



July 17, 2017

VIA ELECTRONIC MAIL

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Re: *OFCCP v. Oracle America, Inc.*, Case No. 2017-OFC-00006,
Follow-Up Regarding OFCCP Data Requests

Dear J.R. and Lara,

I write to follow up on our call last Friday and J.R.'s July 11, 2017 letter to me regarding OFCCP's data requests.

I. Schedule for Oracle's Production of Relevant Data

During our call, J.R. stated that Oracle intended to produce data responsive to OFCCP's requests for production by August 7, 2017. As I wrote in my June 30, 2017 letter, OFCCP requests that Oracle begin a rolling production of responsive data as soon as possible, and substantially complete its production of relevant data by July 31, 2017. There is no reason to hold all data until August 7 in the event some become available in advance of that date.

To ensure the parties are on the same page regarding what Oracle intends to produce by August 7, I requested that Oracle identify for OFCCP this week the data it will be extracting and producing from its systems. Please let me know when this week you are available to discuss this issue. I am available on Wednesday between noon and 5:00 p.m. and Thursday except for between 10:00 a.m. and 11:00 a.m.

II. Data Production from Taleo

As I stated during our call, at a minimum, OFCCP requests from Taleo the same type of information the agency seeks from iRecruitment regarding employees and applicants.

For employees, to the extent the information is not available elsewhere, OFCCP requests all data on employees' work experience prior to Oracle, education (*e.g.*, schools, degrees, and subjects studied), and information regarding their hire. *See* 6/30/17 Pilotin Ltr. to Riddell at 4-5 (discussing information sought from iRecruitment for employees).

For applicants, OFCCP requests information regarding requisitions, including the hiring manager, requisition number, recruiter, the date created, and the job requirements and/or description; and information regarding the individuals who applied for those requisitions, including their basic demographic information, their employment history, and their educational background. *See id.* at 6-7 (discussing information requested from iRecruitment). OFCCP also requests any comments made about applicants, the status of applicants' applications, and data connected to whether an applicant was referred to Oracle, all of which Ms. Foster indicated may be contained in Taleo.

As I stated during the call, if Oracle has a manual or set of screenshots identifying what is contained in Taleo, producing such documents to OFCCP will be helpful so that the parties have the same picture in mind when discussing the system.

III. Scope of OFCCP's Request for Production No. 73

I noted during the call that, even though OFCCP requested data for individuals in the PT1 job group or in the Support, Product Development, and Information Technology lines of business, J.R.'s letter stated that Oracle was considering only extracting data for the PT1 job group. *Compare* 7/11/2017 Riddell Ltr. to Pilotin at 3 (noting OFCCP's request for snapshots for employees in "the PT1 job group or in the Product Development, Information Technology, and Support lines of business for the beginning of calendar years 2013-2017") *with id.* (stating that "Oracle is currently determining the feasibility and associated burden related to producing the 'snapshots' referenced by Kate Waggoner for the PT1 job group"). J.R. stated that he would follow up on whether this narrowing in his letter was intentional or inadvertent. If this narrowing was intentional, please explain Oracle's rationale.

With respect to employees who have had a break in service at Oracle, J.R. inquired whether OFCCP seeks data for all stints such employees' worked at Oracle or only the most recent one. OFCCP presently seeks the full historical salary and job data for Oracle employees, irrespective of whether they had a break in service.

IV. Scope of OFCCP's Request for Production No. 76

For this request, OFCCP requested data on College Recruits, which includes those individuals recruited by Oracle's college recruiting program for jobs in the PT1 job group or the Product Development line of business. However, J.R.'s letter provides that Oracle is "evaluating the feasibility and burden associated with producing the offer information for college candidates into the Product Development positions in the PT1 job group," rather than all Product Development positions and all PT1 job group positions. *See* 7/11/2017 Riddell Ltr. at 6. Please advise whether this narrowing was intentional or inadvertent. If this narrowing was intentional, please explain Oracle's rationale.

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J.R. Riddell
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July 17, 2017
Page 3

I look forward to talk with you both again this week. As requested above, please advise as to when this week you are available to discuss things further. I am available on Wednesday afternoon between noon and 5:00 p.m. and Thursday except for between 10:00 a.m. and 11:00 a.m.

Very truly yours,

JANET M. HEROLD
Regional Solicitor

By:



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