:13 25 OFCCP's interview summary of Lisa Gordon's interview.

15:46:20 1 Right?

15:46:20 2 A. I can't say with any certainty. That's
15:46:23 3 what I was trying to tell you when I was fumbling
15:46:25 4 through all of the papers is that I would have to
15:46:27 5 review this. I can't tell you if it was a true and
15:46:30 6 accurate interview summary.

15:46:32 7 Q. Okay. Okay. You stated in your
15:46:38 8 declaration it that was filed in the Jewett case that
15:46:42 9 Exhibit A to your declaration is a true and correct
15:46:46 10 copy of OFCCP's summary of the interview of Lisa
15:46:53 11 Gordon. Correct?

15:46:58 12 MS. CONNELL: Objection; the document
15:47:00 13 speaks for itself.

15:47:01 14 THE WITNESS: In here I say, "I did not
15:47:12 15 personally review this summary for accuracy, but
15:47:15 16 understand that it was sent to Ms. Gordon and she
15:47:18 17 signed the interview on around February 11th, 2015."

15:47:22 18 BY MS. BREMER:

15:47:22 19 Q. Okay. But that was not my question. My
15:47:32 20 question is you stated that it was a true and correct
15:47:35 21 copy of OFCCP's interview summary of Lisa Gordon's
15:47:41 22 interview. Correct?

15:47:42 23 A. No.

15:47:43 24 MS. CONNELL: Objection; the document
15:47:45 25 speaks for itself.

15:47:46 1 THE WITNESS: What I was trying to tell you
15:47:48 2 is I would have to read this, and I don't recall what
15:47:50 3 happened in that interview. So I don't know what is
15:47:54 4 true and factual with what she said. I don't recall
15:47:56 5 her statements during that interview. I mean, all I
15:48:01 6 meant by this is that this looks like a copy of the
15:48:04 7 interview, but as with regard to anything that's
15:48:08 8 stated in this interview, I can't say that it was
15:48:12 9 true or factual, because I can't speak for Lisa, and
15:48:17 10 I don't recall everything that was said during that
15:48:18 11 interview.

15:48:19 12 BY MS. BREMER:

15:48:19 13 Q. Okay. Again, though, that was not my
15:48:20 14 question. My question is just whether Exhibit A
15:48:23 15 attached to your declaration that was filed in the
15:48:26 16 Jewett case is a true and correct copy of OFCCP's
15:48:31 17 interview summary of the interview of Lisa Gordon?

15:48:35 18 A. And that's what I'm --

15:48:37 19 MS. CONNELL: Objection; the document
15:48:39 20 speaks for itself.

15:48:39 21 THE WITNESS: And that's where the
15:48:41 22 confusion is. I don't recall what Lisa said during
15:48:44 23 that interview. I don't recall her statements.
15:48:46 24 We're talking about something that's years old. I
15:48:49 25 cannot attest to the accuracy of what or -- or

15:48:52 1 anything about what Lisa said or what I heard there,
15:48:55 2 because I don't remember.

15:48:56 3 BY MS. BREMER:

15:48:56 4 Q. Okay. So are you saying now that Exhibit A
15:49:00 5 is not a true and correct copy of the -- the --

15:49:03 6 A. It's a copy that the OFCCP provided, but I
15:49:07 7 can't attest to -- I can say that this appears to be
15:49:10 8 a copy that OFCCP provided, but if you -- if you look
15:49:14 9 at this, it says, "I do not have an independent
15:49:16 10 recollection of the statements made by Ms. Gordon
15:49:19 11 during the OFCCP interview, and thus, cannot verify
15:49:22 12 the accuracy of the interview summary."

15:49:25 13 So that's what I'm saying. I can say that
15:49:27 14 this is your copy, but I can't verify the accuracy of
15:49:32 15 the -- of -- of the summary. So --

15:49:36 16 MS. BREMER: Okay. I'd like to mark as
15:49:38 17 Exhibit 33.

15:49:40 18 MS. CONNELL: I think Shauna had another
15:49:43 19 point of clarification.

15:49:44 20 THE WITNESS: Oh, and I'm trying to
15:49:46 21 remember what that was. Oh, this is the most
15:49:49 22 important one.

15:49:50 23 Oh, yes, on this -- this, do you recall how
15:49:53 24 I said that there were different versions? And I
15:49:56 25 don't know if -- of this, it's Exhibit 28, I don't

15:50:05 1 recall which one of these versions went to -- went in
15:50:10 2 on the audit or if any of them did. I know we
15:50:12 3 submitted them on audits. I'd have to look back at
15:50:15 4 the e-mails to see if one of these versions went to
15:50:18 5 the OFCCP. And of -- and if you look, there are two
15:50:23 6 different -- two different versions here. And so I
15:50:26 7 don't know if one of them went in on the particular
15:50:28 8 HQ audit. I know we prepared it for the Cambridge
15:50:33 9 audit. I can't recall off the top of my head which
15:50:35 10 locations got this particular analysis. And/or which
15:50:39 11 version was sent in, because you're looking -- if you
15:50:44 12 look at this, it looks like there's two different
15:50:47 13 versions here. But maybe -- it may be the same, but
15:50:53 14 I'd have to look at it, you know, sentence by
15:50:57 15 sentence.

15:51:04 16 But you can see that there are some
15:51:06 17 differences at the bottom in the placement of the
15:51:10 18 paragraphs, but I'd have to read it to determine
15:51:12 19 that. And that I wanted to make sure you were clear
15:51:14 20 on that, because I --

15:51:16 21 BY MS. BREMER:

15:51:16 22 Q. So you don't recall one way or the other,
15:51:17 23 sitting here today, whether or not the analysis of
15:51:21 24 pay at Oracle was sent to OFCCP as part of the
15:51:27 25 HQCA audit?

15:51:28 1 A. I'd have to refer to the e-mails to be
15:51:31 2 absolutely certain.

15:51:31 3 Q. But it was -- the analysis of pay at Oracle
15:51:34 4 was sent to OFCCP as part of at least the Cambridge,
15:51:38 5 Massachusetts, audit?

15:51:40 6 A. Yes. But I don't know which version. I'd
15:51:43 7 have to go back and look and see what version was
15:51:46 8 submitted. Because it's been revised.

15:51:50 9 Q. So it's either -- either the page -- the
15:51:53 10 first or second page would have been sent?

15:51:55 11 A. I'd have to -- I'd have to look in my
15:51:58 12 records to determine which version was sent and see
15:52:00 13 how many versions there were, because there were
15:52:04 14 several versions.

15:52:05 15 Q. Were there substantive changes to the
15:52:13 16 versions of the analysis of pay at Oracle?

15:52:16 17 MS. CONNELL: Objection; the documents
15:52:18 18 speak for themselves, vague as to substantive.

15:52:21 19 THE WITNESS: I'd have to look at each
15:52:23 20 version to determine that. I don't recall what
15:52:25 21 changes were made.

15:52:36 22 MS. BREMER: Okay. I'd like to mark as
15:52:38 23 Exhibit 33, a red-lined document that is dated
15:52:56 24 January 9th, 2015, continued on January 13th, 2015,
15:53:04 25 with Oracle participants Lisa Gordon, Neil Bourque,

15:53:09 1 Lida Daniel and Shauna Holman-Harries.
15:53:09 2 (Marked for identification Exhibit 33.)
15:53:22 3 THE WITNESS: Thank you.
15:53:31 4 BY MS. BREMER:
15:53:31 5 Q. Okay. After OFCCP --
15:53:35 6 MS. CONNELL: For the record, Counsel, has
15:53:36 7 this been produced?
15:53:38 8 MS. BREMER: I don't believe so.
15:53:44 9 MS. CONNELL: Do you want to lay a
15:53:45 10 foundation for it?
15:53:46 11 MS. BREMER: Well, we're producing -- this
15:53:48 12 is from OFCCP's files. We're producing it now.
15:53:54 13 MS. CONNELL: Why wasn't it produced
15:53:56 14 before?
15:53:56 15 MR. GARCIA: It also wasn't produced to us
15:53:58 16 before either, I'm putting on the record.
15:54:02 17 MS. CONNELL: What is it?
15:54:03 18 MR. GARCIA: This is a document that was
15:54:05 19 sent from Shauna Holman-Harries, laying the
15:54:08 20 foundation, to us, because OFCCP originally sent its
15:54:14 21 interview of Shauna Holman-Harries -- or, correction,
15:54:19 22 Lisa Gordon to Shauna Holman-Harries. Lisa Gordon
15:54:23 23 made edits. Shauna Holman-Harries sent it back to
15:54:27 24 OFCCP. And then OFCCP sent the document at Exhibit
15:54:33 25 32 for Shaun -- for Lisa Gordon to sign. That's the

15:54:37 1 foundation. So we did not receive --

15:54:41 2 MS. CONNELL: Because it's in connection
15:54:42 3 with the Pleasanton audit and this litigation relates
15:54:47 4 to the HQ audit.

15:54:49 5 MR. GARCIA: No, you produced the Lisa
15:54:52 6 Gordon signed interview in this litigation, but not
15:54:55 7 this.

15:54:56 8 THE WITNESS: Yes, this was in regards to
15:54:58 9 the Pleasanton audit, though, yeah.

15:55:00 10 MR. GARCIA: Okay. So you recognize the
15:55:02 11 document?

15:55:03 12 THE WITNESS: I know that -- I don't
15:55:04 13 recognize the document. All I can say is that --
15:55:08 14 that I was kind of like the messenger, the mailman,
15:55:12 15 in that it was sent to me. I didn't read it. I sent
15:55:15 16 it directly over to Lisa, Lisa made changes, and I
15:55:18 17 sent it back.

15:55:19 18 MR. GARCIA: With the changes?

15:55:20 19 THE WITNESS: With -- well, whatever
15:55:21 20 changes she made. She said she made changes.

15:55:24 21 BY MS. BREMER:

15:55:25 22 Q. And Exhibit 33 contains the changes that
15:55:30 23 Lisa Gordon made to her interview statement?

15:55:32 24 MS. CONNELL: Objection; calls for
15:55:34 25 speculation.

15:55:34 1 THE WITNESS: I don't recall. I didn't
15:55:36 2 check what the changes were before she sent it back.

15:55:39 3 BY MS. BREMER:

15:55:39 4 Q. But she did tell you that she made changes
15:55:42 5 to her interview statement?

15:55:44 6 A. Yes.

15:55:44 7 Q. And then you forwarded those changes to
15:55:47 8 OFCCP?

15:55:48 9 A. Yes, as a mailman. But I did not read
15:55:52 10 them.

15:55:52 11 Q. Did you make any changes to Lisa Gordon's
15:55:56 12 interview statement?

15:55:57 13 A. I don't believe so.

15:56:01 14 MS. CONNELL: I'll just object for the
15:56:03 15 record that this wasn't produced prior to her
15:56:05 16 deposition.

15:56:08 17 MR. GARCIA: And we're also noting for the
15:56:10 18 record that it was not produced to us also prior to
15:56:15 19 the deposition, even though Oracle identified the
15:56:23 20 signed Lisa Gordon interview and provided documents
15:56:27 21 related to the signed Lisa Gordon interview prior to
15:56:30 22 the deposition.

15:56:33 23 THE WITNESS: Yeah, these were all her --
15:56:35 24 her edits. I don't recall seeing this.

15:56:38 25 MS. CONNELL: And for the record, we did

15:56:39 1 not produce the Lisa Gordon interview in this
15:56:42 2 litigation except as an attachment to the declaration
15:56:46 3 of Shauna Holman-Harries, because it was a document
15:56:49 4 in the Jewett litigation. This document, 32,
15:56:53 5 document was produced by the Department of Labor to
15:56:56 6 us, yet the Department of Labor did not produce it to
15:56:58 7 us, this version.

15:56:59 8 MR. GARCIA: And for the record -- for the
15:57:00 9 record, the document production request requested all
15:57:03 10 documents related to this. It was used in the Jewett
15:57:07 11 litigation. Also, for the record, Oracle submitted
15:57:14 12 documents to us submitting the Lisa Gordon signed
15:57:19 13 interview communications. So there is no record of
15:57:25 14 Oracle producing to us the document at Exhibit 33,
15:57:30 15 even though it's related to the document production
15:57:33 16 request that OFCCP made to Oracle, and would be
15:57:39 17 responsive thereto.

15:57:41 18 MS. CONNELL: No, you're wrong. But let's
15:57:43 19 continue. My objection stands to producing surprise
15:57:50 20 exhibits to witnesses during depositions that have
15:57:52 21 not been produced before.

15:57:55 22 MR. GARCIA: And I guess we note that
15:57:58 23 Oracle previously had this document in its
15:58:01 24 possession, which you acknowledged.

15:58:04 25 MS. CONNELL: I didn't acknowledge that.

15:58:06 1 BY MS. BREMER:

15:58:07 2 Q. Okay. So as the messenger between OFCCP

15:58:11 3 and Lisa Gordon, you delivered Exhibit 33 to OFCCP.

15:58:22 4 Right?

15:58:22 5 A. Yes. Let me finish looking over it, if you

15:58:27 6 wouldn't mind.

15:58:44 7 Yeah, there would be some edits to my

15:58:47 8 statements, it looks like that I made, but all the

15:58:51 9 other edits were Lisa's.

15:58:53 10 Q. So which edits do you think that you made

15:58:56 11 to Lisa Gordon's interview --

15:58:58 12 A. Oh, I didn't --

15:58:58 13 Q. -- in Exhibit 33?

15:58:59 14 A. -- I didn't make any to her interview.

15:59:02 15 Q. To the -- to the summary of the interview,

15:59:05 16 which is Exhibit 33.

15:59:11 17 A. Just any statement that I made. I didn't,

15:59:15 18 like, pay attention to anything that she said.

15:59:18 19 Q. Okay. So you made --

15:59:40 20 A. Just on the work unit flow.

15:59:43 21 Q. Where -- what page are you looking at?

15:59:44 22 A. On page 3.

15:59:45 23 Q. So on page 3 under work unit throw -- flow?

15:59:54 24 A. I would have -- I think -- I may have, or I

15:59:58 25 may not have, because I usually don't worry about

16:00:02 1 capitalization. I can't recall which ones, but if I
16:00:06 2 did, it would have been just to the work unit flow
16:00:09 3 information. And then there's another reference to
16:00:14 4 it on page 5.

16:00:23 5 Q. On page 5, where it says "Holman-Harries
16:00:28 6 will provide an acronym legend," you think that's an
16:00:32 7 edit that you made?

16:00:39 8 A. (No audible response.)

16:00:39 9 Q. Okay. There's -- there's two colors --

16:00:41 10 A. Yeah, but --

16:00:42 11 Q. -- of edits. Did you make -- are one of
16:00:46 12 these colors yours?

16:00:47 13 A. I know, I was looking at that. But some of
16:00:49 14 the -- some of these edits I would not have made,
16:00:53 15 unless it was in reference to my -- my notes or my --
16:01:00 16 my statement. I wouldn't have paid attention to her
16:01:02 17 statement.

16:01:26 18 Q. Okay. So -- so you and Lisa both made
16:01:33 19 edits to the report or OFCCP's summary of Lisa
16:01:40 20 Gordon's interview, and then you forwarded the edits
16:01:44 21 to OFCCP?

16:01:45 22 MS. CONNELL: Objection; misstates her
16:01:47 23 testimony.

16:01:47 24 THE WITNESS: That misstates. I would have
16:01:50 25 only made edits with regard to my testimony. And I

16:01:54 1 don't recall -- I don't know -- so I wouldn't have
16:02:09 2 said anything about the signing bonus or anything
16:02:11 3 like that. I don't have any knowledge of that.

16:02:14 4 BY MS. BREMER:

16:02:14 5 Q. Okay. So the edits regarding the signing
16:02:19 6 bonus are edits that Lisa Gordon would have made?

16:02:22 7 A. I would think so, yes.

16:02:23 8 Q. Okay. So --

16:02:25 9 A. They would not have been mine.

16:02:26 10 Q. Okay. So my question was you --

16:02:39 11 A. And I don't know if she edited this on two
16:02:42 12 different occasions, but my only -- my only comment
16:02:46 13 would have been, and I don't even know if -- because
16:02:48 14 it's got these things for supervisor and work flow,
16:02:51 15 and there's nothing -- I don't recall any of --
16:02:55 16 editing this at all, actually. I'm just trying to
16:02:59 17 assume, and I can't really testify that, because she
16:03:02 18 even has like things like "HP/IBM sales force and
16:03:07 19 workday"; I wouldn't have that information. And I
16:03:10 20 wouldn't have even read that.

16:03:12 21 MS. CONNELL: I'm going to object to the
16:03:14 22 entire -- you have not laid a foundation for this
16:03:16 23 exhibit. It lacks foundation, hasn't been produced.
16:03:19 24 It's not attached to an e-mail, and this witness has
16:03:22 25 now confirmed that she can't lay a foundation for

16:03:24 1 this document.

16:03:25 2 THE WITNESS: Yeah, and I can't -- and if I
16:03:27 3 look at this, I know there's two different colors,
16:03:30 4 and I know that there's this, but I actually think
16:03:32 5 that she -- you know, I don't recall making edits to
16:03:35 6 this, in all honesty, and I'm just trying to figure
16:03:39 7 out why the two colors of edits, and I don't know
16:03:42 8 why.

16:03:44 9 BY MS. BREMER:

16:03:44 10 Q. But you --

16:03:46 11 A. You know, I don't -- what I'm trying to say
16:03:49 12 is that there's some confusion on my part. I did not
16:03:53 13 look at any of her statements. If I did anything, I
16:03:56 14 would have looked only at my statements. And it
16:04:02 15 looks like this was basically corrected for typos.

16:04:06 16 Q. During the -- during the Pleasanton audit,
16:04:13 17 you attended the Lisa Gordon interview. Correct?

16:04:17 18 A. Yes.

16:04:18 19 Q. And then after that interview, OFCCP
16:04:22 20 provided you with a summary of Lisa Gordon's
16:04:29 21 interview. Correct?

16:04:30 22 A. They sent me one, which I forwarded to her
16:04:33 23 and did not read.

16:04:34 24 Q. Okay. And then she made edits and sent it
16:04:38 25 back to you. Correct?

16:04:38 1 A. Yes. And then I forwarded it on. So even
16:04:41 2 though there's two different colors, these had to be
16:04:46 3 all her edits.

16:04:46 4 Q. Okay.

16:04:47 5 A. Because I do not recall editing this at
16:04:48 6 all --

16:04:48 7 MS. CONNELL: Don't speculate.

16:04:48 8 THE WITNESS: -- but I'm not certain.

16:04:50 9 BY MS. BREMER:

16:04:50 10 Q. And when you say "this," you're talking
16:04:51 11 about Exhibit 33. Correct?

16:04:51 12 A. Yes. I don't recall.

16:04:52 13 Q. Okay. So after you forwarded Lisa Gordon's
16:04:55 14 edits of her -- of the summary of her interview --

16:05:00 15 A. Yeah.

16:05:00 16 Q. -- to OFCCP, did they send back a -- a
16:05:08 17 version of this -- of the summary of the interview
16:05:12 18 that included the edits?

16:05:17 19 A. They sent -- I -- I -- I don't recall.

16:05:20 20 Q. So after you sent Exhibit 33 to OFCCP, did
16:05:26 21 they send back a corrected version of the interview
16:05:32 22 summary?

16:05:33 23 MS. CONNELL: Objection; misstates her
16:05:35 24 testimony. You haven't established that Exhibit
16:05:37 25 33 -- she sent Exhibit 33 anywhere or if she's ever

16:05:41 1 seen it before.

16:05:42 2 THE WITNESS: Yeah. Because I'm -- I'm
16:05:48 3 looking at this, and the more I look at this, these
16:05:51 4 are just data corrections. It's nothing for
16:05:54 5 substance. So I don't know who made the corrections
16:05:58 6 to this. I do know that I didn't even have the
16:06:02 7 information to make some of the corrections to this
16:06:04 8 or even the knowledge. So I don't believe I've even
16:06:08 9 seen this. I just -- I just recall what my original
16:06:23 10 statement was, is that you sent a version to us, I
16:06:28 11 forwarded it to Lisa Gordon, she made the edits, and
16:06:31 12 I forwarded it back to you.

16:06:33 13 BY MS. BREMER:

16:06:33 14 Q. Okay.

16:06:34 15 A. And I do not recall making -- making these
16:06:36 16 edits.

16:06:37 17 Q. Okay. But the final version -- or the
16:06:47 18 version of Lisa Gordon's interview statement that was
16:06:53 19 attached to the Jewett -- to your declaration filed
16:06:59 20 in the Jewett case included these corrections -- the
16:07:05 21 corrections that were from Exhibit 33. Correct?

16:07:09 22 MS. CONNELL: Objection; the document
16:07:10 23 speaks for itself. Are you asking her to go through
16:07:14 24 each edit and confirm if they're reflected in Exhibit
16:07:18 25 A to her declaration?

16:07:22 1 THE WITNESS: I can't, without comparing
16:07:24 2 each item, I can't tell you exactly what edits were
16:07:28 3 made.

16:07:28 4 BY MS. BREMER:

16:07:28 5 Q. Okay. Is it your understanding that the
16:07:35 6 version of the interview statement that -- I'm sorry.
16:07:40 7 Is it your understanding that Lisa Gordon signed the
16:07:45 8 summary of her interview after her edits had been
16:07:51 9 made to it?

16:07:53 10 MS. CONNELL: Objection; assumes facts.

16:07:57 11 THE WITNESS: I don't -- I don't recall
16:08:04 12 when exactly that she -- you know, when she signed
16:08:06 13 it. It's my understanding that -- that she -- that
16:08:13 14 she did sign it sometime after edits were made, but
16:08:18 15 not before.

16:08:19 16 BY MS. BREMER:

16:08:19 17 Q. And after Lisa Gordon signed her
16:08:23 18 interview -- actually, after Lisa Gordon signed the
16:08:33 19 summary of her interview that took place on January
16:08:37 20 9th, 2015 and January 13th, 2015, did you send the
16:08:41 21 signed summary back to OFCCP?

16:08:47 22 A. I forwarded it, yes.

16:08:48 23 Q. Okay. So you acted as the messenger
16:08:52 24 again --

16:08:53 25 A. Exactly.

16:08:53 1 Q. -- between --
16:08:54 2 You acted as the messenger, again, between
16:08:57 3 OFCCP and Lisa Gordon?
16:09:00 4 A. Yes.
16:09:00 5 Q. And is Exhibit A to the declaration that
16:09:10 6 you filed or that you signed in the Jewett case --
16:09:13 7 A. Uh-huh.
16:09:14 8 Q. -- a true and correct copy of the corrected
16:09:19 9 interview or summary of the interview of Lisa
16:09:25 10 Gordon's interview?
16:09:25 11 A. I can't say, because when I reforwarded it
16:09:29 12 back, I didn't look at what the changes were.
16:09:31 13 Q. Do you have any reason to believe that this
16:09:34 14 is not a true and correct version of the corrected --
16:09:40 15 of the --
16:09:41 16 A. Of what she signed?
16:09:42 17 Q. Yes.
16:09:43 18 A. I believe that's the statement that she
16:09:50 19 signed and sent back to you and which -- let's see,
16:09:58 20 I'm going back to this; we have so many in front of
16:10:01 21 me.
16:10:01 22 Q. When you say this is a -- you believe that
16:10:04 23 Exhibit A to the declaration you signed in Jewett is
16:10:08 24 a true and correct copy of the summary of Lisa
16:10:12 25 Gordon's interview that you sent back to OFCCP.

16:10:17 1 Correct?

16:10:17 2 A. I -- it may be the summary. I can't attest
16:10:22 3 to any accuracy with regard to the statements in it,
16:10:26 4 however. I can't confirm that accuracy. I believe
16:10:31 5 that it's the form that she sent back, but, you know,
16:10:40 6 again, even like looking at these -- the edits of the
16:10:43 7 second document you gave me, I don't recall making
16:10:46 8 any of those edits or seeing any of those edits. And
16:10:49 9 I look at thousands of pieces of documents all the
16:10:52 10 time, but I don't recall any of those, so I'm
16:10:55 11 assuming this is what -- what we sent back, but I
16:10:58 12 don't know that for certain, you know, because --

16:11:06 13 Q. Have you seen Lisa Gordon's signature
16:11:08 14 before?

16:11:08 15 A. I may have, but I couldn't -- I don't
16:11:13 16 recall what it looks like.

16:11:13 17 Q. Did you act as a messenger between OFCCP
16:11:28 18 and other witnesses that OFCCP interviewed during the
16:11:35 19 compliance audits?

16:11:37 20 A. Could you be more specific? Because the
16:11:46 21 other interviews were a little different, so could
16:11:49 22 you be more specific?

16:11:50 23 Q. That's my question.

16:11:55 24 MS. CONNELL: Objection; lacks foundation,
16:11:57 25 assumes facts.

16:11:58 1 THE WITNESS: I received interview
16:12:02 2 statements from the OFCCP almost a year after,
16:12:06 3 anywhere from seven months to maybe 12 months after
16:12:10 4 the actual on-site audit took place. I was asked to
16:12:16 5 forward them to different individuals, you know, with
16:12:20 6 regard to having them sign the documents, but it
16:12:24 7 was -- it was -- it was -- there was so much time in
16:12:29 8 between, you know, I don't believe any were returned.

16:12:32 9 BY MS. BREMER:

16:12:32 10 Q. And you're talking about the audit of HQCA?

16:12:37 11 A. Yes.

16:12:37 12 Q. Okay. Looking back at Exhibit 30.

16:12:45 13 A. Uh-huh.

16:12:45 14 Q. And item 3 that we were talking about
16:12:54 15 before, which was OFCCP's request. So OFCCP
16:13:03 16 requested both the dates for any internal pay equity
16:13:10 17 analysis conducted during the past three years, as
16:13:14 18 required under 60-2.17, and it also requested the
16:13:24 19 dataset used for the analysis and actions taken, if
16:13:26 20 any, as a result of the analysis. Correct?

16:13:30 21 A. Is that what it says? Yes, that's what it
16:13:32 22 says.

16:13:32 23 Q. So OFCCP was not just requesting the dates
16:13:37 24 of the pay equity analysis in its April 27th, 2015
16:13:42 25 letter?

16:13:43 1 MS. CONNELL: Objection; the document
16:13:45 2 speaks for itself.
16:13:46 3 THE WITNESS: So your question is that you
16:13:56 4 were not just requesting the dates of the pay
16:13:58 5 analysis --
15:55:39 6 BY MS. BREMER:
15:55:39 7 Q. OFCCP was --
16:13:59 8 A. Is that your question?
16:14:01 9 Q. OFCCP was not just requesting the dates?
16:14:04 10 A. Correct. That's what it states.
16:14:38 11 MS. BREMER: Okay. Okay. Yes, let's --
16:14:40 12 let's take a break to change the tape.
16:14:44 13 MS. CONNELL: Okay.
16:14:45 14 THE WITNESS: Oh, okay.
16:14:46 15 THE VIDEOGRAPHER: This is the end of video
16:14:48 16 three. The time is 4:14 p.m. We are off the record.
16:14:52 17 (Recessed from 4:14 p.m. until 4:20 p.m.)
16:20:23 18 THE VIDEOGRAPHER: This is the beginning of
16:20:46 19 video four of the May 8th, 2019 deposition of Shauna
16:20:50 20 Holman-Harries. The time is 4:20 p.m. We are on the
16:20:54 21 record.
16:20:55 22 MS. BREMER: Okay. I'd like to mark as
16:20:58 23 Exhibit Number 34 Regulations 41 CFR 60-2.17.
16:20:58 24 (Marked for identification Exhibit 34.)
16:21:18 25 THE WITNESS: Thank you.

16:21:24 1 BY MS. BREMER:

16:21:24 2 Q. As the senior director of Oracle's
16:21:28 3 diversity compliance, are you familiar with 41
16:21:34 4 CFR 60-2.17?

16:21:37 5 A. Let me -- let me review it, if you wouldn't
16:21:43 6 mind.

16:22:00 7 Yes.

16:22:01 8 Q. Okay. So it says that in addition to the
16:22:15 9 elements required by 60-210 through 60-216, an
16:22:23 10 acceptable affirmative action program must include
16:22:26 11 the following: And (b)(3) says, "The contractor must
16:22:36 12 perform in-depth analyses of the total compensation
16:22:40 13 process to determine whether and where impediments of
16:22:44 14 equal employment opportunity exist. At a minimum,
16:22:48 15 the contractor must evaluate compensation systems to
16:22:52 16 determine whether there are gender, race, or
16:22:55 17 ethnicity-based disparities."

16:22:58 18 What does Oracle do to comply with this
16:23:06 19 section?

16:23:06 20 MS. CONNELL: Just object that you've
16:23:08 21 skipped over some parts of the regulation and only
16:23:12 22 read select portions, so in that sense it
16:23:16 23 misrepresents the document and also calls for a legal
16:23:18 24 conclusion.

16:23:19 25 THE WITNESS: Oracle only for their -- for

16:23:29 1 the part to comply with this, managers look at
16:23:38 2 starting pay, increases, bonuses, or other incentives
16:23:47 3 with regard to preventing discrimination and making
16:23:52 4 sure that pay -- that they look at equity with regard
16:23:57 5 to pay.

16:23:58 6 BY MS. BREMER:

16:23:58 7 Q. As the individual responsible for the
16:24:25 8 implementation of Oracle's Affirmative Action Plan,
16:24:32 9 what do you do to ensure compliance with this
16:24:40 10 section?

16:24:41 11 MS. CONNELL: Objection; assumes facts and
16:24:43 12 lacks foundation.

16:24:44 13 THE WITNESS: You're talking about Section
16:24:44 14 3?

16:24:44 15 BY MS. BREMER:

16:24:52 16 Q. 41 CFR 60-2.17(a)(b)(3)?

16:25:00 17 A. (b)(3).

16:25:01 18 MS. CONNELL: It's compound.

16:25:04 19 BY MS. BREMER:

16:25:04 20 Q. I'm sorry. I'm sorry, let me start over.

16:25:07 21 The section I'm talking about is 41 CFR 60-2.17(a) --
16:25:15 22 no, just (b)(3).

16:25:21 23 MS. CONNELL: Same objections, lacks
16:25:23 24 foundation, assumes facts.

16:25:26 25 THE WITNESS: The analysis that's done is

16:25:29 1 as my prior statements with regard to this item is
16:25:34 2 done by managers within their work groups to satisfy
16:25:42 3 this particular regulation. I don't do anything else
16:25:47 4 in addition to what they're doing to satisfy this
16:25:51 5 regulation and to meet this regulation.

16:25:55 6 BY MS. BREMER:

16:25:55 7 Q. And do you or anyone in your group review
16:25:59 8 the analyses done by managers in work groups to
16:26:03 9 satisfy this section?

16:26:06 10 A. No.

16:26:07 11 Q. To your knowledge, does anyone at Oracle
16:26:16 12 review the analyses that managers do within their
16:26:20 13 work groups to satisfy 41 CFR 60-2.17 (b)(3)?

16:26:28 14 MS. CONNELL: Objection; calls for
16:26:29 15 speculation.

16:26:29 16 THE WITNESS: I can't really say what's
16:26:31 17 done in -- in all the work groups. All I can say is
16:26:36 18 in my particular work group, I make the
16:26:39 19 recommendations, and I pass them through my -- to my
16:26:41 20 supervisor to review. But in all seven and a half
16:26:45 21 years I've been at Oracle, she's never made any
16:26:49 22 changes. Either she, either Liz or Vickie.

16:26:52 23 MS. BREMER: Can you ask my question again,
16:26:54 24 please.

16:26:55 25 (Record read.)

16:27:19 1 MS. CONNELL: Same objection; calls for
16:27:20 2 speculation.

16:27:21 3 THE WITNESS: I can't speak to who reviews
16:27:25 4 the pay within each -- each group's work group or the
16:27:30 5 pay decisions that are made.

16:27:34 6 BY MS. BREMER:

16:27:34 7 Q. Or the analyses that are done?

16:27:38 8 A. Or -- or the analyses that are done.

16:27:39 9 Q. During the time that you've been in charge
16:27:47 10 or overseeing OFCCP compliance, are you aware of any
16:27:58 11 in-depth analyses of Oracle's compensation systems
16:28:10 12 that are conducted among employees with the same job
16:28:13 13 title?

16:28:15 14 MS. CONNELL: Objection; asked and
16:28:17 15 answered, vague and ambiguous.

16:28:19 16 THE WITNESS: Could you rephrase the
16:28:25 17 question?

16:28:28 18 BY MS. BREMER:

16:28:30 19 Q. Are you -- has Oracle conducted any
16:28:35 20 in-depth analyses of Oracle's compensation systems to
16:28:43 21 determine whether there're gender-, race-, or
16:28:50 22 ethnicity-based disparities among employees at Oracle
16:28:54 23 with the same job title?

16:28:56 24 MS. CONNELL: Objection; calls for
16:28:57 25 speculation, asked and answered.

16:29:02 1 THE WITNESS: Not in relation to this
16:29:04 2 regulation. The only analyses that have been done
16:29:06 3 outside of this regulation have been those done at
16:29:10 4 the request of our attorneys.

16:29:16 5 BY MS. BREMER:

16:29:16 6 Q. At the request of your attorneys, have
16:29:18 7 any -- has Oracle made any in-depth analyses of
16:29:28 8 Oracle's compensation systems to determine whether
16:29:31 9 there are gender-, race-, or ethnicity-based
16:29:34 10 disparities among employees with the same job title?

16:29:37 11 MS. CONNELL: Instruct her not to answer
16:29:40 12 with regard to what attorneys may have requested or
16:29:40 13 what analyses were done at the request of counsel.

16:29:44 14 If you want to rephrase your question, she
16:29:47 15 can answer. But I'll instruct her not to answer that
16:29:50 16 question.

16:29:51 17 BY MS. BREMER:

16:30:17 18 Q. 41 CFR 60-2.17(c) says, "The contractor
16:30:25 19 must develop and execute action-oriented programs
16:30:30 20 designed to correct any problem areas identified
16:30:34 21 pursuant to 60-2.17(b)."

16:30:42 22 Has Oracle identified any problem areas
16:30:49 23 with respect to compensation?

16:30:51 24 A. Any areas that would have been identified
16:30:59 25 would have been a result of attorney-client requests

16:31:06 1 for information, and any analysis that was provided
16:31:11 2 to them or that they -- they did themselves, that our
16:31:14 3 attorneys did themselves.

16:31:15 4 Q. Were any -- were there any problem areas
16:31:36 5 identified by Oracle's counsel related to
16:31:39 6 compensation?

16:31:40 7 MS. CONNELL: Object; the question is vague
16:31:45 8 and ambiguous, calls for a legal conclusion, and to
16:31:47 9 the extent -- and instruct her not to answer, to the
16:31:51 10 extent any attorneys communicated anything, you know,
16:31:55 11 I don't want you to testify as to the substance of
16:31:59 12 any communications you had with counsel, but if you
16:32:02 13 can answer the question without disclosing the
16:32:05 14 substance of communications with counsel, you can
16:32:08 15 answer.

16:32:08 16 THE WITNESS: So the question being? You
16:32:12 17 want to restate the question?

16:32:14 18 (Record read.)

16:32:28 19 MS. CONNELL: Also calls for speculation.
16:32:40 20 And same objections as before.

16:32:42 21 THE WITNESS: I can't recall what they --
16:32:45 22 what they were; if any problem areas were identified,
16:32:52 23 the problem areas, I'm sure, they would have gone to
16:32:55 24 Oracle inside legal counsel.

16:32:58 25 MS. CONNELL: Don't speculate.

16:32:59 1 THE WITNESS: But I don't -- yeah, she's
16:33:01 2 right, I'm speculating. So I really can't -- I can't
16:33:15 3 really say for certainty that any problem areas were
16:33:18 4 communicated back or areas being a problem.

16:33:22 5 BY MS. BREMER:

16:33:22 6 Q. Okay. As the person at Oracle in charge of
16:33:31 7 OFCC compliance between 2013 and the present, are you
16:33:34 8 aware of any action -- of any problem areas
16:33:41 9 identified pursuant to Section 60-2.7(b) regarding
16:33:52 10 Oracle's compensation?

16:33:55 11 MS. CONNELL: Just object to the preamble
16:33:58 12 of the question as misstating her role with regard to
16:34:01 13 OFCCP compliance.

16:34:02 14 But you can answer.

16:34:03 15 THE WITNESS: Okay. Are you -- with --
16:34:07 16 with regard to which location?

16:34:12 17 BY MS. BREMER:

16:34:13 18 Q. H -- HQCA. Headquarters.

16:34:19 19 MS. CONNELL: And, again, I'll just counsel
16:34:21 20 the witness not -- not to disclose the content of any
16:34:24 21 attorney-client privileged discussions.

16:34:26 22 THE WITNESS: I can just say yes.

16:34:35 23 BY MS. BREMER:

16:34:36 24 Q. Have the problem areas identified regarding
16:34:44 25 Oracle's compensation systems been communicated to

16:34:49 1 any managers at Oracle who are making compensation
16:34:56 2 decisions?

16:34:57 3 A. Your question to me assumes that there were
16:35:02 4 areas that in counsel's analysis that --

16:35:06 5 MS. CONNELL: Okay. Again, Shauna, I'm
16:35:10 6 instructing you not to testify about any
16:35:12 7 attorney-client privilege analyses --

16:35:12 8 THE WITNESS: This is very --

16:35:15 9 MS. CONNELL: -- issues, discussions --

16:35:16 10 THE WITNESS: -- I feel very awkward in
16:35:17 11 this --

16:35:18 12 MS. CONNELL: And there's confusion because
16:35:21 13 she's asking about nonprivileged stuff, and you're
16:35:21 14 testifying about privileged stuff.

16:35:23 15 THE WITNESS: Okay.

16:35:24 16 MS. CONNELL: So I'm instructing you not to
16:35:26 17 answer about any privileged discussions that you
16:35:26 18 had --

16:35:26 19 THE WITNESS: Okay.

16:35:28 20 MS. CONNELL: -- with counsel.

16:35:28 21 THE WITNESS: Okay. So you're asking about
16:35:32 22 the stuff that managers do? There's two different --
16:35:35 23 there's two different areas, and I think that this is
16:35:36 24 where I'm getting confused. Because you're -- it
16:35:40 25 appears to me that you're asking me about

16:35:44 1 communication from counsel and the privileged
16:35:47 2 analysis that they did. And I don't feel comfortable
16:35:52 3 responding to that, because that's their work
16:35:54 4 product.

16:35:55 5 That's why I -- I kind of keep looking at
16:35:57 6 you, you know, and why am I getting these questions,
16:36:01 7 because this is privileged. Are you asking questions
16:36:04 8 about the analysis that managers do?

16:36:06 9 BY MS. BREMER:

16:36:06 10 Q. Okay. Let me first -- with respect to 41
16:36:11 11 CFR Section 60-2.17(c), regarding the -- the problem
16:36:23 12 areas identified, I understood your -- you to be
16:36:31 13 saying that the only problem areas identified would
16:36:33 14 have been identified by counsel, is that correct, or
16:36:36 15 not?

16:36:36 16 A. The problem areas, from a pay analysis.
16:36:39 17 However, if a manager -- managers could also have
16:36:44 18 problem areas within their group that they identified
16:36:47 19 that they remedy on their own for -- for the analysis
16:36:51 20 that we do, in compliance of this particular
16:36:55 21 activity. The other activity, and I just want to be
16:36:58 22 really clear, again, that the activity with counsel
16:37:01 23 is not -- is not even related to this. It's an
16:37:04 24 individual analysis.

16:37:05 25 Q. Okay. So when you said the activity with

16:37:08 1 counsel is not related to this, you're talking about
16:37:10 2 it's not related to --
16:37:12 3 A. It's not part of --
16:37:13 4 Q. -- to this regulation --
16:37:15 5 A. Correct.
16:37:15 6 Q. 60-2.17?
16:37:18 7 A. Yes.
16:37:18 8 Q. Okay. Now, just focusing right now on this
16:37:22 9 regulation --
16:37:22 10 A. Okay.
16:37:23 11 Q. -- you said that -- my understanding of
16:37:30 12 what you're saying is that the analyses that were
16:37:34 13 conducted to comply with 60-2.17(b)(3) were done by
16:37:46 14 individual managers?
16:37:48 15 A. Yes.
16:37:48 16 Q. And you did not receive the results of
16:37:52 17 those analyses?
16:37:53 18 A. Correct.
16:37:56 19 Q. And those -- any analyses that were done
16:38:03 20 were done at individual managers' discretion?
16:38:06 21 MS. CONNELL: Objection; misstates her
16:38:08 22 testimony.
16:38:08 23 THE WITNESS: No, it was not done at the
16:38:11 24 individual manager's discretion; it was done upon
16:38:15 25 hire. It was done during the focal review, when

16:38:20 1 there's an assignment of any kind of bonus money. Or
16:38:25 2 the fourth area would be like if an employee got
16:38:29 3 stock options. So it wasn't -- it wasn't kind of
16:38:32 4 like, you know, at the discretion of the manager; it
16:38:36 5 was -- there were different assigned periods where
16:38:39 6 managers, you know, look at this, you know, so --

16:38:42 7 BY MS. BREMER:

16:38:42 8 Q. And were they instructed to look at their
16:38:49 9 compensation systems to determine whether there were
16:38:54 10 gender-, race-, or ethnicity-based disparities?

16:38:57 11 A. According to the document that you showed
16:39:01 12 me, they were instructed to look at factors -- any
16:39:05 13 type of discriminatory factor, and that was on the
16:39:12 14 slides, so if you take a look at that, and you take a
16:39:15 15 look at your notes on the slides, there's like a
16:39:19 16 thing it will tell you exactly what you're instructed
16:39:23 17 to do.

16:39:24 18 Q. And you're talking about Exhibit 29?

16:39:27 19 A. I have to look.

16:39:29 20 Yes.

16:39:29 21 Q. And you're saying that the instruction that
16:39:32 22 was provided to --

16:39:35 23 A. Yeah, I've got to find it.

16:39:37 24 MR. GARCIA: It's page 10 and 11.

16:39:40 25 THE WITNESS: Thank you.

16:39:41 1 MS. BREMER: 407-10 and 11.

16:39:45 2 MS. CONNELL: 28.

16:39:49 3 THE WITNESS: Here, like, we're almost
16:39:52 4 there. We're almost there. It's not just -- okay.

16:40:00 5 MS. CONNELL: What's this?

16:40:02 6 THE WITNESS: There's something I saw here
16:40:04 7 when we were -- when you had me look at this earlier,
16:40:06 8 and it -- it talks about that, it says right here --
16:40:15 9 okay, thank you.

16:40:29 10 It says, on your page 407-11, "When you are
16:40:33 11 making pay decisions consider internal equity and be
16:40:36 12 as fair as possible. Differences need to be based on
16:40:38 13 fair, justifiable, and nondiscriminatory criteria."

16:40:45 14 So they've -- they've been instructed to
16:40:48 15 make all decisions with regard to looking at their
16:40:49 16 group is based on nondiscriminatory criteria.

16:40:52 17 BY MS. BREMER:

16:40:52 18 Q. And were managers instructed how to make
16:40:59 19 decisions based on their justifiable and
16:41:04 20 nondiscriminatory criteria?

16:41:06 21 MS. CONNELL: Objection; calls for
16:41:08 22 speculation.

16:41:08 23 THE WITNESS: I can't say what each manager
16:41:10 24 was told to do; I can just say that -- that managers
16:41:14 25 are provided with this particular training to explain

16:41:18 1 it, but I don't know what additional training
16:41:21 2 different groups or different managers received in
16:41:26 3 addition to this.

16:41:27 4 BY MS. BREMER:

16:41:27 5 Q. And did your group provide any training to
16:41:30 6 managers on how to ensure that their decisions were
16:41:37 7 fair, justifiable, and nondiscriminatory?

16:41:40 8 A. No.

16:41:43 9 Q. Was this training in -- that's part of
16:41:49 10 Exhibit 29 required for managers?

16:41:55 11 MS. CONNELL: Objection; asked and
16:41:57 12 answered.

16:41:57 13 THE WITNESS: I didn't develop this
16:41:59 14 training; I don't -- I can't tell you what -- if --
16:42:05 15 if this is required for all managers or what the
16:42:08 16 requirements are for this; this is something that was
16:42:11 17 put together by the compensation department.

16:42:19 18 BY MS. BREMER:

16:42:19 19 Q. And were managers, to your knowledge, given
16:42:22 20 any instructions on how to perform an in-depth
16:42:26 21 analysis of Oracle's total employment process with
16:42:34 22 respect to its compensation systems?

16:42:37 23 MS. CONNELL: Objection; calls for
16:42:37 24 speculation.

16:42:39 25 THE WITNESS: Yeah, I can't say, because

16:42:41 1 this training was developed by compensation and not
16:42:44 2 by my -- not by the compliance team.

16:42:47 3 BY MS. BREMER:

16:42:47 4 Q. Were managers required to implement the
16:42:56 5 instructions that are -- that you identified to make
16:43:09 6 differences in pay be based on fair, justifiable, and
16:43:14 7 nondiscriminatory criteria?

16:43:15 8 MS. CONNELL: Objection; vague and
16:43:17 9 ambiguous, calls for speculation.

16:43:18 10 THE WITNESS: Yeah, I can't tell you
16:43:19 11 exactly, you know, what each manager received again.
16:43:23 12 This -- this training was developed by a group other
16:43:25 13 than the group that I work with.

16:43:27 14 BY MS. BREMER:

16:43:27 15 Q. And you don't know if managers were
16:43:30 16 required to either attend the training or to use the
16:43:38 17 criteria identified in the training?

16:43:41 18 MS. CONNELL: Objection; asked and
16:43:43 19 answered, calls for speculation, again.

16:43:50 20 THE WITNESS: I would -- I would think, you
16:43:52 21 know, and I can't say, but I would think that if
16:43:55 22 there's guidance like this given to managers, that
16:43:58 23 they would be expected to comply with this, so --
16:44:02 24 this isn't my training, but I would see no point
16:44:06 25 in -- in providing this to managers unless they were

16:44:08 1 expected to comply with it.

16:44:10 2 BY MS. BREMER:

16:44:10 3 Q. And did your -- did the compliance group do
16:44:13 4 anything to ensure that managers followed the
16:44:21 5 guidance in Exhibit 29?

16:44:28 6 A. No, because this isn't our training
16:44:30 7 program; this is another group's training program.

16:44:33 8 Q. Are you aware of any other instructions
16:44:45 9 that managers were given on how to perform in-depth
16:44:51 10 analyses of Oracle's compensation systems to
16:44:54 11 determine whether there're gender-, race-, or
16:44:59 12 ethnicity-based disparities?

16:44:59 13 A. I don't -- I'm not aware of any, but that
16:45:02 14 doesn't mean that it doesn't exist, because, you
16:45:05 15 know, there could be something along the line, you
16:45:09 16 know this isn't my training, so --

16:45:10 17 Q. And are you aware of anything else that
16:45:13 18 Oracle did to comply with the requirement that Oracle
16:45:21 19 perform in-depth analyses of its compensation systems
16:45:25 20 to determine whether there're gender-, race-, or
16:45:29 21 ethnicity-based disparities?

16:45:30 22 MS. CONNELL: Objection --

16:45:31 23 THE WITNESS: I'm not aware of anything.

16:45:32 24 MS. CONNELL: -- calls for speculation.

16:45:33 25 THE WITNESS: Yeah.

16:45:34 1 BY MS. BREMER:

16:45:34 2 Q. Okay. And you indicated that the way that
16:45:39 3 Oracle complied with this section was by having
16:45:52 4 managers -- individual managers conduct analyses when
16:45:56 5 they were making pay decisions. Right?

16:45:58 6 MS. CONNELL: Objection; asked and
16:46:00 7 answered.

16:46:00 8 THE WITNESS: Yes.

16:46:01 9 BY MS. BREMER:

16:46:01 10 Q. Okay. So how did the compliance group at
16:46:05 11 Oracle track whether problem areas were identified in
16:46:14 12 the analyses done by Oracle managers to determine
16:46:18 13 whether there were gender-, race-, or ethnicity-based
16:46:22 14 disparities in compensation?

16:46:24 15 MS. CONNELL: Objection; assumes facts.

16:46:25 16 THE WITNESS: We didn't -- didn't track
16:46:28 17 their pay decisions.

16:46:30 18 BY MS. BREMER:

16:46:31 19 Q. And you didn't -- you didn't track the
16:46:33 20 analyses that managers did either?

16:46:35 21 A. No.

16:46:35 22 Q. And you didn't identify whether managers
16:46:42 23 had found problem areas in Oracle's compensation
16:46:47 24 systems, based on gender, or race, or ethnicity?

16:46:54 25 A. We did not have an official tracking

16:46:58 1 system, no.

16:46:59 2 Q. Okay. So now I'm going to ask you again
16:47:11 3 about 41 CFR 60-2.17(c). Did Oracle -- okay, given
16:47:28 4 that Oracle did not track problem areas in
16:47:32 5 compensation, did Oracle develop and execute
16:47:38 6 action-oriented programs designed to correct problem
16:47:41 7 areas identified pursuant to 60-2.17(b) regarding
16:47:50 8 compensation?

16:47:52 9 MS. CONNELL: Objection; assumes facts,
16:47:54 10 lacks foundation, misstates her testimony, calls for
16:47:58 11 a legal conclusion.

16:47:59 12 THE WITNESS: Yeah, I can't speak to other
16:48:00 13 areas, so I can't answer that yes or no.

16:48:04 14 BY MS. BREMER:

16:48:04 15 Q. One of your duties was to oversee OFCCP --
16:48:24 16 one of your duties was to oversee Oracle's compliance
16:48:29 17 with the OFCCP regulations. Correct?

16:48:32 18 MS. CONNELL: Objection; misstates her
16:48:35 19 testimony.

16:48:35 20 THE WITNESS: To oversee -- it, I mean, to
16:48:40 21 oversee certain aspects of if.

16:48:43 22 BY MS. BREMER:

16:48:44 23 Q. Okay. And during the time that you were
16:49:04 24 Oracle's diversity compliance director and senior
16:49:15 25 director, did Oracle develop and execute any

16:49:20 1 action-oriented programs designed to correct any
16:49:25 2 problems in compen -- in Oracle's compensation
16:49:31 3 systems?

16:49:31 4 MS. CONNELL: Objection; assumes facts,
16:49:34 5 lacks foundation, calls for a legal conclusion.

16:49:37 6 THE WITNESS: I can't speak for the
16:49:38 7 compensation department, so I -- I don't know if
16:49:43 8 anything else was done individually, because that
16:49:48 9 falls under the compensation department.

16:49:50 10 BY MS. BREMER:

16:49:50 11 Q. What falls --

16:49:52 12 A. This aspect over -- over compensation. I
16:49:55 13 mean, they would -- if there was any changes, they
16:49:58 14 would know about it; that's not something that I
16:50:01 15 monitor.

16:50:02 16 Q. Who in the compensation group would be in
16:50:08 17 charge of ensuring Oracle's compliance with 41 CFR
16:50:19 18 60-2.17(c)?

16:50:21 19 MS. CONNELL: Objection; assumes facts and
16:50:23 20 calls for speculation.

16:50:24 21 THE WITNESS: I can't -- I can't tell you,
16:50:26 22 because I don't know what their assigned
16:50:29 23 responsibilities are in the compensation department.

16:50:32 24 BY MS. BREMER:

16:50:32 25 Q. Did you understand Oracle's Affirmative

16:51:42 1 Action Plan to include affirmative action with
16:51:45 2 respect to Oracle's compensation?
16:51:50 3 MS. CONNELL: Objection; vague, calls for a
16:51:52 4 legal conclusion.
16:51:53 5 THE WITNESS: Oh, I thought you were
16:52:14 6 getting ready to do something -- something else.
16:52:17 7 BY MS. BREMER:
16:52:17 8 Q. No, I was waiting for your answer.
16:52:19 9 A. I know -- I know that Oracle is supposed to
16:52:23 10 review their compensation system, but that -- that
16:52:27 11 does not mean that I personally oversee any kind of
16:52:31 12 review. That's done at the manager level.
16:52:34 13 Q. Review of --
16:52:37 14 A. Of compensation.
16:52:38 15 Q. -- specific compensation decisions?
16:52:41 16 A. Yes.
16:52:41 17 Q. Okay. So I'm looking back at the
16:52:46 18 declaration that you signed and submitted and was
16:52:49 19 filed in the Jewett case, which was --
16:52:52 20 A. Which number?
16:52:53 21 Q. -- Exhibit 17?
16:52:59 22 A. Sure.
16:52:59 23 MS. CONNELL: For the record, it was filed
16:53:00 24 by plaintiffs, not Oracle.
16:53:05 25 MS. BREMER: Okay.

16:53:06 1 THE WITNESS: Give me a second.

16:53:18 2 Yes.

16:53:18 3 BY MS. BREMER:

16:53:18 4 Q. So paragraph 2, again, says that "As senior
16:53:22 5 director of diversity compliance, my responsibilities
16:53:26 6 include overseeing Oracle's Office of Federal
16:53:28 7 Contract Compliance Programs compliance efforts."

16:53:34 8 Are you telling me that your
16:53:37 9 responsibilities do not include overseeing Oracle's
16:53:42 10 OFCCP compliance efforts with respect to
16:53:45 11 compensation?

16:53:47 12 MS. CONNELL: Objection; misstates her
16:53:48 13 testimony.

16:53:48 14 THE WITNESS: I said that there was another
16:53:52 15 department within Oracle, that -- that does
16:53:57 16 compensation. I don't do compensation. And that all
16:54:01 17 of this -- any kind of evaluation on the compensation
16:54:04 18 system is done by the managers.

16:54:07 19 BY MS. BREMER:

16:54:07 20 Q. Okay. I'm just trying to understand what
16:54:13 21 you said your responsibilities, though, include
16:54:16 22 overseeing OFCCP -- Oracle's OFCCP compliance
16:54:22 23 efforts, is that -- that's right?

16:54:25 24 A. Well, but if you look a little further
16:54:27 25 down, it says, "As the director of compliance, I am

16:54:30 1 not, however, responsible for developing or
16:54:30 2 implementing compensation practices at Oracle, nor am
16:54:32 3 I involved in the compensation decisions for job
16:54:35 4 positions and product development, information
16:54:39 5 technology, or support."

16:54:39 6 Q. I see that. But you are responsible at
16:54:44 7 Oracle, and have been since 2013, in overseeing
16:54:49 8 Oracle's OFCCP compliance efforts?

16:54:53 9 A. With regard to areas outside of
16:54:55 10 compensation.

16:54:55 11 Q. So --

16:54:56 12 A. If you look at that it says, "I am not,
16:54:58 13 however, responsible for developing or implementing
16:54:59 14 compensation practices at Oracle, nor am I involved
16:55:02 15 in compensation decisions for job positions in
16:55:06 16 product development, information technology, or
16:55:09 17 support."

16:55:11 18 Q. So you're saying that you had no
16:55:13 19 responsibility for overseeing Oracle's OFCCP
16:55:15 20 compliance efforts with respect to their compensation
16:55:19 21 systems?

16:55:19 22 MS. CONNELL: Objection; misstates her
16:55:21 23 testimony.

16:55:27 24 BY MS. BREMER:

16:55:28 25 Q. I'm asking.

16:55:29 1 A. I have responsibility for knowing that the
16:55:58 2 programs are done, but that's quite different than
16:56:01 3 doing the programs myself or -- or anything like
16:56:04 4 that. So those are two different issues.

16:56:09 5 So if you look at page 11 of the
16:56:11 6 Affirmative Action Plan, it says "Oracle develops and
16:56:15 7 analyzes internal audit reports to assess performance
16:56:18 8 in at least the following areas," so it talks about
16:56:21 9 that. And it says that Oracle does.

16:56:28 10 Q. Right.

16:56:30 11 A. And then we'll look at the other one that I
16:56:32 12 think you're going to, let's see.

16:56:35 13 Q. And you are the designated individual
16:56:44 14 responsible for the plan implementation of Oracle's
16:56:51 15 Affirmative Action Plan?

16:56:52 16 A. The plan implementation, but when we very
16:56:55 17 first started this I talked to you a little bit about
16:56:57 18 coordinating, and I'm not responsible for every facet
16:57:02 19 of the Affirmative Action Plan; I'm just -- you know,
16:57:04 20 I oversee it or administer it, I think is a better
16:57:08 21 term, I administer it. But there's different areas
16:57:11 22 in here that talk about the responsibilities included
16:57:16 23 in that.

16:57:17 24 Q. Okay. So you don't see it as part of your
16:57:21 25 responsibilities to oversee Oracle's OFCCP compliance

16:57:26 1 efforts with respect to compensation?

16:57:28 2 MS. CONNELL: Objection; misstates her
16:57:29 3 testimony. It's argumentative at this point.

16:57:34 4 THE WITNESS: What -- what I see as
16:57:37 5 different responsibilities, I do my responsibilities
16:57:39 6 as they've been assigned to me. The responsibilities
16:57:43 7 for compensation analysis have been given to the
16:57:46 8 managers within their group.

16:57:50 9 BY MS. BREMER:

16:57:50 10 Q. And you don't oversee those?

16:57:52 11 A. No.

16:57:52 12 Q. And you -- but you are responsible for
16:58:06 13 other areas of OFCCP compliance?

16:58:11 14 A. Yes.

16:58:11 15 MS. CONNELL: Objection; vague.

16:58:13 16 BY MS. BREMER:

16:58:13 17 Q. Okay. As -- do you coordinate with anyone
16:58:18 18 else regarding OFCCP's compliance in the compensation
16:58:24 19 area?

16:58:24 20 A. Not that works for Oracle.

16:58:35 21 Q. Okay. Do you coordinate with someone
16:58:37 22 regarding Oracle's compliance with compensation
16:58:40 23 systems outside of Oracle?

16:58:42 24 A. Not really for compliance purposes, no.
16:58:45 25 The only other analysis that's done is done under

16:58:49 1 attorney-client work product and we just supply
16:58:51 2 information to our attorneys that they go ahead and
16:58:54 3 develop, but that is not in relation to compliance
16:58:57 4 with this particular -- I think I buried it, but
16:59:03 5 the -- the regulation that you've been referencing.
16:59:06 6 They're two different things.

16:59:08 7 Q. On Exhibit 34?

16:59:10 8 A. Yes.

16:59:11 9 Q. Okay. So with respect to Oracle's
16:59:14 10 compliance with OFCCP regulations relating to
16:59:18 11 compensation, is there anyone at Oracle that you
16:59:23 12 coordinate with?

16:59:26 13 A. No, because that's done by the -- the
16:59:28 14 managers are responsible for ensuring
16:59:35 15 nondiscrimination within -- and pay equity within
16:59:37 16 each one of their groups, their staffs.

16:59:40 17 Q. And are you aware of anyone at Oracle who
16:59:46 18 is in charge of compliance with the requirements of
16:59:57 19 41 CFR 60-2.17(c)?

17:00:03 20 MS. CONNELL: Objection; calls for a legal
17:00:06 21 conclusion, assumes facts.

17:00:10 22 THE WITNESS: And you're talking about with
17:00:11 23 regard to compensation in that, right, because
17:00:14 24 there's other areas that go into that, but you're
17:00:17 25 talking about compensation. Correct?

17:00:19 1 BY MS. BREMER:

17:00:19 2 Q. Yes. Subsection 3 is compensation systems.

17:00:24 3 MS. CONNELL: Same objections.

17:00:25 4 THE WITNESS: Yeah, I think I've already

17:00:26 5 answered that question. I -- I don't believe -- I

17:00:28 6 don't know of anybody other than the managers that

17:00:30 7 are responsible for -- for this particular area and

17:00:36 8 creating -- and correcting any problems within their

17:00:39 9 work group.

17:00:40 10 BY MS. BREMER:

17:00:40 11 Q. Okay. And are you aware of anyone at

17:00:43 12 Oracle who is responsible for compliance with

17:00:48 13 creating action-oriented programs designed to correct

17:00:55 14 any problem areas identified in Oracle's compensation

17:01:01 15 systems under -- pursuant to this regulation?

17:01:07 16 MS. CONNELL: Objection; calls for a legal

17:01:09 17 conclusion, assumes facts, lacks foundation, asked

17:01:12 18 and answered.

17:01:12 19 THE WITNESS: Yeah. Again, managers are

17:01:14 20 responsible for any type of pay equity concerns

17:01:21 21 within -- and that type of concern within their work

17:01:24 22 groups.

17:01:25 23 BY MS. BREMER:

17:01:25 24 Q. And you're not aware of anyone other than

17:01:28 25 managers who is responsible for developing and

17:01:35 1 executing action-oriented programs to correct
17:01:38 2 compensation problems identified under this
17:01:43 3 regulation?
17:01:43 4 A. I am not aware of anybody other than
17:01:48 5 managers.
17:01:48 6 Q. Okay. At the end of this Section --
17:02:07 7 A. Uh-huh.
17:02:08 8 Q. -- 41 CFR Section 60-2.17 --
17:02:14 9 A. Which exhibit are you referring to?
17:02:16 10 Q. This is the same regulation, Exhibit 34.
17:02:20 11 A. Okay.
17:02:20 12 Q. 41 CFR Section 60-2.17(d)(4).
17:02:34 13 A. Okay, let me find it, let me find it.
17:02:37 14 Okay, I see (b), (c), (d), yes.
17:02:42 15 Q. It requires the contractor to advise top
17:02:45 16 management of program effectiveness and submit
17:02:48 17 recommendations to improve unsatisfactory
17:02:54 18 performance.
17:02:55 19 Are you aware of anything that Oracle has
17:02:59 20 done to comply with this subsection regarding its
17:03:04 21 compensation systems?
17:03:05 22 MS. CONNELL: Just object that it assumes
17:03:07 23 facts and lacks foundation, and that -- yeah. Calls
17:03:18 24 for a legal conclusion.
17:03:19 25 THE WITNESS: Let's see, let me read this

17:03:22 1 again very carefully.

17:03:40 2 I am not aware of anything that's been done
17:03:43 3 outside of our work product, but -- or I am really, I
17:03:54 4 am just going to answer I am not aware of anything,
17:03:56 5 no. Because I keep -- I don't want to mix up the
17:04:00 6 two, I want to relate my response to the analysis
17:04:03 7 that's done by managers.

17:04:04 8 BY MS. BREMER:

17:04:04 9 Q. And has your compliance group done anything
17:04:24 10 to periodically measure the effectiveness of Oracle's
17:04:31 11 total affirmative action program concerning
17:04:36 12 compensation?

17:04:38 13 MS. CONNELL: Objection; assumes facts,
17:04:40 14 lacks foundation, calls for a legal conclusion.

17:04:44 15 THE WITNESS: Not with regard to this --
17:04:47 16 this regulation.

17:04:49 17 BY MS. BREMER:

17:04:49 18 Q. And are you aware of anyone at Oracle who
17:04:53 19 has periodically measured the effectiveness of
17:04:58 20 Oracle's affirmative action program with respect to
17:05:02 21 Oracle's compensation?

17:05:05 22 MS. CONNELL: Lacks foundation, assumes
17:05:07 23 facts, calls for speculation, calls for a legal
17:05:10 24 conclusion.

17:05:10 25 THE WITNESS: And you're -- you're

17:05:11 1 referencing this with regard to this regulation.
17:05:15 2 Right?
17:05:15 3 BY MS. BREMER:
17:05:15 4 Q. Yes.
17:05:16 5 A. Not with regard to this regulation.
17:05:50 6 MS. BREMER: Why don't we take a quick
17:05:52 7 break.
17:05:52 8 THE WITNESS: Sure, that would be great. I
17:05:54 9 think that everybody's --
17:05:54 10 THE VIDEOGRAPHER: The time is --
17:05:56 11 THE WITNESS: I think you -- you and I are
17:05:58 12 successfully boring everybody.
17:06:00 13 THE VIDEOGRAPHER: The time is 5:06 p.m.
17:06:03 14 We are off the record.
17:06:04 15 (Recessed from 5:06 p.m. until 5:18 p.m.)
17:18:22 16 THE VIDEOGRAPHER: The time is 5:18 p.m.
17:18:45 17 We are on the record.
17:18:50 18 BY MS. BREMER:
17:18:51 19 Q. So I understand after talking to counsel
17:18:53 20 you have some additional clarifications?
17:18:56 21 A. Yeah, things that -- that weren't clear.
17:18:58 22 When we were going back and forth over the types of
17:19:02 23 analyses that were done, you asked me if anybody had
17:19:05 24 ever communicated any problem areas to me, and -- and
17:19:10 25 what I was -- and I said yes, and what I was

17:19:13 1 referring to are the problem areas that the OFCCP
17:19:16 2 communicated to us with regard to HQ.

17:19:19 3 Q. Okay.

17:19:23 4 A. And then the other one on compensation
17:19:26 5 oversight, while all the analysis is done at the
17:19:33 6 level of -- of the manager, and the pay equity
17:19:40 7 analysis, yes, I -- you know, I do recognize that I
17:19:45 8 do have oversight of that, but I don't supervise the
17:19:51 9 actual analysis. And those were the two
17:19:56 10 clarifications. But the one that I was really
17:19:58 11 concerned with, because I was getting so confused,
17:20:01 12 was the one, because you had asked me any problem
17:20:04 13 areas, and all I could think of is the OFCCP, you
17:20:09 14 know, communicating that during the audit.

17:20:13 15 Q. Okay. As the person in charge of
17:20:16 16 overseeing Oracle's compensation analyses, what do
17:20:26 17 you do to review those analyses?

17:20:29 18 MS. CONNELL: Objection; misstates her
17:20:31 19 testimony and lacks foundation.

17:20:32 20 THE WITNESS: Yeah, I don't oversee the
17:20:34 21 individual, each one of the individual analyses
17:20:38 22 that -- there. I -- I -- take a look at, you know,
17:20:44 23 it's like, it kind of falls under compliance, but I
17:20:47 24 trust them to go ahead and perform the analyses on
17:20:49 25 their own, so they would --

17:20:52 1 BY MS. BREMER:
17:20:52 2 Q. And your group doesn't do anything to
17:20:58 3 ensure that the individual managers have conducted
17:21:04 4 analyses that -- to determine whether there are
17:21:15 5 gender-, race-, or ethnicity-based disparities?
17:21:18 6 A. No.
17:21:19 7 Q. Looking back at Exhibit 29.
17:21:29 8 A. Sure.
17:21:30 9 Q. You pointed to --
17:21:40 10 A. Just a second. I'm almost there.
17:21:48 11 MR. GARCIA: It's the thick document of --
17:21:50 12 THE WITNESS: The thick one at the bottom?
17:21:50 13 MR. GARCIA: With the e-mail matching
17:21:56 14 compensation. I think it's at the very bottom of
17:21:57 15 your stack.
17:22:00 16 THE WITNESS: Okay. Yes. Thank you.
17:22:01 17 MR. GARCIA: You're welcome.
17:22:03 18 BY MS. BREMER:
17:22:04 19 Q. Okay. You pointed me to pages 407-10 and
17:22:08 20 407-11?
17:22:10 21 A. Yes.
17:22:10 22 Q. And you said that these are documents you
17:22:19 23 relied upon for saying that managers are responsible
17:22:21 24 for -- for pay equity?
17:22:24 25 A. Yes.

17:22:24 1 Q. Are there any other documents you rely upon
17:22:29 2 in saying that managers are responsible for pay
17:22:31 3 equity?

17:22:32 4 A. That I rely on?

17:22:34 5 Q. Yes.

17:22:36 6 A. No.

17:22:36 7 Q. Are you aware of any other documents that
17:22:40 8 instruct managers on pay equity?

17:22:46 9 MS. CONNELL: Objection; calls for
17:22:48 10 speculation.

17:22:49 11 THE WITNESS: I'm not aware of any. That
17:22:51 12 doesn't mean they don't exist.

17:22:53 13 BY MS. BREMER:

17:22:53 14 Q. Okay. I'm also going to look back at the
17:23:07 15 June -- I think that's right.

17:23:23 16 MR. GARCIA: She's looking for the June 2nd
17:23:25 17 e-mail by you.

17:23:28 18 THE WITNESS: Okay.

17:23:32 19 MS. BREMER: And also -- so Exhibits 30 and
17:23:35 20 31.

17:23:36 21 THE WITNESS: 30 and 31, okay.

17:23:45 22 Okay. I see -- okay. I've got them.

17:23:48 23 BY MS. BREMER:

17:23:49 24 Q. Okay. Looking back at Exhibit Number 30.

17:23:51 25 A. Uh-huh.

17:23:52 1 Q. OFCCP was requesting information about the
17:23:56 2 pay equity analysis conducted as required by Section
17:24:02 3 60-2.17. Correct?

17:24:06 4 MS. CONNELL: Objection; the document
17:24:08 5 speaks for itself and asked and answered.

17:24:10 6 THE WITNESS: I mean, that's what the
17:24:13 7 document says.

17:24:14 8 BY MS. BREMER:

17:24:16 9 Q. Okay. And then you responded in Exhibit 31
17:24:19 10 by referring OFCCP to the lengthy interview conducted
17:24:29 11 by Lisa Gordon. Why -- why did you refer OFCCP to
17:24:42 12 Lisa Gordon's interview?

17:24:44 13 MS. CONNELL: Objection; the document
17:24:46 14 speaks for itself.

17:24:46 15 THE WITNESS: It would just be for a point
17:24:53 16 of reference for the OFCCP.

17:24:57 17 BY MS. BREMER:

17:24:57 18 Q. And that was in response to a question
17:24:59 19 asking about the pay equity analysis that Oracle
17:25:05 20 conducted under the regulations. Correct?

17:25:08 21 A. That it would provide information. I would
17:25:16 22 refer to it not necessarily that what was covered in
17:25:19 23 the interview, but that I just referred to them as
17:25:22 24 far as pay systems to review their -- their
17:25:28 25 documents.

17:25:29 1 Q. But request number 3 related specifically
17:25:33 2 to pay equity. Correct?

17:25:35 3 MS. CONNELL: Objection the document --
17:25:35 4 BY MS. BREMER:

17:25:37 5 Q. Pay equity was pursuant --

17:25:40 6 A. Yes.

17:25:40 7 Q. -- to the regulation?

17:25:40 8 A. Yes.

17:25:40 9 MS. CONNELL: Document speaks for itself.

15:55:39 10 BY MS. BREMER:

15:55:39 11 Q. And you referred --

17:25:45 12 THE REPORTER: I'm sorry, repeat that.

17:25:48 13 BY MS. BREMER:

17:25:48 14 Q. And you referred OFCCP to Lisa Gordon's
17:25:55 15 interview?

17:25:56 16 MS. CONNELL: Objection; asked and answered
17:25:57 17 about three times and the documents speak for
17:26:00 18 themselves.

17:26:00 19 THE WITNESS: I referred them to the
17:26:03 20 interview, their notes of the interview, that they
17:26:08 21 already --

17:26:10 22 BY MS. BREMER:

17:26:11 23 Q. And in your response to OFCCP's question
17:26:14 24 about Oracle's pay equity analyses pursuant to the
17:26:19 25 regulations, you didn't mention managers doing any

17:26:22 1 pay equity analyses. Correct?

17:26:26 2 MS. CONNELL: Objection; misstates the
17:26:26 3 documents.

17:26:27 4 THE WITNESS: I -- I would have referred
17:26:30 5 them to -- to the interview, and that was just a
17:26:36 6 thing. It's not what I referred them to or didn't
17:26:39 7 refer them to, it's -- that I didn't refer them to
17:26:42 8 that doesn't mean that it doesn't exist.

17:26:44 9 BY MS. BREMER:

17:26:44 10 Q. You didn't mention when OFCCP asked about
17:26:50 11 Oracle's pay equity analysis under the regulations,
17:26:55 12 you did not mention managers conducting those pay
17:27:00 13 equity analyses. Correct?

17:27:01 14 MS. CONNELL: Objection; misstates the
17:27:03 15 document.

17:27:03 16 THE WITNESS: I -- I reference them to Lisa
17:27:08 17 Gordon's notes of that, and to -- to take a look at
17:27:15 18 that. That she sent back to them, but -- so --

17:27:20 19 BY MS. BREMER:

17:27:20 20 Q. You reference OFCCP to Lisa Gordon's --

17:27:23 21 A. To their interview with Lisa Gordon.

17:27:25 22 MS. CONNELL: The question also misstates
17:27:26 23 the document, which clearly does reference managers.

17:27:31 24 THE WITNESS: Yeah.

17:27:32 25 MS. BREMER: Okay. You're not testifying.

17:27:35 1 THE WITNESS: Okay.

17:27:37 2 MS. CONNELL: Fine. Then I'll restate my

17:27:39 3 objection. Objection; misstates the document.

17:27:43 4 BY MS. BREMER:

17:27:44 5 Q. Okay. And Lisa -- Lisa Gordon's -- the

17:27:50 6 summary of Lisa Gordon's interview also does not

17:27:55 7 discuss managers conducting pay equity analyses.

17:28:01 8 Right?

17:28:01 9 A. I can't tell you for certain what -- what

17:28:04 10 is in that interview and what is not.

17:28:06 11 Q. Does --

17:28:14 12 A. Yeah. Yeah. And if you look at paragraph

17:28:23 13 2 of the April 27th e-mail, it talks about the focal

17:28:28 14 review; it talks about managers reviewing pay data,

17:28:33 15 so --

17:28:44 16 MS. BREMER: I'd like to mark as Exhibit --

17:28:49 17 THE REPORTER: 35.

17:28:50 18 MS. BREMER: -- 35, a November 2nd, 2015,

17:28:54 19 letter from Robert Doles to Shauna Holman-Harries.

17:29:02 20 It's Bates numbered ORACLE_HQCA 5441 through 5446.

17:29:26 21 MS. CONNELL: Thank you.

17:29:27 22 (Marked for identification Exhibit 35.)

17:29:27 23 THE WITNESS: Thank you.

17:29:37 24 BY MS. BREMER:

17:29:37 25 Q. Did you receive this letter?

17:29:42 1 A. Yes.

17:29:42 2 Q. Yes. And is this a true and correct copy

17:29:46 3 of the letter that you received from OFCCP on or

17:29:48 4 about November 2nd, 2015?

17:29:50 5 A. I believe so.

17:29:52 6 Q. Did Oracle provide OFCCP with any of the

17:29:57 7 documents requested in this November 2nd, 2015

17:30:00 8 letter?

17:30:01 9 MS. CONNELL: Objection; compound and calls

17:30:04 10 for speculation.

17:30:08 11 THE WITNESS: Let's see, this is -- yes.

17:30:13 12 BY MS. BREMER:

17:30:14 13 Q. So -- what did --

17:30:21 14 MS. CONNELL: Also insert an objection that

17:30:23 15 the documents and correspondence exchanged between

17:30:26 16 the parties speak for themselves, but if you want her

17:30:29 17 to go through this entire letter and say what she

17:30:32 18 recalls, she can do that.

17:30:35 19 Take your time.

17:30:39 20 MS. BREMER: I'm not going to have her do

17:30:40 21 that right now.

17:30:41 22 Q. Okay. Does your group do -- conduct

17:30:53 23 adverse impact analyses?

17:30:56 24 MS. CONNELL: Objection; vague.

17:31:01 25 THE WITNESS: At what time frame?

17:31:04 1 BY MS. BREMER:
17:31:04 2 Q. Between 2013 and the present.
17:31:11 3 MS. CONNELL: Objection; vague as to time.
17:31:13 4 THE WITNESS: Could you give me specific
17:31:16 5 years? In 2017, yes.
17:31:21 6 BY MS. BREMER:
17:31:21 7 Q. Okay. Prior -- prior to 2017, did your
17:31:28 8 group conduct adverse impact analyses?
17:31:31 9 A. No.
17:31:40 10 MS. BREMER: Okay. I'd like to mark as
17:31:42 11 Exhibit Number 36, an e-mail dated June 16th, 2015,
17:31:54 12 Bates numbered ORACLE_HQCA 188.
17:32:07 13 THE WITNESS: And I do want to say, Laura,
17:32:09 14 that on the adverse impact we did not do it for every
17:32:12 15 location prior to 2017. So --
17:32:19 16 BY MS. BREMER:
17:32:19 17 Q. Did you do it for -- the adverse impact
17:32:22 18 analyses, did you conduct adverse impact analyses for
17:32:27 19 HQCA prior to 2017?
17:32:30 20 A. Only on -- only under attorney-client work
17:32:35 21 product of what they requested, so --
17:32:35 22 (Marked for identification Exhibit 36.)
17:32:52 23 THE WITNESS: Thank you.
17:32:53 24 BY MS. BREMER:
17:32:53 25 Q. Is this a true and correct copy of an

17:33:00 1 e-mail you sent to Hea Jung Atkins on or about June
17:33:05 2 16th, 2015?

17:33:06 3 A. Just a second.

17:33:23 4 Yes.

17:33:23 5 Q. Okay. And if you look at the attachments,
17:33:28 6 it says "HQCA Compensation Report 6-10-15.xls."

17:33:37 7 A. Yes.

17:33:37 8 Q. Does that indicate that you sent an Excel
17:33:44 9 spreadsheet to Oracle along with this e-mail?

17:33:49 10 A. You mean to the OFCCP?

17:33:52 11 Q. Yes.

17:33:53 12 MS. CONNELL: I'll just insert an objection
17:33:55 13 that there's no attachment to this e-mail.

17:33:58 14 But you can answer, if you can.

17:34:00 15 THE WITNESS: I can say that it -- it looks
17:34:03 16 like that we sent a compensation spreadsheet from the
17:34:12 17 attachments on this copy.

17:34:20 18 MS. BREMER: Okay. So this document's
17:34:24 19 Bates numbered ORACLE_HQCA 188. That's Exhibit 36.

17:34:31 20 Now I'd like to mark as Exhibit 37, a
17:34:36 21 document that was produced in native form that was
17:34:40 22 Bates stamped ORACLE_HQCA 189.

17:34:40 23 (Marked for identification Exhibit 37.)

17:34:44 24 BY MS. BREMER:

17:34:44 25 Q. Do you recognize this document as an

17:35:02 1 excerpt of a compensation report with the data that
17:35:06 2 you had sent to OFCCP?

17:35:08 3 MS. CONNELL: Just object on the basis that
17:35:10 4 this is -- appears to be an incomplete copy of
17:35:14 5 various portions of an Excel spreadsheet -- various
17:35:21 6 pages of an Excel spreadsheet, but it doesn't appear
17:35:24 7 to be the complete Excel spreadsheet.

17:35:30 8 THE WITNESS: Yeah, I recognize this as
17:35:32 9 part of that.

17:35:33 10 BY MS. BREMER:

17:35:33 11 Q. Okay. And at the bottom there's -- there's
17:35:38 12 tabs for -- there's data sheet 6, head count, and
17:35:43 13 then AI analysis.

17:35:44 14 Do you see that?

17:35:45 15 A. Yes.

17:35:50 16 Q. Did you routinely conduct adverse impact
17:35:54 17 analyses when you prepared data for OFCCP?

17:35:58 18 A. No. Not -- not at this time.

17:36:04 19 Q. Okay. Looking at the third page, I'm
17:36:14 20 sorry, the last page. This is the tab that is
17:36:21 21 labeled "AI Analysis."

17:36:23 22 Do you see that?

17:36:25 23 A. Yes.

17:36:25 24 Q. Is this an adverse impact analysis?

17:36:30 25 A. Yes.

17:36:32 1 Q. And was this prepared by your group?

17:36:38 2 A. Yes.

17:36:39 3 Q. Did you prepare adverse impact analyses?

17:36:43 4 A. For -- for some groups prior to 2017,

17:36:50 5 depending.

17:36:51 6 Q. Did you conduct any adverse impact -- so

17:37:02 7 what was this adverse impact analysis analyzing?

17:37:08 8 A. I'd have to -- I don't remember. I would

17:37:13 9 imagine it would be hires. It would be the work

17:37:18 10 flow, because -- I think, or maybe not, let's see. I

17:37:33 11 believe it would have been a hires analysis. Yeah,

17:37:40 12 we didn't do -- didn't do compensation adverse

17:37:44 13 impact, if that's where you're going with this. So

17:37:47 14 it would have been a hires one.

17:37:49 15 MS. CONNELL: And just for the record, this

17:37:51 16 exhibit should be marked confidential.

17:38:13 17 MS. BREMER: I'd like to mark as Exhibit

17:38:19 18 38, a document Bates labeled ORACLE_HQCA 695 to 698.

17:38:19 19 (Marked for identification Exhibit 38.)

17:38:27 20 BY MS. BREMER:

17:38:27 21 Q. Is Exhibit 38 a true and correct copy of

17:38:46 22 the e-mails that you --

17:38:48 23 A. Can I have a minute to take a look at it?

17:38:51 24 Q. Sure. Is this a true and correct copy of

17:39:18 25 the e-mail that you sent to Hoan Luong of OFCCP on or

17:39:24 1 about October 29th, 2015?

17:39:26 2 A. If you can give me a minute just to -- to
17:39:30 3 finish looking at it.

17:40:15 4 Q. That was the last exhibit. Are you done
17:40:17 5 looking --

17:40:17 6 A. Yeah.

17:40:17 7 Q. -- at Exhibit 38?

17:40:18 8 A. Yeah, there was just question in my mind,
17:40:21 9 I'm sorry.

17:40:33 10 Yes.

17:40:36 11 Q. Okay. And the numbered -- the portions of
17:40:42 12 Exhibit 38 that are in bolder print --

17:40:45 13 A. Uh-huh.

17:40:46 14 Q. -- are those OFCCP's questions to you for
17:40:51 15 requests for information to OFCCP?

17:40:53 16 A. Yes.

17:40:54 17 Q. And then your responses are in the lighter
17:40:59 18 print; is that right?

17:40:59 19 A. Yes.

17:41:00 20 Q. And the first -- the first request is a
17:41:16 21 request for internal pay equity analyses conducted
17:41:20 22 during the past three years, as required by the
17:41:22 23 regulations. Correct?

17:41:25 24 A. Uh-huh.

17:41:25 25 Q. And in response to OFCCP's request for

17:41:31 1 Oracle's pay equity analyses conducted under the
17:41:35 2 regulations, you did not provide any pay equity
17:41:41 3 analysis to OFCCP. Correct?

17:41:42 4 A. Correct.

17:41:43 5 Q. Under request number 2, one of the requests
17:41:46 6 was "Names of schools attended." What did you do to
17:41:49 7 determine if Oracle had educational information in
17:41:53 8 its databases?

17:41:56 9 A. We would have had to look up education and
17:42:02 10 go into each individual's personnel file in order to
17:42:05 11 do it. Earlier when I started working at Oracle we
17:42:10 12 tried to pull in educational information into some of
17:42:13 13 our data sheets, and by looking in the employee
17:42:17 14 personnel file, not only was the education listed in
17:42:21 15 there, so in order to -- to get the education, we
17:42:24 16 would have had to have gone, tried to backtrack
17:42:27 17 everybody, to see if they applied to a numbered
17:42:31 18 requisition, and then go back into all of the people
17:42:36 19 that applied to the requisition for whatever year
17:42:38 20 they were hired in, and then try and find education
17:42:42 21 there.

17:42:43 22 But when we did the -- started looking at
17:42:44 23 some of these reports that OAL did, at one point we
17:42:49 24 tried to pull that in, and they said we wouldn't be
17:42:52 25 able to do so, so it wouldn't provide consistent

17:42:52 1 information.

17:42:56 2 Q. And my question was what did you do to
17:42:58 3 determine if Oracle had educational information that
17:43:03 4 it could provide to OFCCP?

17:43:05 5 MS. CONNELL: Objection; asked and
17:43:06 6 answered.

17:43:07 7 THE WITNESS: Yeah, I -- I talked to -- I
17:43:12 8 had talked to OAL before and asked them if there was
17:43:16 9 any way into these other reports that they could pull
17:43:19 10 in educational information, and they said no, not
17:43:22 11 with any accuracy from their records. And in order
17:43:27 12 to get that educational information, we would have
17:43:31 13 had to have gone into the personnel files, seen if it
17:43:36 14 was in there, and/or some kind of document, and in
17:43:39 15 the personnel files they have attachments, like PDF
17:43:43 16 attachments and that type of thing, tried to look
17:43:46 17 through the resume and that, and then if it wasn't in
17:43:49 18 the resume on those files, then we would have had to
17:43:52 19 have gone back and tried -- the only other way we
17:43:56 20 could think of to do it would be to see if there was
17:43:58 21 a requisition number, which there wasn't for
17:44:01 22 everybody.

17:44:02 23 BY MS. BREMER:

17:44:02 24 Q. And who at OAL provided you with that
17:44:06 25 information?

17:44:06 1 A. His -- his first name was Vijay, but I
17:44:10 2 don't remember his last name.

17:44:12 3 Q. Did you talk to anyone else about providing
17:44:20 4 educational data to OFCCP?

17:44:22 5 A. No, because I had -- I had tried. It would
17:44:24 6 have been a manual process. We could have done it,
17:44:26 7 but it would have had to have been a manual process
17:44:30 8 to where it would take some time and we would have to
17:44:33 9 look it up.

17:44:34 10 Q. And you determined that -- and you
17:44:35 11 determined that based on your conversation with one
17:44:37 12 person at OAL?

17:44:38 13 A. He was the person that was pulling it, yes,
17:44:41 14 out of -- out of the records.

17:44:42 15 Q. Okay. Do you now understand that Oracle
17:44:45 16 does have data regarding the schools attended in its
17:44:53 17 databases?

17:44:54 18 MS. CONNELL: Objection; lacks foundation.

17:44:56 19 THE WITNESS: No, I don't have a complete
17:44:57 20 understanding.

17:44:58 21 MS. CONNELL: Let me --

17:44:59 22 THE WITNESS: Oh, sorry.

17:45:01 23 MS. CONNELL: Lacks foundation, assumes
17:45:02 24 facts not in evidence.

17:45:03 25 THE WITNESS: Yeah, I don't have a complete

17:45:05 1 understanding of that at all.

17:45:09 2 BY MS. BREMER:

17:45:12 3 Q. Okay. The next -- the third item in the
17:45:15 4 bullet point is "Prior salary immediately before
17:45:18 5 joining Oracle."

17:45:20 6 A. Uh-huh.

17:45:20 7 Q. Did you provide this data to OFCCP?

17:45:24 8 A. No.

17:45:24 9 Q. Looking at number 7, it says, "Resubmit the
17:45:51 10 resume files that were sent on March 26, 2015, in an
17:45:58 11 easy-to-read format." It says, "The picture format
17:46:02 12 resumes pasted on MS Word is not legible."

17:46:05 13 Did you produce resumes to OFCCP that were
17:46:13 14 pasted into Word?

17:46:16 15 A. Yes. Those were the screenshots that we
17:46:19 16 took, because there were -- that's what the file
17:46:23 17 looked like in the HR file. So when we found a
17:46:26 18 resume, we would do a screenshot and paste it in
17:46:29 19 there.

17:46:31 20 Q. Did you seek to obtain resumes from OAL?

17:46:35 21 A. OAL, no.

17:46:35 22 Q. Did you produce all of the resumes OFCCP
17:46:43 23 requested during the audit of HQCA?

17:46:46 24 A. We did for -- for the areas that we
17:46:48 25 completed. There were -- there were some other areas

17:46:50 1 that you requested that we told you we could produce
17:46:53 2 it and we could go in and copy the resumes that we
17:46:58 3 found within the HR file, but we would need more time
17:47:01 4 to do it.

17:47:01 5 Q. And that's because it was your
17:47:04 6 understanding that to pull resumes they'd need to be
17:47:09 7 manually pulled and then screenshots taken and pasted
17:47:15 8 into MS Word?

17:47:16 9 A. Yes.

17:47:16 10 Q. Do you now know that this information that
17:47:25 11 you provided to OFCCP about the format that resumes
17:47:33 12 could be produced in was not accurate?

17:47:35 13 MS. CONNELL: Objection; assumes facts not
17:47:37 14 in evidence, lacks foundation, misrepresents the
17:47:42 15 record.

17:47:43 16 You can answer.

17:47:43 17 THE WITNESS: Yeah, I don't know what you
17:47:45 18 mean by not accurate. The information we gave you
17:47:48 19 was accurate. It was from the files.

17:47:48 20 BY MS. BREMER:

17:47:50 21 Q. Do you now have knowledge that Oracle can
17:47:54 22 pull resumes from its databases?

17:47:57 23 MS. CONNELL: Objection; assumes fact not
17:47:59 24 in evidence and lacks foundation.

17:48:01 25 THE WITNESS: I -- I don't have firsthand

17:48:03 1 knowledge of that.

17:48:03 2 BY MS. BREMER:

17:48:03 3 Q. Have you heard that Oracle can pull resumes
17:48:07 4 from its databases?

17:48:09 5 MS. CONNELL: Same objections.

17:48:15 6 THE WITNESS: I heard something that they
17:48:16 7 could pull some resumes, but not all resumes, and it
17:48:20 8 would be depending on when the person was hired.

17:48:22 9 BY MS. BREMER:

17:48:22 10 Q. And when did you hear that?

17:48:24 11 A. After -- after conciliation, way after -- I
17:48:28 12 mean, it was always my belief, based off of what
17:48:31 13 Arthur Roscoe told me, too, as far as resumes, that
17:48:35 14 we had to go in and screenshot all of this. And so
17:48:39 15 probably maybe, I think I was -- I was told that
17:48:42 16 maybe -- it was after -- after conciliation.

17:48:45 17 Q. Okay. Looking at item 10 --

17:48:50 18 A. Uh-huh.

17:48:50 19 Q. -- which is on the last page, OFCCP
17:48:53 20 requested contact information. Correct?

17:48:55 21 A. Yes.

17:48:56 22 Q. And Oracle never provided contact
17:48:59 23 information to OFCCP. Correct?

17:49:03 24 A. We did not. But we asked for the basis of
17:49:08 25 it, because if you look at it, they're asking for

17:49:11 1 contact information for all employees at Oracle. And
17:49:16 2 we were never given an answer on that.

17:49:18 3 Q. Okay. So the -- so you never provided it
17:49:24 4 because OFCCP didn't respond to your request for a
17:49:28 5 basis?

17:49:28 6 A. Yes. And because they -- you're asking it
17:49:33 7 for all current and former employees. You're not
17:49:36 8 specifying what location. You're not -- you're just
17:49:39 9 asking for every Oracle employee's contact
17:49:44 10 information.

17:49:45 11 Q. And you did not provide contact information
17:49:48 12 to OFCCP for HQCA. Correct?

17:49:51 13 A. Well, you didn't tell us -- you didn't
17:49:55 14 specify that it was for H -- HQCA in here.

17:50:00 15 Q. Right.

17:50:02 16 A. And we just wanted to know what it was, and
17:50:04 17 we didn't get a response.

17:50:06 18 Q. And so you were -- so you provided no
17:50:11 19 contact information for any current or former
17:50:18 20 employees to OFCCP in response to its request?

17:50:24 21 A. Not until we were waiting for comment from
17:50:27 22 OFCCP, and so to be able to -- to know what
17:50:31 23 information to provide, because the request was so
17:50:33 24 broad.

17:50:34 25 Q. But the answer to my question is, you did

17:50:41 1 not provide any contact information in response to
17:50:45 2 OFCCP's request?
17:50:47 3 MS. CONNELL: Objection; asked and
17:50:49 4 answered, argumentative.
17:51:01 5 BY MS. BREMER:
17:51:02 6 Q. Go ahead and answer.
17:51:03 7 A. Okay. My answer is that -- and I don't
17:51:10 8 think it can be answered with a simple "yes" or "no,"
17:51:14 9 so my answer is no, we did not provide it, but
17:51:17 10 there's a reason. We had asked for clarification
17:51:19 11 because of this broad request and we never got it.
17:51:22 12 Q. Okay. Can you turn back to Exhibit 35.
17:51:29 13 A. 35, yeah. Okay.
17:51:34 14 Q. Item 3 on page 2 of Exhibit 35, OFCCP
17:51:42 15 requested a compensation database snapshot for 2013.
17:51:47 16 Correct?
17:51:47 17 A. Yes.
17:51:48 18 Q. Did Oracle provide a 2013 compensation
17:51:57 19 snapshot to OFCCP during the compliance review?
17:52:02 20 A. No.
17:52:04 21 MS. CONNELL: Objection; vague and
17:52:04 22 ambiguous.
17:52:06 23 Do you mean for 1/1/2014?
17:52:09 24 THE WITNESS: Oh.
17:52:10 25 MS. BREMER: No, this request is 1 --

17:52:14 1 THE WITNESS: All factors -- factors --
17:52:15 2 okay. For a snapshot of -- are you talking about
17:52:18 3 compensation -- here it is -- compensation database
17:52:22 4 for 1/1/13, submitted compensation database for
17:52:27 5 factors -- all factors in the 1/1/14 snapshot
17:52:28 6 database to include the following.
17:52:32 7 BY MS. BREMER:
17:52:32 8 Q. Right. So you did not provide the
17:52:34 9 compensation snapshot requested in item 3. Correct?
17:52:37 10 A. Correct.
17:52:39 11 Q. Okay.
17:52:54 12 A. But I do want to say we asked again for the
17:52:57 13 basis for that because that was out of the review
17:53:00 14 period.
17:53:00 15 Q. Okay. I'd like to mark as Exhibit Number
17:53:09 16 36 --
17:53:10 17 THE REPORTER: 39.
17:53:11 18 MS. BREMER: 39, okay.
17:53:12 19 -- a document Bates stamped DOL 1124
17:53:19 20 through 1131.
17:54:31 21 MR. GARCIA: Do you have any other
17:54:32 22 questions to ask while I find it?
17:54:34 23 Okay.
17:55:11 24 (Marked for identification Exhibit 39.)
17:55:11 25 THE WITNESS: Thank you.

17:55:21 1 BY MS. BREMER:

17:55:22 2 Q. Is this a true and correct copy of an
17:55:24 3 e-mail that you received from Hea Jung Atkins of
17:55:30 4 OFCCP on or about August 26th, 2015?

17:55:33 5 A. Yes.

17:55:33 6 Q. And it included or it attached a July 30th,
17:55:40 7 2015 letter. Correct?

17:55:42 8 A. Correct.

17:55:43 9 Q. And this is a true and correct copy of
17:55:49 10 pages 1128 through 1131 of the letter?

17:55:56 11 A. Yes.

17:55:56 12 Q. And you received it on or about August 26,
17:56:03 13 2015?

17:56:03 14 A. Yes. Isn't this one of the other ones that
17:56:09 15 you referenced, I think.

17:56:10 16 MS. BREMER: Okay. And now I'd like to
17:56:12 17 mark as Exhibit Number 40, a document Bates labeled
17:56:19 18 ORACLE_HQCA 2227 through 229 -- oh, wait. Oh, no,
17:56:32 19 sorry. No, I want that one.

17:56:40 20 Okay. Let me ask you with respect to
17:56:50 21 Exhibit Number 39 Oracle -- or OFCCP made many of the
17:57:00 22 same requests as in Exhibit 35. Correct?

17:57:06 23 MS. CONNELL: Objection; the documents
17:57:08 24 speak for themselves.

17:57:10 25 MS. BREMER: Okay. Go ahead.

17:57:16 1 MR. GARCIA: Did you --

17:57:17 2 MS. BREMER: Yeah, Exhibit Number 40 is a

17:57:21 3 document Bates numbered ORACLE_HQCA 4992.

17:57:21 4 (Marked for identification Exhibit 40.)

17:57:21 5 THE WITNESS: Thank you.

17:57:27 6 BY MS. BREMER:

17:57:27 7 Q. Is this a true and correct copy of an

17:57:47 8 e-mail that you sent to Hea Jung Atkins on or about

17:57:52 9 October 28th, 2014?

17:57:54 10 A. I believe so. I would have to -- this is 4

17:58:02 11 of 4; is this with the initial submission that we

17:58:06 12 did?

17:58:07 13 Q. It looks --

17:58:08 14 A. I'm trying to -- I'm trying to -- I'm

17:58:09 15 trying to think; this may be the submission for the

17:58:12 16 scheduling letter. It looks like it. Do you have

17:58:14 17 that date?

17:58:19 18 Q. Yes. Looking back at the scheduling

17:58:22 19 letter, which was -- it was attached to your

17:58:25 20 declaration --

17:58:27 21 A. Yeah.

17:58:28 22 Q. -- filed in this case, which is Exhibit 19.

17:58:33 23 A. Yeah, I think it was -- these were

17:58:36 24 applicant -- the transactions, I believe, that were

17:58:39 25 submitted with that. Here it is.

17:58:43 1 Yeah, these were the transactions
17:58:45 2 submitted. It was in four e-mails, and so the
17:58:48 3 transactions were submitted with the scheduling
17:58:51 4 letter and these go together.

17:58:53 5 MS. CONNELL: Exhibit 20.

17:58:53 6 BY MS. BREMER:

17:58:54 7 Q. So the scheduling letter was sent --

17:58:57 8 A. On 10/28.

17:58:58 9 Q. The scheduling letter was sent --

17:59:00 10 A. Our submission to the scheduling letter,
17:59:02 11 I'm sorry, I'm being unclear, yeah.

17:59:05 12 Q. Okay. So Exhibit 40 is Oracle's submission
17:59:10 13 in response to OFCCP's scheduling letter?

17:59:13 14 MS. CONNELL: Objection; misstates the
17:59:14 15 testimony, misstates the document.

17:59:15 16 THE WITNESS: Yeah, it's the fourth e-mail
17:59:17 17 in response to the scheduling letter.

17:59:20 18 BY MS. BREMER:

17:59:20 19 Q. Okay. And one of the items in the
17:59:23 20 scheduling letter is item 11?

17:59:29 21 A. Okay. And which -- which document are you
17:59:31 22 looking at?

17:59:33 23 Q. I'm looking at Exhibit 19, the scheduling
17:59:36 24 letter that's attached as Exhibit A, and it's item
17:59:43 25 11.

17:59:50 1 A. I'm trying to go as fast as I can, because
17:59:53 2 I know time's running out.

17:59:55 3 Q. I think you were just looking at the
17:59:57 4 scheduling letter. Right?

17:59:59 5 A. I looked at the cover, but I didn't look
18:00:01 6 at -- I looked at the cover that we sent in response
18:00:04 7 to the scheduling letter, but not -- you said Exhibit
18:00:06 8 19.

18:00:06 9 Q. It was part of your declaration.

18:00:07 10 A. Okay. That's what it looks like on the
18:00:09 11 outside? Okay. Thank you. Yes, thank you.

18:00:13 12 Q. And it's Exhibit A, page 4 of 4; item 11 is
18:00:20 13 "Please provide annualized compensation data, wages,
18:00:24 14 salaries, commissions, and bonuses." Correct?

18:00:27 15 A. Right.

18:00:27 16 Q. Okay. And if you see, Exhibit 40 contains
18:00:34 17 an attachment to item 11, HQCA. Was that in response
18:00:42 18 to the item 11 request in the scheduling letter?

18:00:47 19 MS. CONNELL: Just for the record, there's
18:00:49 20 nothing attached to Exhibit 40, but you can answer if
18:00:53 21 you're able to.

18:00:54 22 THE WITNESS: No, this would have been the
18:00:55 23 transactional data that -- if you're looking at the
18:00:59 24 files on this sheet, this would have been, let's see,
18:01:02 25 10(b), 10(b), 10(b) -- if you look at -- at this, it

18:01:09 1 doesn't reference item 11. It's 10, 10(b) -- oh,
18:01:13 2 item 11 HQC, oh, I see there. Okay. Sorry, I didn't
18:01:18 3 see that. I believe so. I'd have to see the
18:01:20 4 document.

18:01:21 5 MS. BREMER: Okay. So I'd like to mark as
18:01:24 6 Exhibit 41 a document which is at Oracle -- Bates
18:01:30 7 stamped ORACLE_HQCA 4997. It's a -- it's a native
18:01:41 8 file. Right?

18:01:45 9 THE REPORTER: Can I have the document?

18:01:47 10 MS. BREMER: And it's Oracle Item 11 Report
18:01:51 11 Redwood Shores, California.

18:01:52 12 THE WITNESS: Yeah, I don't have it in
18:01:54 13 front of me.

18:02:03 14 THE REPORTER: Here you go.

18:02:04 15 (Marked for identification Exhibit 41.)

18:02:04 16 THE WITNESS: Oh, thank you.

18:02:05 17 BY MS. BREMER:

18:02:06 18 Q. So is this -- is Exhibit 41 an excerpt of
18:02:10 19 the Item 11 Report you submitted to OFCCP in response
18:02:15 20 to their request for compensation data?

18:02:17 21 A. This is the first one, yes.

18:02:21 22 MS. CONNELL: Just for the record, this is
18:02:23 23 just part of it.

18:02:24 24 MS. BREMER: Right. It's an excerpt.

18:02:27 25 THE WITNESS: Yeah, I'd have to see the

18:02:29 1 whole thing. I do know that we supplied all the
18:02:31 2 other information that he requested. He may have
18:02:33 3 come back.

18:02:37 4 MS. BREMER: Okay. Let's take a break and
18:02:39 5 see what --

18:02:40 6 THE WITNESS: I know there's a lot of
18:02:42 7 documents.

18:02:43 8 MS. BREMER: -- for the last minutes.

18:02:44 9 THE VIDEOGRAPHER: The time -- the time is
18:02:45 10 6:02 p.m. We're off the record.

18:02:47 11 (Recessed from 6:02 p.m. until 6:09 p.m.)

18:08:28 12 THE VIDEOGRAPHER: The time is 6:09 p.m.
18:09:36 13 We are on the record.

18:09:37 14 MS. BREMER: Okay. I'd like to mark as
18:09:42 15 Exhibit 41 --

18:09:44 16 THE REPORTER: 42.

18:09:45 17 MS. BREMER: -- 42. 42, a document Bates
18:09:47 18 numbered ORACLE_HQCA 45 through 54.

18:09:47 19 (Marked for identification Exhibit 42.)

18:09:52 20 BY MS. BREMER:

18:09:52 21 Q. Okay. Are pages 45 through 54 true and
18:10:08 22 correct copies of a series of e-mails between you and
18:10:12 23 Hea Jung Atkins of OFCCP between May 29th, 2015 and
18:10:20 24 June 10th, 2015, including an attachment?

18:10:40 25 A. What was the question? You were going --

18:10:45 1 Q. Is Exhibit 42 a true and correct copy of a
18:10:50 2 series of e-mails between you and Hea Jung Atkins of
18:10:54 3 OFCCP between May 29th, 2015 and June 10th, 2015,
18:10:59 4 including an attachment to the June 10th, 2015
18:11:03 5 e-mail?

18:11:03 6 A. I believe so.

18:11:05 7 Q. And earlier in the deposition you were
18:11:09 8 talking about a time study that you conducted
18:11:12 9 regarding retrieving resumes or applications?

18:11:18 10 A. Yes.

18:11:19 11 Q. Are pages 49 through 54 the document that
18:11:26 12 you're referring to?

18:11:27 13 A. Yes, these are some of the screenshots that
18:11:35 14 were done, it looks like from the application system
18:11:41 15 from the IRC system.

18:11:42 16 Q. So the document that's entitled "Process
18:11:45 17 Work Flow for Retrieving Applications from our Online
18:11:48 18 System," this was your explanation of how long it
18:11:52 19 would take to retrieve --

18:11:53 20 A. Yes.

18:11:53 21 Q. -- applications?

18:11:54 22 A. Yes.

18:11:55 23 MS. BREMER: Okay. I'd like to mark as
18:11:58 24 Exhibit Number 43, a document Bates stamped
18:12:06 25 ORACLE_HQCA 227 through 229.

18:12:06 1 (Marked for identification Exhibit 43.)

18:12:19 2 THE WITNESS: Thank you.

18:12:20 3 BY MS. BREMER:

18:12:21 4 Q. Is Exhibit 43 a true and correct copy of
18:12:24 5 e-mails between you and OFCCP sent between August 26,
18:12:29 6 2015 and October 1st, 2015?

18:12:33 7 A. I believe so. It looks like it.

18:12:39 8 MS. CONNELL: I think we're done.

18:12:40 9 MS. BREMER: Okay. Thank you.

18:12:43 10 THE WITNESS: It was nice meeting you.

18:12:45 11 I'm -- too bad you can't -- you should have scheduled
18:12:48 12 this more towards the weekend and you could have gone
18:12:50 13 to Sedona, because it's beautiful.

18:12:55 14 THE REPORTER: Counsel, could I get copy
18:12:58 15 orders, please.

18:12:59 16 MS. CONNELL: We'd like a rough and I think
18:13:02 17 we already did -- and a regular transcript.

18:13:05 18 MS. BREMER: I think our order has already
18:13:07 19 been provided to you.

18:13:11 20 THE REPORTER: Yes. Thank you.

18:13:11 21 THE VIDEOGRAPHER: This concludes the May
18:13:13 22 8th, 2019 deposition of Shauna Holman-Harries. The
18:13:18 23 time is 6:13 p.m. We are off the record.

24 (Proceedings concluded at 6:13 p.m.)

25

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

3 CERTIFICATE

4 I, ROBIN L. B. OSTERODE, Certified Reporter
5 for the State of Arizona and Certified Shorthand
6 Reporter for the State of California certify:

7 That the foregoing proceeding was taken by
8 me; that I am authorized to administer an oath; that
9 any witness, before testifying, was duly sworn to
10 testify to the whole truth; that the questions and
11 answers were taken down by me in shorthand and
12 thereafter reduced to print by computer-aided
13 transcription under my direction; that the foregoing
14 pages are a full, true, and accurate transcript of
15 all proceedings, to the best of my skill and ability.

16 I FURTHER CERTIFY that I am in no way
17 related to nor employed by any of the parties hereto,
18 nor am I in any way interested in the outcome hereof.

19 DATED this 12th day of May, 2019.

20
21
22 Robin L. B. Osterode
23 ROBIN L. B. OSTERODE, CSR, RPR
24 CA CSR No. 7750
25 AZ CR No. 50695