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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

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?

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:

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.

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.

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.

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 12<sup>th</sup> day of May, 2019.

20  
21  
22  
23 Robin L. B. Osterode  
24 ROBIN L. B. OSTERODE, CSR, RPR  
25 CA CSR No. 7750  
AZ CR No. 50695