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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATION LAW JUDGES

OFFICE OF FEDERAL CONTRACT)
COMPLIANCE PROGRAMS, UNITED)
STATES DEPARTMENT OF LABOR,)
)
Plaintiff,)
)
vs.)
)
ORACLE AMERICA, INC.,)
)
Defendant.)

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

VIDEOTAPED DEPOSITION OF MADHAVI CHERUVU
San Francisco, California
June 11, 2019

REPORTED BY:
JOHNNA PIPER
CSR 11268
Job No. 10057054

1 hire April 13, 1998. 09:10:15

2 A. April of 1998, I can confirm that. I don't 09:10:20

3 remember the exact date. 09:10:23

4 Q. Okay. And what was the position that you 09:10:24

5 were originally hired for? 09:10:30

6 A. I was hired for, I believe, a senior HR 09:10:31

7 representative. 09:10:37

8 Q. And what is your current position right 09:10:38

9 now? 09:10:42

10 A. I'm a vice president of human resources. 09:10:43

11 Q. Vice president of human resources? 09:10:48

12 A. That's correct. 09:10:50

13 Q. When did you become vice president of human 09:10:50

14 resources? 09:11:00

15 A. I don't remember the exact date. 09:11:01

16 Q. Around what year? 09:11:06

17 A. I would -- I would say five, six years ago. 09:11:07

18 I don't even remember the . . . 09:11:12

19 Q. And what position did you have before vice 09:11:17

20 president of human resources? 09:11:20

21 A. Senior director of human resources. 09:11:23

22 Q. Okay. And how long did you have that 09:11:25

23 position? 09:11:28

24 A. I don't remember. 09:11:28

25 Q. Okay. Like an estimate? 09:11:32

1 BY MS. FLORES: 09:27:38

2 Q. And currently you -- you are the vice 09:27:39

3 president of HR. What are your duties? 09:27:42

4 A. I manage a team of individuals, and we 09:27:44

5 provide HR support to a -- seven lines of 09:27:53

6 businesses. 09:28:02

7 Q. Which lines of businesses? 09:28:04

8 A. Marketing, an organization that's called 09:28:07

9 "Database," one that's called "Fusion," one that's 09:28:20

10 called a Middleware and Paths, and BI Analytics. 09:28:31

11 Q. Any other lines of business? 09:28:47

12 A. One small group, but I don't -- I -- I 09:28:48

13 don't believe it has like a name right now. It's 09:28:51

14 just an organization under an individual, but 09:28:54

15 doesn't have a name -- identifier name that I can 09:28:58

16 give you. 09:29:01

17 Q. What is -- what do they do? 09:29:01

18 A. It is a -- a broad group under -- it's 09:29:02

19 called "the Oracle startup accelerator." 09:29:10

20 Q. What does the path group -- what does this 09:29:20

21 group do? 09:29:22

22 A. It has a -- a small set of individuals that 09:29:23

23 work on expanding our technologies into the startup 09:29:31

24 community, the college community with students, so 09:29:42

25 evangelizing our products into areas that we don't 09:29:47

1 if it was a -- a senior hire that my executive was 10:23:20
2 bringing in, then he -- he would determine what the 10:23:24
3 salary was and would again ask me for what the range 10:23:26
4 for the position is. 10:23:29
5 BY MS. FLORES: 10:23:30
6 Q. For someone in a different line of 10:23:31
7 business? 10:23:33
8 MR. PARKER: Vague and ambiguous. 10:23:34
9 THE WITNESS: In the line of business that 10:23:35
10 I was supporting. 10:23:39
11 BY MS. FLORES: 10:23:41
12 Q. And what are the lines of business that you 10:23:42
13 were supporting in March 2015? 10:23:43
14 A. I know I was supporting the -- what -- what 10:23:45
15 is called "the development organization" that was 10:23:53
16 run by our executive vice president at that time. 10:23:57
17 Q. Who was the executive vice president at 10:24:02
18 that time? 10:24:06
19 A. Thomas Kurian. 10:24:06
20 Q. I'm looking at the next paragraph on 10:24:07
21 Exhibit 72. It says, "I look at the skills they 10:24:18
22 have on their résumé and look for what kind of 10:24:22
23 skills they possess which are key to us." Was that 10:24:25
24 statement true in March 2015? 10:24:31
25 MR. PARKER: Compound; vague and ambiguous. 10:24:34

1 THE WITNESS: How to do, you know, talent 10:53:35
2 review boards, how to do performance management, how 10:53:41
3 to have crucial conversations. 10:53:44
4 BY MS. FLORES: 10:53:52
5 Q. Any other training? 10:53:53
6 A. There may be others that's not coming to my 10:53:55
7 mind right now. 10:53:59
8 MS. FLORES: Okay. Counsel, you need a 10:54:00
9 break? 10:54:05
10 MR. PARKER: Yes. 10:54:05
11 THE VIDEOGRAPHER: This marks the end of 10:54:07
12 Media 1 in the deposition of Madhavi Cheruvu at 10:54:08
13 10:53. We're going off the record. 10:54:15
14 (Recess taken.) 10:54:16
15 THE VIDEOGRAPHER: On record at 11:09. 11:09:46
16 This marks the beginning of Media 2 in the 11:10:11
17 deposition of Madhavi Cheruvu. 11:10:13
18 MR. PARKER: And before we start, I think 11:10:18
19 there's one thing Ms. Cheruvu wants to clarify for 11:10:19
20 the record. 11:10:23
21 MS. FLORES: Okay. 11:10:24
22 THE WITNESS: We talked about using current 11:10:24
23 salary as one of the factors? 11:10:35
24 BY MS. FLORES: 11:10:36
25 Q. Yes. 11:10:37

1 A. We do not do that today. 11:10:37

2 Q. Okay. 11:10:39

3 A. It was one of the factors, but -- but not 11:10:42

4 since the change in the law. 11:10:44

5 Q. Okay. But it was true in March 2015? 11:10:47

6 A. It was one of the factors, yes. 11:10:52

7 Q. Okay. 11:10:54

8 A. Sometimes. 11:10:56

9 Q. Before we went on break, we were talking a 11:10:57

10 little bit about training. What -- what is HR's 11:11:02

11 role with training employees at Oracle? 11:11:10

12 MR. PARKER: Vague and ambiguous; vague as 11:11:14

13 to time. 11:11:15

14 THE WITNESS: That's a very broad question. 11:11:16

15 I don't know what that means. 11:11:17

16 BY MS. FLORES: 11:11:18

17 Q. Okay. Does J -- does HR conduct training? 11:11:19

18 A. That is also a broad question. There's 11:11:22

19 several individuals in HR who do it, so I don't now 11:11:24

20 how to answer that question. 11:11:29

21 Q. Okay. What kind of training does HR 11:11:32

22 provide to -- to employees at Oracle? 11:11:35

23 MR. PARKER: Vague and ambiguous; vague as 11:11:38

24 to time; lacks foundation. 11:11:39

25 THE WITNESS: I -- I can't answer that 11:11:40

1 Thomas is trying to hire. 11:33:53

2 BY MS. FLORES: 11:33:55

3 Q. Okay. If Thomas Kurian is trying to hire a 11:33:56

4 senior hire, does he ask for your input or advice by 11:33:59

5 phone call? 11:34:05

6 A. Yes. 11:34:05

7 Q. Can he also do it by e-mail? 11:34:13

8 A. Sometimes. 11:34:16

9 Q. Does he also do it in person? 11:34:19

10 A. Yes. 11:34:21

11 Q. Does Thomas Kurian still work at Oracle? 11:34:22

12 A. No. 11:34:26

13 Q. When did he stop working at Oracle? 11:34:26

14 A. Last September. 11:34:29

15 Q. Okay. Does it ever happen that you 11:34:32

16 disagree with the hiring manager in terms of what 11:34:55

17 they want to set a starting salary for an employee? 11:34:59

18 A. That's too broad. 11:35:02

19 Q. Say for example that Thomas Kurian asked 11:35:07

20 you -- or told you that he's going to set the 11:35:10

21 starting salary for someone, and it's 200 percent 11:35:13

22 above the range -- the salary range. How do you -- 11:35:17

23 sort of as an example, like has there been a 11:35:23

24 situation like this where you've disagreed with the 11:35:25

25 amount? 11:35:28

1 things you do as part of your job? 15:52:09

2 A. I -- I give realtime feedback. I -- I will 15:52:11

3 be doing one. So the answer is I haven't done one 15:52:17

4 recently. 15:52:20

5 Q. When was the last time that you did an 15:52:20

6 employee evaluation? 15:52:22

7 A. I cannot remember. 15:52:23

8 Q. Was it in the past five years? 15:52:24

9 A. For whom? For -- 15:52:32

10 Q. For the people in -- in your team. 15:52:34

11 A. I'd have to say maybe. 15:52:41

12 Q. Okay. Do you know if you conducted one in 15:52:43

13 the past two years? 15:52:47

14 A. I have not. 15:52:47

15 Q. Do you or anyone in your team, and we're 15:52:48

16 going back to March 2015, review the employee 15:52:58

17 evaluations that the managers in Thomas Kurian's 15:53:04

18 team conducted? 15:53:08

19 A. No. 15:53:09

20 Q. Oh, do you know if it's permitted -- or let 15:53:12

21 me go back. 15:53:33

22 Is -- do you know if it would be 15:53:34

23 appropriate for you conducting an evaluation and 15:53:36

24 stating that -- stating how an employee conducted 15:53:42

25 their job and in addition include the fact that they 15:53:47

1 MR. PARKER: Vague and ambiguous; calls for 16:13:21
2 a legal conclusion. 16:13:23

3 THE WITNESS: I don't know how to answer 16:13:24
4 that question. 16:13:29

5 BY MS. FLORES: 16:13:29

6 Q. Do you do anything to comply with 16:13:34
7 affirmative action regulations? 16:13:36

8 MR. PARKER: Calls for a legal conclusion; 16:13:40
9 vague and ambiguous. 16:13:42

10 THE WITNESS: I personally, no. 16:13:44

11 BY MS. FLORES: 16:13:48

12 Q. Oh, what actions, if any, do you know that 16:14:01
13 Thomas Kurian took during his -- his focal reviews 16:14:05
14 to comply with affirmative action law? 16:14:11

15 MR. PARKER: Same objections and lacks 16:14:13
16 foundation. 16:14:15

17 THE WITNESS: I -- I don't know. 16:14:15

18 BY MS. FLORES: 16:14:17

19 Q. Are you aware whether or not -- are you 16:14:19
20 aware whether Thomas Kurian tried to comply with 16:14:20
21 affirmative action regulations? 16:14:25

22 MR. PARKER: Same objections. 16:14:27

23 THE WITNESS: I -- I don't know. 16:14:29

24 BY MS. FLORES: 16:14:30

25 Q. Did you and Thomas Kurian ever discuss 16:14:30

1 for instructing the witness -- 16:36:35

2 MR. PARKER: But I will instruct not to 16:36:37

3 answer. If this was not produce in this case, and 16:36:39

4 it doesn't relate to this case, all you have to do 16:36:39

5 is tell me if it relates HQCA. It if doesn't, then 16:36:42

6 we'll move on. 16:36:45

7 MS. FLORES: I believe it does because it 16:36:46

8 was produced by your office. 16:36:47

9 MR. PARKER: Then where is the Bates stamp? 16:36:48

10 MS. FLORES: I -- I don't know. It was 16:36:50

11 produced in native format for relativity. 16:36:51

12 MR. PARKER: Well, I'll let her answer 16:36:53

13 until we find out whether this relates to HQCA and 16:36:55

14 then I'm going to cut it out. 16:36:58

15 BY MS. FLORES: 16:37:00

16 Q. Okay. So, Ms. Cheruvu, looking down at 16:37:04

17 this e-mail, can you tell me what in out -- what an 16:37:05

18 out-of-cycle raise is? -- or what an I -- 16:37:13

19 out-of-cycle request for a raise is? 16:37:18

20 A. A salary increase that's done outside of 16:37:22

21 the annual focal process. 16:37:25

22 Q. Okay. What -- what are the circumstances 16:37:28

23 that this would be done -- that someone would 16:37:30

24 request an out-of-cycle request for a raise? 16:37:33

25 MR. PARKER: Lacks foundation. 16:37:35

1 THE WITNESS: In what group? 16:37:37

2 BY MS. FLORES: 16:37:39

3 Q. For product development, for Thomas 16:37:39

4 Kurian's group? 16:37:42

5 A. If they felt they were at risk of losing 16:37:42

6 somebody? 16:37:52

7 Q. Are there any other reasons? 16:37:53

8 A. I don't know. 16:37:55

9 Q. What about reasons to ensure fairness and 16:37:56

10 equity among employees on a team for -- under Thomas 16:38:01

11 Kurian? 16:38:06

12 MR. PARKER: Lacks foundation. 16:38:06

13 THE WITNESS: I don't know what the manager 16:38:07

14 would use to determine salaries that he need to 16:38:08

15 adjust. I don't know. 16:38:15

16 BY MS. FLORES: 16:38:17

17 Q. Okay. And looking at the e-mail down 16:38:17

18 March 24th, 2017, it -- it is appears to be an 16:38:23

19 e-mail from Thomas Kurian to you, cc Ken Ibarra. It 16:38:27

20 says "approved." Was it the regular practice for 16:38:34

21 Thomas Kurian to inform you when he's approving an 16:38:38

22 out-of -- out-of-cycle raise? 16:38:42

23 MR. PARKER: Vague and ambiguous. 16:38:44

24 THE WITNESS: Yes. 16:38:47

25 Can I answer. 16:38:54

1 Q. For product development? 17:00:59

2 A. Yes. 17:01:01

3 Q. Okay. And I know we already discussed the 17:01:02

4 certain factors for salary range. Who -- who are 17:01:07

5 your -- who are the executives in HR? 17:01:13

6 MR. PARKER: Vague as to time. 17:01:18

7 BY MS. FLORES: 17:01:19

8 Q. In March 2015. 17:01:20

9 A. I don't know what your question means. 17:01:21

10 Q. Okay. Is there anyone at the executive 17:01:23

11 level in -- in HR? 17:01:26

12 A. No. 17:01:27

13 Q. What about in product development? 17:01:28

14 A. Thomas Kurian is the executive. 17:01:30

15 Q. That's right. I'm sorry. Okay. 17:01:33

16 And back in March 2015, would you make any 17:01:42

17 recommendations to distribute potential raises on a 17:01:44

18 percentage basis? 17:01:51

19 MR. PARKER: Asked and answered; vague and 17:01:53

20 ambiguous. 17:01:57

21 THE WITNESS: I would give the information 17:01:57

22 for Thomas to make the recommendations. 17:02:01

23 BY MS. FLORES: 17:02:03

24 Q. Well, when you give him the information, 17:02:04

25 did you say, "Here's the percentage you can consider 17:02:06

1 CERTIFICATE OF REPORTER

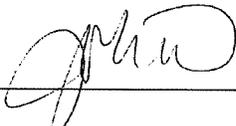
2 I, JOHNNA PIPER, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell
5 the truth, the whole truth and nothing but the truth
6 in the within-entitled cause;

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

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

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

22 DATED: June 18, 2019

23
24 
25 _____
JOHNNA PIPER, CSR 11268