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Via E-Mail

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Re: *OFCCP v. Oracle, Inc., et al.*, Case No. 2017-OFC-00006
Response to June 8, 2018 Letter Re: Data Questions

Dear Laura:

I write in response to your letter dated June 8, 2018 entitled "Data Questions" (Bremer_DOC240.pdf). [redacted] Nonetheless, in the spirit of cooperation, and to assist in the mediation and better prepare the case for litigation in the event the parties are not able to resolve the claims through settlement, Oracle has researched the issues you raise below, and provides the following responses to your questions.

These responses are in addition to, and should be read in concert with, answers regarding data questions and other information regarding data that we have previously provided. *See* Oct. 11, 2017 letter from E. Connell to L. Bremer, M. Pilotin, and I. Eliasoph; Nov. 28, 2017 letter from J. Pitcher to M. Pilotin; Dec. 8, 2017 letter from J. Pitcher to M. Pilotin; Dec. 18, 2017 letter from J. Pitcher to M. Pilotin. All answers are made to the best of our knowledge after a reasonable and diligent inquiry.

You first posed 8 questions (and subparts) that you described as asking Oracle to "confirm [your] understanding":

1. H-1B/E-3 data (ORACLE_HQCA_0000360321): Orrick did not create this file. Rather, our understanding is that it contains information derived from a review of files retained in the regular course of business on an individual-by-individual basis by Oracle's immigration counsel. You are correct that this file contains information for individuals who were employed at HQCA in the PRODEV, INFTECH and/or SUPP job function at any point from January 1, 2013 through January 17, 2017[1] (a total of 7,514 individuals).[2]

[1] The term "relevant time frame," as used herein, means January 1, 2013 through January 17, 2017 unless otherwise noted.
[2] These 7,514 individuals are referred to herein as the "HQCA compensation population."

For that population, the file reports whether each individual has held an H-1B and/or E-3 visa at any time during their employment with Oracle (*i.e.*, not limited to the period from January 1, 2013 forward), as the dates in the file themselves make clear. These visa types were the ones included based on the understanding that these are the only visa types in use at Oracle that have a "prevailing wage" requirement. Given that OFCCP has not brought a national origin or citizenship discrimination claim, we fail to see the relevance of any other visa information.

a. Yes, EEID should be the same as Employee Number.

2. Candidate Offers data (ORACLE_HQCA_0000062859): Please see my December 8, 2017 letter, response to question 1(a), for clarification regarding this file.

   a. This file contains only offers generated from the stand-alone Candidate Offers system.

   b. This file contains information for individuals hired into PT1 positions at HQCA during the relevant time frame by searching for those individuals within the Candidate Offers system. Candidate Offers was used to generate offer letters, as relevant here, from January 1, 2013 until approximately May 2015. Mallory Cohn discussed Candidate Offers in her June 14, 2017 interview but referred to it in that interview as "workflow."

   c. No "filters" were used on this data set. However, as Mallory Cohn indicated, this system was used for a limited period of time for a limited scope.

   d. Yes, DATE_START should be the date that the individual started in the HQCA PT1 position.

   e. After a reasonably diligent inquiry, we have determined that although the titles of these fields are suggestive, we cannot confirm how these fields were used (*i.e.*, RECRUITING_INTERNAL, VISA_REQUIRED, UNSOLICITED_RESUME, CANDIDATE_REHIRE).

   f. Correct. The ANSWER_VALUE column corresponds to the PROPOSAL_QUESTION_NAME column.

   g. Correct. This file does not have a column for ethnicity or for race.

3. Correct. The file HQCA_IREC_DATA (ORACLE_HQCA_0000070747) includes iRecruitment data for the HQCA compensation population.

4. Not quite. Taleo went live in July 2014, not May 2015 (as you had stated in your letter). Our understanding is that iRecruitment has been used to process offers for experienced hires during the relevant time period. Starting on or about May 2015, our understanding

is that College Recruiting switched from using Candidate Offers to using iRecruitment and Taleo to process offers for college recruits as well.

5. Not quite. Taleo went live in July 2014. Our understanding is that Oracle has maintained experienced applicant and requisition data in Taleo since then, while continuing to process offers for experienced hires through iRecruitment.

6. Correct. iRecruitment uses the term "vacancy" while Taleo uses the term "requisition."

7. The description of the data export in our October 11, 2017 letter is correct. You appear to be asking for data related to an additional set of individuals—namely, those who applied to an open vacancy or requisition but where the vacancy or requisition was not filled with any HQCA PT1 hire. Given the nature of OFCCP's alleged claims, we fail to see why information about individuals who submitted applications to open requisitions for which no one was ever hired in the PT1 job group at HQCA could be relevant to any claim that any particular group of individuals was "under-hired" or "over-hired" for such requisitions (since, by definition, no one was hired).

    a. Oracle did not "exclude" or "filter" applicants or applications out of the data included in PT1_HQCA_IREC_MAIN.xlsx (ORACLE_HQCA_0000128176). Scripts were used to pull data exports. Thus, there is no estimate for questions (i) or (ii), which request how many applicants and applications "were excluded as a result of filtering unfilled requisitions/vacancies."

    b. We are not aware of any unproduced set of college student data for HQCA PT1 roles in iRecruitment that would cover 2013 to May 2015 that was not already produced in ORACLE_HQCA_0000128176.

    c. We are still investigating the "Student/Intern to Regular" value under the column heading "HIRE_TYPE." The "Student/Intern to Regular" value appears to reflect when a student or intern becomes a regular hire. Our understanding is that when an individual is hired from a student/intern to a regular hire, Oracle Human Resources (HR) has options to determine how to describe the new hire. Sometimes HR creates a new assignment for that new hire. However, sometimes HR instead describes the new hire using the student/intern's previous assignment with a new effective start date. Our preliminary analysis indicates that the script used to generate the data files produced on October 11, 2017, may have considered only when the student/intern to regular hire was hired under a new assignment and did not consider the circumstance when HR might use the individual's previous assignment with a new effective start date.

        i. After a reasonably diligent inquiry, we do not know why the individual with a party ID of 1041494297 that is listed in AllEarnings.xlsx (ORACLE_HQCA_0000070721) appears in the iRecruitment data with a vacancy that has a "pending" status.

ii. No. To our knowledge, Oracle did not exclude any HIRE_TYPES from the data query that generated PT1_HQCA_IREC_MAIN (ORACLE_HQCA_0000128176) and/or HQCA_IREC_DATA (ORACLE_HQCA_0000070747).

8. The scope and content of the RESUMate data was discussed by Mallory Cohn. During her interview with OFCCP, Cohn noted that RESUMate stores college recruiting data, generally organized by fiscal year. RESUMate stores data for individuals identified through campus recruiting and online as well as those who submit applications to Oracle.

You then posed 17 questions (and subparts) that you described as "questions about the content of the data Oracle produced":

1. PT1_HQCA_IREC_MAIN.xlsx (ORACLE_HQCA_0000128176)

   a. Our understanding is that the descriptions under CANDIDATE_SOURCE are typically chosen by a hiring manager and how he or she considers the source from which the candidate is selected/recruited.

      - Contractor: the candidate is a contractor or referred by a contractor
      - Employee Referral: the candidate was referred by an employee
      - Internal Applicant: the applicant/candidate is currently an active employee
      - Other: the candidate was recruited through other sources
      - University Recruiting Program: the candidate was recruited to Oracle at or through a recruiting event on-site at a university
      - Unsolicited resume: the candidate sent his or her resume without applying for a specific job on the career page

   b. We are still investigating the values in PRODUCT_ASSOCIATION (tab OFFERED_CANDIDATES, column AI).

   c. We're not sure what you're referring to when you mention "Candidate is Internal" Y/N. Please clarify the spreadsheet, the tab, column identifier, and if applicable, the value to which you are referring.

   d. We're not sure what you're referring to when you mention "channel found." Please clarify the spreadsheet, the tab, column identifier, and if applicable, the value to which you are referring. If you mean, the CHANNEL field in

iRecruitment, as I mentioned in my letter dated December 8, 2017, our understanding is that this field in iRecruitment is used by the manager-user in order to indicate where the applicant came from. Please also refer to Carla Foster's June 15, 2017, interview regarding iRecruitment.

e. We're not sure what you're referring to when you mention "candidatesource" or "candidate_source" or whether this is different than your question in 1.a. of this section. Please clarify the spreadsheet, the tab, column identifier, and if applicable, the value to which you are referring.

f. Under OFFER_CLOSE _REASON, our understanding is that the value "Applicant Hired" means that the offer closed because the candidate accepted the offer and was hired to work at Oracle.

2. PT1_HQCA_IREC_MAIN.xlsx (ORACLE_HQCA_0000128176), tab APL_EMPLOYMENT_HISTORY, column I: It is unclear whether a university listed under EMPLOYER means the applicant attends the university or is employed there (or perhaps both – for example, if the individual is employed as a teaching assistant while she pursues her degree). It appears that this field is user-entered and, therefore, it would depend on whether the individual user meant it to reflect their current employer or a university that they attend.

3. PT1_HQCA_IREC_MAIN.xlsx (ORACLE_HQCA_0000128176), tab APL_QUALIFICATIONS, column J: Our understanding is that LOCATION generally reflects the location of the educational institution, and START_DATE appears to be the date when the individual started/joined the educational institution. However, although DATE_RECEIVED appears to be the date the individual received his or her degree, there are some instances where DATE_RECEIVED has a value but the data indicates that there was "No College Degree." It appears that this field is user-entered and, therefore, the definition of the value would depend on what the individual user meant to convey.

4. PT1_HQCA_IREC_MAIN.xlsx (ORACLE_HQCA_0000128176), tab APPLICANT_PROFILES, column Y: Our understanding is that LOCAL_WORKING_PERMIT is a user-entered field asking if the candidate is eligible to work where the job is posted. Therefore, we do *not* believe it is intended to reflect immigration or visa status history, or that it necessarily accurately reflects that information. Rather, the most accurate immigration data for individuals who were hired by Oracle has been provided from Oracle's immigration counsel (H-1B/E-3 data (ORACLE_HQCA_0000360321).

5. Yes, our understanding is that the fields ETHNIC_ORIGIN in Emp_Personal_Experience_Qualification_Assign_Details.xlsx (ORACLE_HQCA_0000070738) and PT1_HQCA_IREC_MAIN.xlsx (ORACLE_HQCA_0000128176) contain ethnicity information, as does the field

ethnicity in Candidate – Demographics.xlsx (ORACLE_HQCA_0000089017). We're not sure what you're referring to when you mention "ethnicorigin." Please clarify the spreadsheet, the tab, column identifier and, if applicable, the value to which you are referring.

a. See above.

b. It is our understanding that diversity questions displayed to candidates on the career sites are contextualized by the requisition country. U.S. requisitions have an Ethnicity Question Code with the candidate's answer in the Ethnicity column. South African (ZA) requisitions have a Race Question Code, with the candidate's answer in the Race column. Candidates may have at some point answered ethnicity or race questions for requisitions posted in both the U.S. and South Africa, in which case both would be included.

6. In the file Emp_Personal_Experience_Qualification_Assign_Details.xlsx (ORACLE_HQCA_0000070738), our understanding is that EFFECTIVE_START_DATE and EFFECTIVE_END_DATE columns in the tab Emp Assignment information (columns D and E, respectively) show the time period during which the values in that row were true of that individual.

7. Emp_Personal_Experience_Qualification_Assign_Details.xlsx (ORACLE_HQCA_0000070738)

a. Our understanding is that ACTUAL_TERMINATION_DATE (tab Emp_Hire_Term & Personal Info, column AP) is the termination date of an employee. We're not sure what you're referring to when you mention "actualterminationdate." Please clarify the spreadsheet, the tab, column identifier and, if applicable, the value to which you are referring.

b. Our understanding is that EFFECTIVE_START_DATE and EFFECTIVE_END_DATE (columns D and E, respectively, in the tab Emp Assignment information) indicate the time period during which the values in that row were true of that individual. If one of the values captured in this tab for an individual changes (*e.g.*, they are promoted into a new job), a new row is created with a new EFFECTIVE_START_DATE and EFFECTIVE_END_DATE even if the individual has not terminated employment.

c. Our understanding is that "JOB_FUNCTION" (tab Emp Assignment information, column AH) is a field that indicates the job function in which an individual worked at that time. Because this tab contains historical information, the field also includes job functions outside of Product Development, IT, and Support. We're not sure what you're referring to when you mention "jobfunction" and "jobeeeogroup." Please clarify the

spreadsheet, the tab, column identifier and, if applicable, the value to which you are referring. To the extent that "jobeeogroup" refers to "Job_EEO_Code" (tab Emp Assignment information, column AM), our understanding is that the field indicates into which of Oracle's job groups created for federal contractor compliance and Oracle's AAP, including PT1, an individual worked at that time.

8. Our understanding is that "Submission Source (BL)" in the files Application-Source.xlsx (ORACLE_HQCA_0000070728 and ORACLE_HQCA_0000089015, column J) is the name/description that corresponds to the alpha-numeric Submission Source Identifier (column I).

   a. Our understanding is that the Submission Source Identifier is a unique identifier used by the system to identify both the submission source type (*e.g.*, job board, research, social network, referral) as well as the specific source itself (*e.g.*, glassdoor, Monster, campus, walk-in).

9. We provided our explanation of "Current Workflow Name" in the files Application Data.xlsx (ORACLE_HQCA_0000070729 and ORACLE_HQCA_0000089016, column AW) in my letter dated December 18, 2017.

   a. Our understanding is that a "Yes" value to "Candidate is Internal" indicates the candidate was an employee of either Oracle America or an Oracle affiliate (*e.g.*, Oracle India) at the time of the data export, though not necessarily at the time of the candidate's application.

   b. Our understanding is that Taleo does not contain data designed to indicate whether an applicant or hire is an international transfer. Fields that indicate this information do appear to be in PT1_HQCA_IREC_MAIN.xlsx (ORACLE_HQCA_0000128176), tab OFFERED_CANDIDATES, Column AU, HIRE_TYPE.

10. Application-History.xlsx. We assume that you are asking questions about "Submission History Transaction By User" (files ORACLE_HQCA_0000070727 and ORACLE_HQCA_0000089014, column L).

    a. Our understanding is that when the value is equal to "Integrator, Oracle" that refers to a system user performing data updates in Taleo.

    b. Yes, our understanding is that a "Candidate" value indicates that the candidate entered the information.

    c. Yes, our understanding is that a "System" value indicates the information was system-generated.

d. Yes, our understanding is that when a person's name is listed, that person input the information. Those individuals generally would be expected to be Oracle employees or contractors.

11. Requisition-Collaborators Data.xlsx (ORACLE_HQCA_0000128176 and ORACLE_HQCA_0000070749)

    a. Our understanding is that "Collaborator" simply means that person has the ability to access the requisition. It does not indicate if or whether that person ever did access the requisition.

12. As Mallory Cohn discussed in her June 14, 2017 interview, RESUMate is a stand-alone system. Our understanding is that College Recruiting uses individuals' email addresses as well as their schools and graduation years (codified in a field called SOURCE CODE and with values such as MIT14, Yale16) to distinguish individuals. Numeric identifiers that are used in some other systems (*e.g.*, PERSON_ID, PARTY_ID, EMPLOYEE_NUMBER) are not used in RESUMate.

13. We're not sure what you're referring to when you mention "ORGANIZATION_HEIRARCHY" [sic] in AllEarnings.xlsx (ORACLE_HQCA_0000070721), as that file does not appear to contain such a field.

    To the extent that you are referring to the ORGANIZATION_HIERARCHY field in Emp_Personal_Experience_Qualification_Assign_Details.xlsx (ORACLE_HQCA_0000070738, tab Emp Assignment information, column S), it can be understood in relation to the "Organization_Name" field (column R). The "Organization_Name" field contains alphanumeric codes that reflect the cost centers in which each employee works. Cost centers are developed, altered, or deleted in partnership between finance, the business, and HR. These groups work together to organize jobs by product or service, and use the resultant cost centers for purposes of tracking budget, allocating pools of money that can be used for salary increases or bonuses, and tracking other financial outcomes. Not every product or service team at Oracle has its own "Organization_Name," however.

    The "ORGANIZATION_HIERARCHY" field contains a series of alphanumeric codes separated by the ">" symbol. These codes reflect the global lines of business into which each employee reports, with the highest level ("TTS") in the right-most position and successively more granular lines of business reflected in each additional level of alphanumeric code, reading from right to left. As an example, the right most value in many, if not all, of the ORGANIZATION_HIERARCHY field appears to be TTS. Reviewing the CC Data Dictionary.xlsx file discloses that TTS likely means "All Lines of Business." Each successive line of business, moving from right to left in the "ORGANIZATION_HIERARCHY" field, thus as a general rule identifies an increasingly specialized area of the company in which the particular employee works.

The left-most value in this column matches and maps to a value in "Organization_Name."

An important caveat is that we have learned that, while the values in the "Organization_Name" field in ORACLE_HQCA_0000070738 are historically accurate—*i.e.*, were true for the individual in a given row between the EFFECTIVE_START_DATE and the EFFECTIVE_END_DATE—the values in the "ORGANIZATION_HIERARCHY" field indicate the structure of the lines of business with which each "Organization_Name" was associated as of the data pull date in the scripts used to generate the file. Historical "ORGANIZATION_HIERARCHY" values are not maintained in the centralized systems from which ORACLE_HQCA_0000070738 was pulled. In order to determine the "ORGANIZATION_HIERARCHY" values with which a given "Organization_Name" was associated at a given point further back in time, one can look to the 101 files produced on June 1, 2018 (ORACLE_HQCA_0000364082 to ORACLE_HQCA_0000364182).

A data dictionary for the codes in these two fields was produced at CC Data Dictionary.xlsx (ORACLE_HQCA_0000070737).

14. ALLEarnings2.xlsx (ORACLE_HQCA_0000070722). We are willing to look into the possibility of obtaining a data dictionary for the descriptions under BALANCE_NAME (column F). To facilitate that process, however, it would be helpful if you could identify the specific values within this column in which you are interested.

    a. We're not sure what you're referring to when you mention "effective" in AllEarnings2.xlsx (ORACLE_HQCA_0000070722). Please clarify the spreadsheet, the tab, column identifier and, if applicable, the value to which you are referring.

[redacted]

16. You appear to be asking for the information contained in the field StatutoryWork_Schedule in Emp_Personal_Experience_Qualification_Assign_Details.xlsx (ORACLE_HQCA_0000070738), tab Emp Assignment information, column P.

17. Our understanding is that several files and fields contain leave of absence information, including: (1) Emp_Personal_Experience_Qualification_Assign_Details.xlsx (ORACLE_HQCA_0000070738), tab Emp Assignment Information, column G ("User_Status") and (2) Merged Assignment History, Medicare and Sal Admin.xlsx

(ORACLE_HQCA_0000070748), tab Assignment History Window, Column AI ("STATUS").

Very truly yours,

Jinnifer Pitcher