UNITED STATES DEPARTMENT OF LABOR

OFFICE OF ADMINISTRATION LAW JUDGES

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

VIDEOTAPED DEPOSITION OF MADHAVI CHERUVU

San Francisco, California

June 11, 2019

REPORTED BY:
JOHNN Alr PIPER
CSR 11268
Job No. 10057054
Madhavi Cheruvu

OFCCP vs. Oracle America, Inc.

   A. April of 1998, I can confirm that. I don't remember the exact date.

2. Q. Okay. And what was the position that you were originally hired for?
   A. I was hired for, I believe, a senior HR representative.

3. Q. And what is your current position right now?
   A. I'm a vice president of human resources.

4. Q. Vice president of human resources?
   A. That's correct.

5. Q. When did you become vice president of human resources?
   A. I don't remember the exact date.

6. Q. Around what year?
   A. I would -- I would say five, six years ago.

7. I don't even remember the . . .

8. Q. And what position did you have before vice president of human resources?
   A. Senior director of human resources.

9. Q. Okay. And how long did you have that position?
   A. I don't remember.

10. Q. Okay. Like an estimate?

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BY MS. FLORES:

Q. And currently you -- you are the vice president of HR. What are your duties?
A. I manage a team of individuals, and we provide HR support to a -- seven lines of businesses.

Q. Which lines of businesses?
A. Marketing, an organization that's called "Database," one that's called "Fusion," one that's called a Middleware and Paths, and BI Analytics.

Q. Any other lines of business?
A. One small group, but I don't -- I -- I don't believe it has like a name right now. It's just an organization under an individual, but doesn't have a name -- identifier name that I can give you.

Q. What is -- what do they do?
A. It is a -- a broad group under -- it's called "the Oracle startup accelerator."

Q. What does the path group -- what does this group do?
A. It has a -- a small set of individuals that work on expanding our technologies into the startup community, the college community with students, so evangelizing our products into areas that we don't
if it was a -- a senior hire that my executive was bringing in, then he -- he would determine what the salary was and would again ask me for what the range for the position is.

BY MS. FLORES:

Q. For someone in a different line of business?

MR. PARKER: Vague and ambiguous.

THE WITNESS: In the line of business that I was supporting.

BY MS. FLORES:

Q. And what are the lines of business that you were supporting in March 2015?

A. I know I was supporting the -- what -- what is called "the development organization" that was run by our executive vice president at that time.

Q. Who was the executive vice president at that time?

A. Thomas Kurian.

Q. I'm looking at the next paragraph on Exhibit 72. It says, "I look at the skills they have on their résumé and look for what kind of skills they possess which are key to us." Was that statement true in March 2015?

MR. PARKER: Compound; vague and ambiguous.
THE WITNESS: How to do, you know, talent review boards, how to do performance management, how to have crucial conversations.

BY MS. FLORES:

Q. Any other training?

A. There may be others that's not coming to my mind right now.

MS. FLORES: Okay. Counsel, you need a break?

MR. PARKER: Yes.

THE VIDEOGRAPHER: This marks the end of Media 1 in the deposition of Madhavi Cheruvu at 10:53. We're going off the record.

(Recess taken.)

THE VIDEOGRAPHER: On record at 11:09.

This marks the beginning of Media 2 in the deposition of Madhavi Cheruvu.

MR. PARKER: And before we start, I think there's one thing Ms. Cheruvu wants to clarify for the record.

MS. FLORES: Okay.

THE WITNESS: We talked about using current salary as one of the factors?

BY MS. FLORES:

Q. Yes.
A. We do not do that today.

Q. Okay.

A. It was one of the factors, but -- but not since the change in the law.

Q. Okay. But it was true in March 2015?

A. It was one of the factors, yes.

Q. Okay.

A. Sometimes.

Q. Before we went on break, we were talking a little bit about training. What -- what is HR's role with training employees at Oracle?

MR. PARKER: Vague and ambiguous; vague as to time.

THE WITNESS: That's a very broad question.

I don't know what that means.

BY MS. FLORES:

Q. Okay. Does J -- does HR conduct training?

A. That is also a broad question. There's several individuals in HR who do it, so I don't now how to answer that question.

Q. Okay. What kind of training does HR provide to -- to employees at Oracle?

MR. PARKER: Vague and ambiguous; vague as to time; lacks foundation.

THE WITNESS: I -- I can't answer that
Thomas is trying to hire.

BY MS. FLORES:

Q. Okay. If Thomas Kurian is trying to hire a senior hire, does he ask for your input or advice by phone call?

A. Yes.

Q. Can he also do it by e-mail?

A. Sometimes.

Q. Does he also do it in person?

A. Yes.

Q. Does Thomas Kurian still work at Oracle?

A. No.

Q. When did he stop working at Oracle?

A. Last September.

Q. Okay. Does it ever happen that you disagree with the hiring manager in terms of what they want to set a starting salary for an employee?

A. That's too broad.

Q. Say for example that Thomas Kurian asked you -- or told you that he's going to set the starting salary for someone, and it's 200 percent above the range -- the salary range. How do you -- sort of as an example, like has there been a situation like this where you've disagreed with the amount?
things you do as part of your job?
A. I -- I give realtime feedback. I -- I will be doing one. So the answer is I haven't done one recently.
Q. When was the last time that you did an employee evaluation?
A. I cannot remember.
Q. Was it in the past five years?
A. For whom? For --
Q. For the people in -- in your team.
A. I'd have to say maybe.
Q. Okay. Do you know if you conducted one in the past two years?
A. I have not.
Q. Do you or anyone in your team, and we're going back to March 2015, review the employee evaluations that the managers in Thomas Kurian's team conducted?
A. No.
Q. Oh, do you know if it's permitted -- or let me go back. Is -- do you know if it would be appropriate for you conducting an evaluation and stating that -- stating how an employee conducted their job and in addition include the fact that they
MR. PARKER: Vague and ambiguous; calls for a legal conclusion.

THE WITNESS: I don't know how to answer that question.

BY MS. FLORES:

Q. Do you do anything to comply with affirmative action regulations?

MR. PARKER: Calls for a legal conclusion; vague and ambiguous.

THE WITNESS: I personally, no.

BY MS. FLORES:

Q. Oh, what actions, if any, do you know that Thomas Kurian took during his -- his focal reviews to comply with affirmative action law?

MR. PARKER: Same objections and lacks foundation.

THE WITNESS: I -- I don't know.

BY MS. FLORES:

Q. Are you aware whether or not -- are you aware whether Thomas Kurian tried to comply with affirmative action regulations?

MR. PARKER: Same objections.

THE WITNESS: I -- I don't know.

BY MS. FLORES:

Q. Did you and Thomas Kurian ever discuss
for instructing the witness --

MR. PARKER: But I will instruct not to
answer. If this was not produce in this case, and
it doesn't relate to this case, all you have to do
is tell me if it relates HQCA. If it doesn't, then
we'll move on.

MS. FLORES: I believe it does because it
was produced by your office.

MR. PARKER: Then where is the Bates stamp?

MS. FLORES: I -- I don't know. It was
produced in native format for relativity.

MR. PARKER: Well, I'll let her answer
until we find out whether this relates to HQCA and
then I'm going to cut it out.

BY MS. FLORES:

Q. Okay. So, Ms. Cheruvu, looking down at
this e-mail, can you tell me what in out -- what an
out-of-cycle raise is? -- or what an I --
out-of-cycle request for a raise is?

A. A salary increase that's done outside of
the annual focal process.

Q. Okay. What -- what are the circumstances
that this would be done -- that someone would
request an out-of-cycle request for a raise?

MR. PARKER: Lacks foundation.
THE WITNESS: In what group?

BY MS. FLORES:

Q. For product development, for Thomas Kurian's group?

A. If they felt they were at risk of losing somebody?

Q. Are there any other reasons?

A. I don't know.

Q. What about reasons to ensure fairness and equity among employees on a team for -- under Thomas Kurian?

MR. PARKER: Lacks foundation.

THE WITNESS: I don't know what the manager would use to determine salaries that he need to adjust. I don't know.

BY MS. FLORES:

Q. Okay. And looking at the e-mail down March 24th, 2017, it -- it is appears to be an e-mail from Thomas Kurian to you, cc Ken Ibarra. It says "approved." Was it the regular practice for Thomas Kurian to inform you when he's approving an out-of -- out-of-cycle raise?

MR. PARKER: Vague and ambiguous.

THE WITNESS: Yes.

Can I answer.
Q. For product development?
A. Yes.

Q. Okay. And I know we already discussed the certain factors for salary range. Who -- who are your -- who are the executives in HR?

MR. PARKER: Vague as to time.

BY MS. FLORES:

Q. In March 2015.
A. I don't know what your question means.

Q. Okay. Is there anyone at the executive level in -- in HR?
A. No.

Q. What about in product development?
A. Thomas Kurian is the executive.

Q. That's right. I'm sorry. Okay. And back in March 2015, would you make any recommendations to distribute potential raises on a percentage basis?

MR. PARKER: Asked and answered; vague and ambiguous.

THE WITNESS: I would give the information for Thomas to make the recommendations.

BY MS. FLORES:

Q. Well, when you give him the information, did you say, "Here's the percentage you can consider"
CERTIFICATE OF REPORTER

I, JOHNNA PIPER, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

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

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition nor in any way interested in the event of this cause and that I am not related to any of the parties thereto.

DATED: June 18, 2019

JOHNNA PIPER, CSR 11268