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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

10:40:38 1 BY MS. BREMER:

10:40:38 2 Q. And it's -- the e-mail at the bottom of the

10:40:42 3 page from you says, "Enclosed please find Oracle

10:40:49 4 Corporation's 2014 Affirmative Action Plan."

10:40:55 5 A. Uh-huh.

10:40:56 6 Q. Correct?

10:40:57 7 A. Correct.

10:40:58 8 Q. So in October of 2014, you sent Oracle's

10:41:05 9 2014 affirmative action program to OFCCP?

10:41:07 10 A. Yes.

10:41:09 11 MS. BREMER: Okay. I'd like to mark as

10:41:10 12 Exhibit 21, a document called Affirmative Action Plan

10:41:17 13 for Oracle America January 2014. It's Bates numbered

10:41:24 14 ORACLE_HQCA 4999 through 5196.

10:41:24 15 (Marked for identification Exhibit 21.)

10:41:46 16 THE WITNESS: Thank you.

10:41:47 17 BY MS. BREMER:

10:41:47 18 Q. Is this a true and correct copy of the

10:41:50 19 Affirmative Action Plan that you sent to OFCCP on or

10:41:53 20 about October 28th, 2014?

10:41:56 21 MS. CONNELL: Take your time to review it.

10:43:20 22 For the record, I'll designate this exhibit

10:43:22 23 as confidential, as it's got a confidential

10:43:25 24 designation.

10:45:24 25 THE WITNESS: Back to the question?

10:45:25 1 Since that was five minutes ago.

10:45:29 2 MS. BREMER: Can you state the question

10:45:34 3 again?

10:45:48 4 (Record read.)

10:45:50 5 THE WITNESS: It looks like it.

10:45:51 6 BY MS. BREMER:

10:45:52 7 Q. And looking at page 5000, you are listed as

10:45:58 8 the individual responsible for plan implementation.

10:46:02 9 Correct?

10:46:02 10 A. I'm trying to -- you said 5000 -- oh, okay.

10:46:09 11 Yeah.

10:46:14 12 Q. And Safra Catz is also listed. Correct?

10:46:20 13 A. Yes.

10:46:20 14 Q. What were Safra Catz's responsibilities

10:46:29 15 regarding Oracle's Affirmative Action Plan?

10:46:35 16 MS. CONNELL: Objection; vague, calls for

10:46:37 17 speculation.

10:46:37 18 THE WITNESS: Can you be a little bit more

10:46:42 19 specific?

10:46:45 20 BY MS. BREMER:

10:46:45 21 Q. What is your knowledge of what Safra Catz's

10:46:50 22 responsibilities are with respect to Oracle's

10:46:53 23 Affirmative Action Plan?

10:46:54 24 A. She signs off on policies and over -- and

10:47:03 25 that Oracle -- that ensure that Oracle is an equal

10:47:12 1 employment opportunity employer, in compliance with
10:47:17 2 Oracle's Affirmative Action Plan. Her communications
10:47:31 3 are -- they go to all of the locations with regard to
10:47:35 4 this.

10:47:35 5 Q. Are you aware of any other responsibilities
10:47:41 6 that Safra Catz has with respect to Oracle's
10:47:45 7 Affirmative Action Plan?

10:47:48 8 MS. CONNELL: Objection; calls for
10:47:49 9 speculation.

10:47:49 10 THE WITNESS: I don't -- I can't say that I
10:47:50 11 know of everything that she does. But this is --
10:47:55 12 this is what I'm aware of that she does.

10:47:59 13 BY MS. BREMER:

10:48:00 14 Q. And when communications are sent from Safra
10:48:07 15 Catz to Oracle's locations regarding equal employment
10:48:14 16 opportunity, you receive copies of those. Correct?

10:48:17 17 A. Yes. She sent -- her office sends it to me
10:48:21 18 and then I send it out, yes.

10:48:23 19 Q. Are you involved in preparing the
10:48:25 20 communications that's sent under Safra Catz's
10:48:31 21 signature?

10:48:31 22 A. The communication is not sent out under her
10:48:37 23 signature, the -- the policy is.

10:48:39 24 Q. Okay. Are you involved in preparing the
10:48:42 25 policies that -- for equal employment opportunity

10:48:48 1 that are sent out by Safra Catz?

10:48:52 2 A. Parts of it.

10:48:53 3 Q. And what parts are you responsible for?

10:48:58 4 A. I oversee. I overlook -- I don't oversee,
10:49:03 5 but I over -- I overlook -- I look over the policy to
10:49:05 6 make sure that each year that it's been updated for
10:49:10 7 any kind of legislative changes or regulation
10:49:15 8 changes.

10:49:23 9 Q. And does the policy -- are you referring to
10:49:26 10 one or more policies?

10:49:27 11 A. I'm just referring to this one, for -- for
10:49:31 12 federal purposes, yes.

10:49:32 13 Q. And what is the name of that policy?

10:49:34 14 A. Well, it's in here. It's on page -- she
10:49:40 15 signed it. Oracle's "Equal Employment Opportunity
10:49:44 16 Policy Statement." And this is what goes to each one
10:49:49 17 of the locations. It's on page 5 of the -- in my
10:49:55 18 numbering system.

10:49:56 19 Q. Okay. The policy statement?

10:49:58 20 A. Yes.

10:49:59 21 Q. Okay. So that's Bates numbered 5004.
10:50:15 22 And so your -- you're involved in ensuring
10:50:18 23 that the policy statement included in Oracle's
10:50:24 24 Affirmative Action Plan is updated for changes in the
10:50:33 25 legislation regulations?

10:50:37 1 A. Yes, I'm involved in it.

10:50:39 2 Q. At the bottom of the policy statement, it

10:50:47 3 says, "Oracle has appointed the director, diversity

10:50:50 4 compliance to manage the equal employment opportunity

10:50:55 5 function."

10:50:55 6 Is that -- is that you? Is that referring

10:51:01 7 to you?

10:51:01 8 A. As -- from the perspective of affirmative

10:51:04 9 action.

10:51:04 10 Q. So that's yes?

10:51:10 11 MS. CONNELL: Objection; misstates her

10:51:12 12 testimony.

10:51:12 13 THE WITNESS: From the -- from the

10:51:15 14 perspective of affirmative action, it would be, yes.

10:51:19 15 BY MS. BREMER:

10:51:19 16 Q. But the director of diversity compliance

10:51:23 17 referred to in Safra Catz's policy statement is

10:51:30 18 referring to you. Correct?

10:51:31 19 A. Yes.

10:51:31 20 Q. And it says, "These responsibilities should

10:51:33 21 include monitoring all equal employment opportunity

10:51:38 22 activities and reporting the effectiveness of this

10:51:41 23 Affirmative Action Plan, as required by federal,

10:51:45 24 state, and local agencies." Correct?

10:51:47 25 MS. CONNELL: Objection; the document

10:51:49 1 speaks for itself.

10:51:50 2 THE WITNESS: According to the document,

10:51:51 3 yes.

10:51:51 4 BY MS. BREMER:

10:51:51 5 Q. And so you're responsible for those

10:51:55 6 functions. Correct?

10:51:56 7 A. With regard to affirmative action.

10:52:00 8 Q. And did you hold this responsibility from

10:52:04 9 2013 to the present?

10:52:06 10 A. Yes.

10:52:14 11 Q. Looking at the next page, "Responsibility

10:52:17 12 for Implementation." At the top of the page it says,

10:52:23 13 "The director of diversity compliance administers the

10:52:28 14 Affirmative Action Plan."

10:52:30 15 Again, that's referring you. Correct?

10:52:32 16 A. Yes.

10:52:34 17 Q. Under the implementation guidelines,

10:52:39 18 there's a list of tasks. Are you responsible for the

10:52:43 19 tasks listed on page 6 of Oracle's Affirmative Action

10:52:52 20 Plan?

10:52:52 21 MS. CONNELL: Objection; vague.

10:52:53 22 THE WITNESS: I'm going to have to review

10:52:58 23 this.

10:52:58 24 BY MS. BREMER:

10:52:59 25 Q. Okay.

10:52:59 1 A. Okay.

10:53:14 2 MS. CONNELL: It also misstates the
10:53:16 3 document in saying that she's solely responsible for
10:53:18 4 these tasks.

10:53:40 5 THE WITNESS: Okay. I'm -- I'm responsible
10:53:45 6 for coordinating -- we're getting into coordinating,
10:53:48 7 because I'm not solely responsible for all these
10:53:50 8 tasks.

10:53:51 9 BY MS. BREMER:

10:53:51 10 Q. But you're at least responsible for
10:53:53 11 coordinating the tasks listed under the
10:53:56 12 implementation guidelines?

10:53:56 13 A. Coordinating. It says -- it's -- it's
10:54:05 14 clear as to what the document says.

10:54:08 15 Q. That you may coordinate --

10:54:10 16 A. Yes.

10:54:10 17 Q. -- with others at Oracle?

10:54:12 18 A. Yes.

10:54:12 19 Q. But you are -- you're in charge of ensuring
10:54:17 20 that the Affirmative Action Plan is implemented?

10:54:24 21 A. I'm in charge of administering the
10:54:30 22 Affirmative Action Plan.

10:54:30 23 Q. Okay. Looking at the -- the third task,
10:54:38 24 "Implementing affirmative action program and ensuring
10:54:42 25 appropriate internal and external dissemination of

10:54:47 1 the plan and policies."

10:54:49 2 Do you see that?

10:54:49 3 A. Yes.

10:54:50 4 Q. Who is the -- who is Oracle's Affirmative
10:54:59 5 Action Plan disseminated to?

10:55:00 6 A. Our plan is disseminated to all managers
10:55:05 7 with employees in the U.S. and Puerto Rico. We --
10:55:10 8 the plan is posted internally for our managers to be
10:55:15 9 able to access. In addition to that -- and also --
10:55:18 10 and any employee to be able to access.

10:55:21 11 In addition to that we -- -- we send out
10:55:24 12 goals to all of our managers at a minimum of one time
10:55:29 13 annually, sometimes more. If we have a location -- a
10:55:34 14 large amount of location additions. And we also
10:55:38 15 disseminate this to our recruiters. The goals -- the
10:55:44 16 goals and -- and -- and so they know what the goals
10:55:47 17 are for compliance with our affirmative action
10:55:50 18 obligations. And -- and provide them with a list of
10:55:55 19 where those goals are.

10:56:02 20 Does that -- is that -- I don't know. Is
10:56:07 21 that -- so that's my answer.

10:56:08 22 Q. Okay.

10:56:09 23 A. I know it's like one of those awkward
10:56:12 24 moments, right, so -- sorry.

10:56:14 25 Q. What do you do to assist managers with

11:16:12 1 BY MS. BREMER:

11:16:13 2 Q. Shauna, earlier we talked about an online

11:16:20 3 training that was for affirmative action --

11:16:20 4 A. Yes.

11:16:23 5 Q. Do you remember that?

11:16:23 6 A. Yes.

11:16:25 7 Q. Was that online training for sexual

11:16:30 8 harassment or for something -- something else? Is

11:16:34 9 that a two-year sexual harassment training or --

11:16:37 10 A. Are you talking about the affirmative

11:16:40 11 action training or --

11:16:40 12 Q. Yes. Yes.

11:16:41 13 A. The affirmative action training is separate

11:16:44 14 from that.

11:16:45 15 Q. Okay. Okay. Turning back to the

11:16:51 16 Affirmative Action Plan, Exhibit 21. Looking back at

11:16:58 17 the policy statement by Safra Catz, on page 5, it

11:17:08 18 indicates that the responsibilities of the director,

11:17:10 19 diversity compliance includes monitoring all equal

11:17:16 20 employment opportunity activities.

11:17:19 21 What did you do to monitor equal employment

11:17:23 22 opportunity activities?

11:17:28 23 A. Mine was in relationship to affirmative

11:17:32 24 action, and we -- we talked about -- we sent out

11:17:38 25 goals to managers. We talk about the shortage of --

11:17:44 1 of utilization in different areas where there's a
11:17:49 2 shortfall. And make them aware of -- of those
11:17:55 3 shortfalls. We also work pretty closely with the
11:18:04 4 recruiting folks, as far as making them aware of
11:18:10 5 different goals. As far as working with managers, I
11:18:17 6 think that what you just said as far as the
11:18:20 7 affirmative action training, we have thousands and
11:18:21 8 thousands of managers at Oracle, so I'm making them
11:18:25 9 aware of the affirmative action training and making
11:18:29 10 that a requirement for their jobs to take it would be
11:18:34 11 another avenue there.

11:18:38 12 Also, in trying to assist the OFCCP in the
11:18:47 13 program to get people to self-identify as protected
11:18:50 14 vets and individuals with disabilities. We also have
11:18:57 15 put together programs to make employees know how a --
11:19:03 16 aware -- to be aware of that, and when we initially
11:19:05 17 started serving our workforce after -- after that,
11:19:12 18 we -- we -- in the very first survey after the
11:19:15 19 regulations went into place, I believe we had some
11:19:19 20 manager training too, in case employees had questions
11:19:22 21 on it, since it was something a little bit different.
11:19:26 22 And basically those type of support functions.

11:19:28 23 But I really want to stress that I'm only
11:19:31 24 one person, and Oracle has around 50,000 U.S.
11:19:36 25 employees, so I can -- I can communicate with other

11:19:40 1 people, as I described with Tracy, who works a little
11:19:45 2 bit hand-on-hand with the top leaders within the
11:19:49 3 organization, but I -- I personally cannot make
11:19:52 4 contact with each and every manager there.

11:19:55 5 So that's -- that's my role. Those are the
11:20:00 6 things that -- that -- that we did at that time.

11:20:05 7 Q. And when you say "at that time," you're
11:20:10 8 talking about in 2014?

11:20:12 9 A. Yes.

11:20:12 10 Q. Have you -- in 2014, was there anything
11:20:19 11 else that you did as director of diversity and
11:20:23 12 compliance to monitor equal employment opportunity
11:20:28 13 activities?

11:20:29 14 A. To monitor -- it's -- I mean, we -- a lot
11:20:40 15 of the -- it wasn't -- it was all the -- all
11:20:44 16 employment processes' activities and the HR business
11:20:46 17 partners, when there is a person that is terminated
11:20:50 18 or any individual that's hired, promoted. But as
11:20:56 19 far -- but specifically with the hires and
11:20:59 20 promotions, they review all hiring and promotional
11:21:03 21 decisions with regard to, you know, making sure
11:21:08 22 everything, I believe, or, you know, with whatever
11:21:11 23 they do to -- and attest to and sign off on it. So
11:21:17 24 they actually monitor each -- each employment action.

11:21:21 25 Q. Who -- who in HR monitors each employment

11:31:43 1 of responsibility goes to managers from the moment
11:31:46 2 that someone comes in to Oracle to -- you know,
11:31:49 3 throughout the employment process.

11:31:51 4 So as far as starting pay, that decision is
11:31:54 5 made by the hiring manager. The HR business partner
11:31:59 6 can provide input, as far as equity with regard to
11:32:03 7 that, but the H -- but the manager that's hiring the
11:32:08 8 person is really the person that has the final say-so
11:32:12 9 on that. And what sign-off process the HR business
11:32:16 10 partner or HR representative, you know, et cetera,
11:32:19 11 does with that, I don't know.

11:32:22 12 And it goes all the way, you know, through
11:32:25 13 our -- if we have a review for an increase called the
11:32:29 14 focal review, we look -- they look at -- the manager
11:32:34 15 looks at compensation for their work group and tries
11:32:36 16 to ensure equity. I think, actually, you know what I
11:32:40 17 think, I think even in the documents we provided you,
11:32:44 18 I believe it even talks about that it's the manager's
11:32:47 19 responsibility in ensuring equity.

11:32:48 20 And I believe there was something that we
11:32:50 21 submitted to you that -- that had that in there. So
11:32:53 22 you might review it. It was a slide. A slide
11:32:55 23 training program. And they go -- bonuses, all of
11:32:59 24 that rests with the manager.

11:33:01 25 Q. So it's your understanding that ensuring

11:33:10 1 equity and fairness with respect to compensation is
11:33:15 2 the responsibility of -- of the managers?

11:33:19 3 A. Yes.

11:33:19 4 Q. And it's not the responsibility of your
11:33:23 5 compliance group?

11:33:24 6 A. Everything rests with the managers.
11:33:27 7 There's so many managers, as I said earlier, I can't
11:33:30 8 ensure what every -- every person is doing. It's --
11:33:33 9 it's a very entrepreneurial environment to where
11:33:38 10 managers and -- generally, they get a budget and
11:33:42 11 they're responsible for how it's distributed and
11:33:44 12 they're trained on -- and in the training it says
11:33:49 13 that they're supposed to consider, you know, it being
11:33:52 14 equitable and fair. I don't know if the word "fair"
11:33:54 15 is in there, but I know "equity" is, and that's their
11:33:58 16 responsibility, yes.

11:33:59 17 Q. Okay. So as the director of diversity
11:34:03 18 compliance at Oracle, and later the senior director
11:34:06 19 of diversity compliance, did you do anything to
11:34:11 20 monitor equal employment opportunity with respect to
11:34:15 21 compensation?

11:34:16 22 A. That's a process that involves many people
11:34:22 23 at Oracle, as I just described. That is done with
11:34:28 24 the focal review. It's done when a person comes on
11:34:31 25 board, and it's done with -- internally within each

11:52:43 1 there isn't always a focal review -- but if there is
11:52:46 2 a focal review, then the manager, you know, along
11:52:50 3 with the training that they received, is trusted to
11:52:54 4 do a review of the workforce to ensure that people
11:52:58 5 are paid in an equitable manner in their workforce,
11:53:03 6 and that also applies to any bonuses received or any
11:53:07 7 type of stock equity or anything like that.

11:53:09 8 BY MS. BREMER:

11:53:09 9 Q. Okay. Talking about, again, the internal
11:53:14 10 audit reports that are mentioned in Oracle's
11:53:21 11 Affirmative Action Plan, that you prepared --

11:53:24 12 A. Uh-huh.

11:53:25 13 Q. -- do you -- does your group conduct
11:53:36 14 analyses for the internal audit reports?

11:53:42 15 MS. CONNELL: Objection; vague, calls for a
11:53:44 16 legal conclusion.

11:53:45 17 THE WITNESS: I don't -- I don't understand
11:53:47 18 the question.

11:53:47 19 BY MS. BREMER:

11:53:47 20 Q. Okay. You talked about pulling data that
11:53:52 21 was provided to your attorneys regarding
11:53:55 22 compensation, correct, regarding employee
11:53:57 23 compensation?

11:53:57 24 A. Yes.

11:53:58 25 Q. Okay. Did you also -- did your group also

11:54:01 1 conduct an analysis of the data regarding employee
11:54:08 2 compensation?
11:54:09 3 MS. CONNELL: Objection; vague, calls for a
11:54:14 4 legal conclusion.
11:54:15 5 THE WITNESS: Yeah, the only thing -- the
11:54:17 6 only -- I -- the -- all analyses were done under
11:54:21 7 attorney-client work product, as directed by our
11:54:21 8 attorneys.
11:54:21 9 BY MS. BREMER:
11:54:24 10 Q. Okay. But who -- who did the analyses?
11:54:27 11 That's what I'm asking.
11:54:29 12 MS. CONNELL: Objection; vague, also calls
11:54:32 13 for speculation.
11:54:32 14 THE WITNESS: Yeah, I can't --
11:54:34 15 MS. CONNELL: It's also getting very close
11:54:36 16 to intruding on the attorney-client privilege.
11:54:38 17 THE WITNESS: Yeah, I don't know who did
11:54:40 18 the analysis once they got the information, any
11:54:43 19 additional analysis. Some of our -- some of the
11:54:46 20 analysis was done under attorney-client work product,
11:54:50 21 but they also had other data, you know, and I don't
11:54:53 22 know who -- who else did the analysis.
11:54:55 23 BY MS. BREMER:
11:54:55 24 Q. Okay. When you say "who else did the
11:54:58 25 analysis," did you -- did your team do an analysis of

11:56:17 1 got to be done at that very small level because of
11:56:21 2 the nature of the technology industry.

11:56:24 3 And so when they come in, that manager
11:56:24 4 takes a look at their work group, together with
11:56:24 5 human -- you know, with assistance that they
11:56:30 6 requested from the HR business partner or the
11:56:32 7 HR representative, and they take a look at pay equity
11:56:36 8 within their group. That's -- that's when they come
11:56:38 9 in.

11:56:38 10 Then when we have the focal review, it's up
11:56:42 11 to the manager to do the same thing in the
11:56:44 12 distribution of any increases that are made. They do
11:56:47 13 that same assessment. They may or may not ask for
11:56:51 14 help, you know, from their HR person, they may not.
11:56:56 15 And then the same thing goes for stock equity, or,
11:57:01 16 you know, that type of thing, or any kind of
11:57:04 17 incentives or anything like that. That's very much,
11:57:09 18 you know, decentralized, and it's -- it's -- we're a
11:57:12 19 highly matrixed organization with a lot of different
11:57:16 20 managers and a lot of different people that have the
11:57:18 21 same job title doing completely different things.

11:57:21 22 And so it would be impossible for my group
11:57:24 23 to look at that small granular level of analysis, so
11:57:29 24 we have to trust that our managers are doing their
11:57:33 25 job.

11:57:33 1 Q. Okay. My -- yeah.

11:57:50 2 Can you repeat my question, please.

11:57:52 3 (Record read.)

11:58:23 4 THE WITNESS: If our attorney directed

11:58:25 5 us -- or did you --

11:58:26 6 MS. CONNELL: I was just going to say,

11:58:28 7 yeah, same objections.

11:58:29 8 THE WITNESS: If our attorneys directed us

11:58:32 9 to do some kind of analysis, we did it under their

11:58:36 10 work product, but we did not do any kind of analysis

11:58:39 11 separate from our -- our attorney requesting that we

11:58:43 12 do it as part of their work product.

11:58:46 13 BY MS. BREMER:

11:58:47 14 Q. So your compliance group only conducted a

11:58:52 15 compensation analysis if specifically directed by

11:59:06 16 Oracle's attorneys?

11:59:07 17 A. Yes.

11:59:08 18 Q. And you said it would be impossible to look

11:59:27 19 at the compensation of employees at a granular level?

11:59:35 20 A. For my team.

11:59:37 21 MS. CONNELL: Objection; mis --

11:59:38 22 BY MS. BREMER:

11:59:39 23 Q. Okay. It would be impossible for your team

11:59:42 24 to look at employee compensation at a granular level?

11:59:46 25 MS. CONNELL: Objection; misstates her

11:59:48 1 testimony.

11:59:49 2 THE WITNESS: To actually conduct the
11:59:50 3 analysis at a granular level, not look at.

11:59:53 4 BY MS. BREMER:

11:59:54 5 Q. Okay. Did your group conduct an analysis
12:00:01 6 of employee compensation at a more high level to
12:00:12 7 ensure compliance with Oracle's affirmative action
12:00:17 8 obligations?

12:00:18 9 A. I've answered that. Any analysis my group
12:00:23 10 did was as directed by our attorney, under
12:00:25 11 attorney-client privilege and work product.

12:00:28 12 Q. And no other analysis was done?

12:00:33 13 A. No, it was all directed by our attorneys,
12:00:36 14 by my group. And, you know, aside from the focal
12:00:39 15 review that I described that's done by managers, and
12:00:43 16 the -- and in addition to the review that's done when
12:00:46 17 they're hired, and then when any stock options are
12:00:51 18 given out or any type of incentive there. All of
12:00:54 19 that from new hire through the whole employment
12:00:57 20 process, it's that analysis is done by managers of
12:01:00 21 their own work group.

12:01:01 22 Q. And that's just done on a
12:01:04 23 work-group-by-work-group basis?

12:01:05 24 A. I don't know what you mean by work group to
12:01:08 25 work group.

12:01:08 1 Q. Each -- each manager, as you've described,
12:01:12 2 would -- could analyze their own team to ensure
12:01:22 3 equity and fairness in compensation?

12:01:24 4 MS. CONNELL: Objection; calls for
12:01:26 5 speculation.

12:01:26 6 You can answer.

12:01:26 7 THE WITNESS: Yeah, I -- I don't know
12:01:29 8 exactly what each manager does with regard to that.
12:01:32 9 I know that it's in their training and they're
12:01:34 10 trusted to do it.

12:01:36 11 BY MS. BREMER:

12:01:36 12 Q. And you don't do anything other than the
12:01:40 13 training to ensure that managers actually do conduct
12:01:45 14 analyses of their own teams to ensure equity and
12:01:48 15 fairness in compensation?

12:01:50 16 MS. CONNELL: Objection; argumentative.

12:01:51 17 THE WITNESS: I don't do the training. The
12:01:54 18 training's supplied to them by compensation, I think.
12:01:57 19 But I'm unclear who supplies the training. I just
12:02:00 20 know that it's provided to them.

12:02:01 21 BY MS. BREMER:

12:02:01 22 Q. And other than specific requests made by
12:02:06 23 your attorney, your compliance group doesn't conduct
12:02:13 24 any analysis of compensation of employees to ensure
12:02:21 25 overall fairness and equity?

12:03:22 1 A. Yes. Or the goals that are sent out, yes.

12:03:25 2 Q. And the placement goals relate to hiring?

12:03:30 3 A. They -- they relate to what the goal

12:03:33 4 placement rate is as far as -- these are -- the

12:03:36 5 desired placement rate is what's listed under goal

12:03:40 6 placement rate. But this -- this reflects areas

12:03:43 7 where there are shortfalls.

12:03:45 8 Q. With -- with respect to hiring?

12:03:47 9 A. Hiring and promotions.

12:03:49 10 Q. Did Oracle have any goals in its 2014

12:03:59 11 Affirmative Action Plan related to compensation?

12:04:02 12 MS. CONNELL: Objection; the document

12:04:04 13 speaks for itself.

12:04:05 14 THE WITNESS: Yeah, I -- I'm not aware of

12:04:07 15 any -- anything like that. The document would speak

12:04:10 16 for itself, yeah.

12:04:12 17 BY MS. BREMER:

12:04:12 18 Q. Did Oracle have any goals in any its

12:04:16 19 affirmative action plans between 2013 and the present

12:04:19 20 related to compensation?

12:04:23 21 MS. CONNELL: Objection; the document

12:04:25 22 speaks for themselves.

12:04:26 23 You can answer.

12:04:27 24 THE WITNESS: I'm not aware of any -- any

12:04:29 25 goals for compensation that would be in the

12:04:32 1 Affirmative Action Plan.

12:04:45 2 MS. CONNELL: Laura, we've been going about
12:04:47 3 an hour, so maybe whenever you're at a breaking
12:04:51 4 point, we could consider lunch. Just let us know,
12:04:56 5 so --

12:04:57 6 MS. BREMER: Okay. Yes, we can go off the
12:04:58 7 record.

12:04:59 8 THE VIDEOGRAPHER: The time is --

12:05:01 9 THE WITNESS: She's going, "Thank God."

12:05:03 10 THE VIDEOGRAPHER: The time is 12:05 p.m.
12:05:06 11 We are off the record.

12:05:08 12 (Recessed from 12:05 p.m. until 1:05 p.m.)

13:05:19 13 THE VIDEOGRAPHER: The time is 1:05 p.m.

13:05:48 14 We are on the record.

13:05:49 15 BY MS. BREMER:

13:05:50 16 Q. Shauna, you understand you're still under
13:05:52 17 oath. Correct?

13:05:52 18 A. Yes.

13:05:53 19 Q. Okay. Before the break you talked about
13:05:57 20 training managers received regarding focal reviews.
13:06:01 21 Correct?

13:06:01 22 A. I talked about the training managers
13:06:04 23 received as far as compensation and what -- what
13:06:07 24 needs to be covered in that.

13:06:08 25 Q. Okay. And did the compensation training

13:10:31 1 THE WITNESS: Yeah, I would not know for
13:10:33 2 certain what they've been instructed to, because
13:10:36 3 Oracle's so big, we have thousands of managers. So
13:10:40 4 the only thing -- what I'm aware of -- I can only
13:10:43 5 speak to what I'm aware of, and that's this document.

13:10:46 6 BY MS. BREMER:

13:10:46 7 Q. Are you aware of any instructions that have
13:10:48 8 been given to Oracle managers regarding ensuring pay
13:10:56 9 equity other than the slide that's contained in the
13:11:00 10 PowerPoint that you've mentioned?

13:11:03 11 MS. CONNELL: Objection; asked and answered
13:11:05 12 and calls for speculation.

13:11:07 13 THE WITNESS: Yeah, I don't know exactly
13:11:09 14 what documents have been supplied to managers outside
13:11:12 15 of that training.

13:11:14 16 BY MS. BREMER:

13:11:14 17 Q. Do you know if the training is required by
13:11:16 18 managers?

13:11:20 19 A. I would -- I would hope so. It's available
13:11:23 20 to them.

13:11:23 21 Q. But you don't --

13:11:24 22 A. I don't know, because I don't oversee the
13:11:26 23 training program, so I can't tell you, you know,
13:11:30 24 what's required and what's not with regard to that.
13:11:32 25 I know I've seen -- seen it. I'm a manager. But I

13:11:35 1 can only speak for myself. But as far as reviewing
13:11:38 2 the document, the PowerPoint slide that provides the
13:11:42 3 information on that, I can't speak for other -- other
13:11:44 4 managers or work groups.

13:11:46 5 Q. And your compliance group does nothing to
13:11:52 6 ensure that managers take pay equity into account in
13:11:55 7 studying compensation?

13:11:56 8 MS. CONNELL: Objection; misstates her
13:11:58 9 testimony.

13:11:58 10 THE WITNESS: I think my group does not
13:12:01 11 oversee. And I think we talked about this before --
13:12:03 12 before lunch, but all of that is delegated out to the
13:12:08 13 managers. They are responsible for the compensation
13:12:11 14 in their own work group. There are -- they determine
13:12:16 15 what equity is available in their work group, and --
13:12:23 16 my -- my group does not interact with them
13:12:26 17 individually on compensation issues.

13:12:31 18 BY MS. BREMER:

13:12:33 19 Q. Why did your group start conducting a
13:12:39 20 second-level review of promotion, hiring, and
13:12:43 21 termination decisions in 2017?

13:12:46 22 A. Well, we wanted to do a better -- you know,
13:12:48 23 we wanted to really -- we -- in all honesty, we took
13:12:53 24 our cue from the OFCCP. You know, in going through
13:12:55 25 all of these audits, we wanted to do a second-level

13:51:27 1 hirings, promotions, and terminations at -- for
13:51:30 2 Oracle at the HQCA location. Right?
13:51:33 3 A. Yes.
13:51:34 4 Q. And in the next e-mail, dated February
13:51:40 5 19th, 2015, you responded that "I'm attaching
13:51:44 6 Oracle's employee handbook," which included Oracle's
13:51:50 7 promotion policy. Right?
13:51:52 8 A. Yes, it would have included -- yes, that's
13:51:54 9 what I was able to find at that time.
13:51:58 10 MS. BREMER: Okay. And so marking as
13:52:07 11 Exhibit Number 25, a document entitled "Oracle U.S.
13:52:15 12 Employee Handbook"; it's Bates stamped
13:52:21 13 ORACLE_HQCA 464 through 569.
13:52:21 14 (Marked for identification Exhibit 25.)
13:52:34 15 THE WITNESS: Thank you.
13:52:39 16 Okay. Did you want me to turn to the page
13:52:42 17 referenced to?
13:52:44 18 BY MS. BREMER:
13:52:44 19 Q. No, that's okay.
13:52:45 20 Is this a true and correct copy of the
13:52:47 21 employee handbook you sent to OFCCP in February of
13:52:51 22 2014?
13:52:51 23 A. I mean, it looks like it.
13:52:53 24 Q. You have no reason to believe it's not?
13:52:56 25 A. No.

13:52:56 1 Q. Where did you get it?

13:52:59 2 A. I got it off of the -- there was an Oracle
13:53:05 3 internal website, and I -- it was downloaded from
13:53:09 4 there. You can download it from the -- the site, the
13:53:12 5 employee site.

13:53:13 6 Q. And do all U.S. Oracle employees have
13:53:18 7 access to the employee handbook?

13:53:20 8 A. They should, yes.

13:53:23 9 Q. Do you know who drafted the Oracle employee
13:53:26 10 handbook?

13:53:27 11 A. I don't know who drafted it.

13:53:30 12 Q. Was your group involved in drafting any of
13:53:33 13 the portions?

13:53:34 14 A. We provided input to the legal department.

13:53:38 15 Q. And for which -- which portions of the
13:53:41 16 employee handbook?

13:53:42 17 A. On this particular version, I don't -- I
13:53:45 18 don't believe on this version we did, because this
13:53:51 19 was 2013, so I think that on this particular version,
13:53:55 20 I don't -- I don't know if there was any portion of
13:53:59 21 this that my department had a part in revising. It
13:54:09 22 didn't under me. So -- this was -- this was -- all
13:54:15 23 this was done by not me. Like I said, I have no
13:54:19 24 idea.

13:54:19 25 Q. Okay. So you just -- you just pulled

13:54:23 1 this --

13:54:23 2 A. Yes.

13:54:23 3 Q. -- to send to OFCCP?

13:54:24 4 A. Yes. Yes.

13:54:25 5 Q. And in the table of contents there are
13:54:28 6 revision dates; is it your understanding that those
13:54:31 7 reflect when each section has been revised?

13:54:34 8 MS. CONNELL: Objection; calls for
13:54:36 9 speculation, the document speaks for itself.

13:54:38 10 THE WITNESS: Yeah, I didn't put this
13:54:40 11 document together, so I can't speculate on what those
13:54:46 12 numbers -- what that means.

13:54:47 13 BY MS. BREMER:

13:54:47 14 Q. Okay. Looking at, for example, on the
13:54:50 15 table of contents it says "Equal employment
13:54:53 16 opportunity revised February 2014," did --

13:54:58 17 A. Where is that? Is that like at the top?
13:55:02 18 Okay. Which -- which line are you working on?

13:55:05 19 Q. Under employment policies it says "Equal
13:55:08 20 employment opportunity"?

13:55:09 21 A. Just a minute.

13:55:11 22 Q. It's page 10.

13:55:12 23 A. Page 10. Okay. Thank you. Okay.

13:55:14 24 Q. Did your group have any involvement in
13:55:20 25 revising the equal employment opportunity section of

13:55:24 1 the employee handbook?

13:55:43 2 A. I'm looking at your page numbers instead of
13:55:46 3 mine. Yes. Because this was in 2014, so we did,
13:56:11 4 yes.

13:56:11 5 Q. Okay. And you indicated that -- or you
13:56:22 6 suggested that you may have revised some of the
13:56:24 7 portions of the employee handbook later; what
13:56:27 8 sections would those have been?

13:56:29 9 A. Oh, later? It would have been in
13:56:33 10 relationship to the regs that came down with
13:56:38 11 veterans, making sure that -- that they were in
13:56:42 12 there, and then making sure that I -- I'd have to
13:56:47 13 really look at the sections to remember, and I don't
13:56:50 14 want to give you false information. But just
13:56:53 15 anything that has to do with any kind of policy, you
13:56:56 16 know, that comes -- comes through generally the OFCCP
13:56:59 17 as part of the regulation.

13:57:00 18 Q. Okay.

13:57:02 19 A. So --

13:57:04 20 Q. And there's a section on affirmative
13:57:07 21 action. Did your group have any input into the
13:57:10 22 affirmative action section?

13:57:12 23 A. This, I believe, was -- this was written
13:57:18 24 before I started, so I don't know who -- who put that
13:57:21 25 together.

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:

13:59:46 1 Q. Okay. Well, let's look at this sentence
13:59:49 2 that I'm referring to right now. It says, "To
13:59:51 3 determine your salary and total cash compensation
13:59:56 4 package, we take into account market research, career
14:00:00 5 level, and your individual performance." Correct?

14:00:02 6 MS. CONNELL: Objection; the document
14:00:04 7 speaks for itself.

14:00:05 8 THE WITNESS: Whatever the document says.

14:00:06 9 BY MS. BREMER:

14:00:07 10 Q. Okay. And did I read that correctly?

14:00:10 11 MS. CONNELL: Objection; argumentative.

14:00:12 12 THE WITNESS: Yes, I'm not -- I'm trying to
14:00:16 13 find the sentence to see if -- to be able to answer
14:00:19 14 that question. Which sentence are you referring to
14:00:21 15 in that first, that you --

14:00:21 16 BY MS. BREMER:

14:00:23 17 Q. It says "To determine your" --

14:00:25 18 A. Oh, determine, there, okay.

14:00:31 19 Yes, that's what it says.

14:00:32 20 Q. Okay. When it says "we take into account
14:00:36 21 market research," is that referring to what Oracle's
14:00:40 22 competitors are paying employees in similar job
14:00:43 23 titles?

14:00:44 24 MS. CONNELL: Objection; calls for
14:00:45 25 speculation.

14:00:45 1 THE WITNESS: I have no way of knowing,
14:00:48 2 because I didn't write this section, and I don't work
14:00:50 3 in the compensation department.

14:00:53 4 BY MS. BREMER:

14:00:53 5 Q. So you have no idea what -- what it means
14:00:57 6 in the compensation section that -- that Oracle takes
14:01:02 7 into account market research in setting compensation?

14:01:05 8 MS. CONNELL: Same objection; calls for
14:01:07 9 speculation, argumentative.

14:01:09 10 THE WITNESS: I -- I don't -- I'm not part
14:01:10 11 of setting pay. I have no part in that. That's a
14:01:15 12 completely different department as far as ranges, and
14:01:18 13 then again, you go back to the hiring manager and how
14:01:23 14 they -- they work with compensation, but this is
14:01:25 15 completely out of my scope.

14:01:27 16 BY MS. BREMER:

14:01:27 17 Q. Okay. In dealing with, so you talk about
14:01:31 18 salary ranges, do you have any understanding that
14:01:35 19 Oracle looks at market research to set salary ranges?

14:01:39 20 MS. CONNELL: Objection; assumes facts,
14:01:42 21 calls for speculation.

14:01:42 22 THE WITNESS: I just have hearsay
14:01:45 23 information, but nothing -- nothing that would -- I
14:01:50 24 don't have any firsthand knowledge.

14:01:50 25 BY MS. BREMER:

14:01:52 1 Q. Right. That's not your group?

14:01:55 2 A. That's not my group.

14:01:55 3 Q. But you do have -- you have some

14:01:58 4 understanding about how Oracle sets compensation for

14:02:01 5 its employees. Right?

14:02:02 6 MS. CONNELL: Objection; assumes facts,

14:02:05 7 calls for speculation.

14:02:05 8 THE WITNESS: I have a very -- very limited

14:02:08 9 understanding, other than what I've described to you

14:02:11 10 earlier, and on the whole complete process that

14:02:14 11 they -- that managers go through in determining pay.

14:02:20 12 BY MS. BREMER:

14:02:20 13 Q. And so you don't have any knowledge of the

14:02:23 14 process that Oracle goes through to consider or

14:02:28 15 account for market research in setting employee

14:02:31 16 compensation?

14:02:31 17 A. No.

14:02:32 18 Q. Okay. It also -- the employee manual also

14:02:38 19 mentions your career level. Is that talking about

14:02:42 20 global career level?

14:02:43 21 MS. CONNELL: Objection; calls for

14:02:44 22 speculation.

14:02:44 23 THE WITNESS: I didn't write the document,

14:02:49 24 so I can't say for certain, but it could be.

14:02:56 25 BY MS. BREMER:

14:02:57 1 Q. Do you have any knowledge that Oracle takes
14:03:00 2 into account global career level in setting
14:03:04 3 compensation for employees?

14:03:06 4 MS. CONNELL: Objection; assumes facts,
14:03:08 5 calls for speculation.

14:03:08 6 THE WITNESS: Yeah, I can't speculate on
14:03:10 7 that, because I'm not part of the compensation group
14:03:13 8 on how they determine compensation. So I just
14:03:15 9 wouldn't feel comfortable telling you how they -- how
14:03:17 10 they determine what.

14:03:19 11 BY MS. BREMER:

14:03:19 12 Q. Okay. As -- as the director of diversity
14:03:31 13 compliance, who's -- one of whose -- one of your
14:03:36 14 duties is to oversee affirmative action and equal
14:03:49 15 employment opportunity with regard to compensation.
14:03:52 16 Correct?

14:03:52 17 MS. CONNELL: Objection; misstates her
14:03:54 18 testimony.

14:03:55 19 THE WITNESS: It's -- I don't oversee
14:03:57 20 compensation. I -- I -- I think I've explained
14:04:03 21 everything before with regards to that, so --

14:04:06 22 BY MS. BREMER:

14:04:07 23 Q. So do you not know one way or the other
14:04:10 24 whether Oracle takes into account global career level
14:04:13 25 in setting compensation for Oracle employees?

14:04:16 1 A. I'm not involved in that process. You're
14:04:18 2 asking for a process question, in my mind, and since
14:04:21 3 I'm not involved in the process, I -- I can't say
14:04:24 4 with any certainty what exactly is considered in
14:04:26 5 setting compensation, because you're talking overall
14:04:30 6 the pay ranges, right, so I have no idea what process
14:04:33 7 they go through in bringing that into the equation.

14:04:36 8 Q. I'm asking about the factors that Oracle
14:04:40 9 considers in setting compensation for its employees.
14:04:43 10 And this manual provided to employees says one of the
14:04:47 11 factors is career level. I'm wondering if you have
14:04:51 12 any knowledge about that.

14:04:52 13 MS. CONNELL: Objection; misstates the
14:04:54 14 document, assumes facts, lacks foundation,
14:04:59 15 argumentative, and calls for speculation.

14:05:00 16 THE WITNESS: I don't know what each
14:05:02 17 manager considers when they -- when they do determine
14:05:06 18 compensation for their employees. I can only speak
14:05:09 19 to the -- the documents that we provided you with
14:05:12 20 this and something else, as far as the overall
14:05:17 21 that -- that -- the PowerPoint training package, so I
14:05:21 22 can't really -- I can't really speak to what each
14:05:24 23 manager considers when they determine who is paid
14:05:28 24 what.

14:05:28 25 BY MS. BREMER:

14:25:47 1 supervisor, but by the review process that we started
14:25:52 2 looking at internal pay equity within these work
14:25:56 3 groups when employees first start with the company
14:25:58 4 and the manager determines an equitable pay amount
14:26:03 5 through the focal review, where employees can receive
14:26:08 6 increases through any kind of bonus allocation and --
14:26:13 7 and any other kind of incentive allocation, like
14:26:17 8 stocks. I would -- I would hope that -- that
14:26:23 9 managers would follow that. But that would be
14:26:27 10 determined -- be determined by that.

14:26:33 11 BY MS. BREMER:

14:26:33 12 Q. Okay. So Oracle's -- so are you saying
14:26:42 13 that individual managers -- that Oracle relied on
14:26:50 14 individual managers to ensure that employees were
14:26:53 15 paid in a fair and nondiscriminatory manner?

14:26:57 16 A. I'm telling you -- I'm not saying that; I'm
14:27:00 17 saying that it's the manager's responsibility to
14:27:03 18 review all compensation within -- within their work
14:27:09 19 groups with regard to pay equity.

14:27:11 20 Q. So it's the manager's responsibility to
14:27:22 21 review compensation within their work groups to
14:27:26 22 ensure pay equity?

14:27:27 23 A. I'm saying it kind of in a different way
14:27:32 24 than you're saying it. I'm saying that managers
14:27:36 25 determine -- look at pay equity within their work

14:27:40 1 group, and they determine pay. Now, I -- I don't
14:27:44 2 know what other responsibilities are other than
14:27:49 3 that -- I don't know if "responsibility" is the right
14:27:51 4 word -- but that's one of their -- one of the areas
14:27:54 5 that managers do.

14:27:55 6 Q. So you're saying that managers would do two
14:27:58 7 things: They would look at equity within their work
14:28:02 8 group and they would determine pay?

14:28:03 9 A. Yes, that's my understanding.

14:28:05 10 Q. So they weren't necessarily responsible for
14:28:10 11 ensuring equity when they determined pay?

14:28:14 12 MS. CONNELL: Objection; calls for
14:28:16 13 speculation. Calls for a legal conclusion.

14:28:18 14 THE WITNESS: Yeah, you would have to look
14:28:19 15 at that slide again on the pay training. I would
14:28:23 16 refer you to that slide, and that will give you
14:28:26 17 exactly the information and verbiage with regard to
14:28:30 18 managers and their responsibility towards pay.

14:28:32 19 BY MS. BREMER:

14:28:32 20 Q. Okay. And what did your -- what did
14:28:39 21 Oracle's compliance group do to ensure that employees
14:28:45 22 were paid in a fair and nondiscriminatory manner?

14:28:48 23 MS. CONNELL: Objection; assumes facts,
14:28:50 24 lacks foundation.

14:28:51 25 THE WITNESS: It's not our -- it's not part

14:28:56 1 of my team's responsibility to -- to assess pay in
14:29:01 2 all of these small groups. My team -- any kind of
14:29:07 3 pay analysis by my team was done under
14:29:12 4 attorney-client work product, and was submitted to
14:29:15 5 our attorneys as part of their work product and as
14:29:18 6 part of privileged information, you know, in the
14:29:22 7 assessment of pay.
14:29:24 8 BY MS. BREMER:
14:29:24 9 Q. Was it a part of your team's responsibility
14:29:27 10 to assess pay in large groups, large employee groups?
14:29:33 11 MS. CONNELL: Objection; vague.
14:29:35 12 THE WITNESS: Any -- any -- any -- any
14:29:41 13 analysis that we did was done under attorney-client
14:29:45 14 work product. I -- I can tell you that --
14:29:49 15 MS. CONNELL: Well, I'm going to instruct
14:29:51 16 you not to answer --
14:29:52 17 THE WITNESS: Okay.
14:29:54 18 MS. CONNELL: -- as to the --
14:29:54 19 THE WITNESS: Okay.
14:29:55 20 MS. CONNELL: -- specifics of any --
14:29:55 21 THE WITNESS: Okay. I'm sorry.
14:29:57 22 MS. CONNELL: -- privileged analysis --
14:29:57 23 THE WITNESS: Privileged.
14:29:57 24 MS. CONNELL: -- that you conducted.
14:29:58 25 THE WITNESS: Yeah, we just -- everything

14:40:40 1 speculation.

14:40:40 2 THE WITNESS: I don't know.

14:40:43 3 BY MS. BREMER:

14:40:43 4 Q. Okay. You don't know -- and -- and you --

14:40:52 5 do you have any involvement or your group have any

14:40:55 6 involvement in providing advice as to which employees

14:41:01 7 should receive salary increases?

14:41:04 8 A. No.

14:41:04 9 Q. Does your group do anything to ensure that

14:41:11 10 Oracle employees receive salary increases in a

14:41:18 11 nondiscriminatory manner?

14:41:21 12 MS. CONNELL: Objection; asked and

14:41:23 13 answered.

14:41:24 14 THE WITNESS: That was answered in the

14:41:26 15 question in my description of the process, the full

14:41:29 16 compensation equity analysis that occurs from hire,

14:41:34 17 you know, through established employee, through stock

14:41:36 18 options, and through any incentives like bonus.

14:41:40 19 BY MS. BREMER:

14:41:40 20 Q. And the com -- the compliance team doesn't

14:41:53 21 have any involvement in setting the budget for salary

14:41:59 22 increases?

14:42:01 23 A. None.

14:42:02 24 Q. Does the compliance team conduct any

14:42:08 25 compensation analyses for the -- for either the

14:42:15 1 executive vice presidents or senior vice presidents
14:42:22 2 who are setting the budgets?

14:42:23 3 A. No.

14:42:25 4 Q. Does the compliance team conduct any
14:42:33 5 compensation analyses for the managers who are
14:42:37 6 distributing pay?

14:42:40 7 A. No.

14:42:40 8 Q. Okay. Under -- on the next page there's a
14:43:01 9 section on global corporate bonus.

14:43:05 10 A. Okay. I've got to find it.

14:43:07 11 Okay. Yes.

14:43:08 12 Q. It says, "Bonuses are discretionary." Who
14:43:12 13 determines if Oracle will award bonuses each year?

14:43:16 14 MS. CONNELL: Objection; lacks foundation,
14:43:17 15 assumes facts, and calls for speculation.

14:43:19 16 THE WITNESS: Somebody higher than my pay
14:43:27 17 grade determines if there is going to be a bonus -- a
14:43:34 18 bonus for the year, but it's the manager that
14:43:37 19 determines who gets the bonus.

14:43:37 20 BY MS. BREMER:

14:43:39 21 Q. Okay. Who -- do you know who higher than
14:43:41 22 your pay grade decides if bonuses will be awarded?

14:43:45 23 A. I don't know all the people that are
14:43:46 24 involved, no.

14:43:47 25 Q. But do you know some of them?

16:21:24 1 BY MS. BREMER:

16:21:24 2 Q. As the senior director of Oracle's
16:21:28 3 diversity compliance, are you familiar with 41
16:21:34 4 CFR 60-2.17?

16:21:37 5 A. Let me -- let me review it, if you wouldn't
16:21:43 6 mind.

16:22:00 7 Yes.

16:22:01 8 Q. Okay. So it says that in addition to the
16:22:15 9 elements required by 60-210 through 60-216, an
16:22:23 10 acceptable affirmative action program must include
16:22:26 11 the following: And (b) (3) says, "The contractor must
16:22:36 12 perform in-depth analyses of the total compensation
16:22:40 13 process to determine whether and where impediments of
16:22:44 14 equal employment opportunity exist. At a minimum,
16:22:48 15 the contractor must evaluate compensation systems to
16:22:52 16 determine whether there are gender, race, or
16:22:55 17 ethnicity-based disparities."

16:22:58 18 What does Oracle do to comply with this
16:23:06 19 section?

16:23:06 20 MS. CONNELL: Just object that you've
16:23:08 21 skipped over some parts of the regulation and only
16:23:12 22 read select portions, so in that sense it
16:23:16 23 misrepresents the document and also calls for a legal
16:23:18 24 conclusion.

16:23:19 25 THE WITNESS: Oracle only for their -- for

16:23:29 1 the part to comply with this, managers look at
16:23:38 2 starting pay, increases, bonuses, or other incentives
16:23:47 3 with regard to preventing discrimination and making
16:23:52 4 sure that pay -- that they look at equity with regard
16:23:57 5 to pay.

16:23:58 6 BY MS. BREMER:

16:23:58 7 Q. As the individual responsible for the
16:24:25 8 implementation of Oracle's Affirmative Action Plan,
16:24:32 9 what do you do to ensure compliance with this
16:24:40 10 section?

16:24:41 11 MS. CONNELL: Objection; assumes facts and
16:24:43 12 lacks foundation.

16:24:44 13 THE WITNESS: You're talking about Section
16:24:44 14 3?

16:24:44 15 BY MS. BREMER:

16:24:52 16 Q. 41 CFR 60-2.17(a)(b)(3)?

16:25:00 17 A. (b)(3).

16:25:01 18 MS. CONNELL: It's compound.

16:25:04 19 BY MS. BREMER:

16:25:04 20 Q. I'm sorry. I'm sorry, let me start over.
16:25:07 21 The section I'm talking about is 41 CFR 60-2.17(a) --
16:25:15 22 no, just (b)(3).

16:25:21 23 MS. CONNELL: Same objections, lacks
16:25:23 24 foundation, assumes facts.

16:25:26 25 THE WITNESS: The analysis that's done is

16:25:29 1 as my prior statements with regard to this item is
16:25:34 2 done by managers within their work groups to satisfy
16:25:42 3 this particular regulation. I don't do anything else
16:25:47 4 in addition to what they're doing to satisfy this
16:25:51 5 regulation and to meet this regulation.

16:25:55 6 BY MS. BREMER:

16:25:55 7 Q. And do you or anyone in your group review
16:25:59 8 the analyses done by managers in work groups to
16:26:03 9 satisfy this section?

16:26:06 10 A. No.

16:26:07 11 Q. To your knowledge, does anyone at Oracle
16:26:16 12 review the analyses that managers do within their
16:26:20 13 work groups to satisfy 41 CFR 60-2.17 (b) (3)?

16:26:28 14 MS. CONNELL: Objection; calls for
16:26:29 15 speculation.

16:26:29 16 THE WITNESS: I can't really say what's
16:26:31 17 done in -- in all the work groups. All I can say is
16:26:36 18 in my particular work group, I make the
16:26:39 19 recommendations, and I pass them through my -- to my
16:26:41 20 supervisor to review. But in all seven and a half
16:26:45 21 years I've been at Oracle, she's never made any
16:26:49 22 changes. Either she, either Liz or Vickie.

16:26:52 23 MS. BREMER: Can you ask my question again,
16:26:54 24 please.

16:26:55 25 (Record read.)

16:27:19 1 MS. CONNELL: Same objection; calls for
16:27:20 2 speculation.
16:27:21 3 THE WITNESS: I can't speak to who reviews
16:27:25 4 the pay within each -- each group's work group or the
16:27:30 5 pay decisions that are made.
16:27:34 6 BY MS. BREMER:
16:27:34 7 Q. Or the analyses that are done?
16:27:38 8 A. Or -- or the analyses that are done.
16:27:39 9 Q. During the time that you've been in charge
16:27:47 10 or overseeing OFCCP compliance, are you aware of any
16:27:58 11 in-depth analyses of Oracle's compensation systems
16:28:10 12 that are conducted among employees with the same job
16:28:13 13 title?
16:28:15 14 MS. CONNELL: Objection; asked and
16:28:17 15 answered, vague and ambiguous.
16:28:19 16 THE WITNESS: Could you rephrase the
16:28:25 17 question?
16:28:28 18 BY MS. BREMER:
16:28:30 19 Q. Are you -- has Oracle conducted any
16:28:35 20 in-depth analyses of Oracle's compensation systems to
16:28:43 21 determine whether there're gender-, race-, or
16:28:50 22 ethnicity-based disparities among employees at Oracle
16:28:54 23 with the same job title?
16:28:56 24 MS. CONNELL: Objection; calls for
16:28:57 25 speculation, asked and answered.

16:29:02 1 THE WITNESS: Not in relation to this
16:29:04 2 regulation. The only analyses that have been done
16:29:06 3 outside of this regulation have been those done at
16:29:10 4 the request of our attorneys.

16:29:16 5 BY MS. BREMER:

16:29:16 6 Q. At the request of your attorneys, have
16:29:18 7 any -- has Oracle made any in-depth analyses of
16:29:28 8 Oracle's compensation systems to determine whether
16:29:31 9 there are gender-, race-, or ethnicity-based
16:29:34 10 disparities among employees with the same job title?

16:29:37 11 MS. CONNELL: Instruct her not to answer
16:29:40 12 with regard to what attorneys may have requested or
16:29:40 13 what analyses were done at the request of counsel.

16:29:44 14 If you want to rephrase your question, she
16:29:47 15 can answer. But I'll instruct her not to answer that
16:29:50 16 question.

16:29:51 17 BY MS. BREMER:

16:30:17 18 Q. 41 CFR 60-2.17(c) says, "The contractor
16:30:25 19 must develop and execute action-oriented programs
16:30:30 20 designed to correct any problem areas identified
16:30:34 21 pursuant to 60-2.17(b)."

16:30:42 22 Has Oracle identified any problem areas
16:30:49 23 with respect to compensation?

16:30:51 24 A. Any areas that would have been identified
16:30:59 25 would have been a result of attorney-client requests

16:37:08 1 counsel is not related to this, you're talking about
16:37:10 2 it's not related to --
16:37:12 3 A. It's not part of --
16:37:13 4 Q. -- to this regulation --
16:37:15 5 A. Correct.
16:37:15 6 Q. 60-2.17?
16:37:18 7 A. Yes.
16:37:18 8 Q. Okay. Now, just focusing right now on this
16:37:22 9 regulation --
16:37:22 10 A. Okay.
16:37:23 11 Q. -- you said that -- my understanding of
16:37:30 12 what you're saying is that the analyses that were
16:37:34 13 conducted to comply with 60-2.17(b)(3) were done by
16:37:46 14 individual managers?
16:37:48 15 A. Yes.
16:37:48 16 Q. And you did not receive the results of
16:37:52 17 those analyses?
16:37:53 18 A. Correct.
16:37:56 19 Q. And those -- any analyses that were done
16:38:03 20 were done at individual managers' discretion?
16:38:06 21 MS. CONNELL: Objection; misstates her
16:38:08 22 testimony.
16:38:08 23 THE WITNESS: No, it was not done at the
16:38:11 24 individual manager's discretion; it was done upon
16:38:15 25 hire. It was done during the focal review, when

16:53:06 1 THE WITNESS: Give me a second.

16:53:18 2 Yes.

16:53:18 3 BY MS. BREMER:

16:53:18 4 Q. So paragraph 2, again, says that "As senior
16:53:22 5 director of diversity compliance, my responsibilities
16:53:26 6 include overseeing Oracle's Office of Federal
16:53:28 7 Contract Compliance Programs compliance efforts."

16:53:34 8 Are you telling me that your
16:53:37 9 responsibilities do not include overseeing Oracle's
16:53:42 10 OFCCP compliance efforts with respect to
16:53:45 11 compensation?

16:53:47 12 MS. CONNELL: Objection; misstates her
16:53:48 13 testimony.

16:53:48 14 THE WITNESS: I said that there was another
16:53:52 15 department within Oracle, that -- that does
16:53:57 16 compensation. I don't do compensation. And that all
16:54:01 17 of this -- any kind of evaluation on the compensation
16:54:04 18 system is done by the managers.

16:54:07 19 BY MS. BREMER:

16:54:07 20 Q. Okay. I'm just trying to understand what
16:54:13 21 you said your responsibilities, though, include
16:54:16 22 overseeing OFCCP -- Oracle's OFCCP compliance
16:54:22 23 efforts, is that -- that's right?

16:54:25 24 A. Well, but if you look a little further
16:54:27 25 down, it says, "As the director of compliance, I am

16:54:30 1 not, however, responsible for developing or
16:54:30 2 implementing compensation practices at Oracle, nor am
16:54:32 3 I involved in the compensation decisions for job
16:54:35 4 positions and product development, information
16:54:39 5 technology, or support."

16:54:39 6 Q. I see that. But you are responsible at
16:54:44 7 Oracle, and have been since 2013, in overseeing
16:54:49 8 Oracle's OFCCP compliance efforts?

16:54:53 9 A. With regard to areas outside of
16:54:55 10 compensation.

16:54:55 11 Q. So --

16:54:56 12 A. If you look at that it says, "I am not,
16:54:58 13 however, responsible for developing or implementing
16:54:59 14 compensation practices at Oracle, nor am I involved
16:55:02 15 in compensation decisions for job positions in
16:55:06 16 product development, information technology, or
16:55:09 17 support."

16:55:11 18 Q. So you're saying that you had no
16:55:13 19 responsibility for overseeing Oracle's OFCCP
16:55:15 20 compliance efforts with respect to their compensation
16:55:19 21 systems?

16:55:19 22 MS. CONNELL: Objection; misstates her
16:55:21 23 testimony.

16:55:27 24 BY MS. BREMER:

16:55:28 25 Q. I'm asking.

16:55:29 1 A. I have responsibility for knowing that the
16:55:58 2 programs are done, but that's quite different than
16:56:01 3 doing the programs myself or -- or anything like
16:56:04 4 that. So those are two different issues.
16:56:09 5 So if you look at page 11 of the
16:56:11 6 Affirmative Action Plan, it says "Oracle develops and
16:56:15 7 analyzes internal audit reports to assess performance
16:56:18 8 in at least the following areas," so it talks about
16:56:21 9 that. And it says that Oracle does.
16:56:28 10 Q. Right.
16:56:30 11 A. And then we'll look at the other one that I
16:56:32 12 think you're going to, let's see.
16:56:35 13 Q. And you are the designated individual
16:56:44 14 responsible for the plan implementation of Oracle's
16:56:51 15 Affirmative Action Plan?
16:56:52 16 A. The plan implementation, but when we very
16:56:55 17 first started this I talked to you a little bit about
16:56:57 18 coordinating, and I'm not responsible for every facet
16:57:02 19 of the Affirmative Action Plan; I'm just -- you know,
16:57:04 20 I oversee it or administer it, I think is a better
16:57:08 21 term, I administer it. But there's different areas
16:57:11 22 in here that talk about the responsibilities included
16:57:16 23 in that.
16:57:17 24 Q. Okay. So you don't see it as part of your
16:57:21 25 responsibilities to oversee Oracle's OFCCP compliance

16:57:26 1 efforts with respect to compensation?

16:57:28 2 MS. CONNELL: Objection; misstates her
16:57:29 3 testimony. It's argumentative at this point.

16:57:34 4 THE WITNESS: What -- what I see as
16:57:37 5 different responsibilities, I do my responsibilities
16:57:39 6 as they've been assigned to me. The responsibilities
16:57:43 7 for compensation analysis have been given to the
16:57:46 8 managers within their group.

16:57:50 9 BY MS. BREMER:

16:57:50 10 Q. And you don't oversee those?

16:57:52 11 A. No.

16:57:52 12 Q. And you -- but you are responsible for
16:58:06 13 other areas of OFCCP compliance?

16:58:11 14 A. Yes.

16:58:11 15 MS. CONNELL: Objection; vague.

16:58:13 16 BY MS. BREMER:

16:58:13 17 Q. Okay. As -- do you coordinate with anyone
16:58:18 18 else regarding OFCCP's compliance in the compensation
16:58:24 19 area?

16:58:24 20 A. Not that works for Oracle.

16:58:35 21 Q. Okay. Do you coordinate with someone
16:58:37 22 regarding Oracle's compliance with compensation
16:58:40 23 systems outside of Oracle?

16:58:42 24 A. Not really for compliance purposes, no.
16:58:45 25 The only other analysis that's done is done under

16:58:49 1 attorney-client work product and we just supply
16:58:51 2 information to our attorneys that they go ahead and
16:58:54 3 develop, but that is not in relation to compliance
16:58:57 4 with this particular -- I think I buried it, but
16:59:03 5 the -- the regulation that you've been referencing.
16:59:06 6 They're two different things.

16:59:08 7 Q. On Exhibit 34?

16:59:10 8 A. Yes.

16:59:11 9 Q. Okay. So with respect to Oracle's
16:59:14 10 compliance with OFCCP regulations relating to
16:59:18 11 compensation, is there anyone at Oracle that you
16:59:23 12 coordinate with?

16:59:26 13 A. No, because that's done by the -- the
16:59:28 14 managers are responsible for ensuring
16:59:35 15 nondiscrimination within -- and pay equity within
16:59:37 16 each one of their groups, their staffs.

16:59:40 17 Q. And are you aware of anyone at Oracle who
16:59:46 18 is in charge of compliance with the requirements of
16:59:57 19 41 CFR 60-2.17(c)?

17:00:03 20 MS. CONNELL: Objection; calls for a legal
17:00:06 21 conclusion, assumes facts.

17:00:10 22 THE WITNESS: And you're talking about with
17:00:11 23 regard to compensation in that, right, because
17:00:14 24 there's other areas that go into that, but you're
17:00:17 25 talking about compensation. Correct?

17:00:19 1 BY MS. BREMER:
17:00:19 2 Q. Yes. Subsection 3 is compensation systems.
17:00:24 3 MS. CONNELL: Same objections.
17:00:25 4 THE WITNESS: Yeah, I think I've already
17:00:26 5 answered that question. I -- I don't believe -- I
17:00:28 6 don't know of anybody other than the managers that
17:00:30 7 are responsible for -- for this particular area and
17:00:36 8 creating -- and correcting any problems within their
17:00:39 9 work group.
17:00:40 10 BY MS. BREMER:
17:00:40 11 Q. Okay. And are you aware of anyone at
17:00:43 12 Oracle who is responsible for compliance with
17:00:48 13 creating action-oriented programs designed to correct
17:00:55 14 any problem areas identified in Oracle's compensation
17:01:01 15 systems under -- pursuant to this regulation?
17:01:07 16 MS. CONNELL: Objection; calls for a legal
17:01:09 17 conclusion, assumes facts, lacks foundation, asked
17:01:12 18 and answered.
17:01:12 19 THE WITNESS: Yeah. Again, managers are
17:01:14 20 responsible for any type of pay equity concerns
17:01:21 21 within -- and that type of concern within their work
17:01:24 22 groups.
17:01:25 23 BY MS. BREMER:
17:01:25 24 Q. And you're not aware of anyone other than
17:01:28 25 managers who is responsible for developing and

17:01:35 1 executing action-oriented programs to correct
17:01:38 2 compensation problems identified under this
17:01:43 3 regulation?
17:01:43 4 A. I am not aware of anybody other than
17:01:48 5 managers.
17:01:48 6 Q. Okay. At the end of this Section --
17:02:07 7 A. Uh-huh.
17:02:08 8 Q. -- 41 CFR Section 60-2.17 --
17:02:14 9 A. Which exhibit are you referring to?
17:02:16 10 Q. This is the same regulation, Exhibit 34.
17:02:20 11 A. Okay.
17:02:20 12 Q. 41 CFR Section 60-2.17(d) (4).
17:02:34 13 A. Okay, let me find it, let me find it.
17:02:37 14 Okay, I see (b), (c), (d), yes.
17:02:42 15 Q. It requires the contractor to advise top
17:02:45 16 management of program effectiveness and submit
17:02:48 17 recommendations to improve unsatisfactory
17:02:54 18 performance.
17:02:55 19 Are you aware of anything that Oracle has
17:02:59 20 done to comply with this subsection regarding its
17:03:04 21 compensation systems?
17:03:05 22 MS. CONNELL: Just object that it assumes
17:03:07 23 facts and lacks foundation, and that -- yeah. Calls
17:03:18 24 for a legal conclusion.
17:03:19 25 THE WITNESS: Let's see, let me read this

17:03:22 1 again very carefully.
17:03:40 2 I am not aware of anything that's been done
17:03:43 3 outside of our work product, but -- or I am really, I
17:03:54 4 am just going to answer I am not aware of anything,
17:03:56 5 no. Because I keep -- I don't want to mix up the
17:04:00 6 two, I want to relate my response to the analysis
17:04:03 7 that's done by managers.

17:04:04 8 BY MS. BREMER:

17:04:04 9 Q. And has your compliance group done anything
17:04:24 10 to periodically measure the effectiveness of Oracle's
17:04:31 11 total affirmative action program concerning
17:04:36 12 compensation?

17:04:38 13 MS. CONNELL: Objection; assumes facts,
17:04:40 14 lacks foundation, calls for a legal conclusion.

17:04:44 15 THE WITNESS: Not with regard to this --
17:04:47 16 this regulation.

17:04:49 17 BY MS. BREMER:

17:04:49 18 Q. And are you aware of anyone at Oracle who
17:04:53 19 has periodically measured the effectiveness of
17:04:58 20 Oracle's affirmative action program with respect to
17:05:02 21 Oracle's compensation?

17:05:05 22 MS. CONNELL: Lacks foundation, assumes
17:05:07 23 facts, calls for speculation, calls for a legal
17:05:10 24 conclusion.

17:05:10 25 THE WITNESS: And you're -- you're

17:05:11 1 referencing this with regard to this regulation.
17:05:15 2 Right?
17:05:15 3 BY MS. BREMER:
17:05:15 4 Q. Yes.
17:05:16 5 A. Not with regard to this regulation.
17:05:50 6 MS. BREMER: Why don't we take a quick
17:05:52 7 break.
17:05:52 8 THE WITNESS: Sure, that would be great. I
17:05:54 9 think that everybody's --
17:05:54 10 THE VIDEOGRAPHER: The time is --
17:05:56 11 THE WITNESS: I think you -- you and I are
17:05:58 12 successfully boring everybody.
17:06:00 13 THE VIDEOGRAPHER: The time is 5:06 p.m.
17:06:03 14 We are off the record.
17:06:04 15 (Recessed from 5:06 p.m. until 5:18 p.m.)
17:18:22 16 THE VIDEOGRAPHER: The time is 5:18 p.m.
17:18:45 17 We are on the record.
17:18:50 18 BY MS. BREMER:
17:18:51 19 Q. So I understand after talking to counsel
17:18:53 20 you have some additional clarifications?
17:18:56 21 A. Yeah, things that -- that weren't clear.
17:18:58 22 When we were going back and forth over the types of
17:19:02 23 analyses that were done, you asked me if anybody had
17:19:05 24 ever communicated any problem areas to me, and -- and
17:19:10 25 what I was -- and I said yes, and what I was

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 --

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 12th 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