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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.	)	

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VIDEOTAPED DEPOSITION OF JOYCE WESTERDAHL  
May 30, 2019  
Orange, California

Reported by:  
Michael McMorran  
CSR No. 13735  
JOB No. 190530RCR

09:07 1 requests, but you --

2 A Correct.

3 Q -- yourself did not respond to it?

4 A Correct. The lawyers come in and scan our  
09:07 5 systems, yes.

6 Q Okay. And did the lawyers come in and scan  
7 your systems for this document request?

8 A Yes.

9 Q Yes? Okay. And do you know when that was?

09:07 10 A No idea.

11 Q Okay. But you didn't do any kind of a  
12 search for your e-mails?

13 A No.

14 Q Okay. And what is your current title at  
09:08 15 Oracle?

16 A Executive vice president of human resources.

17 Q Okay. And what are your job duties there?

18 A I run everything that encompasses HR,  
19 benefits, comp, employee relations, investigations,  
09:08 20 union worker counsel, activities. I also run the  
21 Oracle Foundation, Oracle Academy, Oracle High  
22 School. I'm missing things.

23 Q That sounds like quite a bit already.

24 A The data privacy groups, the emergency  
09:08 25 groups for disaster reliefs with our employees. I'm

09:08 1 trying to see my direct reports and what they do.  
2 Oh, systems. We run internal IT systems with our  
3 own software, and we run all of those  
4 implementations and maintain those systems for --

09:09 5 for the HCM software and the recruiting software.

6 Q Okay. Is there anything that you don't do  
7 at Oracle?

8 A Well, I actually do help sell. I was going  
9 to say I don't sell anything, but I do sell our HR  
09:09 10 product, yeah.

11 Q I was just kidding. Sorry. Would you say  
12 you're the top human resources person at Oracle?

13 A I am.

14 Q Okay. And who do you report to?

09:09 15 A Safra Catz.

16 Q Okay. And Safra reports to?

17 A The board. She's the CEO.

18 Q The board?

19 A She's a co-CEO at Oracle.

09:09 20 Q Okay. And what about Mr. Ellison?

21 A Mr. Ellison is -- I would -- he's our chief  
22 technology officer at this point.

23 Q Okay. So she doesn't necessarily report to  
24 him?

09:10 25 A No.

11:13 1           You can answer.

2           THE WITNESS: Yeah. It really depends by

3 the line of business.

4 BY MR. SONG:

11:13 5           Q    Okay. Let's take, for example, product

6 development. Do you know how often they would give

7 performance reviews?

8           A    I actually don't. And we have several

9 leaders in product development. So I don't.

11:13 10          Q    Okay.

11          A    I can't answer that directly.

12          Q    Is there a goal for how many performance

13 evaluations an employee should be given?

14          A    No.

11:13 15          Q    Okay. And there's no goal about whether it

16 should be written or verbal?

17          A    No. And the top talent system is not really

18 a performance -- traditional performance evaluation

19 system.

11:13 20          Q    Okay.

21          A    Okay.

22          Q    And is the top talent thing -- is that in

23 the computer or in the cloud or somewhere?

24          A    If you Google it, it's actually -- anyway,

11:14 25          yeah, I think it is in the cloud. I think it is in

12:17 1 MR. SHWARTS: Okay. Go ahead.  
2 THE WITNESS: I don't know.  
3 BY MR. SONG:  
4 Q Okay. And do you know if anyone has looked  
12:17 5 at performance scores by race?  
6 A I don't know.  
7 Q Okay.  
8 A I don't know how they'd know, but . . .  
9 Q Well, they could just look at, you know, the  
12:17 10 performance scores of all women as compared to men  
11 or something like that. Okay.  
12 And to your knowledge, when are performance  
13 reviews conducted?  
14 A Every line of business has a certain cadence  
12:18 15 about what they want to do or if they don't want to  
16 do it.  
17 Q Okay. So it's not required?  
18 A No.  
19 Q Okay. Do you know -- do you know within --  
12:18 20 let's say HR, how often they take place?  
21 A We do it once a year.  
22 Q Okay. And about what time?  
23 A Right before early -- late winter right  
24 before we go into focal stock planning.  
12:18 25 Q Okay. And are those -- do you factor those

12:21 1 A They do an annual process.  
2 Q Okay. And do you know if support does  
3 written ones?  
4 A I don't know if they're actually written or  
12:21 5 not.  
6 Q Okay. And product development you said you  
7 don't know?  
8 A It's a mixed bag.  
9 Q Okay. So regarding performance reviews,  
12:21 10 those are just handled by the line of business?  
11 A With their HR partner.  
12 Q With their HR partner. And so they can  
13 determine whether they want to do them and when to  
14 do them and how often --  
12:21 15 A Correct, yeah.  
16 Q Okay. Great.  
17 MR. SONG: We're almost out of tape again;  
18 so I think this might be a good time for a lunch  
19 break.  
12:21 20 MR. SHWARTS: Okay. That's fine.  
21 THE VIDEOGRAPHER: This is the end of  
22 Media No. 2 of video deposition of Joyce Westerdahl.  
23 We're going off the record at approximately  
24 12:20 p.m.  
12:21 25 (Off the record from 12:22 p.m. to

05:28 1

Q Yes.

2

A They have access to their whole

3

organization. So even if I'm an M-1, I have direct

4

reports, and then I have people underneath my -- so

05:28 5

we're talking -- I was just correcting you on -- so

6

don't pick on me, let's just pick on a director.

7

So a director has -- can see the direct

8

report information and has access to their entire

9

organization.

05:28 10

Q Below them?

11

A Yes.

12

Q Okay. But if it was a really low level

13

manager like an M-1, they would only have four or

14

five -- like, a small group of reports or people --

05:29 15

salaries that they could see, right?

16

A They would see everybody in their

17

organization. If it was four people, it would be

18

four people.

19

Q Okay. But the people below them?

05:29 20

A And they could see the people below them.

21

Q Yeah. Only below them?

22

A Yes.

23

Q Okay. And does Oracle have any compensation

24

affirmative action goals?

05:29 25

MR. SHWARTS: Again, to your knowledge.

05:29 1 She's not here to testify on behalf of Oracle.  
2 If you know.  
3 THE WITNESS: I'm trying to even translate  
4 what that means, and I think I know what it means.  
05:29 5 And I'm not sure if they have compensation -- direct  
6 affirmative action compensation goals stated in any  
7 of their materials.  
8 BY MR. SONG:  
9 Q Okay. Do you know what the affirmative  
05:30 10 action goals for Oracle are?  
11 A In general, we're deficient, and where we  
12 have done a higher end and --  
13 Q Yeah, the specific goals that they have.  
14 MR. SHWARTS: Today?  
05:30 15 MR. SONG: Yes, today.  
16 THE WITNESS: No.  
17 BY MR. SONG:  
18 Q Okay. Do you receive reports from Vickie or  
19 Shauna about how the affirmative action program is  
05:30 20 going?  
21 A For the company or for my organization?  
22 Q Well, let's start with your organization.  
23 A I -- yes, every -- periodically I get a  
24 report on where I am in my organization.  
05:30 25 Q Okay. But -- and that report is from who?

05:40 1 A They're reports based on location and where  
2 we're deficient and where we're not deficient or  
3 we're good or we're average, and there's statistical  
4 numbers on our -- by location.

05:40 5 Q Okay. Does she provide any reports  
6 regarding compensation?

7 A I don't recall any reports on compensation  
8 kind of ever.

9 Q Okay. And did you ever ask her about  
05:40 10 compensation?

11 A No, I did not.

12 Q Okay. Can you please turn to -- let's see  
13 page --

14 MR. SHWARTS: Are you going back to  
05:41 15 Exhibit 69?

16 MR. SONG: Yeah, Exhibit 69, page 11.

17 MR. SHWARTS: Affirmative action plan.

18 THE WITNESS: Oh, but I destroyed this whole  
19 thing.

05:41 20 BY MR. SONG:

21 Q Okay. If you look at --

22 THE WITNESS: What page?

23 MR. SHWARTS: Page 11.

24 BY MR. SONG:

05:41 25 Q Oh, yes. I'm sorry, page 11, the last

05:46 1 A She -- it looks like she works directly with  
2 Shauna and that team.

3 Q Okay.

4 A Yeah.

05:46 5 Q Do you know if she's specifically asked them  
6 questions about the AAP?

7 A I don't know what they've discussed.

8 Q Okay. And you don't know if -- you don't  
9 know if there are other versions of the AAP for  
05:47 10 Oracle other than this one --

11 MR. SHWARTS: Charles, you asked it four  
12 times already. She said she doesn't know any other  
13 one besides this one. She's said it three times  
14 already -- four times.

05:47 15 BY MR. SONG:

16 Q Well, you can still answer.

17 A I'm going to answer it the same way. I  
18 don't know.

19 Q Okay. Do you know if the AAP has ever been  
05:47 20 revised?

21 A I would assume so, but you don't have it  
22 here so, you know . . .

23 Q Okay.

24 A Yeah.

05:47 25 Q And as far as you know, there aren't any

05:48 1 affirmative action goals related to compensation  
2 from 2013 to the present?

3 MR. SHWARTS: Asked and answered.

4 Answer it again.

05:48 5 THE WITNESS: You're just doing this because  
6 I'm tired.

7 BY MR. SONG:

8 Q I'm tired too. We're all tired. Is that a  
9 "yes" or a "no"?

05:48 10 A That's a -- that's a no. I don't know.  
11 It's the same answer as before.

12 Q Has anyone at Oracle been trained to do  
13 internal pay assessments by gender?

14 A Has anyone at Oracle been trained to do pay  
05:48 15 assessments at Oracle -- I'm not aware of anyone  
16 being trained.

17 Q Okay. Has anyone -- do you know if anyone  
18 at Oracle has been trained to do internal pay equity  
19 assessments based upon race?

05:49 20 A I -- you would have to ask -- no. I am not  
21 aware of me sending anybody off to training to do  
22 that kind of work.

23 Q Okay. And you earlier said that you  
24 couldn't recite the, you know, the chapter and verse  
05:49 25 of the OFCCP requirements, but can you tell me what

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DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA            )  
  )  SS.  
COUNTY OF ORANGE            )

I, Michael McMorran, hereby certify:

I am a duly qualified Certified Shorthand Reporter in the state of California, holder of Certificate Number CSR 13735 issued by the Court Reporters Board of California and which is in full force and effect. (Fed. R. Civ. P. 28(a)).

I am authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure, Section 2093(b), and prior to being examined, the witness was first duly sworn by me. (Fed. R. Civ. P. 28(a), 30(f)(1)).

I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is  
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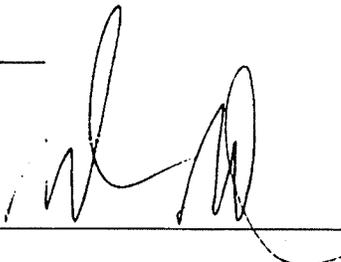
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/ / /

true record of the testimony given by the witness.  
(Fed. R. Civ. P. 30(f)(1)).

Before completion of the deposition, review  
of the transcript [ X ] was [ ] was not requested.  
If requested, any changes made by the deponent (and  
provided to the reporter) during the period allowed,  
are appended hereto. (Fed. R. Civ. P. 30(e)).

Dated: 6/3/2019



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MICHAEL G. MCMORRAN, CSR No. 13735