

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DEPOSITION DESIGNATIONS
RE THE DEPOSITION OF HEA
JUNG ATKINS – JUNE 10, 2019**

Pursuant to the Court's Order on December 9, 2019, Oracle hereby submits the following deposition designations, including any errata and/or objections to such testimony by either party.

Respectfully submitted,

December 20, 2019

GARY R. SINISCALCO
ERIN M. CONNELL
WARRINGTON S. PARKER III


ORRICK, HERRINGTON & SUTCLIFFE LLP

The Orrick Building

405 Howard Street

San Francisco, CA 94105-2669

Telephone: (415) 773-5700

Facsimile: (415) 773-5759

Email: grsiniscalco@orrick.com

econnell@orrick.com

wparker@orrick.com

Attorneys for Defendant

ORACLE AMERICA, INC.

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San Francisco, Ca

DEPOSITION DESIGNATIONS RE THE DEPOSITION OF HEA JUNG ATKINS – JUNE 10, 2019

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9:19-21

19 BY MR. SHWARTS:

20 . . . Q. Good morning, Ms. Atkins.

21 . . . A. Good morning.

11:23-13:7

23 . . . Q. What is your current position?

24 . . . A. Director of Planning and Support.

25 . . . Q. Is that at OFCCP?

12

1 . . . A. Yes.

2 . . . Q. When did you take that position?

3 A. Probably two years ago. Two and a half
4 years ago.

5 Q. So sometime in 2017? Was it before the
6 Trump administration took over, as a -- as a
7 guiding date?

8 A. It was probably around that time.

9 Q. Okay. Let me work backwards a little bit.

10 . . . A. Okay.

11 Q. When did you first start work at OFCCP?

12 . . . A. 2010. October 2010.

13 Q. Okay. What was your -- what was your
14 first position at OFCCP?

15 A. District Director of the San Jose Dist.
16 Office.

17 Q. How long did you hold that position?

18 . . . A. A year and a half, I believe.

19 Q. Okay. What was your next position?

20 A. District Director of the San Francisco

21 District Office.

22 . . . Q. Can you give me an approximate date of
23 when you started that position?

24 . . . A. Maybe around April of 2012.

25 . . . Q. And how long did you hold the position of

13

1 District Director for the San Francisco District?

2 A. Perhaps three years.

3 Q. So that would be from sometime in 2012

4 till sometime in 2015?

5 A. Probably. It's -- I've had multiple

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6· positions, so yeah. I would think three years,
7· maybe.

14:12-16:14

12· Q· Okay? So the District Director for the
13· S. F. District, which I believe you said
14· you ascended to in 2012 and had for a couple of
15· years?

16· · · · A· Yes.

17· ·Q· Okay. And that was the position that you
18· were in at the time that the audit that led to this
19· litigation commenced?

20· · · A· I believe I was still in that role when it
21· started, yes.

22· · · Q· And I know -- along the path you've
23· changed, and we'll get to that.

24· · · If you can describe for me what your
25· duties and responsibilities were during the time

15

1· that you served as the District Director for the
2· San Francisco District.
3· · · A· So I was managing the enforcement
4· activities of that office and the compliance
5· officers in their investigations. Also in –
6· managing the administrative needs of the office.
7· So everything from investigating to assigning work
8· to reviewing work to making sure that the office is
9· supplied and hiring and, you know, leave issues and
10· personnel issues for the office.

11· · Q· What position did you report up to during
12· that time when you were a District Director for the
13· San Francisco office?

14· · A· It would have been to the Deputy Regional
15· Director at the time.

16· · Q· Okay. Was -- during the time that you
17· held that job, meaning District Director for
18· San Francisco, did one person hold the Deputy
19· Director job -- Deputy Regional Director job, or is
20· there more than one person?

21· · A· Oh. There may have been a transition
22· during that time period.

23· · Q· Which individuals do you recall holding
24· the Deputy Regional Director position while you

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25· were the Deputy Director -- sorry, while you were

16

1· the District Director for San Francisco?

2· . . . A. I believe maybe Alice Young was still

3· there at the time, but I'm not -- I'm not

4· completely sure.

5· . . . Q. And who else?

6· . . . A. And then Jane Suhr was acting before she

7· became the official deputy.

8· . . . Q. And who was the Regional Director during

9· the time that you were the District Director?

10· . . . A. So Bill Smitherman was the Regional

11· Director -- was he still there? I can't remember

12· if he was still there when I was in the

13· San Francisco District Office. And then -- and

14· then it would have been Janette Wipper.

19:16-23

16· . . . Q. Well, let me ask you on the type of case

17· the Oracle case was.

18· You went on site in 2015 for the

19· initial -- actually, there were a couple different

20· visits to the Oracle headquarters. Correct?

21· . . . A. So I definitely went on site for one week

22· for the headquarters case. I actually don't recall

23· if I went again.

20:7-23

7· But do you recall why, in this particular

8· case, that you personally went on site for the

9· Oracle audit?

10· . . . A. I was actually asked to help, to go on

11· site, so I went.

12· . . . Q. Asked by whom?

13· . . . A. Janette.

14· . . . Q. Did Janette Wipper tell you why she wanted

15· you to help on this audit?

16· . . . A. They needed people to help with the

17· investigation of the -- I mean, conducting

18· interviews while on site. That was my

19· understanding. They just -- they needed additional

20· interviewers.

21· Q. Is that what she told you, or are you just

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22 · guessing?

23 · · · · A · I remember her saying that, too.

23:24-24:9

24 · Q · If you can put a date on it, when do you

25 · believe you stopped being involved in the Oracle

24

1 · audit and/or litigation?

2 · · · · A · So I remember attending a conciliation

3 · meeting for this case, the Oracle case. I don't

4 · recall what date that was. I'm thinking it may

5 · have been several years ago.

6 · · · · Q · And in your mind that's the last time you

7 · were involved in the Oracle audit and/or

8 · litigation?

9 · · · · A · Yes.

32:8-34:12

8 · · · · Q · Right? · So the -- what is the first step

9 · in a process that leads to an audit?

10 · · · · A · Oh, I see. · Okay.

11 · · · · · So these -- we're notified -- the office

12 · is notified that we have certain companies to audit

13 · because those companies have been selected for

14 · reviews by the national office, some formulaic, you

15 · know, selection process that they have. · And then

16 · they're -- the names of the companies that have

17 · come up for review are given to the office.

18 · · · · Q · All right. · Then let's take that -- and

19 · what's the next step?

20 · · · · · So you are given the names of companies.

21 · Now that you've got the names, what is the next

22 · step for you and your staff?

23 · · · · A · So then we would schedule -- we send out a

24 · scheduling letter to the company in the order that

25 · we receive this list.

33

1 · · · · Q · Okay. · And again, moving forward, what

2 · would happen next? · And just in general.

3 · · · · A · So the scheduling letter is received by

4 · the company, and they submit their affirmative

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5· action plan.
6· . . . Q· Okay· Again, moving forward, they submit
7· the plan· What happens next?
8· . . . A· And then the compliance officer will
9· review the plan in the office.
10· . . . Q· And then what happens after that review?
11· . . . A· So if everything looks complete and
12· acceptable and there are no indicators that we
13· should pursue it further, it would be closed.
14· If there are indicators that look like we
15· need to pursue further, then we'd notify the
16· company and let them know perhaps that we need
17· additional information· Yeah, that would be the
18· next step.
19· . . . Q· And at that point, if you determine that a
20· company -- that there are indicators and that you
21· need additional information, you then reach out to
22· the company and --
23· . . . A· Right.
24· . . . Q· -- and what is the first -- you know, what
25· are the steps that then happen at that point?

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1· . . . A· So every case is different. It will
2· depend on, you know, what the additional
3· information is that we need and what that
4· information reveals.
5· It may be that that would be enough, and
6· then the case may be closed. It may be that the
7· additional information leads to further questions,
8· and we may need more information on top of that.
9· We may need to go on site and actually interview
10· managers and employees.
11· It really depends on what -- what the
12· information reveals.

35:18-38:2

18· . . . Q· What does the term "entrance conference"
19· mean?
20· . . . A· It occurs at the beginning of an on-site
21· with company officials just to inform them of what
22· will happen during the on-site. The company will
23· give an overview of their business. Usually OFCCP

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24· managers are present and the compliance officers
25· conducting the review.

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1· It's just -- it's an overview of what's
2· going to take place.
3· . . . Q· What does the term "exit conference" mean?
4· . . . A· So that occurs at the end of an on-site.
5· It usually -- it's also with company
6· representatives and OFCCP. Usually it's to discuss
7· what additional information may be required, what
8· may have been, you know, seen on -- at the on-site.
9· The company may also be told that the case
10· is not complete yet and that, you know, they may be
11· contacted for additional -- you know, further --
12· further communications may be coming as a result of
13· the on-site. It's just a wrap-up of the on-site.
14· . . . Q· Are these two terms, these entrance
15· conference and exit conference, are these things
16· that are mandated by OFCCP policies and procedures?
17· . . . A· Mandated.
18· . . . Q· Meaning do they appear in -- in the -- in
19· writing somewhere that we can look to to say, well,
20· in this circumstance you should be doing an
21· entrance conference or an exit conference so that
22· the contractor should know what to expect from an
23· on-site?
24· . . . A· So there is a guidance for contractors --
25· I mean, for compliance officers, and it talks about

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1· on-site -- entrance conference and exit
2· conferences. I don't know if it's a mandate. When
3· you say -- like there's -- it, you know, puts down
4· a process and the steps that usually occur and
5· guidelines to follow.
6· . . . Q· I take it, though, that at a minimum, from
7· a best practices standpoint, that if you're going
8· do an on-site audit of a federal contractor there
9· should be both an entrance conference and an exit
10· conference.
11· . . . A· As a practice? Yes, most of the time I
12· have seen entrance conferences and wrap-up exit
13· conferences take place.

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14 · · · · Q · You used the term "indicators."
15 · · · · · What is -- as you used that the term, what
16 · does the term "indicators" mean?
17 · · · · A · So there are -- it's -- and I'm using it
18 · in the way that it's not just numerical indicators,
19 · but a sign or some signal that you need additional
20 · information in certain areas. So after the desk
21 · audit, there may be certain flags to follow up on.
22 · · · · · Also, there are internal analyses that are
23 · conducted with hiring, termination, compensation,
24 · and it may look like that -- you know, that there
25 · may be some statistical significance that may be

38

1 · coming up that we don't have additional information
2 · or further communication.

39:11-40:12

11 · · · · Q · Yes · During your tenure as District
12 · Director, did there come a time when Oracle was
13 · identified to your office as a company that you
14 · should look at for purposes of compliance with the
15 · executive order?

16 · · · · A · Yes · It was identified as a company to be
17 · reviewed.

18 · · · · Q · Identified by whom?

19 · · · · A · I assume by the national office's formula
20 · for selecting contractors to be reviewed.

21 · · · · Q · I'm not asking you to assume.

22 · · · · · Do you recall how it was that Oracle
23 · became identified?

24 · · · · A · I don't.

25 · · · · Q · Do you know whether or not it was

40

1 · identified regionally or nationally?

2 · · · · A · I believe nationally.

3 · · · · Q · When it says "nationally," and you're told
4 · to review, is it -- you're told, look at the
5 · headquarters, look at their other offices?

6 · · · · · What kind of guidance are you then given?

7 · · · · A · Oh · We are actually given the address of
8 · the facility to review.

9 · · · · Q · So it's your best recollection that

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10 · National told you to review the Redwood Shores
11 · facility for Oracle?
12 · . . . A · Yes.

40:13-23

13 · . . . Q · Did you assign the responsibility for
14 · Oracle to a particular compliance officer?
15 · . . . A · Yes.
16 · . . . Q · To which one?
17 · . . . A · I believe I assigned it to Hoan Vaca --
18 · Hoan -- what is his last name? Luong?
19 · However, I -- I'm just trying to remember,
20 · because the case did not -- it was handled by a
21 · different compliance officer before Hoan, I
22 · believe, and I believe Brian Mikel was the -- the
23 · manager involved in it.

44:11-45:16

11 · . . . Q · Ms. Atkins, we're going to be doing this a
12 · bunch, as you can see from my notebook. So I put
13 · before you what we've marked as Exhibit 1. It is a
14 · document that bears Oracle Bates Number 417302.
15 · And when I say "Bates number," it's the automated
16 · printed numbers at the bottom right side, and we'll
17 · be seeing those both from Oracle and from the
18 · Department of Labor throughout this deposition.
19 · Have you ever seen this document before?
20 · . . . A · Yes, I am sure I have.
21 · . . . Q · Is that your signature on the second page?
22 · . . . A · Yes.
23 · . . . Q · So what is this document?
24 · . . . A · This is the scheduling letter. Yes. It's
25 · notifying the contractor that they've been selected

45

1 · for review.
2 · . . . Q · Is this a fair way to say, this is the
3 · first document that starts this process? This is
4 · the commencement document?
5 · . . . A · Yes.
6 · . . . Q · Has some determination been made prior to
7 · sending out Exhibit 1 as to what areas OFCCP was
8 · interested in?

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9 · · · · A · No.
10 · · · · Q · You just -- you just wanted -- you just
11 · wanted to see the affirmative action plans in
12 · general?
13 · · · · A · Yes.
14 · · · · Q · Okay. So at this point there had been no
15 · --- no analysis had been done?
16 · · · · A · No.

47:9-20

9 · · · · Q · Ms. Atkins, I've placed before you what's
10 · been marked as Exhibit 2. It's an email from you
11 · to Shauna Holman-Harries at Oracle dated
12 · October 28th, 2014; bears Oracle Bates Number 596.
13 · · · · · Please take a look at it and let me know
14 · when you're ready to proceed.
15 · · · · A · (Examining document.) Okay.
16 · · · · Q · This is an email from you to Ms. Holman
17 · Harries. Correct?
18 · · · · A · Right.
19 · · · · Q · Responding to an email she sent to you?
20 · · · · A · Uh-huh, yes.

48:9-15

9 · · · Q · Okay · So this email reflects the fact
10 · that Oracle has now submitted, at the government's
11 · request, its affirmative action plans, and then
12 · you've advised Ms. Holman-Harries at Oracle that
13 · Mr. Luong was going to be the person in charge, or
14 · at least handling this facility?
15 · · · · A · Yes.

48:19-51:6

19 · · · · Q · Now that this process is underway, it's my
20 · understanding that federal contractors such as
21 · Oracle have an obligation to respond to –
22 · cooperate and respond to the government's request
23 · for information such as the one you made in
24 · Exhibit 1 · Correct?
25 · · · · A · Right.

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1 · · · · Q · And what is the government's -- from your
2 · position as a District Director, what is the

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3· government's obligation in terms of, you know,
4· interacting with the contractor as the process
5· moves forward?
6· . . . A· The obligation of how to interact with the
7· contractor?
8· . . . Q· Yeah· Well, let me ask it a different
9· way.
10· Once this process begins and you start
11· this audit, did you view the process as
12· collaborative or adversarial?
13· . . . A· Collaborative.
14· . . . Q· So meaning you're asking for information
15· from the federal contractor, and they provide it.
16· How about when they ask you for
17· information during the course of an audit? How did
18· you for yourself and for your compliance officers
19· view your obligation, if any, to respond to the
20· contractor?
21· . . . A· Yes. I mean, we should answer questions,
22· explain, and -- yeah, answer any questions that are
23· asked.
24· . . . Q· To the extent that -- let's say as you get
25· the affirmative action plan and you identify

50

1· certain indicators that require more information,
2· is it fair to say that your goal at that point is
3· to try to, you know, first understand if there is a
4· problem, and, if there is an issue, to resolve it
5· between you and the contractor? Meaning to –
6· without it getting to litigation, say?
7· . . . A· Without it getting to –
8· . . . Q· Sure.
9· . . . A· I mean, our aim is not litigation in
10· compliance evaluation.
11· . . . Q· So it would be important -- in order to –
12· ultimately, like I said, if you find that there is
13· some issue that a contractor has, that you would
14· like them to resolve it short of litigation?
15· . . . A· Yes.
16· . . . Q· And to do that, it would be helpful to
17· provide the contractor with as much information as
18· is helpful to them to identify the source of the
19· issue so that they can then rectify it. Correct?

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20· . . . A· Well, we want them to rectify, of course.
21· · We have to follow -- you know, first of all, we
22· · have to get the information and conduct the
23· · evaluation to make sure that there is a violation.
24· So until we're -- you know, we have all the
25· · information to ensure that, we wouldn't ask the

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1· · contractor to rectify anything. · So –
2· . . . Q· I understand.
3· . . . A· Yeah.
4· . . . Q· But if there's nothing to rectify, there's
5· · nothing to rectify.
6· . . . A· Right.

51:17-21

17· . . . Along the way, even prior to a notice of
18· violation, would it be helpful to the contractor to
19· understand what the indicators are that are causing
20· the OFCCP to request additional information? Would
21· that be useful to a contractor?

51:22-24

22· MR. SHULTZ:· Objection.· Speculation.
23· · BY MR. SHWARTS:
24· . . . Q· You may answer.

51:25-52:12

25· . . . A· I mean, I could answer in a general way.

52

1· . . . Q· Sure.
2· . . . A· Of course a contractor -- the more
3· · information that they understand would be useful.
4· . . . Q· And I gather the more information they
5· · have, that could again help the collaborative
6· · process, meaning if they understand what the OFCCP
7· · is looking for, they can help provide you with
8· · additional information to help you determine
9· · whether a violation exists.
10· . . . A· Yes. They should be able to, if they
11· · understand what we're asking for, yes, provide
12· · additional information.

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59:19-62:2

19 · . . . Q. I've placed before you what's been marked
20 · as Exhibit 5. It's an email from Brian Mikel to
21 · Shauna Holman-Harries, copied to you, dated
22 · March 3rd, 2015, bearing Oracle Bates Number 401
23 · through 404.
24 · Please take a look at it and let me know
25 · when you're ready to proceed.

60

1 · . . . A. (Examining document.) Okay.
2 · . . . Q. If you look with me on the second page –
3 · sorry, the third page, in the middle of the page
4 · Ms. Holman-Harries writes to Mr. Mikel, copying
5 · you, and indicates and asks that, you know, "we
6 · need more information from you on who you might be
7 · interested in interviewing and what kind of
8 · documents."
9 · His response, which starts at the bottom
10 · of page 402, he says, "The issues that warrant
11 · further investigation include areas of hiring,
12 · promotion, termination and compensation."
13 · At that time, did OFCCP have more specific
14 · information that would itemize its concerns, or at
15 · this time was it concerned -- its level of concern
16 · only that general?
17 · . . . A. I don't know. I mean -- yeah. I don't
18 · know the -- I don't -- I don't remember. And I
19 · don't think I even knew the details of what -- you
20 · know, what -- what particularly would -- you know,
21 · was of issue with promotion, termination, and
22 · compensation.
23 · . . . Q. At this -- I mean, as of this date, you
24 · didn't know?
25 · . . . A. No.

61

1 · . . . Q. Moving up to the next email above that, on
2 · the next day, again copied to you,
3 · Ms. Holman-Harries says:
4 · "While we understand the general areas
5 · . . . you may want to cover, it would really be
6 · . . . helpful to know ASAP what you are looking

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7. . . . at."
8. And then moving forward, she says:
9. "Below you mention that the on-site will
10. . . . include areas of hiring, promotion,
11. . . . termination and compensation. However, we
12. . . . have not been informed of any OFCCP concerns
13. . . . in this area. In order to identify the right
14. . . . people and confirm interview availability, we
15. . . . request that you provide specifics on any
16. . . . identified concerns in these areas and
17. . . . identify topics you will want to cover."
18. Would you deem that to be an inappropriate
19. request --
20. . . . A. No.
21. . . . Q. -- of a contractor?
22. Would this be the kind of -- I mean, in
23. this collaborative process we've discussed, the
24. kind of request that OFCCP should respond to
25. substantively?

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1. . . . A. Yes. The agency should respond, answer
2. the question.

62:3-63:5
3. . . . Q. Going to the top email, Mr. Mikel lists a
4. variety of individuals.
5. Do you know who it would have been that
6. would have compiled this list?
7. . . . A. I -- the compliance officer, and probably
8. reviewing it with the manager before it's issued.
9. . . . Q. You'll agree with me that Mr. Mikel's
10. response --
11. . . . A. Oh, Mikel.
12. . . . Q. I'm sorry. Mr. Mikel's response to
13. Ms. Holman-Harries does not address the questions
14. that she posed to him on February 27th with respect
15. to issues of concern?
16. . . . A. Do I agree that they don't respond?
17. . . . Q. Yeah. I mean, does Mr. Mikel's
18. response --
19. . . . A. Yes.
20. . . . Q. -- provide any information that identifies
21. OFCCP's concerns so Oracle can help identify the

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22· appropriate people and information to provide?
23· . . . A· Well, it looks like Mr. Mikel provided the
24· names of the individuals and their job -- I mean,
25· where they are -- I don't know if these are job

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1· titles, but they're what they do.
2· It looks like he also identified the
3· departments that are of concern. So it looks like
4· he provided additional information, more specific
5· information.

63:9-64:5

9· . . . Q· Ms. Atkins, I've placed before you what
10· we've marked as Exhibit 6. It's an email from
11· Brian Mikel to Shauna Holman-Harries copied to you
12· on the same day, March 5, regarding the Oracle
13· on-site. It bears Bates numbers Oracle 395 through
14· 400.
15· Please take a look at it -- there's an
16· attachment to the email -- and let me know when
17· you're ready to proceed.
18· . . . A· (Examining document.)
19· (Ms. Grundy entered the deposition
20· room.)
21· **BY MR. SHWARTS:**
22· . . . Q· Are you ready?
23· . . . A· Yes.
24· . . . Q· Okay· Exhibit 6 is -- has just one new
25· email, which is the top email, again from

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1· Mr. Mikel, but this time he notes an attachment
2· which he refers to as the on-site letter, which is
3· pages 399 and 400.
4· Can you turn to that, please?
5· . . . A· Okay.

64:17-67:16

17· . . . Q· Okay· He repeats again the five things
18· that appeared in one of the earlier communications
19· to Ms. Holman-Harries, but then he lists four areas
20· of concern that he's asking Oracle to provide
21· information on. Is that correct?

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22. . . . A. The additional information?
23. . . . Q. Correct.
24. . . . A. Yes.
25. . . . Q. All right. So again he lists, you know,

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1. issues with respect to maternity leave, veterans,
2. employees for religious -- who have taken religious
3. observances and disability, and individuals who
4. have made complaints of discrimination, harassment,
5. retaliation.
6. These are the four areas that at least
7. he's identified to Oracle as areas for which they
8. need additional information for this audit.
9. Correct?
10. . . . A. Correct.
11. . . . Q. At that time, was -- were those the only
12. areas of concern at the time that --
13. . . . A. No. They couldn't have been the only
14. areas.
15. . . Q. So again, Ms. Holman-Harries had asked in
16. the prior communications for Mr. Mikel to identify
17. areas of concern, so clearly this is incomplete.
18. Correct?
19. . . . A. I think this is -- no. I believe this is
20. in -- I believe the previous exhibit was his
21. response to that question, and this is additional
22. information while on site, areas to look at.
23. . . . Q. All right. So the previous exhibit, and
24. including -- it's also in this exhibit -- it was a
25. list of individuals they wanted to identify, but it

66

1. did not, as we noted, identify any areas of
2. substantive concern other than identifying
3. individuals. This document identifies substantive
4. areas for which additional information is required.
5. Again, so if there were -- between these
6. two communications, Exhibit 5 and Exhibit 6,
7. preaudit OFCCP has not advised Oracle of any other
8. areas of concern even if they had them. Is that
9. fair?
10. . . . A. I can't -- I can't say -- I can't say
11. that.

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12· · · · Q· Well, certainly between these two exhibits
13· ·Oracle doesn't know what OFCCP's areas of concern
14· ·are at this point. Is that fair?
15· · · · A· I can't speak for Oracle, what they
16· ·believed.
17· · · · Q· So the communications that have been given
18· ·to Oracle don't contain -- aside from the four
19· ·topics in Exhibit 6, don't contain any listing of
20· ·the substantive concerns that OFCCP had as it's
21· ·approaching the audit on site?
22· · · · A· I believe Mr. Mikel did respond to
23· ·specifics in the previous email with the names of
24· ·people, where they're located, and specific
25· ·departments of what he will be looking at further

67

1· ·while on site.
2· · · · · I mean, this list of four is --
3· · · · Q· Well --
4· · · · A· -- also a listing that they're asking
5· ·for --
6· · · · Q· I mean, they list a bunch of people, but
7· ·it doesn't identify whether OFCCP is concerned with
8· ·compensation, are they concerned with hiring, are
9· ·they concerned with firing, are they concerned
10· ·with, you know, reasonable accommodation?
11· · · · · You can't tell from his email why they
12· ·have any interest in talking to these specific
13· ·groups of people beyond the executives.
14· · · · A· I thought -- I don't know. I mean, didn't
15· ·he mention hiring, promotion, termination,
16· ·compensation?

67:17-22

17· · · · Q· Well, that covers just about the entire
18· ·OFCCP mandate now.
19· · · · A· For these groups and departments?
20· · · · Q· We've been going for a while. Would you
21· ·like to take break?
22· · · · A· Sure.

68:10-72:10

10· · · Q· Ms. Atkins, we've placed before you what's

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11· been marked as Exhibit 7. It's an email chain that
12· ends with an email from you to Shauna
13· Holman-Harries on March 13th, 2015. It bears
14· Oracle Bates Number 652-653. And I'm going to look
15· at the whole chain, so why don't you take a look at
16· it and let me know when you're ready to proceed.
17· . . . A. (Examining document.) Okay.
18· . . . Q. Exhibit 7 is an email chain. It starts on
19· the second page with an email from
20· Ms. Holman-Harries to Mr. Mikel. You're not copied
21· on this, but there's a reference there to a
22· telephone call.
23· I was wondering if you were a participant
24· in a call with, among others, Mr. Mikel and
25· Ms. Holman-Harries that she's referring to here.

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1· . . . A. I don't believe so.
2· . . . Q. Okay. Her question to Mr. Mikel, which he
3· responds to later, copy to you, says, "As a
4· follow-up to our telephone call, I wanted to ask
5· you what, if any, indicators have you found in your
6· initial analysis?"
7· Is that a reasonable question from a
8· contractor to pose in advance of an on-site?
9· . . . A. Sure.
10· . . . Q. Okay. So it's the kind of question that
11· you would expect OFCCP to respond to in advance of
12· an audit if a -- if a contractor asked for what the
13· initial indicators are?
14· . . . A. The -- yeah, the agency should answer
15· questions.
16· . . . Q. Okay. Mr. Mikel's response, after further
17· prompting from Ms. Holman-Harries, is -- this time
18· copied to you -- is at the top of the second page
19· in that first paragraph.
20· He makes reference to job titles that are
21· within the PT1, PT2, and PT3 job groups.
22· Are those AAP terms?
23· . . . A. AAP terms --
24· . . . Q. Affirmative action plan terms?
25· . . . A. I --

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1 · · · · Q · Well, let me ask it a different way.
2 · · · · · Do you know what those terms refer to,
3 · PT1, PT2, and PT3?
4 · · · · A · I don't know what PT1 stands for, or 2 or
5 · 3, what it stands for · I don't know · I don't
6 · remember.
7 · · · · Q · So is this something that's
8 · Oracle-specific?
9 · · · · A · I believe so.
10 · · · · Q · All right · Turning to the first page,
11 Ms. Holman-Harries responds to Mr. Mikel and, among
12 other things, indicates that it doesn't provide
13 sufficient enough detail for Oracle to know what to
14 look for.
15 · · · · · She makes reference to "AAP Job Groups."
16 · Did you understand what that meant when she
17 referred to "AAP Job Groups"?
18 · · · · A · Yes, job groups.
19 · · · · Q · And what does that refer to?
20 · · · · A · It's groupings of job titles, number of
21 employees. I -- I mean, it's manager -- this --
22 whether they're managers and -- executives and
23 other -- other --
24 · · · · Q · Again, looking at the bottom of her email,
25 she says, "We understand that OFCCP might choose to

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1 · aggregate by Job Group."
2 · · · · · Do you know what she's referring to when
3 · she says that you may choose to aggregate by job
4 · group?
5 · · · · A · I don't.
6 · · · · Q · She says, "I don't see how that can result
7 · in any meaningful analysis or identify any relevant
8 · indicators in any of the job in PT1, 2, or 3."
9 · · · · · Again, does that help you have an
10 understanding of what PT1, 2, or 3 mean?
11 · · · · A · I don't know · I don't remember.
12 · · · · Q · Why did you respond to this rather than
13 Mr. Mikel?
14 · · · · A · I believe he says that he was going away
15 or out of the office until -- he's out until next
16 Wednesday.

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17 · · · · Q · Okay · Your response to the request from
18 · Ms. Holman-Harries on behalf of the contractor was
19 · that, "Your concerns regarding our aggregation
20 · techniques during the initial analysis have been
21 · noted."
22 · · · · · What did you mean by that?
23 · · · · A · Received -- and I believe I meant it's
24 · been received and –
25 · · · · Q · But you weren't going to do anything about

72

1 · it · You weren't going to respond to it.
2 · · · · A · I don't remember if I'm -- I think I
3 · responded because Brian was out for a couple of
4 · days, and so it could have well been that I was
5 · just, you know –
6 · · · · Q · Kicking the can down the road while Brian
7 · was gone?
8 · · · · A · Well, responding right away so that when
9 · he comes back he could look at it further. That's
10 · probably what happened.

72:24-73:10

24 · · · · Q · Ms. Atkins, I've placed before you what's
25 · been marked as Exhibit 8. This is an email – the

73

1 · last email -- an email chain which ends in an email
2 · from Shauna Holman-Harries to you dated March 13th,
3 · 2015. It bears Department of Labor Document
4 · Number 1299 through 1301.
5 · · · · · Now, this is her response to the email
6 · that concluded Exhibit 7 · So the only new
7 · information here is the top email. So please take
8 · a look at it and let me know when you're ready to
9 · proceed.
10 · · · · A · (Examining document.) · Okay.

74:4-22

4 · · · · Q · She adds at the bottom paragraph:
5 · · · · · "I will add, however, that I feel that
6 · · · · OFCCP, for some reason, is unwilling in this
7 · · · · instance to be forthcoming and provide us
8 · · · · with sufficient information to enable us to

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9 · · · · work with OFCCP and to have some reasonable
10 · · · · and basic understanding of what OFCCP is
11 · · · · looking at or for. I must confess that given
12 · · · · my work and experience with OFCCP's practices
13 · · · · in every other region I feel that here OFCCP
14 · · · · is for some unexplained reasons avoiding a
15 · · · · transparent and cooperative approach to its
16 · · · · identifying, and enabling us to address, any
17 · · · · perceived concerns."
18 · · · · · All right. Again, a contractor here is
19 · · · · basically accusing you and your district of not
20 · · · · being transparent in advance of an on-site. Is
21 · · · · that fair?
22 · · · · A. Yes. That's what she's saying.

75:7-77:22

7 · · · · Q. Did you -- did you agree with her? Sorry.
8 · · · · · Did you disagree? Did you feel that you
9 · · · · had been forthcoming with the information based on
10 · · · · the two emails that -- or the one email that
11 · · · · Mr. Mikel had sent with the general overview of
12 · · · · what was the concerns? Did you feel that her
13 · · · · response to that in accusing OFCCP of being
14 · · · · nontransparent was fair?
15 · · · · A. I don't really have an opinion of how --
16 · · · · you know, whether her reaction or response is fair
17 · · · · or not. It's -- I would like to try and, you know,
18 · · · · understand what she's saying and to respond to it.
19 · · · · · I don't have any knowledge of how other
20 · · · · regions have responded in the past, so -- or in
21 · · · · other Oracle reviews. So --
22 · · · · Q. Did it concern you that a contractor who
23 · · · · was working with you was basically accusing your
24 · · · · region of not being transparent versus all of the
25 · · · · other regions that they had been working with?

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1 · · · · A. Did it concern me. I just didn't have a
2 · · · · reference to know really what -- I -- I mean, I --
3 · · · · I don't -- I don't know if I was actually concerned
4 · · · · or not. I --
5 · · · · Q. How about, did you go to Mr. Mikel and
6 · · · · say -- did you -- you know, "We should give them
7 · · · · more information in advance of the audit"?

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8 · · · · A · No · I did not tell him how to lead the
9 · investigation.

10 · · · · Q · Did you inquire at all as to whether or
11 · not more information should be provided to the
12 · contractor prior to the audit given their specific
13 · feelings about it?

14 · · · · · It seems that this is putting you and –
15 · "you" meaning the OFCCP and its contractor on
16 · almost an adversarial footing in advance of an
17 · on-site.

18 · · · · A · She does sound upset, and so –

19 · · · · Q · Were you under any directive, you or
20 · Mr. Mikel, not to provide additional information to
21 · them in advance of the on-site?

22 · · · · A · I don't remember being told not to provide
23 · information.

24 · · · · Q · Clearly you had more specific information
25 · in your possession in advance of the on-site

77

1 · besides what Mr. Mikel had told them · Correct?

2 · · · · A · I don't think I even knew what the minute
3 · details of the investigation -- I don't -- I don't
4 · remember even knowing the results of any prior
5 · on-site evaluations. From –

6 · · · · Q · Well, those were -- that was the result of
7 · a desk audit at this point · Correct?

8 · · · · A · Right.

9 · · · · Q · Which would have had certain indicators
10 · that concerned OFCCP enough to decide to go on site
11 · and do an audit · Correct?

12 · · · · A · Yes.

13 · · · · Q · All right · And I presume that it was more
14 · detailed than the information that is in the first
15 · paragraph of Mr. Mikel's March 12th email.

16 · · · · A · Yes. They would have known what the
17 · results of internal analysis are.

18 · · · · Q · And what areas of concern OFCCP had.

19 · · · · A · Yes.

20 · · · · Q · All right. So certainly that information
21 · had not been provided to Oracle beyond what was in
22 · Mr. Mikel's prior email. Correct?

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77:23

23 · · · · · MR. SHULTZ:· Objection.· Speculation.

77:24-25

24 · · · · · THE WITNESS:· I -- I mean, yeah, other
25 · than what I see here in this exhibit, I don't know.

85:20-86:19

20 · · · · Q:· Ms. Atkins, I've placed before you what's
21 · been marked as Exhibit 10.· It is the same email as
22 · Exhibit 9, except it has one more email on top,
23 · which is an email from Shauna Holman-Harries to you
24 · dated March 17th, 2015.· Bears Department of Labor
25 · Bates Number 1292 to 1294.

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1 · · · · · Let me know when you've had a chance to
2 · read it, and we'll proceed.
3 · · · · A:· (Examining document.)· Okay.
4 · · · · Q:· This is an email you received from
5 · Ms. Holman-Harries?
6 · · · · A:· Yes.
7 · · · · Q:· Do you recall ever responding to
8 · Ms. Holman-Harries, her request in the second
9 · paragraph?
10 · · · · A:· To this email?
11 · · · · Q:· Yeah. She sent you an email.· Do you
12 · recall responding to her orally or in writing as to
13 · her two requests?
14 · · · · A:· I don't recall.
15 · · · · Q:· Was a communication ever sent out to the
16 · employees in advance of the on-site?
17 · · · · A:· I don't remember.
18 · · · · Q:· Do you recall whether OFCCP sent it?
19 · · · · A:· I don't remember.

102:8-19

8 · · · · Q:· Was there any discussion in that entrance
9 · conference about the indicators that were of
10 · concern to OFCCP?
11 · · · · A:· There would have been, I believe -- I
12 · can't remember, but I -- I would assume that there
13 · would have been notification of why we're there.

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14 · · · · Q. I'm not asking you to assume. I'm asking
15 · for your memory about whether or not there was any
16 · discussion at this entrance conference of the
17 · indicators.
18 · · · · A. I don't remember specifically about
19 · indicators.

150:24-151:21

24 · · · · Q. Ms. Atkins, I've placed before you what's
25 · been marked as Exhibit 27. It is a letter from my

151

1 · partner Gary Siniscalco to you on July 9th, 2015,
2 · responding to your email that we've marked earlier
3 · as Exhibit 25.
4 · · · · · My first question to you is, when you
5 · received this letter, did you deal with it
6 · personally, or did you pass it on to others to be
7 · dealt with?
8 · · · · A. I would have discussed it with my
9 · supervisors, yes.
10 · · · · Q. So when you -- if I could use the passive
11 · tense, did you discuss this with your supervisors?
12 · · · · A. Yes. I'm pretty sure I did.
13 · · · · Q. Do you -- as you sit here today, do you
14 · recall this letter?
15 · · · · A. Let me see. Yes, I remember getting it.
16 · · · · Q. Did -- did you ever respond to it?
17 · · · · A. I don't remember responding, but --
18 · · · · Q. Because I don't have a written response
19 · that you ever sent. I'm asking if you recall there
20 · ever being one.
21 · · · · A. I don't remember.

157:1-158:3

1 · · · · Q. Turn with me to page 5 of the letter.
2 · Mr. Siniscalco writes:
3 · · · · · "Despite several requests from Oracle
4 · · · · before the on-site visit for specifics
5 · · · · regarding OFCCP's summary assertion that
6 · · · · there were 'indicators' of possible bias in
7 · · · · hiring and compensation, OFCCP refused to
8 · · · · respond and continues to this date."
9 · · · · · It's true, is it not, that as of July of

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10· ·2015 OFCCP had not provided any specifics
11· ·underlying its general assertion that there might
12· ·be indicators with respect to hiring and
13· ·compensation?
14· ·· · A· I can't -- I mean, I can't remember what
15· ·exactly was provided or all the information that
16· ·was provided.

17· ·· · Q· Well, you certainly had not provided
18· ·anything -- we've seen one paragraph that was sent
19· ·by Mr. Mikel two weeks before the on-site making
20· ·reference to compensation and hiring and PT -- you
21· ·know, P1, P2, and P3.
22· ·· · · · · · Aside from that one paragraph, are you
23· ·aware of any other specific information that was
24· ·provided to Oracle prior to July of 2015 that
25· ·provided some specifics as to the indicators that

158

1· ·raised concerns around hiring and compensation?
2· ·· · A· I don't remember, other than what I saw in
3· ·that last exhibit.

169:20-170:13

20· ·· · Q· During your time working as the Special
21· ·Assistant, would you have been involved assisting
22· ·in what ultimately became Exhibit 29?
23· ·· · A· I can't remember -- at this time in the
24· ·process, I can't remember how much involvement I
25· ·had with this case, and -- I mean, I -- I guess --

170

1· ·let me just try and -- I was sort of pulled in and
2· ·out when I became the Special Assistant.
3· ·· · Q· So when you say "pulled in and out,"
4· ·pulled in and out by whom?
5· ·· · A· Working -- oh, by Janette.
6· ·· · Q· Okay· So she'd ask you for help here and
7· ·there on --
8· ·· · A· Yes· That's how I remember it.
9· ·· · Q· Did you work with or have any interaction
10· ·with Mr. Doles with respect to the -- I see here
11· ·that he signed this letter as District Director.
12· ·· · A· So I must have been the Special Assistant
13· ·during this time period.

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173:8-18

8 · · · · · I just want to have an understanding in
9 · terms of your role as of winter-spring of -- you
10 · know, early 2016, and the role you would have had,
11 · if any, in the creation of Exhibit 29.
12 · · · · A · I did not help draft Exhibit 29 or -- I
13 · don't recall having a role · I mean --
14 · · · · Q · Were you -- was part of your job in any
15 · respect making recommendations as to whether or not
16 · from a substantive standpoint Exhibit 29 should
17 · issue?
18 · · · · A · No · I did not have a role in that.

175:3-7

3 · · · · Q · Do you remember yourself making any
4 · recommendations, pro or con, with respect to a
5 · prospective Notice of Violation before you stepped
6 · out of your role?
7 · · · · A · No.

175:8-176:5

8 · · · · Q · Do you have any understanding as to what
9 · role the statistical analysis played in the
10 · issuance of Exhibit 29?
11 · · · · A · It would have played a strong role in the
12 · compensation, and I remember the compensation, it
13 · playing a strong role in that. I don't remember
14 · details about the other.
15 · · · · Q · Well, if you look at Exhibit 29,
16 · Violation 2, Violation 3, Violation 4, Violation 5,
17 · all refer to Attachment A, which is the -- what is
18 · called a -- what's referred to as a progression
19 · analysis.
20 · · · · A · Okay.
21 · · · · Q · So at least with respect to those?
22 · · · · A · Yes · There would have been statistical
23 · analysis.
24 · · · · Q · Meaning but for that statistical analysis,
25 · the NOV would not have issued?

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1 · · · · A. But for –
2 · · · · Q. For those violations. Those violations
3 · are based on -- to your understanding were based on
4 · a statistical analysis.
5 · · · · A. Right.

177:11-178:17

11 · · · · Q. All right. So at the end of the day,
12 · despite all the on-site interviews and other
13 · information that was conducted, Violations 1
14 · through 5 in the NOV were based on statistics,
15 · based on an analysis of statistics based on
16 · information that was provided electronically by
17 · Oracle. Correct?
18 · · · · A. It was based on the whole of the evidence.
19 · So including interviews, any policies submitted –
20 · · · · Q. But for the standard deviations that
21 · appeared and are contained in Exhibit 29, it's fair
22 · to say that no NOV would have issued but for the
23 · statistical analysis. Is that fair?
24 · · · · A. I can't say that, because I wasn't -- I
25 · don't remember this -- this part of it, so I don't

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1 · remember if I could -- I don't think I could say
2 · that.
3 · · · · Q. That is certainly what is called out,
4 · though, in Exhibit 29. Violation 1 refers to
5 · hiring data, and the remaining violations refers to
6 · the Attachment A.
7 · · · · · The balance of the violations, 6 onward,
8 · are more in the terms of practice violations in
9 · terms of record retention and --
10 · · · · A. It says, "Through regression and other
11 · analysis."
12 · · · · Q. So that leads you to believe that -- that
13 · besides the actual statistical analysis, there may
14 · have been some other analysis that would bear upon
15 · the reason why Exhibit 29 was entered, was issued?
16 · · · · A. Yes, it looks like it's statistical
17 · analysis and other analysis.

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178:24-183:18

24 · · · · Q · Ms. Atkins, I've placed before you what
25 · · we've marked as Exhibit 30 · It's a letter from

179

1 · · Robert Doles to Shauna Holman-Harries, copy to you,
2 · · on March 29, 2016.

3 · · · · A · Okay.

4 · · · · Q · Did you see a copy of this before it was
5 · · sent out, or did you just receive a copy of it
6 · · after it was prepared and sent out?

7 · · · · A · I don't remember receiving it before.

8 · · · · Q · Mr. Doles says to Ms. Holman-Harries:

9 · · · · · "During the entrance conference held on
10 · · · · March 24, 2015, OFCCP discussed with you and
11 · · · · other Oracle representatives the preliminary
12 · · · · indicators and areas of concern at issue in
13 · · · · the compliance evaluation, including Oracle's
14 · · · · compensation and hiring practices."

15 · · · · · Other than simply saying that there was
16 · · concerns about their compensation and hiring
17 · · practices, what other information was provided at
18 · · the preliminary -- at the entrance exam – entrance
19 · · conference?

20 · · · · A · I don't remember the details.

21 · · · · Q · Do you have any recollection of any
22 · · substantive information being provided at the
23 · · entrance conference other than a statement of
24 · · general concern?

25 · · · · A · No, I don't remember. I don't remember

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1 · · what was said at the entrance conference.

2 · · · · Q · He then goes on to say:

3 · · · · · "At the exit conference held on March 27,
4 · · · · 2015, OFCCP informed you and Neil Bourque
5 · · · · that the Agency would conduct further
6 · · · · analysis and any Agency findings would be
7 · · · · issued in a formal notice."

8 · · · · · Do you recall that ever happening, or is
9 · · this just something he's just making up?

10 · · · · A · It might have been said when I wasn't
11 · · present. It might have been -- it might have been

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12· Brian Mikel and somebody else.
13· . . . Q· That wouldn't have been an exit
14· conference. That would have been like, "We'll get
15· back to you."
16· . . . A· I don't know.
17· . . . Q· Do you know if any substantive information
18· was provided to Oracle on March 27th at the
19· conclusion of the March on-site?
20· . . . A· I don't know. I wasn't present.
21· . . . Q· And he goes on to say:
22· "Upon conclusion of the follow-up on-site
23· . . . review on June 25, 2015, OFCCP informed you
24· . . . and Oracle representatives Neil Bourque,
25· . . . Charles Nyakundi, and outside counsel Gary

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1· . . . Siniscalco that the Agency would review the
2· . . . information collected and conduct further
3· . . . analysis to determine its findings."
4· In fact, you specifically, as we saw
5· earlier, told them that no exit review – exit
6· conference would be conducted because you weren't
7· finished with your analysis. Correct?
8· . . . A· Wait. Upon conclusion -- is he saying
9· that on –
10· . . . Q· At the end of the June on-site.
11· . . . A· On June 25?
12· . . . Q· He's saying, "OFCCP informed Oracle that
13· the Agency would review the information collected
14· and conduct further analysis to determine its
15· findings."
16· . . . A· I don't know. I wasn't there.
17· . . . Q· Well, we did recall the letter that
18· Ms. Wipper wrote for you in which you concluded
19· saying there was not going to be an exit conference
20· because you weren't done with your findings yet.
21· Do you recall that?
22· . . . A· Yes. There was that letter, and it said
23· that.
24· . . . Q· Any other substantive information that was
25· provided to Oracle regarding the agency's findings

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1 · at the end of the June on-site?
2 · . . . A. · Not that I know of.
3 · . . . Q. · Are you aware of any other substantive
4 · findings that were provided to Oracle prior to the
5 · time that you stopped being the District Director?
6 · . . . A. · No, I don't recall.
7 · . . . Q. · Are you aware of any other substantive
8 · findings that were provided to Oracle at any time
9 · prior to the issuance of the NOV in March of 2016?
10 · . . . A. · When you say "substantive findings," do
11 · you mean actual conclusions or --
12 · . . . Q. · Yeah, actual conclusions with support and
13 · supporting information.
14 · . . . A. · I don't recall.
15 · . . . Q. · Do you recall at any time -- other than,
16 · again, the general concerns expressed by Mr. Mikel
17 · prior to the March on-site, at any time prior to
18 · you stopped -- cease being District Director, did
19 · OFCCP outline its specific concerns about
20 · employment practices at Oracle?
21 · . . . A. · I don't remember other than what may
22 · already be in the communications that are written.
23 · . . . Q. · Do you recall as District Director
24 · providing Oracle with any other specific
25 · information regarding its employment practices

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1 · during the course of the audit until the time you
2 · stopped being District Director?
3 · . . . A. · I don't recall. I don't remember.
4 · . . . Q. · Does that mean it didn't happen, or --
5 · because you can't remember it, or you think it may
6 · have happened but --
7 · . . . A. · I don't remember it. I mean, if it's
8 · written somewhere, then it's probably --
9 · . . . Q. · Well, I'll represent to you that it's not
10 · based on any document production that -- I've given
11 · you what there is on this topic.
12 · Do you have any -- as you sit here, think,
13 · God, I remember writing something or sending
14 · something to Oracle that said, this is what we're
15 · concerned about, here are the specific indicators
16 · that we're concerned about?

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17 · · · · A · Nothing other than what's already been
18 · looked at.

186:23-190:24

23 · · · · Q · I've placed before you what's been marked
24 · as Exhibit 33 · It is a letter from you to Gary
25 · Siniscalco dated September 9, 2016.

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1 · · · · · Take a look at it and let me know when
2 · you're ready to proceed.
3 · · · · A · (Examining document.)
4 · · · · Q · Are you ready to proceed?
5 · · · · A · Yes.
6 · · · · Q · Did you write this or did someone write it
7 · for you?
8 · · · · A · I can't remember if I wrote this, but I
9 · would have reviewed it.
10 · · · · Q · Given how other similar letters had been
11 · prepared previously, would it stand to reason that
12 · Ms. Wipper wrote this one too?
13 · · · · A · She would have been involved in it. I
14 · don't know how to -- I can't remember in this one
15 · how -- but yes, she would have had -- she would
16 · have reviewed it.
17 · · · · Q · You notice in the prior couple of exhibits
18 · that we have provided, including two that you've
19 · written, that the government is asking Oracle to
20 · rebut and to put in information to rebut the Notice
21 · of Violation. Correct?
22 · · · · A · I -- yes, I believe that term was used.
23 · · · · Q · Is that your term, or was that someone
24 · else's term?
25 · · · · A · I think it was someone else's term.

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1 · · · · Q · Is it your understanding -- is your
2 · understanding, Ms. Atkins, that when a Notice of
3 · Violation issues, the accused contractor has to
4 · rebut the government's -- has an obligation to
5 · rebut the Notice of Violation? Has that been your
6 · experience?
7 · · · · A · There's no requirement to rebut.

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8 · · · · Q. Now, when a Notice of Violation issues, in
9 · · · · essence the government is saying that they're –
10 · · · · they have found that there are violations that the
11 · · · · company needs to correct. Is that fair?

12 · · · · A. Yes.

13 · · · · Q. And the best possible outcome of that
14 · · · · would be for the company to correct those
15 · · · · violations based on an NOV. Correct?

16 · · · · A. Right.

17 · · · · Q. And in order to do that, it would be
18 · · · · helpful to the company to have an understanding of
19 · · · · the basis for the violations in order to correct
20 · · · · those violations. Correct?

21 · · · · A. Yes, that's reasonable.

22 · · · · Q. Okay. So to the extent that, for example,
23 · · · · the government is alleging that they found some
24 · · · · statistical disparities in compensation, it might
25 · · · · be helpful to the contractor to understand the

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1 · · · · basis for those statistical disparities so they can
2 · · · · understand them and either argue against them or
3 · · · · take steps to correct them. Fair?

4 · · · · A. Yes.

5 · · · · Q. Okay. Now, was there ultimately a
6 · · · · conciliation meeting scheduled between Oracle and
7 · · · · the OFCCP?

8 · · · · A. I remember a conciliation meeting.

9 · · · · Q. All right. Now, I'm going to talk more
10 · · · · generally for purposes of our deposition.

11 · · · · · · In the OFCCP world, what is a conciliation
12 · · · · meeting?

13 · · · · A. It could be an in-person meeting. It
14 · · · · could be by telephone. It's a discussion of the
15 · · · · violations that have been found and steps to remedy
16 · · · · it and come to agreement on how to do so so that
17 · · · · the case could be resolved.

18 · · · · Q. The purpose of it is to seek to bring –
19 · · · · seek to resolve the Notice of Violation. Fair?

20 · · · · A. Right.

21 · · · · Q. Correct?

22 · · · · A. Correct.

23 · · · · Q. Okay. So in this case there was a
24 · · · · conciliation meeting that was held. This was in

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25 · October of 2015 -- 2016, approximately?

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- 1 · · · · A · Probably.
2 · · · · Q · Were you in attendance at the conciliation
3 · meeting?
4 · · · · A · I remember being in attendance to one of
5 · them.
6 · · · · Q · Do you believe there was more than one or
7 · just one?
8 · · · · A · There might have been more · I don't know.
9 · · · · Q · At least as far as you were concerned
10 · there was only one that you attended?
11 · · · · A · That I attended I remember.
12 · · · · Q · Do you recall who else attended the
13 · meeting that you did?
14 · · · · Let's start with, who attended from OFCCP?
15 · · · · A · Okay · Jane, Janette, Hoan –
16 · · · · Q · So let's -- that would be Janette Wipper.
17 · Correct?
18 · · · · A · That's right.
19 · · · · Q · Jane Suhr · Correct?
20 · · · · A · Yes.
21 · · · · Q · Hoan Luong?
22 · · · · A · Yes.
23 · · · · Q · Yourself.
24 · · · · A · Yes.

191:9-18

- 9 · · Q · And how about from Oracle? · Who was at the
10 · conciliation meeting that you attended from Oracle?
11 · · · · A · So Gary Siniscalco, Erin Connell.
12 · · · · Q · Erin Connell, yes.
13 · · · · A · Connell, okay · Was Shauna -- I don't
14 · remember if Shauna Holman-Harries was there.
15 · · · · Q · Was Juana Schurman there from Oracle?
16 · · · · A · She might have been there · I remember
17 · about four to five people · I can't remember for
18 · sure.

192:2-193:7

- 2 · · · · Q · All right. Do you recall what was
3 · discussed?
4 · · · · A · That -- the Notice of Violation · I don't
5 · remember all the details.

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6 · · · · Q · Did Oracle at this meeting ask for
7 · evidence or information supporting the NOV;
8 · specifically, statistical information or
9 · information supporting the statistical information
10 · contained in the NOV?
11 · · · · A · I can't remember the specific questions.
12 · · · · Q · Do you recall generally if Oracle was
13 · asking for more information supporting the NOV?
14 · · · · A · I think so.
15 · · · · Q · Was any provided at that meeting?
16 · · · · A · I think so verbally · I think some
17 · responses were given · I can't remember the details
18 · of it.
19 · · · · Q · Do you recall any -- any specifics at all
20 · as to what was provided at the conciliation
21 · meeting? For example –
22 · · · · A · I don't know.
23 · · · · Q · -- was any -- were any documents given to
24 · Oracle supporting the underlying statistical
25 · information?