

**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 CHAD
KIDDER RULE 30(b)(6)
OCTOBER 23, 2018**

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. To the extent that the testimony designated herein calls for privileged and/or confidential information, Oracle objects.

Respectfully submitted,

December 20, 2019

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Office of Administrative Law Judges
San Francisco, Ca

DEPOSITION DESIGNATIONS RE THE DEPOSITION OF CHAD KIDDER
RULE 30(B)(6) OCTOBER 23, 2018

CASE NO. 2017-OFC-00006

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

11:24-12:13

24 Q. I'm going to show you what's previously
25 been marked as Exhibit 65.

12

1 (Previously marked Deposition Exhibit 65
2 was referenced herein.)
3 MR. MULLAN: Q. Mr. Kidder, have you seen
4 this document before?
5 A. I have.
6 Q. And if you look to page 2 of this
7 document, which is the deposition notice, you'll
8 see the topic described as Topic 26.
9 Do you see that?
10 A. Yes.
11 Q. Do you understand that you are here today
12 testifying as to Topic 26?
13 A. Yes, I do.

12:14-18

14 MS. PERRY: I am just going to object on
15 the basis that Oracle served objections to this
16 deposition notice, and Mr. Kidder is being produced
17 here today to testify about Topic 26 as reflected in
18 those objections.

12:19-13:23

19 MR. MULLAN: Q. Mr. Kidder, what is your
20 current job title?
21 A. I'm the director of Talent Advisory, North
22 America Product Development, all except Oracle Cloud
23 Infrastructure.
24 Q. And how long have you held that position?
25 A. It's approximately two years and seven

13

1 months.
2 Q. Have you held other positions at Oracle?
3 A. Yes, I have.
4 Q. Maybe, if you can, just go through your
5 job history at Oracle.
6 MS. PERRY: Object. Vague; overbroad.
7 Go ahead.

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

8 · · · · · THE WITNESS: Prior to -- prior to being a
9 · director, I was a senior manager in a comparable
10 · role. I did that for approximately a year and three
11 · months.
12 · · · · · Prior to that, I was a recruiting manager
13 · for approximately two years and four months.
14 · · · · · And prior to that, I was a -- an executive
15 · recruiter for approximately seven months.
16 · · · · · Prior to that, I was an interim recruiting
17 · manager for approximately seven months.
18 · · · · · Prior to that, I was a senior recruiter
19 · for approximately --
20 · · · · · (Clarification requested by the reporter.)
21 · · · · · THE WITNESS: Prior to that, I was a
22 · senior recruiter for approximately four years and
23 · seven months.

14:7-15

7 · · · · Q · Okay. Going back to your current
8 · position, director of Talent Advisory North America,
9 · can you describe your job responsibilities in that
10 · time -- in that position?
11 · · · · A · Yes. So I'm responsible for managing the
12 · recruiting team for U.S. and Canada, for filling
13 · open positions within the company directly related
14 · to product development, in other words, software
15 · development.

16:3-6

3 · · · · Q · What is the difference between a recruiter
4 · and a talent advisor?
5 · · · · A · There is no difference. It's an internal
6 · term.

16:7-8

7 · · · · Q · How would you describe the essential
8 · functions of a recruiter's position?

16:14-22

14 · · · · · THE WITNESS: So a recruiter at Oracle is
15 · responsible for gathering the job requirements for a
16 · particular open position; engaging with the hiring
17 · manager for that position; determining various types
18 · of technical requirements; going out to the

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

19 · marketplace to contact candidates; prescreening
20 · those candidates; submitting those candidates to
21 · said hiring manager; and then assisting with any
22 · further steps necessary in the process.

17:5-24

5 · MR. MULLAN: Q · Who was your predecessor
6 · in your current role?

7 · MS. PERRY: Object · Vague and ambiguous;
8 · lacks foundation.

9 · THE WITNESS: Shane Driggers.

10 · MR. MULLAN: Q · And to the extent you
11 · know, did Mr. Driggers have the same job
12 · responsibilities as you currently have?

13 · MS. PERRY: Object to form · Vague;
14 · ambiguous; overbroad; lacks foundation; calls for
15 · speculation.

16 · MR. MULLAN: Q · You can answer.

17 · . . . A · Yes, it was comparable.

18 · . . . Q · And how long did Mr. Driggers hold that
19 · position?

20 · MS. PERRY: Object to form · Vague;
21 · ambiguous; overbroad; lacks foundation; calls for
22 · speculation.

23 · THE WITNESS: I'm uncertain as to the
24 · dates.

19:22-22:24

22 · MR. MULLAN: Q · Mr. Kidder, are you
23 · familiar with Oracle's iRecruitment Job Offer Form?

24 · . . . A · Yes, I am.

25 · . . . Q · The document that you were just handed,

20

1 · Exhibit 68, if you flip to page 9, beginning on that
2 · page, is that screenshots of the iRecruitment Offer
3 · Form?

4 · . . . A · Yes.

5 · MS. PERRY: Object to form · Vague and
6 · ambiguous as to time.

7 · THE WITNESS: Yes, it is.

8 · MR. MULLAN: Q · Your counsel raises a
9 · good point.

10 · Is this the existing Oracle iRecruitment

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

11 · Offer Form?
12 · And I just note that if you look at the
13 · bottom of the screenshots, you'll see it says
14 · "Copyright...2014," if that helps refresh your
15 · recollection.
16 · . . . A. · This form is a dated one.
17 · . . . Q. · Do you know when this form was in effect?
18 · . . . A. · I do not.
19 · . . . Q. · Does Talent Acquisition use the – the
20 · iRecruitment form?
21 · . . . A. · No, Talent Acquisition does not use the
22 · iRecruitment form.
23 · . . . Q. · Do you know who does use it?
24 · . . . A. · Typically, it would be used by hiring
25 · managers.

21

1 · . . . Q. · But you've seen this form before?
2 · . . . A. · Yes.
3 · . . . Q. · If you flip to internal page 12, I just
4 · want to focus you on the upper-right corner.
5 · . . . A. · Okay.
6 · . . . Q. · You'll see the second field on, it asks
7 · for "Candidate's Current Salary/ATV."
8 · Do you see that?
9 · . . . A. · Yes.
10 · . . . Q. · Firstly, do you know what "ATV" stands
11 · for?
12 · . . . A. · No, I do not.
13 · . . . Q. · So is this asking for a job offer
14 · candidate's prior salary at the company they're
15 · coming from?
16 · MS. PERRY:· Object to form.· Vague;
17 · ambiguous; overbroad.
18 · THE WITNESS:· It appears to be, yes.
19 · MR. MULLAN:· Q.· Does this refresh your
20 · recollection in any way as to when this form was in
21 · effect?
22 · . . . A. · Yes, it does.
23 · . . . Q. · And how so?
24 · . . . A. · There was a time when this was a field
25 · within the iRecruitment offer template.

22

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

1 · · · · Q · Do you know when it stopped being a field
2 · within the iRecruitment offer template?
3 · · · · A · Approximately fall of 2017.
4 · · · · Q · Was this form completed by the hiring
5 · manager?
6 · · · · · MS. PERRY: · Object to form. · Vague;
7 · ambiguous; overbroad; calls for speculation.
8 · · · · · Go ahead.
9 · · · · · THE WITNESS: · Yes, it was.
10 · · · · · MR. MULLAN: · Q · So in this field the
11 · hiring manager would enter the candidate's prior
12 · salary?
13 · · · · · MS. PERRY: · Object to form. · Vague;
14 · ambiguous; overbroad; lacks foundation; calls for
15 · speculation.
16 · · · · · THE WITNESS: · I would not be able to speak
17 · intelligently on what each hiring manager entered
18 · into that field.
19 · · · · · MR. MULLAN: · Q · But that's what is
20 · supposed to be entered into that field; correct?
21 · · · · · MS. PERRY: · Object to form. · Vague;
22 · ambiguous; overbroad.
23 · · · · · THE WITNESS: · That's -- that appears to be
24 · the case.

23:17-24:2

17 · · · · · MR. MULLAN: · Q · So this form indicates
18 · that at least from 2014 through the fall of 2017, I
19 · believe you said, prior pay information was
20 · collected in the iRecruitment Job Offer Form; is
21 · that correct?
22 · · · · · MS. PERRY: · Object to form. · Vague;
23 · ambiguous; overbroad; lacks foundation.
24 · · · · · THE WITNESS: · Again, I would not be able
25 · to speak intelligently on data that was collected

24

1 · into these forms as I do not use them myself, nor
2 · does my recruiting team.

29:25-31:13

25 · · · · · MR. MULLAN: · Q · Do you know why Oracle

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

30

1 · sought prior compensation information?
2 · MS. PERRY: · Object to form. · Vague;
3 · ambiguous; overbroad.
4 · THE WITNESS: · Based on my own experience,
5 · it was to determine if a hiring manager had the
6 · necessary budget in which to pay a candidate.
7 · MR. MULLAN: · Q: · And that's because prior
8 · compensation was a factor in setting initial
9 · compensation?
10 · MS. PERRY: · Object to form. · Vague;
11 · ambiguous; overbroad; lacks foundation; calls for
12 · speculation.
13 · Go ahead.
14 · THE WITNESS: · I wouldn't be able to answer
15 · that on behalf of any hiring managers.
16 · MR. MULLAN: · Q: · So just so I understand,
17 · you -- your understanding is that prior compensation
18 · was collected in order to -- for the hiring manager
19 · to determine whether they had the budget to make an
20 · offer to that candidate; is that correct?
21 · MS. PERRY: · Object to form. · Vague;
22 · ambiguous; overbroad; misstates testimony.
23 · Go ahead.
24 · THE WITNESS: · It is my understanding that
25 · is one of the reasons why.

31

1 · MR. MULLAN: · Q: · Okay. · And so prior
2 · compensation was related to a hiring manager's
3 · budget in what way?
4 · . . . A: · I wouldn't be able to speak intelligently
5 · on the budgets of hiring managers at Oracle.
6 · . . . Q: · Okay. · But you just said that it was
7 · related to their budgets, the collecting of that
8 · information.
9 · So I'm just trying to understand why it
10 · was related to the budget.
11 · . . . A: · So, presumably, if a candidate was paid
12 · more than what a hiring manager could afford, they
13 · would likely not be able to hire them.

31:14-32:4

14 · . . . Q: · And that's because prior compensation was

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

15 · a factor in what the initial compensation would be
16 · for that candidate; correct?
17 · MS. PERRY: · Object to form. · Vague;
18 · ambiguous; overbroad; lacks foundation; calls for
19 · speculation.
20 · THE WITNESS: · Again, that's a bit
21 · speculative.
22 · MR. MULLAN: · Q. · Well, what other reason
23 · would it be related to the hiring manager's budget?
24 · MS. PERRY: · Same objections.
25 · THE WITNESS: · I wouldn't be able to answer

32

1 · that intelligently.
2 · MR. MULLAN: · Q. · Do you know if this
3 · particular form, the Candidate Offer Information
4 · Form, was filled out by the hiring manager?

32:9-16

9 · THE WITNESS: · No, I do not know.
10 · MR. MULLAN: · Q. · When you were a
11 · recruiter, did you complete Candidate Offer
12 · Information Forms?
13 · A. · No, I did not.
14 · Q. · Did you complete iRecruitment Job Offer
15 · Forms?
16 · A. · No, I did not.

32:17-34:21

17 · Q. · I'm going to hand you what's been
18 · previously marked as Exhibit 57.
19 · (Previously marked Deposition Exhibit 57
20 · was referenced herein.)
21 · MR. MULLAN: · Q. · And take as much time as
22 · you need to review that document, Mr. Kidder.
23 · A. · Okay.
24 · Q. · Firstly, let me ask you, have you seen
25 · this document before?

33

1 · A. · Yes, I have.
2 · Q. · And what is it?
3 · A. · It is an e-mail regarding pay equity FAQ
4 · and company policy.

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

5 · · · · Q · And what is the subject matter of the
6 · document?

7 · · · · A · The subject matter is regarding candidate
8 · prior salary history.

9 · · · · Q · Okay · And it states in the top left-hand
10 · corner, "Effective October 31, 2017..."

11 · · · · · Do you see that?

12 · · · · A · Yes, I do.

13 · · · · Q · Is this referring to what you mentioned
14 · earlier as changes in the fall of 2017 pertaining to
15 · collecting prior compensation information?

16 · · · · A · Yes, it does.

17 · · · · Q · And what were the changes that went into
18 · effect in October 2017?

19 · · · · A · In October 2017 no one within the company
20 · was to ask any candidate for employment about their
21 · current or prior salary history information.

22 · · · · Q · And you'll see in the first column on that
23 · page underneath the heading "Introduction," it
24 · states:

25 · · · · · "As you may be aware, several US states

34

1 · · · · · and local municipalities recently passed
2 · · · · · equal pay laws that aim to prevent gender
3 · · · · · discrimination and salary inequity by
4 · · · · · banning questions regarding salary history
5 · · · · · during the hiring process."

6 · · · · · Do you see that?

7 · · · · A · Yes, I do.

8 · · · · Q · And then dropping down to the next
9 · paragraph, the second sentence, it states:

10 · · · · · "To ensure Oracle is compliant with these

11 · · · · · laws, Oracle removed the current salary

12 · · · · · field from the iRecruitment Job Offer

13 · · · · · Form; and will prohibit questions

14 · · · · · regarding salary history during the hiring

15 · · · · · process for all US locations effective

16 · · · · · October 31, 2017."

17 · · · · · Do you see that?

18 · · · · A · Yes, I do.

19 · · · · Q · And so that's your understanding of when
20 · these changes went into effect; is that correct?

21 · · · · A · Yes, it is.

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

34:22-24

22 · . . . Q. · So is it fair to say that prior to
23 · October 31, 2017, Oracle collected salary
24 · information from applicants for positions at Oracle?

35:3-5

3 · THE WITNESS: · Prior to October 31st,
4 · 2017, Oracle employees were permitted to ask these
5 · questions.

37:10-39:13

10 · MR. MULLAN: · Q. · Did you attend any
11 · training sessions regarding these October 2017
12 · changes?
13 · . . . A. · No, I did not.
14 · E-mails were sent out, and we did discuss
15 · these things verbally.
16 · . . . Q. · Who -- who is "we" in your response?
17 · . . . A. · This would be the Oracle Recruiting
18 · Management Team.
19 · . . . Q. · And who's included in the Oracle
20 · Recruiting Management Team?
21 · . . . A. · That would be myself, Colleen Varana,
22 · Amanda Gill, Lucas Jaramillo, Jessica Lloyd,
23 · Shayne Libby, Marianna Gurovich, and Greg Freed.
24 · . . . Q. · Okay. · Who is Amanda Gill?
25 · . . . A. · Amanda Gill is my boss's boss.

38

1 · . . . Q. · And what is her job title?
2 · . . . A. · She is the vice president of Talent
3 · Advisory, North America.
4 · . . . Q. · And who is Lucas Jaramillo?
5 · . . . A. · Lucas Jaramillo is the senior manager,
6 · Talent Advisory, Oracle Cloud Infrastructure.
7 · . . . Q. · And Jessica Lloyd?
8 · . . . A. · Jessica Lloyd is the director, Talent
9 · Advisory Sales.
10 · . . . Q. · And Shayne Libby?
11 · . . . A. · Shayne Libby is the senior manager, Talent
12 · Advisory Sales.
13 · . . . Q. · I believe you said Marianna Gurovich.

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

14 · · · · A · · Yes, Gurovich · She is the senior manager,
15 · Oracle Talent Advisory, Sales and Global Business
16 · Unit.

17 · · · · Q · · And lastly I believe you said Greg Freed.

18 · · · · A · · Yes · Greg Freed is the senior manager,
19 · Oracle Talent Advisory Net Suite.

20 · · · · Q · · And what did you discuss in these
21 · conversations with this group?

22 · · · · A · · So –

23 · · · · · MS. PERRY: · Object to form · Vague;

24 · ambiguous; overbroad.

25 · · · · · Go ahead.

39

1 · · · · · THE WITNESS: · -- within the meetings, we
2 · discussed that no one within the company was to
3 · continue to ask prior salary information or history.

4 · · · · · MR. MULLAN: · Q · Did you discuss how you
5 · were going to get that message out to everybody who
6 · needed to know?

7 · · · · A · · Yes, we did.

8 · · · · Q · · And what did you decide to do to get that
9 · message out?

10 · · · · A · · We followed up with these e-mails that
11 · were sent out regarding the subject.

12 · · · · · Additionally, we discussed them on staff
13 · calls with our recruiting teams.

40:3-43:25

3 · · · · · MR. MULLAN: · Q · Mr. Kidder, I'm going to
4 · hand you what's been previously marked as
5 · Exhibit 66.

6 · · · · A · · Okay.

7 · · · · · (Previously marked Deposition Exhibit 66
8 · · · · · was referenced herein.)

9 · · · · · MR. MULLAN: · Q · Take as much time as you
10 · need to review that document.

11 · · · · A · · Okay.

12 · · · · Q · · Do you recognize this document?

13 · · · · A · · I -- I do not.

14 · · · · Q · · In the header of the e-mail -- it

15 · appears to be an e-mail -- from recruiting-

16 · announcements@oracle.com to Claudia Funie, it

17 · states, "Compensation Collection Tool Changes."

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

18 · · · · · Do you see that?
19 · · · · A · · Yes, I do.
20 · · · · Q · · Dated November 8th, 2017; correct?
21 · · · · A · · Yes.
22 · · · · Q · · What is the "Compensation Collection
23 · Tool"?
24 · · · · A · · The Compensation Collection Tool is a
25 · portal used by recruiters to collect certain types

41

1 · of compensation information in order to gain some
2 · market knowledge as to what various types of
3 · positions are paying out in the marketplace and
4 · what candidates are asking for in order to be
5 · employed.
6 · · · · Q · · So when you say "collect this
7 · information," are you referring to collecting the
8 · information from candidates for Oracle positions?
9 · · · · A · · Yes, that would be correct.
10 · · · · Q · · Do you use -- use this tool?
11 · · · · A · · I do not.
12 · · · · Q · · Do people within Talent Advisory use this
13 · tool?
14 · · · · A · · They do.
15 · · · · Q · · Do they hire -- did they use it in the
16 · hiring process?
17 · · · · · MS. PERRY: · Object to form. · Vague;
18 · ambiguous; overbroad.
19 · · · · · THE WITNESS: · I wouldn't be able to speak
20 · intelligently on that.
21 · · · · · MR. MULLAN: · Q · But it's -- it's used to
22 · collect information from Oracle job applicants;
23 · correct?
24 · · · · A · · Yes, Oracle job applicants and prospective
25 · applicants.

42

1 · · · · Q · · What's the difference between a job
2 · applicant and a prospective applicant?
3 · · · · A · · So a prospective applicant is a person
4 · that a recruiter might be speaking to who has not
5 · formally applied or been considered for a position
6 · with the company.
7 · · · · · And an applicant is someone who has

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

8· ·formally applied and is now into the interview
9· ·pipeline.
10· ···· Q· ·Okay· So in this e-mail announcement
11· ·around the fall of 2017, specifically November 8th,
12· ·2017, it states:
13· ······ "All compensation fields such as: Base
14· ······ Salary, Hourly Wage, Annual ATV/Bonus will
15· ······ no longer be mandatory, in order to comply
16· ······ with the latest changes in the US work
17· ······ legislation."
18· ······ Do you see that?
19· ···· A· ·Yes, I see the verbiage.
20· ···· Q· ·And do you agree that it was no longer
21· ·mandatory to collect that information after
22· ·November 8th, 2017?
23· ······ MS. PERRY:· Object to form· Vague;
24· ·ambiguous; overbroad; lacks foundation.
25· ······ THE WITNESS:· I see -- I see the verbiage.

43

1· ······ However, in the Compensation Tool, in
2· ·order to enter a record, base salary, hourly wage,
3· ·annual ATV, and bonus were not necessary.
4· ······ MR. MULLAN:· Q· They were not necessary
5· ·in the Compensation Collection Tool; is that
6· ·correct?
7· ···· A· ·That is correct.
8· ···· Q· ·So this is not correct when it says it's
9· ·no longer mandatory?
10· ······ MS. PERRY:· Object to form· Vague and
11· ·ambiguous.
12· ······ THE WITNESS:· Again, I -- I do not use the
13· ·Compensation Tool myself.
14· ······ I would have to rely on what my
15· ·recruiters have relayed back to me, which is that
16· ·a record can be created with -- prior to -- prior
17· ·to November 8th, 2017, a record could be created
18· ·with a candidate's requested compensation and some
19· ·other details.
20· ······ Current compensation was not necessary as
21· ·far as I'm aware.
22· ······ MR. MULLAN:· Q· But you agree that's what
23· ·this states, that it was mandatory?
24· ······ MS. PERRY:· Object to form· The document

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

25 · speaks for itself.

44:1-15

1 · THE WITNESS: · I can see the verbiage here.

2 · However, again, it -- it doesn't

3 · necessarily reflect on what was relayed back to me

4 · by people who use the tool daily.

5 · MR. MULLAN: · Q: · Is that possibly because

6 · you don't understand how the tool was used, or it's

7 · your understanding that it was not mandatory?

8 · I'm just trying to understand.

9 · MS. PERRY: · Object to form; also, to the

10 · extent it's argumentative.

11 · Go ahead.

12 · THE WITNESS: · My understanding of the

13 · Compensation Tool was that the base salary, hourly

14 · wage, annual ATV, and bonus were not mandatory in

15 · order to comply -- in order to create a record.

48:15-49:17

15 · . . . Q: · Okay. · I'm going to hand you what has been

16 · previously marked as Exhibit 72.

17 · (Previously marked Deposition Exhibit 72

18 · was referenced herein.)

19 · MR. MULLAN: · Q: · And take as much time as

20 · you need to review that document. · Just let me know

21 · when you're ready.

22 · . . . A: · Okay.

23 · . . . Q: · Okay. · Have you seen this document before?

24 · . . . A: · Yes, I have.

25 · . . . Q: · And what is it?

49

1 · . . . A: · So it is a change to U.S. hiring process

2 · that was sent out to everyone within the Human

3 · Resources Department and eventually all U.S.

4 · managers.

5 · . . . Q: · And it's dated October 27th, 2017. · Do you

6 · see that?

7 · . . . A: · I do.

8 · . . . Q: · And so the change it's referring to is the

9 · change in what exactly?

10 · . . . A: · There are a few changes noted here, one

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

11 · of which was that the -- the current salary field
12 · within the iRecruitment Form was removed and,
13 · additionally, managers and other -- acting as
14 · agents of the company, including talent advisors
15 · or recruiters, are to discontinue asking any
16 · information about current compensation at that
17 · time.

52:19--54:10

19 · · · Q · I'm handing you what's been marked as
20 · Exhibit 73 -- previously marked as Exhibit 73.
21 · · · · · (Previously marked Deposition Exhibit 73
22 · · · · · was referenced herein.)
23 · · · · · MR. MULLAN: Q · And just let me know when
24 · you're ready.
25 · · · · A · Okay.

53

1 · · · · Q · So, firstly, do you recognize the document
2 · that's been marked as Exhibit 73?
3 · · · · A · I do.
4 · · · · Q · And what is it?
5 · · · · A · In this was a slide deck from a training
6 · session regarding pay equity laws.
7 · · · · Q · And specifically the pay equity laws that
8 · we've been discussing all morning and the changes in
9 · policies as a result of those pay equity laws,
10 · beginning in October of 2017; is that correct?
11 · · · · · MS. PERRY: Object to form. Vague;
12 · ambiguous; also to the extent it lacks foundation
13 · and misstates prior testimony.
14 · · · · · Go ahead.
15 · · · · · THE WITNESS: I recognize that this is the
16 · subject we're discussing today.
17 · · · · · MR. MULLAN: Q · Did you have a role in
18 · creating this document?
19 · · · · A · No, I did not.
20 · · · · Q · And who received this training?
21 · · · · A · This would have gone out to -- let me back
22 · up.
23 · · · · · I wouldn't be able to tell you
24 · intelligently of everyone who received it, though
25 · anyone within the Human Resources umbrella would

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

54

1 · have, including talent advisor, and any hiring
2 · manager would have received it as well.
3 · · · · Q · · Okay · And it is a PowerPoint
4 · presentation; is that right?
5 · · · · A · · Yes, that's correct.
6 · · · · Q · · Okay · And how were these trainings
7 · conducted? Were they through webinar-type things,
8 · or were they in person?
9 · · · · A · · These would be done through a Webex or a
10 · Zoom webinar.

55:17-58:3

17 · · · · · MR. MULLAN: Q · I am going to hand you
18 · what's been previously marked as Exhibit 67.
19 · · · · · (Previously marked Deposition Exhibit 67
20 · · · · · was referenced herein.)
21 · · · · · MS. PERRY: Thanks.
22 · · · · · MR. MULLAN: Q · Just let me know when
23 · you're ready.
24 · · · · A · · Okay.
25 · · · · Q · · Okay · Do you recognize what's been marked

56

1 · as Exhibit 67?
2 · · · · A · · I do.
3 · · · · Q · · I understand it's similar to the prior
4 · doc- -- exhibit we just looked at.
5 · · · · · But can you tell me what this document
6 · is?
7 · · · · A · · It's a training document provided to
8 · hiring managers on how to manage the relationship
9 · with their human resources business partner and
10 · their Oracle talent advisor during the recruiting
11 · and hiring process.
12 · · · · Q · · So it's specifically directed at hiring
13 · managers?
14 · · · · A · · Yes, that's correct.
15 · · · · Q · · And it dates from around the same time
16 · period, October 2017; is that correct?
17 · · · · A · · It --
18 · · · · Q · · And if you look at page 2 of the document,

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

19· that might refresh your recollection.
20· . . . A· Yes, it does.
21· . . . Q· Did you have a role in creating this
22· document?
23· . . . A· No, I did not.
24· . . . Q· And similar to the prior exhibit, if you
25· flip to page -31024, you'll see a slide with the

57

1· heading (as read), "Candidate Salary Questions -
2· What You Can and Can't Say."
3· Do you see that?
4· . . . A· I do.
5· . . . Q· Firstly, who is the "you" it's referring
6· to here? Is that the hiring manager?
7· . . . A· This would be anyone that this was
8· directed to, which would be a hiring manager, a
9· talent advisor, or a human resources business
10· partner.
11· . . . Q· And so, again, it's saying under --
12· under the column, "What you used to say," "What is
13· your current salary?"
14· Do you see that?
15· . . . A· I do.
16· . . . Q· So it's telling them that they can no
17· longer say that; is that correct?
18· MS. PERRY: Object to form. Vague;
19· ambiguous; overbroad.
20· Go ahead.
21· THE WITNESS: Yeah, it appears to be
22· saying that.
23· MR. MULLAN: Q· Is it your understanding
24· that following the changes in October 2017, talent
25· advisors no longer ask about current salary?

58

1· . . . A· At this point, following the change in
2· legislation and company policy, talent advisors no
3· longer ask about salary -- current salary.

59:15-60:1

15· . . . Q· So the New Hire Justification Forms at
16· least prior to October 2017 contained a field for
17· current salary information; is that fair to say?

DEPOSITION OF CHAD KIDDER – RULE 30(B)(6) OCTOBER 23, 2018

Page/Line

18 · · · · A · · Yes, it is fair to say.
19 · · · · Q · · Do you know when that changed?
20 · · · · A · · I believe it changed permanently around
21 · the time of the -- the new company policy in October
22 · of '17.
23 · · · · Q · · And was that field contained in the New
24 · Hire Justification Form going back as far as 2013?
25 · · · · A · · Yes, I believe it was.

60

1 · · · · Q · · And was that field mandatory?

60:4-10

4 · · · · · THE WITNESS: · The -- information had to be
5 · entered in that field in order for the hiring
6 · manager to continue.
7 · · · · · But the candidate's salary was not
8 · necessary to be included into that field.
9 · · · · · The hiring manager could enter a zero if
10 · they needed to.

60:21-22

21 · · · · Q · · In what circumstances would somebody put a
22 · zero into that field?

61:1-8

1 · · · · · THE WITNESS: · Well, I wouldn't be able to
2 · speak intelligently on every manager entering every
3 · field in every form.
4 · · · · · However, many candidates refused to
5 · disclose current compensation and -- simply as a
6 · negotiating or bargaining tool, in which case a
7 · manager might have to proceed without it. · And from
8 · what I have been told, many did.