U.S. Department of Labor

Office of the Solicitor
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VIA ELECTRONIC MAIL ONLY

Kathryn G. Mantoan
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Re: *OFCCP v. Oracle America, Inc.*, Case No. 2017-OFC-00006, Data Requests

Dear Katie,

This letter furthers our discussion regarding Oracle's responses to OFCCP's data requests, including our telephonic meet and confer on March 22, 2019, my follow up emails to you on March 25, 2019, March 26, 2019, and March 27, 2019, and your letter to me dated March 29, 2019.

Compa-ratios

Your characterization of our communications regarding compa-ratios is incorrect. In prior communications and RFPs, OFCCP requested that Oracle provide compa-ratio data for international transfers, without limiting the request to specific prior spreadsheets that Oracle had produced. During our call, you put me on the spot, and attempted to limit the request to compa-ratios for the 341 persons identified as "International Transfers" in the HQCA_IREC_DATA.xlsx. I agreed to get back to you, to tell you exactly which data fields OFCCP requested Oracle update. I did so in my email dated March 25, 2019. This email both responded to your question regarding updating the HQCA_IREC_DATA.xlsx for international transfers and specified the additional spreadsheet we were requesting Oracle to update, pursuant to our discussion. Your characterization of my specifying a spreadsheet to update as not "addressing the issue" and a request "for the first time," are simply inaccurate. Rather, I sought to detail the more general requests we had previously made, as you explicitly requested that I do. In any event, I understand that Oracle does not object to producing the data requested in item #1 of my March 25, 2019 email, and is simply determining whether it is feasible to produce this data. Given Oracle guidance that managers rely on the data OFCCP has requested for international transfers in setting their pay, we expect that Oracle has access to this data and will be able to produce this information. We look forward to your confirmation at the end of this week.

Exhibit P-251

Oracle refused, however, to produce historical compa-ratio data for international transfers employed in the three job functions at issue, as requested in item #2 of my March 25, 2019 email.

Compensation History Data

During our March 22, 2019 meet and confer, we discussed OFCCP's request for the historical data for the Oracle employees in the three job functions in which OFCCP alleges compensation discrimination. While Oracle provided historical data, going back to 1985, for employees in the 3 job groups employed at HQCA, it excluded data of the comparator employees in those groups during the same time frame. OFCCP seeks that data so its expert can conduct a complete compensation analysis of Oracle's employees, and particularly how compensation changed over time and the impact of starting compensation on later compensation. You indicated Oracle would consider producing this information.

In an attempt to reach a compromise on this issue, OFCCP narrowed the time frame for the historical data it sought, both in my letters prior to the meet and confer, and then further during my March 27, 2019 email. In addition to narrowing the time frame for the historic data of comparators to 2005 through 2012, OFCCP also narrowed the data files for which it sought comparator information. While Oracle produced approximately 50 spreadsheets and data files containing data for the compensation class, OFCCP seeks that only 11 data of these spreadsheets be updated to include historic information of comparators. Nevertheless, Oracle refused to produce the requested data.

Supplementation of Hiring Data

While Oracle generally agreed to supplement the data that it produced in 2017, Oracle unilaterally limited its supplementation of the hiring data it is producing to data for college hires. Despite OFCCP's repeated requests that Oracle identify the data that it plans to exclude when it supplements its production of hiring data, Oracle declines to do so. Instead, it asks OFCCP to define the college hires in Oracle's data, so that Oracle can then limit the data to those people. OFCCP again objects to Oracle's refusal to supplement all hiring data.

OFCCP also objects to Oracle attempting to place the burden on OFCCP of determining the college hires in Oracle's data. OFCCP assumes that Oracle will produce all data it considers to include recruits, applicants, and/or hires through its college recruiting program, including data from iRecruitment, Taleo, Resumate, and Workflow. Presumably, Oracle will provide supplemental data from its college recruiting database(s), including all the data fields and types of data previously produced from Resumate. For iRecruitment, we presume that Oracle will provide supplemental information for all the people listed as a Hire_Type with a CR letter, and having a "Channel" of "college" (as explained in Oracle's December 8, 2017 letter regarding Oracle data). From your letter dated July 13, 2018, it appears that Hire_Type of Student/Intern to Regular would also refer to college hires. Oracle's December 8, 2017 and June 29, 2018 letters also state that starting in May 2015, Oracle used Taleo to maintain information about college recruiting hires, and to process college offers for college recruits. OFCCP expects Oracle to produce all the data it previously produced from all three systems regarding college recruits, applicants and/or hires, as well as any other system that Oracle has used since 2016 that

contains information regarding recruits, applicants, and/or hires through Oracle's college recruiting program.

Sincerely,

Laura C. Bremer