

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

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

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

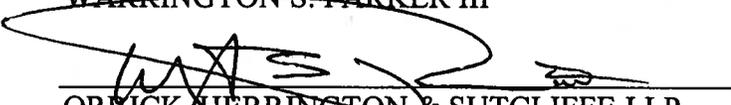
**DEPOSITION DESIGNATIONS  
RE THE DEPOSITION OF KATE  
WAGGONER - RULE 30(b)(6)  
JULY 19, 2019**

Pursuant to the Court's Order on December 9, 2019, Oracle hereby submits the following deposition designations, including any errata and/or objections to such testimony by either party. To the extent that the testimony designated herein calls for privileged and/or confidential information, Oracle objects.

Respectfully submitted,

December 20, 2019

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Office of Administrative Law Judges  
San Francisco, Ca

DEPOSITION DESIGNATIONS RE THE DEPOSITION OF KATE WAGGONER  
RULE 30(B)(6), JULY 19, 2019

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<p>13· individual situation does not necessarily -- there are 14· exceptions to guidelines as well, for -- for valid 15· reasons, I would say. 16· . . . Q· Okay. 17· . . . A· So we put them out there as best 18· practices, but understand that there could be 19· circumstances where something different is decided. 20· . . . Q· Okay. And what guideline -- what 21· compensation guidelines does Oracle have? 22· . . . A· We have -- we have guidelines on how to 23· determine the compensation -- how to determine new hire 24· salary. 25· . . . Q· Okay.</p> <p><b>72</b></p> <p>1· . . . A· How to determine internal transfer salary, 2· a rehire -- rehire guidelines. Some internal mobility 3· guidelines. How to use a range, how to use the salary 4· range.</p>	
<p><b>74:20-79:1</b></p> <p>20· . . . A· Going back to the 2011 comp 101 trainings 21· that are part of our exhibits, yes. 22· . . . Q· Okay. Were you personally involved in 23· developing all of them, or just some of them? 24· . . . A· I would say of the guidelines that are in 25· place today.</p> <p><b>75</b></p> <p>1· . . . Q· Uh-huh. 2· . . . A· I -- like I said, I don't remember off the 3· top of my head -- 4· . . . Q· Sure. 5· . . . A· -- exactly -- exactly all of them, but I 6· had a role in either -- either a project management role 7· that the trainings -- those trainings slides, I was the 8· project manager for that globally, so yes. 9· . . . The other ones that are more recent, I 10· absolutely -- because -- because so many of our 11· guidelines and trainings are global in nature, I 12· absolutely had a role, either as part of the committee or 13· as one of the reviewers or -- yes, I played a role in 14· that. 15· . . . The only one I didn't was that U.S. -- the</p>	

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<p>24 · · · So that would -- I mean, that would have  25 · · · been the extent of it, the people who were in the – who</p> <p><b>79</b>  1 · · · I named in the committee before.</p>	
<p><b>79:2-20</b></p> <p>2 · · · · Q · Okay. And these guidelines are  3 · · · communicated and -- communicated to staff and managers  4 · · · through trainings, correct?  5 · · · · A · Through the trainings, yes.  6 · · · · Q · Okay. And is there any other way that  7 · · · they're implemented?  8 · · · · · MS. CONNELL: Objection. Vague.  9 · · · · A · So not -- no, except that the -- I  10 · · · would -- I would say that the -- the -- in consultation  11 · · · with, the managers consult with their HR business  12 · · · partners often when they're making -- making decisions  13 · · · related to pay.  14 · · · · Q · (By Mr. Song) Okay.  15 · · · · A · And so as far as, you know, an official  16 · · · implementation, other than the trainings themselves, not  17 · · · really. But then when they go to consult with their HR  18 · · · business partner, their HR business partner would speak  19 · · · to what's also in the trainings as part of their guidance  20 · · · when they have their conversations with the managers.</p>	
<p><b>79:21-80:1</b></p> <p>21 · · · · Q · Okay.  22 · · · · A · So not really implemented, but how it's  23 · · · enforced and how it gets used --  24 · · · · Q · Okay.  25 · · · · A · -- would be via their consultation with HR</p> <p><b>80</b>  1 · · · or comp.</p>	
<p><b>81:19-82:4</b></p> <p>19 · · · · Q · Okay. And are managers required to take  20 · · · these trainings on guidelines?  21 · · · · A · The trainings are not required, no.  22 · · · · Q · Okay.</p>	

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<p>23 · · · · · MS. CONNELL: For the record, you mean the  24 · compensation guidelines, correct?  25 · · · · · MR. SONG: Yes. Yeah. We're talking –</p> <p><b>82</b></p> <p>1 · · · · A · Yes.  2 · · · · · MR. SONG: -- about compensation.  3 · · · · A · Sorry. Compensation guidelines. They are  4 · not required to take the trainings, no.</p>	
<p><b>90:15-93:22</b></p> <p>15 · · · · Q · Okay. Let me show you an exhibit that I  16 · believe you're familiar with, you've seen before.  17 · · · · · So this --  18 · · · · · THE COURT REPORTER: Just a second.  19 · · · · · MR. GARCIA: Just for the record, are you  20 · putting a new exhibit number on it?  21 · · · · · THE COURT REPORTER: You didn't want me  22 · to?  23 · · · · · MR. SONG: Oh, no, I'm sorry. I was just  24 · about to say that this was previously marked as  25 · Exhibit 7.</p> <p><b>91</b></p> <p>1 · · · · · THE COURT REPORTER: Okay.  2 · · · · · MR. SONG: So it's from Ms. Waggoner's  3 · deposition.  4 · · · · · MS. CONNELL: And this (indicating) should  5 · be 121, right?  6 · · · · · MR. SONG: We thought it was 120.  7 · · · · · MR. GARCIA: It's 120.  8 · · · · · MS. CONNELL: Oh, 120.  9 · · · · · MS. JAMES: Sorry.  10 · · · · · MS. CONNELL: My mistake.  11 · · · · Q · (By Mr. Song) So the document I just  12 · handed to you was shown to you during your previous  13 · deposition.  14 · · · · A · Yeah.  15 · · · · Q · And it's marked as Exhibit 7.  16 · · · · A · Okay.  17 · · · · Q · Do you recognize this document? I'll give  18 · you a few minutes to read it over.</p>	

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19 · · · · · (A pause occurred in the proceedings.) 20 · · · · A · Yes, I do. 21 · · · · Q · Okay. Can you tell us what this is? 22 · · · · A · So this is another -- when -- when I was 23 · · · · testifying previously, I was thinking more of those comp 24 · · · · 101 modules that are on various topics from 2011, like 25 · · · · the managing pay and how to use salary ranges and those.	
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1 · · This is kind of a compilation of all of those -- 2 · · · · Q · Okay. 3 · · · · A · -- that were delivered live, and this 4 · · · · would have been by Kris Edwards, U.S. compensation team. 5 · · · · · So yeah, Kris Edwards would have been part 6 · · · · of it, and any number of people on her team could have 7 · · · · possibly -- I don't know who -- I don't know personally 8 · · · · who developed -- or who presented this at the time. 9 · · · · Q · Okay. 10 · · · · A · But it would have been a member of the 11 · · · · U.S. compensation team. 12 · · · · Q · Okay. Do you recall -- or do you know if 13 · · · · these guidelines, the guidelines contained in this 14 · · · · training, are still current? 15 · · · · A · Yes, they are. 16 · · · · Q · Okay. And is this the latest version of 17 · · · · this training, July 2016? 18 · · · · A · To my knowledge, yes, and if you review in 19 · · · · great detail, much of it is, like I said, pieces of 2011. 20 · · · · We -- they still apply. 21 · · · · Q · Okay. 22 · · · · A · Yeah. 23 · · · · Q · So this would be the -- the operative 24 · · · · training for these guidelines? 25 · · · · · MS. CONNELL: Objection. Misstates her	
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1 · · testimony. 2 · · · · A · This -- this is a compilation of all of 3 · · · · those different topics. 4 · · · · Q · (By Mr. Song) Okay. 5 · · · · A · When we did the 2011 initially, it was 6 · · · · intended to be short snippets of information, so that 7 · · · · managers could go on Demand and watch for 20 minutes on 8 · · · · this topic or 15 minutes on that topic.	

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<p>25 · · · · A. Again, each code can only have one IC</p> <p><b>104</b></p> <p>1 · level.</p> <p>2 · · · · Q. Okay.</p> <p>3 · · · · A. And so we have -- I mean, we have IC-3s,</p> <p>4 · hundreds of IC-3 -- every single function across the</p> <p>5 · company -- or every single job family across the company</p> <p>6 · has an IC-3. So IC-3 doesn't really tell you much about</p> <p>7 · your comp.</p> <p>8 · · · · Q. Okay.</p> <p>9 · · · · A. It would be the -- the job code is</p> <p>10 · assigned to a broad range, but then getting down to comp</p> <p>11 · has to do with: What are you working on? Where do you</p> <p>12 · work? Much more specific to the individual.</p>	
<p><b>106:9-16</b></p> <p>9 · · · · Q. Okay. And who selects these job codes?</p> <p>10 · · · · MS. CONNELL: Objection. Assumes facts</p> <p>11 · and vague and ambiguous.</p> <p>12 · · · · A. So, I guess, what -- what do you mean by</p> <p>13 · who "selects" them?</p> <p>14 · · · · Q. (By Mr. Song) Well, who -- who creates</p> <p>15 · them? Like, where do they come from? They must come</p> <p>16 · from somewhere.</p>	
<p><b>106:17-110:3</b></p> <p>17 · · · · A. Yes. So our -- our global job table, the</p> <p>18 · initial table that had this format, I believe dates back</p> <p>19 · to, like, 1999. It's been in existence for a very long</p> <p>20 · time.</p> <p>21 · · · · Q. Okay.</p> <p>22 · · · · A. In -- originally, it was built, really, we</p> <p>23 · used kind of industry standards, our surveys, to see what</p> <p>24 · kind of buckets are out there and what kind of work we</p> <p>25 · have being performed. And that was the start of this</p> <p><b>107</b></p> <p>1 · initial global table.</p> <p>2 · · · · As we've progressed and as we've acquired</p> <p>3 · different companies, we -- a need for a family that</p>	

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<p>4 · hasn't ever existed before might be raised by a manager  5 · or by someone to say, "We've got this whole new group of  6 · employees who are doing something we've not ever done  7 · before." Say, for example, in the case of an -- of an  8 · M&amp;A, of an acquisition, and they might ask, "Could we get  9 · a new family, because what we have in our existing  10 · structure doesn't work for us?"  11 · . . . . And so then there is a whole vetting  12 · process of, "Are we sure it's new?" We say, if a job --  13 · if the duties are, like, a 70 percent match, we say,  14 · "That's not different enough. We have our broad  15 · buckets."  16 · . . . Q. Uh-huh.  17 · . . . A. "You can use those buckets."  18 · . . . . But if we determine, in fact, that it is  19 · something brand-new and nobody at Oracle does that today,  20 · then we would say -- then we as a global compensation  21 · team say, "Yes, I would agree, we have not ever had  22 · anything like this before, so let's create a new job  23 · family with new codes."  24 · . . . Q. Okay. And I'd like to get -- you  25 · mentioned salary ranges or ranges for the job codes?</p> <p><b>108</b></p> <p>1 · . . . A. Yes.  2 · . . . Q. I'd like to talk about those a little bit.  3 · . . . . First, how -- how are those created or how  4 · are those established?  5 · . . . A. So in -- just, in general, salary ranges?  6 · Is that --  7 · . . . Q. Yeah. Like you mentioned salary ranges  8 · for -- there is salary ranges for the job codes, right?  9 · . . . A. Uh-huh.  10 · . . . Q. I would just like to know more about those  11 · salary ranges.  12 · . . . A. The ranges? Okay. So every year, we  13 · participate in surveys, compensation surveys.  14 · . . . Q. Okay.  15 · . . . A. And we submit our employee data in these,  16 · so -- in these very broad buckets of jobs, we say, "All  17 · of our people who are in software developer 3," and we  18 · anonymously report what their compensation packages are  19 · to these surveys.</p>	

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<p>13· say an M-2 makes a compensation decision. How many 14· levels of a review -- review, sorry, does it go up? 15· . . . . MS. CONNELL: Objection. Calls for 16· speculation. Incomplete hypothetical. 17· . . . A· The -- anything regarding pay -- 18· . . . Q· (By Mr. Song) Uh-huh. 19· . . . A· -- really would -- prior to -- we had the 20· accelerated hiring experience. I don't know if you're 21· familiar with that. That is one of the exhibits that are 22· here. 23· . . . . But in 2013, when this started up, until 24· fairly recently with the accelerated hiring experience, 25· it would go up every level. It would first go to an HR</p>	
<p><b>118</b></p>	
<p>1· representative, and then it would go to a compensation 2· person, and it would go up the whole chain, up to the 3· very top. 4· . . . . But once you reach, you know, the -- once 5· it goes through, like, HR and comp and then maybe one 6· level of manager, it's really -- it goes to the -- the 7· sanity check piece: Like, does this pass the sniff test? 8· They're not doing any real deep diving into anything. It 9· really is what that first-line manager has submitted -- 10· . . . Q· Okay. 11· . . . A· -- just continues on up the road. 12· . . . Q· Okay. 13· . . . A· With accelerated hiring, it skips, now, 14· compensation and tends to go all the way up so that the 15· process happens as -- as it indicates, accelerated 16· hiring, everything moves much quicker. 17· . . . Q· Uh-huh. 18· . . . A· And so it goes up, but again, to the -- to 19· the CEO office. But again, it's really that sanity check 20· of making sure -- we've had -- we've had situations, for 21· example, where the CEO office realizes they missed a 22· comma, and then the salary they offered was, like, \$2,000 23· instead of 200,000 -- like, just things that -- 24· . . . Q· Yeah. 25· . . . A· -- if they look too quickly --</p>	
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<p>1· . . . Q· Yeah, dotting your T's?</p>	

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23 · indication of what the labor market is doing there.	
<p><b>142:17-143:12</b></p> <p>17 · . . . Q. Okay. So then, similarly, does Oracle  18 · recommend -- does Oracle's compensation guidelines  19 · recommend using these compa-ratios to managers?  20 · . . . . MS. CONNELL: Objection. The guidelines,  21 · as she testified, are in writing and have been produced  22 · in this case, and they speak for themselves.  23 · . . . A. So, I mean, if I read -- the -- the slide  24 · says, this is how you use it, tells how to calculate it,  25 · and it says: It's helpful when you are managing</p> <p><b>143</b></p> <p>1 · employees during -- doing different kinds of work.  2 · Remember that not everyone has, nor should they have, the  3 · same. And the right compa-ratio does depend on  4 · individual experience, skills, contribution, and  5 · performance.  6 · . . . . So educating managers on what they can get  7 · out of compa-ratio and what it tells them is part of the  8 · guidelines. But, you know, whether we say, "You must use  9 · this," it's always been used as a point of reference and  10 · just educating them on what they can -- what they can  11 · glean from that -- that number when they look across  12 · their team.</p>	
<p><b>144:21-147:6</b></p> <p>21 · . . . Q. Okay. What does Oracle consider a low  22 · compa-ratio?  23 · . . . . MS. CONNELL: Objection. Vague and  24 · ambiguous. Incomplete hypothetical. Assumes facts.  25 · . . . A. So the difficult thing about making a real</p> <p><b>145</b></p> <p>1 · conclusion on what a low compa-ratio would be is that  2 · our -- as I've testified to before, our ranges are  3 · incredibly -- are -- are wide.  4 · . . . Q. (By Mr. Song) Uh-huh.  5 · . . . A. And not only that, but our -- the job  6 · codes are huge buckets. They're -- they're very general,</p>	