(1)

Conciliation Meeting on 10/6/16

- Our view of the review. Gov Kor for 4 decades. Stringent requirements. Website reporting. Puts O in a dtl. place. Taken ~~[illegible]~~ aback by this review. Cooperation is low. Evidence is significant.
- NOV substantive viol. Prof Tech I looked at. Software dev. occupation. Used Labor Cond. apps in H-1B that Oracle used. Signif issues found. Comp. in gender & race. NOV talks about it. Used job postings. Everything out of O data used.
- Other KOTs ~~[illegible]~~ give expert reports. Could have challenged analysis and provided rebuttals.
- Wits Hunts are confidential.
- attempted to engage for 6 months. Ready to move forward. Happy to hear rebuttal & response ~~engagement~~

- Oracle is int. in conciliation all along. Transparent, informative & honest engagement.
  - There's clear, conduct of what was going on in this review. Haven't seen what happened here. Can move on to a more transparent process. Look at individuals.

- agree to Title VII but indiv T VII doesn't apply. This is a systemic class case. Not going to engage in a cohort. This is a pattern ~~of~~ and ~~[illegible]~~ practice.

- Rebuttal to substantive viol? applicants to US workforce. EEO-1 data. Tech. industry doesn't look like your app. pool. LCA, in ~~[illegible]~~ PTA

DOL000044157

Heavy pref. for Asian -

O - what should O do to comply?

- Comply w/ Affirmative Action obligation.

- Ever has everything. O hasn't provided.

- Oracle isn't asking for more info.

- what is the remedy for a recruiting violation?

- O needs to make efforts to non-Asian & make workers feel like they should apply.

- never asked for recruiting info.

- Oracle is willing to have people to go through the records. Please describe specifics 4/11. #4.

- ee info is confidential. Referral program, culture, etc. Good to know in order to change.

- Oracle is trying to be forthcoming but getting stonewalled. Shouldn't be a fight.

- If O can demonstrate it did outreach re grodeance & used various resources, that would reasonably expect, for a substantial

- ~~[illegible]~~ make an undep. assessment. Solicitor is well aware.

- Oracle got ~~[illegible]~~ zero responses to record objectives.

- NO requests regarding recruiting. Could have asked about issues/indicators ~~[illegible]~~ regarding indicators.

DOL000044158

(3)

I - not moved by FCCM arguments. There's a process now to tell us we're wrong. Here to ready to ~~[illegible]~~ hear position.

O - Can gather info now.

- applicant pools are taunted - not just affirmative action. Tell us why stats are wrong.
- Oracle gave all application. Doesn't distinguish who's mon. qualified. Citing a stat. doesn't get you there.

OFCCP - ~~[illegible]~~ Used ~~[illegible]~~ O's grouping & occup. codes submitted to LCAs. LCAs submitted for H1B. must are in PT1. Ref. to what occupation applies. Why those occupations were used. If don't agree, we'd like to see it.

- agency articulation now is more than April.
- ~~[illegible]~~ - asked to meet since April.

OFCCP - 1st time we've heard of this.

O - affirmatively provide you w/ info. on outreach & ~~[illegible]~~ GFEs & Resp. to applicant flow (~~[illegible]~~ incorrect or justified ~~[illegible]~~ explained by non-discrim. explanation.

- Hiring is the same.
- doesn't use O's app flow due to recruiting action.
- applicant flow is taunted w/ discrim.

I - They're interrelated.

- Compensation - Tech workforce. Used O's own categories.

DOL000044159

intangibles - weak defense. IT & caracter level matters according to ees.

① are intangibles factors maintained in docs? If these factors matters, it shouldn't be only one group is affected. ② show analysis that explains the disparities.

- In product development, there might be a 100 dollar products. A supervisor will look for skills & expertise. Dollar in products = skills, exp. resp. can only talk about what they do.
  - that is captured in salary.
    It's the reality. It's the structure ~~[illegible]~~ no pay increase in 4-5 years. Reality is team you're working on matters. They said low pay because product isn't successful. This is individualized. Indiv ~~[illegible]~~ exps. provided.
  - no Qs ~~[illegible]~~ re what your team does and responsibilities.
- did look at how & why women aren't in the pristis/teams. ① starting salary level & at ② local review stage. These are 2 business processes used to ensure fair comp process. Comp data was sorted by supervisor & dept for OFCCP.
  - will look to see where there are anomalies & differences.
- dept is a larger group.

DOL000044160

(B)

- Competitive peer group. comp. analysis by Lisa Gordon.
- PT1 is not something O uses. not som. sit re pay comparison.
  - Peoplesoft people don't get paid re cloud.
  - Peoplesoft is not captured in dept.
  - They're not captured.
- O has been trying to capture it. & can't find an accurate dataset to capture it. Have to go to mgr.
- ~~Defies~~ Defies statistical analysis. Gets to be cohorts based. Based on premise of som. sit. groupings. Aren't able to do stat. w/ small #s.
- Not asked in ints.
- Oracle has been a Kor for years. explanation for sigmb disparities is not doc. Not seeing a pattern and not documented.
  - Not "documented" = not in the database.
- There's no datafield. ~~There~~!
- There have been numerous requests that aren't in the database. At no pt during the onsite was there a request to access the computers.
- Oracle is this isn't a defense. Already raised defenses. Will go through explanation. Defense is ~~a~~ Agency is wrong. Wished we had these discussions before the NOV. There was no inquiry re "supervisor."
  - The Employees of Supervisor is to determine what type of work. Not comparing som. sit. individual

DOL000044161

If Engineer is reason then taunted due to race & gender. Assignment shouldn't be due to race & gender.
- 2 ways to come to O - apply for a job or acquisition
- what is the statistical model.
- Oracle defense - Sim. SF means look at what people are actually doing. Based on product work.
- only have explanation would out data to support it.
- Oracle gave OFCCP this data.

- Oracle said we don't agree. OFCCP is not willing to look at individuals.
  - There's no impasse.
  - given explanation.
  - what is the proposal?

Int $640K
Support $487K
(3, 56 ees)

Budgment
q = $7.7 million
Black 250K
Asian 13.4 million

- OFCCP has limited info.
  - 1st Compliance $22 million. ($66 million 3 yrs ground)
  - Hiring - no mitigation info. range $64-168 million
  - SF 20 Black, 20 Hs, 34 for whites.
  - $82 is SF (for all race groups)
  - range depends on mitigation evidence.
  - don't have termination date.
- These are estimates w/ limited info we have.
- Comp. is just on salary, not total comp.
- Raw #s. Comp. #s are more firm.
  don't know ave. tenure for hiring.
- This is formula relief, applying difference.
  explained in agency directive on remedies 310.

(Hiring & recruitment #s)

DOL000044162

(4)

- policy Des re pay as part of the settlement.
  - adjustments; training; pay equity analysis
  - pay transparency & wage suppression issues for policy Des.

- non-monetary are also NOV.
- Hung - referral program. non-diverse workforce. recruitment, sources, how people are encouraged to apply would benefit the company. Ideas to reach out to unrep. groups.

- There's a wide range.
  There's many formulas. Need to go to victims.
  Doesn't mean any woman is an actual victim.
  - how division of lump sum is discussed after lump sum is provided. ~~We're not~~ We're not there yet. Need to deal w/ liab. 1st.

- End of the week on the 27th, Response will be provided. No later than the end of the month.

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