

Conciliation Meeting on 10/6/16

Our review of the review. Government contractor for 4 decades. Stringent requirements. Website reporting. Puts Oracle in a diff place. Taken aback by this review. Cooperation is low. Evidence is significant.

NOV substantive violation. Prof Tech I looked at. Software Dev occupation. Used labor condition applications and H-1B that Oracle used. Significant issues found. Compensation in gender and race. NOV talks about it. Used job postings. Everything out of Oracle data used.

Other contractors give expert reports. Could have challenged analysis and provided rebuttals.

Witness statements are confidential.

Attempted to engage for 6 months. Ready to move forward. Happy to hear rebuttal and response.

Oracle is interested in conciliation all along. Transparent, informative and 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 individual Title VII doesn't apply. This is a systemic class case. Not going to engage in a cohort. This is a pattern and practice.

Rebuttal to substantive violations? Applicants to US workforce. EEO-1 data. Tech industry doesn't look like your applicant pool. LCAs in PT1s. Heavy preference for Asians.

Oracle -- What should Oracle do to comply?

Comply with affirmative action obligations.

Employer has everything Oracle hasn't provided.

Oracle isn't asking for more information.

What is the remedy for a recruiting violation?

Oracle needs to make efforts to non-Asians and 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

Employee information 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 Oracle can demonstrate it did outreach re guidance and used various resources that would reasonably expect, for a substantial

Ian. Make an independent assessment. Solicitor is well aware.

Oracle got zero responses to record objections.

No requests regarding recruiting. Could have asked about issues/indicators regarding indicators.

Ian – Not moved by FCCM arguments. There's a process now to tell us we're wrong. Here and ready to hear position.

Oracle – Can gather information now.

Applicant pools are tainted not just affirmative action. Tell us why statistics are wrong.

Oracle gave all applications. Didn't distinguish who's minimally qualified. Citing a statistics doesn't get you there.

OFCCP – used Oracle's grouping and occupation codes submitted to LCAs. LCAs submitted for H1B. Most are in PT1. Ref to what occupation applies. Why those occupations were used. If don't agree, we'd like to see it.

Agency's articulation now is more than in April.

Ian – Asked to meet since April.

OFCCP – 1st time we've heard of this.

Oracle – affirmatively provided you with information on outreach and good faith efforts and resp to applicant flow (incorrect or justified) explained by non-discriminatory explanations.

Hiring is the same.

 Didn't use Oracle's applicant flow due to recruiting action.

 Applicant flow is tainted with discrimination.

Ian – They're interrelated.

Compensation – tech workforce. Used Oracle's own categories.

Intangibles – weak defense. Job title and career level matters according to employees

Are intangible factors maintained in documents? If these factors matter, it shouldn't be only one group is affected. 2. Show analysis that explains the disparities.

In product development, there might be a 100 different products. A supervisor will look for skills and expertise. Diff in products = skill, exp. Resp. can only talk about what they do.

That is captured in salary.

It's the reality it's the struct... 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 exps provided.

No questions regarding what your team does and responsibilities.

Did look at how and why women aren't in the positions/teams. 1. Starting salary level and at 2. Focal review stage. These are 2 business processes used to ensure fair compensation process. Compensation data was sorted by supervisor and department for OFCCP.

Will look to see where there are anomalies and differences.

Department is a larger group.

Competitive peer group. Compensation analysis by Lisa Gordon.

PT1 is not something Oracle uses. Not similarly situated re pay comparison.

Peoplesoft people don't get paid re cloud.

Peoplesoft is not captured in department

They're not captured.

Oracle has been trying to capture it and can't find an accurate dataset to capture it. Have to go to manager.

Defies statistical analysis. Got to be cohort based. Based on premise of similarly situated groupings. Aren't able to do statistics with small numbers.

Not asked in interviews.

Oracle has been a contractor for years. Explanation for significant disparities is not documented.

Not seeing a pattern and not documented.

Not documented = not in the databases.

There's no data field.

There have been numerous requests that aren't in the database. At no point during the onsite was there a request to access the computers.

Oracle is this isn't a defense. Already raised defenses. Will go through explanations. Defense is agency is wrong. Wished we had these discussions before the NOV. There was no inquiry regarding supervisor.

The emphasis of supervisor is to determine what type of work. Not comparing similarly situated individuals.

If supervisor is reason then tainted due to race and gender. Assignment shouldn't be due to race and gender.

2 ways to come to Oracle – apply for a job or acquisition.

What is the statistical model.

Oracle defense – similarly situated means look at what people are actually doing. Based on product work.

Only have explanation without 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 explanations
What is the proposal?

OFCCP has limited information

1 year compensation -- \$22 million.
Product development – females = \$7.7 million
Blacks 250,000
Asians 13-14 million

Inf – females \$640,000
Support -- \$487,000 females
(\$66 million – 3 years ...)
Hiring – no mitigation info. Range \$64 – 168 million
(hiring and recruitment numbers)
Shortfall 20 blacks, 20 Hispanics, 34 whites
382 is the shortfall for all race groups
Range depends on mitigation evidence.
Don't have termination date.

These are estimates with limited information we have.
Compensation is just on salary, not total compensation.
Raw numbers. Compensation numbers are more firm.
Don't have average tenure for hiring.

This is formula relief. Applying difference. Explained in agency directive on remedies.

Policy changes regarding pay as part of the settlement.

Adjustments; training; pay equity analysis

Pay transparency and wage suppression issues for policy changes

Non-monetary are also NOV

Hiring – referral program. Non-diverse workforce. Recruitment sources, how people are encouraged to apply would benefit the company. Ideas to reach out to unrepresented groups.

There's a wide range.

There's many formulas. Need to go to victims.

Doesn't mean every woman is an actual victim.

How division of lump sum is discussed after lump sum is provided.

We're not there yet. Need to deal with liability first.

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