

**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

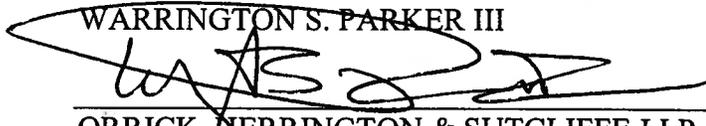
**DEPOSITION DESIGNATIONS
RE THE DEPOSITION OF ANJE
DODSON RULE 30(b)(6) JULY 17,
2018**

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 ANJE DODSON RULE 30(B)(6) JULY 17, 2018

CASE NO. 2017-OFC-00006

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22:1-31:4

1 · . . . Q. · Okay. · So I'll start with the broad
2 · question.
3 · Do Oracle employees in the support, IT,
4 · and product development functions receive training
5 · at the start of their employment with Oracle?
6 · MS. PERRY: · Objection. · Vague and
7 · ambiguous.
8 · THE WITNESS: · I was going to ask, you
9 · know, can you give me a little bit -- training is
10 · such a big umbrella at Oracle. · It's a variety of
11 · different things.
12 · Can you be a little bit more specific in
13 · what you're looking for?
14 · MR. MULLAN: · Q. · Well, I'm actually
15 · looking for any and all forms of training at this
16 · point.
17 · So training could be formal classes; it
18 · could be documents that they're supposed to read;
19 · guides; it could be online courses; it could be
20 · sit-down meetings with supervisors or colleagues;
21 · anything that encompasses training that's required
22 · of new Oracle employees in those three functions.
23 · . . . A. · So if you're asking about required
24 · training, there are some mandatory courses at Oracle
25 · that are required of employees, things that – you

23

1 · know, around our EEO principles, so our business
2 · code of conduct training, insider trading course.
3 · There are sexual harassment awareness training
4 · courses for employees and managers. · There are some
5 · health and safety -- a course. · But those are the
6 · required trainings of all employees.
7 · But other than that, there is, you know,
8 · nothing uniformly required of employees.
9 · . . . Q. · Okay. · Let's -- let's start -- start
10 · talking about those required trainings.
11 · So I think the first thing you said was
12 · code of conduct.
13 · . . . A. · Uh-huh.
14 · . . . Q. · Is that -- how is that training offered to
15 · employees?

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16 ···· A. ·It's online.
17 ···· Q. ·And is that something that they're
18 ·required to take at the start of their employment?
19 ···· A. ·It's -- there's a timing for it, right,
20 ·because we take them regularly.
21 ······ I believe the requirement -- I think you
22 ·need to do that within the first 90 days. · But I'm
23 ·not exactly sure because I don't oversee that
24 ·respons- -- that area of responsibility.
25 ···· Q. ·So when you say it's "online training,"

24

·1 ·is it online training in the form of just a website
·2 ·that provides information, or is it an actual
·3 ·online course that somebody -- a live person is
·4 ·presenting?
·5 ···· A. ·It's a recorded course.
·6 ···· Q. ·It's recorded.
·7 ······ And how long does that course last, if you
·8 ·know?
·9 ···· A. ·I don't.
10 ···· Q. ·And the second thing you mentioned -- I
11 ·think you said insider trade- -- training --
12 ···· A. ·Yes.
13 ···· Q. ·-- is that right?
14 ······ THE REPORTER: · Training or trading?
15 ······ MR. MULLAN: · Training.
16 ······ THE WITNESS: · Insider trader training.
17 ······ MR. MULLAN: · Q. · Okay. · Yeah, it's very
18 ·easy to say insider training.
19 ···· A. ·Yeah.
20 ···· Q. ·What is insider training?
21 ···· A. ·It's another training course that reminds
22 ·you of, you know, insider trading policies; if you
23 ·have knowledge about, you know, things that are
24 ·confidential; it goes through the different
25 ·descriptions of confidentiality to make, you know,

25

·1 ·sure you're familiar with that.
·2 ···· Q. ·And how is this training offered?
·3 ···· A. ·It's also online.
·4 ···· Q. ·Is it also a recorded presentation?
·5 ···· A. ·Yes.

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6 · · · · Q. · Do you know how long that course is?

7 · · · · A. · I don't.

8 · · · · Q. · And, again, is that something that's

9 · required to -- for the new employees to take within

10 · a certain number of days of the start of their

11 · employment?

12 · · · · A. · That one I don't remember.

13 · · · · Q. · Does that encompass Oracle's internal

14 · technology training?

15 · · · · · MS. PERRY: · Object to form. · Vague and

16 · ambiguous.

17 · · · · · THE WITNESS: · Can you be a little bit more

18 · specific?

19 · · · · · MR. MULLAN: · Q. · Yeah.

20 · · · · · I -- I imagine Oracle has specific

21 · technology that employees use: · the network, their

22 · Wi-Fi system, things like that.

23 · · · · · How are employees trained on those things,

24 · if, indeed, they are trained on those things?

25 · · · · A. · So to your question around whether that

26

1 · course would cover that, it does not.

2 · · · · · If you're -- let's say how to use e-mail,

3 · is that what you're --

4 · · · · Q. · Yeah, e-mail --

5 · · · · A. · -- asking?

6 · · · · Q. · -- e-mail, Oracle network.

7 · · · · A. · There are certainly, on our internal

8 · website, lots of information around how to help

9 · people get started.

10 · · · · · And if there is something that maybe isn't

11 · there -- there's loads of information -- but it can

12 · direct you to different resources to help you.

13 · · · · · IT, for example -- if you had trouble, you

14 · know, getting your system started up, you have a

15 · service that's available to you to get information

16 · and get a person to help you work through those

17 · details.

18 · · · · Q. · Okay. · But in that, information is housed

19 · somewhere in Oracle's intranet?

20 · · · · A. · It's -- it's -- yes, it's in our intranet.

21 · · · · Q. · Okay. · But it's not a formal training

22 · course that's required of new employees?

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23 · · · · A · · No, not that I'm aware of.

24 · · · · Q · · Okay · I think you also mentioned sexual
25 · harassment training?

27

·1 · · · · A · · Yes.

·2 · · · · Q · · And is that something that new employees
·3 · are required to take within a certain number of days
·4 · of the start of their employment?

·5 · · · · A · · It's required training, so it's part of
·6 · our mandatory program, as I said earlier · I don't
·7 · remember how many days that they have to -- to take
·8 · it.

·9 · · · · · And then there's also a -- one for
10 · managers as well.

11 · · · · Q · · Is that also an online presentation?

12 · · · · A · · Yes.

13 · · · · Q · · Do you know how long that training course
14 · is?

15 · · · · A · · I don't remember.

16 · · · · Q · · I think the last thing you mentioned,
17 · health and safety training.

18 · · · · A · · Yes.

19 · · · · Q · · What's involved in that?

20 · · · · A · · It's -- it's a course -- it's online as
21 · well just to make sure that you're aware of
22 · different health and safety standards · If you see
23 · something in the building that isn't -- you know, or
24 · is broken or a hazard, you know who -- you call, you
25 · know, our facilities group, and they'll come take

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·1 · care of it.

·2 · · · · Q · · And, again, is that something that's --
·3 · they're re- -- new employees are required to take
·4 · within a certain number of days?

·5 · · · · A · · I don't remember the timing for when
·6 · they're required, but I -- you know, I know
·7 · personally I get the alert when I -- it's time to
·8 · take it.

·9 · · · · Q · · Okay · And do you know how long that
10 · course lasts?

11 · · · · A · · Actually, I do remember that one · I think
12 · it's about 45 minutes.

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13 ···· Q. ·Okay. ·So other than those four courses,
14 ·are there any other mandatory courses that all
15 ·employees in those three functions that we're
16 ·talking about are required to take at the start of
17 ·their employment?

18 ····· MS. PERRY: ·Objection to the extent it
19 ·misstates testimony.

20 ····· THE WITNESS: ·Yeah, so the -- the
21 ·mandatory -- there's a mandatory compliance program,
22 ·which I talked about, and I named some of those
23 ·courses. ·I think I had more than four, though.
24 ····· ·But other than that, no, I'm not aware of
25 ·any mandatory requirements on our employees.

29

·1 ····· MR. MULLAN: ·Q. ·I'm sorry. ·Did you say
·2 ·you thought you named more than four courses?

·3 ···· A. ·I thought I did.

·4 ···· Q. ·So I had -- we can go through this. I
·5 ·have the code of conduct, insider training (sic),
·6 ·sexual harassment training, and health and safety
·7 ·training?

·8 ···· A. ·Well, I count also sexual harassment
·9 ·awareness for managers, which is a different
10 ·requirement.

11 ····· ·And I believe there is one more, but I
12 ·cannot remember what it is.

13 ···· Q. ·You -- you just mentioned "compliance."

14 ····· ·Is that a different form of training than
15 ·what we just mentioned, those four?

16 ···· A. ·Mandatory compliance is the program that
17 ·all of those sit underneath.

18 ···· Q. ·But it's not a specific training course?

19 ···· A. ·No.

20 ···· Q. ·So does this -- these forms of training,
21 ·these four required forms of training -- I'm going
22 ·to talk about these required trainings for the next
23 ·few minutes. ·I'll let you know when we move on.
24 ····· ·How -- strike that.
25 ····· ·When does the employee take those courses?

30

·1 ····· ·And by "when," I mean is that something
·2 ·that they do during work hours, or is that something

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·3· they're supposed to do on their own time?
·4· MS. PERRY: Object to form.
·5· THE WITNESS: The -- I mean, it's part of
·6· their workday, right? So there's no -- I mean, I'm
·7· certainly not aware of any expectation that you
·8· would take it after hours. It's part of, you know,
·9· the -- the work that you're expected to do.
10· MR. MULLAN: Q. And is it something they
11· can just take anytime when they find some time at a
12· computer to take the course?
13· MS. PERRY: Object to form.
14· THE WITNESS: It's available anytime
15· anywhere.
16· MR. MULLAN: Q. Are there any written
17· documents that accompany any of these online
18· presentations?
19· . . . A. Not that I'm aware of.
20· . . . Q. Who's responsible for ensuring that the
21· new hires complete these mandatory trainings?
22· . . . A. Well, I would look at that as there's a
23· couple of people responsible.
24· I think new hires are responsible for
25· completing, you know, pieces of their work that's

31
·1· expected of them.
·2· Managers play a role in, you know, making
·3· sure that employees have done what they need to do,
·4· and as well as HR.

36:12-38:21

12· (Deposition Exhibit 2 was marked for
13· identification.)
14· MS. PERRY: Thank you.
15· THE WITNESS: Thank you.
16· MR. MULLAN: Q. You've been handed what's
17· been marked as Exhibit 2.
18· It's a lengthy document. I don't expect you
19· to answer questions on all of this, but I just -- I will
20· have a few specific questions as to certain
21· representations within the document.
22· Take as much time as you need to review
23· it.
24· . . . A. Okay. All right.

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25 · · · · Q · Ms. Dodson, you've been handed a document

37

·1 · that's been marked as Exhibit 2 with the title on
·2 · the first page "Oracle A-Team New Hire Guide, THE
·3 · A-TEAM."

·4 · · · · · Firstly, do you recognize this document?

·5 · · · · A · I recognize this document from review with
·6 · my counsel yesterday.

·7 · · · · Q · Okay. And what is it?

·8 · · · · A · It looks to be a new hire guide from the
·9 · title and from the contents.

10 · · · · Q · What is the "A-Team"?

11 · · · · A · I don't know.

12 · · · · Q · Do you know if they're part of the support
13 · function?

14 · · · · A · I don't.

15 · · · · Q · So it appears to be training materials
16 · provided by Oracle to Oracle's A-Team, whatever they
17 · might be.

18 · · · · A · Well --

19 · · · · · MS. PERRY: Object to form.

20 · · · · · THE WITNESS: -- it appears to --

21 · · · · · MS. PERRY: Lack of foundation.

22 · · · · · THE WITNESS: Sorry --

23 · · · · · MS. PERRY: Sorry.

24 · · · · · THE WITNESS: -- Jessica.

25 · · · · · It appears to be a new hire guide that was

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·1 · created by a business organization to help assist
·2 · their new hires with sort of easy access to all of
·3 · the things that they might need to know as a new
·4 · hire.

·5 · · · · · So this is not an Oracle, you know,
·6 · corporate document. It looks to be something
·7 · created that a business does, which is pretty
·8 · common.

·9 · · · · · MR. MULLAN: Q · It's pretty common for
10 · particular business divisions to create new hire
11 · guides like this?

12 · · · · A · Well, not a new hire guide.

13 · · · · · But, I mean, as a manager in -- as a

14 · manager of people, I can speak to what I do. You

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15· know, I want to make sure that my new hires, you
16· know, know where the tools and resources are.
17· And it appears that the person who put
18· this together or the group that put this together
19· was trying to make it easy for their new hires to
20· know where to get -- you know, how to set a
21· password, you know, training, et cetera.

38:22-39:3

22· . . . Q· Have you seen new -- other new hire guides
23· other than this particular one directed at the
24· A-Team?
25· . . . A· Not created by the business, no.

39

·1· I'm not -- there would be thousands of,
·2· you know, business organizations and units. I -- I
·3· don't see everything that everyone produces.

41:5-43:1

·5· . . . Q· And what has your team produced?
·6· . . . A· They've produced presentations and
·7· training on how -- on our performance management
·8· process, our talent process, for example.
·9· . . . Q· By "presentations," you mean PowerPoint
10· presentations?
11· . . . A· Yes.
12· . . . Q· I think we'll come back to those.
13· So I want to draw your attention to
14· page 58 of Exhibit 2.
15· You'll see a subheading there about
16· two thirds of the way down the page, "Mandatory
17· Compliance Training."
18· Do you see that?
19· . . . A· I did.
20· . . . Q· It states:
21· "...Oracle has a core set of on-line
22· training classes that all employees must
23· complete, as well as others that certain
24· employees must complete."
25· So beginning with the "core set of on-line

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·1· training classes that all employees must complete,"

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·2· are those the courses that we were talking about
·3· earlier, the compliance courses?

·4· . . . A. This is referring to those mandatory
·5· compliance courses that we talked about earlier.

·6· . . . Q. Okay. So the second part of that
·7· sentence, "as well as others that certain employees
·8· must complete," what is that referring to?

·9· . . . A. I'm not certain because I didn't write
10· this document.

11· But when I read this, I would think this
12· is -- "certain employees" would be, for example, the
13· mandatory compliance training for managers around
14· sexual harassment. You know, not all employees have
15· to take the manager course. So I would -- you know,
16· one way to read this is that it's calling out
17· managers that need to take that specific course.

18· . . . Q. Any other training classes that certain
19· employees must complete?

20· . . . A. No, not that I'm aware of.

21· . . . Q. Are new hires given access to online
22· training videos or resources?

23· . . . A. They are.

24· . . . Q. Other than the compliance training courses
25· that we talked about?

43

·1· . . . A. Yes.

44:19-45:15

19· . . . Q. Okay. Are employees required to take a
20· certain number of these online courses over the
21· course of their tenure at Oracle?

22· . . . A. No, they're not.

23· . . . Q. There's no requirement that they take X
24· number of courses a year?

25· . . . A. No, there's no requirement.

45

·1· Development is very personal, right,
·2· and -- whether it's development of your skills for
·3· your career or for your kind of enhanced performance
·4· in the job. And there's a wide variety of solutions
·5· so that people can, you know, decide to take what,
·6· you know, best suits them.

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7. . . . Q. . Right.
8. But, presumably, a manager of a certain
9. group can require the employees within that group to
10. take a specific course; is that fair to say?
11. . . . A. . A manager could. A manager could say, "I
12. would like everyone to take this particular course
13. on Python."
14. . . . Q. . Are you aware of that happening --
15. . . . A. . No.

47:9-50:8

9. . . . Q. . Does anyone oversee the training decisions
10. of a manager to ensure training is being made
11. available on an equitable basis?
12. MS. PERRY: . Object to form. Vague and
13. ambiguous.
14. THE WITNESS: . Can you be a little bit more
15. specific about that?
16. MR. MULLAN: . Q. . Does anyone oversee what
17. decisions a manager makes about required training
18. for its -- for that manager's subordinates?
19. MS. PERRY: . Same objection.
20. THE WITNESS: . There is -- no one over --
21. I am not sure I'm really following kind of the
22. oversight of what you're saying.
23. The way I would -- what I would position
24. this is that, as a manager at the company, you know,
25. I have discretion to -- and I, obviously, talk with

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1. my employees about what skills or what training they
2. might need.
3. And then, you know, because there's such a
4. variety of solutions available for employees,
5. whether it's watching a video, reading a paper,
6. whatever it may be, then I would encourage that
7. manager or that employee to -- to take that.
8. But no one's sitting over top (sic) of me
9. and saying, you know, "Did you do that?"
10. That's, you know, how I see my role as a
11. manager.
12. MR. MULLAN: . Q. . So if a particular
13. manager were only making training mandatory for men
14. and not for women, there's no mechanism in place to

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15· ensure that something like that doesn't happen?

16· MS. PERRY:· Object to form.· Lacks

17· foundation; incomplete hypothetical, calls for

18· speculation.

19· THE WITNESS:· I would think that that

20· would be impossible because there's so much

21· available for employees.

22· So it's not that you have to, you know,

23· get approval for certain courses or things like

24· that.

25· You would -- you have a variety of tools

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·1· and resources to learn at your disposal anytime.

·2· MR. MULLAN:· Q.· So is anyone overseeing

·3· the training courses that are taken by individuals

·4· in the three product -- the three functions that

·5· we've been discussing to ensure that they're taking

·6· appropriate courses, trainings?

·7· MS. PERRY:· Object.· Vague and ambiguous.

·8· THE WITNESS:· When you say they oversee, I

·9· mean, I -- you know, a manager would, obviously,

10· oversee what their employees are -- are taking, but

11· then they may not as well, because as an employee at

12· the company, you -- as I said, there's a bunch of

13· free resources that you can go out and learn, I

14· mean.· And it can be things that are related to your

15· job, or it can be things that you're interested in,

16· right?· In your day-to-day job, you may not need

17· Python as a coding language, but you might be

18· interested in it.· And so those things a manager

19· wouldn't see.

20· MR. MULLAN:· Q.· I understand there are a

21· lot of different courses.

22· My question is just very simple:· Whether

23· there's an oversight committee that makes sure or

24· reviews what trainings individuals in these three

25· functions are taking.

50

·1· MS. PERRY:· Objection.· Vague and

·2· ambiguous.

·3· THE WITNESS:· It's a broad question.

·4· I've talked about the mandatory compliance

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·5· program, right, that's oversight.
·6· There's not a -- you know, an oversight
·7· committee that I'm aware of that would look at
·8· training like that.

63:6-66:2

·6· MR. MULLAN: Q. Ms. Dodson, you've been
·7· handed what's been marked as Exhibit 4.
·8· Take as much time as you need to review
·9· the document.
10· . . . A. Okay.
11· . . . Q. Do you recognize what's been marked as
12· Exhibit 4?
13· . . . A. I do.
14· . . . Q. And what is it?
15· . . . A. I wasn't the author of this document, but
16· a number of the pages look familiar to content that
17· my team would have created.
18· It, you know, looks to be, like, a -- a
19· brown-bag session that was presented to a business
20· around performance, different, you know, learning
21· solutions, how to access, what sort of resources
22· might be available to people. It goes through a
23· number of that.
24· . . . Q. Who would have been an attendee at this
25· brown-bag training session?

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·1· MS. PERRY: Object to form. Calls for
·2· speculation.
·3· THE WITNESS: That, I don't know, because
·4· it -- it doesn't give me that information from what
·5· I'm seeing from the -- the cover page. So I
·6· couldn't tell you.
·7· I mean, product development is -- could
·8· mean a lot of different things or a lot of different
·9· people, so I don't know the specific audience this
10· was intended for.
11· MR. MULLAN: Q. How often does Oracle
12· present these sorts of brown-bag training sessions?
13· MS. PERRY: Object to form.
14· THE WITNESS: I couldn't tell you
15· specifically that because, I mean, we -- we would do
16· them when, you know, people would ask for them.

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17 · · · · · MR. MULLAN: Q. By "we," are you
18 · referring to your division?
19 · · · · A. My division, along with the HR business
20 · partner. If a manager, for example, saw a need,
21 · they might invite our teams in to talk about -- to
22 · educate their team members on all the variety of
23 · resources that are available.
24 · · · · Q. Would your team always be involved in
25 · these sorts of brown-bag training sessions?

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·1 · · · · A. Not necessarily.
·2 · · · · Q. Who else would be involved in them?
·3 · · · · A. Well, usually, I mean, it would be someone
·4 · in HR. So it would be either my team or the HR
·5 · business partner that supports, you know, that
·6 · particular organization.
·7 · · · · Q. So the organization would come to your
·8 · division within HR and propose a training session
·9 · along these lines; is that how it works?
10 · · · · · MS. PERRY: Object to form. Lacks
11 · foundation.
12 · · · · · THE WITNESS: No, that's not the only -- I
13 · mean, I wouldn't characterize it like that.
14 · · · · · I think it's a variety of different ways.
15 · · · · · One, a manager could come forward and say,
16 · "Hey, you know, I might have a new team," or, you
17 · know, "I have new hires. I want to make sure that
18 · they're aware of all of the resources available to
19 · them and understand, you know, how we think about
20 · performance at Oracle." And so they might come to
21 · my team for, you know, content. They might go to
22 · the area HR business partner.
23 · · · · · Sometimes employees, you know, come to HR,
24 · to my team, and say, "Hey, can you do a brown bag on
25 · what, you know, the sessions are?"

66

·1 · · · · · So it's a variety of different ways that
·2 · this could come about.

66:3-20

3 · · · · · MR. MULLAN: Q. So if a manager puts on a
4 · brown bag like this, is it mandatory for the

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·5· employees reporting up to that manager to attend
·6· that brown bag?
·7· A. · No.
·8· MS. PERRY: · Object to form.
·9· MR. MULLAN: · Q. · Why wouldn't it be
10· mandatory?
11· . . . A. · Because, I mean, our brown-bag session
12· is -- you know, kind of a lunch-and-learn type of
13· thing is how we -- you know, I would look at it.
14· It's -- it's not mandatory. · If people
15· don't, I guess, want to grow their skills or build
16· on their performance, then, you know, they wouldn't
17· come. · But it's -- it's voluntary.
18· It's really just a way to educate because,
19· as I've said before, there's just a lot of
20· availability of resources and tools.

74:3-78:2

·3· MR. MULLAN: · Q. · If you flip over to the
·4· next page, you'll see "Oracle University...Classes"
·5· at the top of that slide.
·6· We've referenced Oracle University a
·7· couple of times.
·8· Can you just give us an explanation of
·9· what Oracle University actually is?
10· . . . A. · Sure.
11· Can you just tell me what -- is it the
12· next page? · Oh, yes. · Thank you. · I just want to
13· make sure I'm looking at the right thing.
14· Oracle University is what I would think of
15· as a place that you can go to, and you can search a
16· variety of different courses.
17· I think I mentioned earlier they have over
18· 10,000 courses on a variety of topics, right,
19· professional, you know, leadership, technical.
20· And this is where, in the courses that
21· they host, you can go and find content and sign up
22· and register for a course.
23· But as I mentioned earlier, through some
24· of the other resources, Safari Books, Harvard
25· ManageMentor, that is not a part of Oracle

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·1· University. · So there are other resources outside of

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·2· Oracle University in which employees can get
·3· training in.
·4· . . . Q. Okay. So does Oracle keep track of which
·5· of the resources any given employee is actually
·6· using?
·7· . . . MS. PERRY: Objection. Vague and
·8· ambiguous.
·9· . . . THE WITNESS: "Resource" is a pretty
10· broad -- a pretty broad bucket, right? So can you
11· be a little more specific, because, I mean, there's
12· tools, there's --
13· . . . MR. MULLAN: Q. Well, let's -- let's
14· talk about --
15· . . . A. -- guides?
16· . . . Q. -- Oracle University, for instance.
17· . . . A. Okay.
18· . . . Q. If they're taking courses in Oracle
19· University, is that tracked somehow by Oracle?
20· . . . A. So if they register through Oracle
21· University, it is tracked. It's part of your, you
22· know, learning.
23· . . . Q. And who has access to that record for each
24· employee?
25· . . . A. As an individual, you have -- I -- so

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·1· since I'm responsible for my own career and
·2· development, right, I would have access to that
·3· information.
·4· . . . My manager might have access to it to make
·5· sure -- you know, to see what I've been tracking.
·6· . . . I can't think of anyone else who would
·7· have access to that.
·8· . . . Q. How about HR employees?
·9· . . . A. Because I'm not in that day-to-day role, I
10· don't know if they would or would not. So I can't
11· answer that.
12· . . . Q. How about managers further up the chain
13· than their immediate manager?
14· . . . A. I don't know for certain if -- if they
15· would have access to all of their employees' records
16· in their organization.
17· . . . I know the immediate manager would be able
18· to see.

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19 · · · · Q · How long has Oracle University existed?
20 · · · · A · As far as I know, I mean, it's been there
21 · since I've been there. So I can't -- I don't know
22 · when it was created.
23 · · · · Q · So more than 21 years anyway?
24 · · · · A · Let's just say it's been at least -- I
25 · don't know if it's been there the whole time. I

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·1 · think it has. I -- I think it has.
·2 · · · · Q · Are -- all of the courses available
·3 · through Oracle University, are they all online at
·4 · this point?
·5 · · · · A · No. There are a variety of methods, and
·6 · not just through Oracle University. I mean, even in
·7 · the things that my own team produces, there are a
·8 · variety of learning methods.
·9 · · · · · So there are instructor-led courses,
10 · right, where you're in a classroom.
11 · · · · · There are live virtual programs, where you
12 · are watching and learning virtually, but it's live,
13 · so you can ask questions and interject.
14 · · · · · There are on-demand courses, right, where
15 · you're maybe watching a recording.
16 · · · · · Those would be the various vehicles
17 · through Oracle University.
18 · · · · Q · What about just written materials? Is
19 · that ever the form of an Oracle University training?
20 · · · · A · I don't know for Oracle University. I
21 · don't think so, because I think you have to register
22 · for a program.
23 · · · · · But certainly in some of our other
24 · resources, there are white papers that you could
25 · download. You know, there were books, as we talked

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·1 · about with Safari Books that you could -- you could
·2 · read.

78:3-16

·3 · · · · Q · Are you aware of any Oracle University
·4 · classes being mandatory for any particular
·5 · subdivision within product development or support or
·6 · IT?

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7 · · · · A · No, I'm not.
8 · · · · Q · But it's possible that a manager might
9 · make a course mandatory?
10 · · · · A · It's possible because a manager, again,
11 · is -- we sort of expect our managers to, you know,
12 · be able to know what's going on in their team; you
13 · know, what skills need to be, you know, enhanced or
14 · developed. And that can widely vary depending on
15 · who the people are in their team. But that -- you
16 · know, that's a manager expectation.

103:15-105:6

15 · · · · · MR. MULLAN: Q · Please take as much time
16 · as you need to review Exhibit No. 6, and let me know
17 · when you're ready.
18 · · · · A · Okay.
19 · · · · Q · Do you recognize this type of document?
20 · · · · A · I -- I don't recognize this exact
21 · document.
22 · · · · Q · Okay. It appears to be a list of
23 · trainings for a specific Oracle employee, in this
24 · case Sharon Yang, one of the plaintiffs in this
25 · case.

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1 · · · · · Does that seem right to you?
2 · · · · A · It does look like a listing of different
3 · courses that this person has taken.
4 · · · · Q · So earlier we talked about a record being
5 · kept of Oracle employees' trainings.
6 · · · · · Does this look like the type of record
7 · that you were referring to?
8 · · · · A · I can't be certain. I've not seen it look
9 · like this.
10 · · · · · But this looks to be something if, you
11 · know, Sharon -- these are the courses that she took.
12 · It gives a date. It shows whether she completed or
13 · it was incomplete.
14 · · · · Q · And, again, who would have access to this
15 · record of courses completed?
16 · · · · A · As I said earlier, the employee, right, we
17 · would each have our record of what we have taken or
18 · not through Oracle University.
19 · · · · · And I also -- I'm -- I'm pretty certain

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20· that a manager could -- could look and see what
21· courses have been completed via Oracle University.
22· . . . Q· And why would a manager review this record
23· to see which courses an employee had completed?
24· . . . A· Well, as a manager, as I think about, you
25· know, the skill development or development of an

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·1· employee, you know, I might -- I might have some
·2· suggestions for what, you know, they should take. I
·3· can imagine, as a manager, that I would want to know
·4· what they've already taken. And it would be
·5· something that we would discuss together. That's
·6· how I would see it.

105:7-109:4

·7· . . . Q· So looking through these courses, some of
·8· them are product-specific, and some of them seem to
·9· pertain to things like HR processes.
10· . . . Take your time to review them, and let me
11· know if any of these courses are mandatory courses.
12· . . . A· Well, let's go through them.
13· . . . So this is what I -- I would know to be
14· mandatory. And we talked about this. There's
15· Ethics and Business Conduct Training.
16· . . . The Anti-Corruption & Foreign Corrupt
17· Practices, I believe that's one of the ones I
18· couldn't remember earlier. Now that I see it, I
19· think it's that one.
20· . . . Q· So that's mandatory?
21· . . . A· Or maybe -- no. You know what? Hold on.
22· Or is it Information Protection Awareness?
23· . . . There is the Anti-Corruption & Foreign
24· Corrupt Practices, and then there's Information
25· Protection Awareness.

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·1· . . . Those two I -- I can't believe I can't
·2· remember. But I think that -- I think those might
·3· be part of the compliance program.
·4· . . . Q· Meaning that they're both mandatory?
·5· . . . A· Yes. I would need to check, though,
·6· because I -- I can't remember for certain.
·7· . . . But I think Information Protection is one

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8 of those.
9 There is Sexual Harassment Awareness on
10 it. As we discussed earlier, that's...
11 Insider Training (sic) is also another one
12 of those.
13 . . . Q. Insider Trading?
14 . . . A. Trading.
15 . . . Q. Right.
16 . . . A. Did I say "Training"?
17 Ethics and Business Conduct, Sexual
18 Har- -- Harassment, there's that Anti-Corruption &
19 Foreign Practices, so...
20 And -- yeah, so there are some mandatory
21 courses on here.
22 . . . Q. So I see -- well, I see two Sexual
23 Harassment Awareness trainings.
24 Why would there be two trainings for
25 sexual harassment?

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1 A. Because mandatory training, it's not you
2 take it once, and you're done. We want to make sure
3 that our employees are, you know, reminded.
4 And so sexual harassment awareness is a
5 requirement of every two years.
6 . . . Q. I see.
7 And then I see three Ethics and Business
8 Conduct Training, which you've identified as
9 mandatory.
10 Now, one is English, one is Simplified
11 Chinese, and one is Traditional Chinese.
12 Is that the only difference in those
13 courses?
14 MS. PERRY: Object to form.
15 You mean other than the dates here?
16 MR. MULLAN: Yeah, or -- let me rephrase
17 that.
18 . . . Q. Is the difference in the language in which
19 the training is offered -- does that explain why
20 Ms. Yang took the training in Ethics and Business
21 Conduct three times?
22 . . . A. Well, if I look at this, the first one is
23 dated in the year 2012, and that's the English
24 version.

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25 · · · · · And then the next one that I see here is

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·1· in Simplified Chinese, and there's no date, so it
·2· shows incomplete.
·3· · · · · And then the one right below it is the
·4· same course, Traditional Chinese, and it's dated
·5· two years later from the first time, according to
·6· this record that I'm looking at that she shows she
·7· completed it. So there was a two-year period again.
·8· · · · Q. So you think it's required to be retaken
·9· every two years?
10· · · · A. I believe it is.
11· · · · Q. And does that explain why there are two
12· Insider Trading courses listed here, one in April
13· 2012 and one in May of 2014?
14· · · · A. Hold on. Let me just find both of them.
15· 2014 and 2012.
16· · · · · Yes.
17· · · · Q. And the same question with regard to the
18· Anti-Corruption & Foreign Corrupt Practices Act
19· Training, one -- the very last row item here is
20· April of 2014, and then up toward the top it was
21· taken in April of 2012.
22· · · · A. There's a couple of references to the
23· anti-corruption, right. So you've got the 2012, and
24· then there was another in 2016.
25· · · · · So, yes, that's another -- that was one of

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·1· the courses that's every two years.
·2· · · · Q. Every two years, so it was taken 2012,
·3· 2014, and 2016; correct?
·4· · · · A. According to this record.

124:6-127:1

·6· · · · · MR. MULLAN: Q. Is there any training
·7· that's recommended that employees take when they go
·8· from a certain IC level to a higher IC level or even
·9· a management level?
10· · · · · MS. PERRY: Objection. Vague and
11· ambiguous.
12· · · · · THE WITNESS: So the -- the -- the way
13· that I would say it kind of in responding to your

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14· question, right, because it is very broad, there's a
15· lot of training available.
16· Nothing is mandated, right? There are so
17· many different options.
18· But certainly as -- in talking with my
19· manager, there might be some suggestions or
20· recommendations that the manager might have because,
21· as my manager, you know, he or she has, you know,
22· investment in me to do well and succeed.
23· There may be recommendations from my peers
24· as well on what things to take to develop.
25· So I think, you know, it's a pretty --

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·1· yeah, I think definitely, you know, or I think it's
·2· plausible that you could get recommendations from
·3· all kinds of people: your manager, your peers,
·4· colleagues.
·5· MR. MULLAN: Q. Are you aware of any
·6· Oracle employees in the three functions that we've
·7· been talking about today being critiqued for not
·8· taking certain courses, either formally in the
·9· performance evaluation or otherwise?
10· MS. PERRY: Object to form. Vague and
11· ambiguous; it's also beyond the scope.
12· Go ahead.
13· THE WITNESS: Not that I'm aware of, that
14· someone would be critiqued for not taking a course.
15· MR. MULLAN: Q. If a manager is promoted
16· to a higher-level management position, M2 to, say,
17· senior management M3, are they provided with any
18· additional training?
19· MS. PERRY: Object to form. Vague and
20· ambiguous; overbroad.
21· THE WITNESS: Again, "training" being a
22· big umbrella, there's lots of different options.
23· There's nothing that's mandatory that is
24· required that I'm aware of for a manager moving up.
25· Again, you -- certain encouragement from

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·1· their manager, colleagues, et cetera, that they
·2· might be interested in and, of course, their own
·3· personal, you know, development. They want to take

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·4· control and figure out what -- you know, how they
·5· can be the most effective leader.
·6·MR. MULLAN: Q. So earlier we referred
·7· to -- a "Management Bootcamp" I think was referred
·8· to.
·9·That's not mandatory? Is that --
10· . . . A. Manager Bootcamp or the Manager
11· Essentials, where we saw earlier, talking about
12· different development options and things like that,
13· that's not mandatory that I'm aware of.
14· . . . Q. If an employee moved to a different
15· product, different team, but maintains the same job
16· title, say applications developer, but moves to a
17· different product, is he or she required to take
18· additional training?
19·MS. PERRY: Object to form. Vague and
20· ambiguous; incomplete hypothetical; lacks
21· foundation; calls for speculation.
22·THE WITNESS: So the way that I would look
23· at that, right, because it's -- it's -- "training"
24· is so broad. We've talked about that, obviously,
25· quite a bit today.

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·1·If a employee moves to a different product

127:2-22

·2· line or a different organization entirely, right,
·3· they have the same access as they did in the old
·4· group to all the various training solutions.
·5· Whether it's instructor-led, live virtual,
·6· reading -- accessing some of those programs and
·7· subscriptions, Safari, et cetera, that -- that's all
·8· available no matter where you move within the
·9· organization.
10·In a new group, a new manager could, you
11· know, absolutely have some suggestions for different
12· types of training.
13·And I think that, you know, that's an
14· expectation of a manager, again, to look -- that
15· person moving into the new org, you know, they've
16· got to figure out, you know, where that person fits,
17· you know, what their skills are, what their
18· qualifications are, you know, what they've been

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19· ·working on, what they haven't been working on, and
20· ·take that all into account and, you know, perhaps
21· ·sug- -- suggest some things that, you know, help
22· ·fill in the gaps.

129:11-131:19

11· · · · Q· ·What formal processes does Oracle use to
12· ·evaluate its employees' performance?
13· · · · · MS. PERRY:· Object to form.· Vague and
14· ·ambiguous.
15· · · · · THE WITNESS:· The way I hear your question
16· ·is what formal processes.
17· · · · · I wouldn't say there are formal processes.
18· · · · · We have an approach, performance
19· ·management, that's got various components to that.
20· ·And that is kind of a general framework, right?
21· · · · · And under that framework, our making sure
22· ·employees have, you know -- they've got goals,
23· ·objectives, they're getting feedback.· They're
24· ·evaluated against their performance, et cetera.
25· · · · · But the reason why I say I wouldn't call

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·1· ·it "formal" is oftentimes when I hear that I think
·2· ·of appraisals.
·3· · · · · And we don't mandate performance
·4· ·appraisals at the company.
·5· · · · · We encourage a dialogue and a discussion.
·6· · · · · MR. MULLAN:· Q· ·You mentioned
·7· ·"evaluations," though.
·8· · · · · Is there a performance evaluation
·9· ·process?
10· · · · A· ·There's a performance appraisal process,
11· ·right.
12· · · · Q· ·Okay.· And how often does Oracle conduct
13· ·performance appraisals of its employees?
14· · · · A· ·So, again, performance appraisals are not
15· ·a mandated requirement or process.
16· · · · · It's up to the business, the manager to
17· ·determine, you know -- you know, what they do, how
18· ·often they do it.· And, really, that's because each
19· ·business is unique in their -- in their process,
20· ·right?
21· · · · · Some organizations -- like, for me, as an

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22· ·example, as a manager, I don't do performance
23· ·appraisals on my employees.· I have conversations
24· ·about what's expected of them and how they're doing
25· ·against it.

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·1· ······ ·So it's -- just to be clear, it's -- it's
·2· ·not a -- it's not a mandated process.
·3· ······ ·(Telephone rings.)
·4· ······ ·MS. PERRY:· It's Katie.
·5· ······ ·MR. FINBERG:· Oh, sorry, Katie.
·6· ······ ·MS. PERRY:· Hey, Katie.
·7· ······ ·MS. MANTOAN:· Hey.· Sorry about that.
·8· ······ ·Thank you.
·9· ······ ·THE WITNESS:· And -- well, I think that's
10· ·what I would say.
11· ······ ·MR. MULLAN:· Q.· So you're saying there is
12· ·no mandated performance appraisal process?
13· ···· ·A.· That is correct, that I'm aware of.
14· ···· ·Q.· But performance appraisals do happen;
15· ·right?
16· ···· ·A.· Some managers do, and some employees.
17· ······ ·So an employee can request, you know, and
18· ·start their self-evaluation, or a manager can do it.
19· ·So yes.

134:23-141:23

23· ···· ·Q.· So I understand that performance
24· ·appraisals are not mandatory, but where they are
25· ·conducted, is there a written record of those

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·1· ·performance appraisals?
·2· ······ ·MS. PERRY:· Objection.· Vague and
·3· ·ambiguous.
·4· ······ ·THE WITNESS:· The way I would -- would
·5· ·say it is for those employees who have a -- a
·6· ·written performance appraisal, it's captured in a
·7· ·system, our performance appraisal application.· And
·8· ·so, you know, there is a record of it.
·9· ······ ·MR. MULLAN:· Q.· Does that include a
10· ·numerical evaluation?
11· ···· ·A.· So the way that the process works is that
12· ·there are numerical ratings.· There's a system of 1

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13 through 5, 1, obviously, being underperforming, 5
14 being outstanding. And you can evaluate the
15 competencies and the objectives against that rating
16 scale.

17 Q. Who has access to an employee's
18 performance evaluations?

19 A. The employee does.

20 Q. Anyone else?

21 A. The manager would have, because they're
22 part of the process.

23 Q. Anyone else?

24 A. And certain members of HR with role access
25 to that particular group.

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1 Q. Which HR members?

2 A. It could be the HR business that supports
3 that organization, yeah.

4 Q. Anyone else who might have access to an
5 employee's performance evaluations?

6 MS. PERRY: Object to form. Vague and
7 ambiguous.

8 THE WITNESS: Not that I can think of.

9 MR. MULLAN: Q. You mentioned their
10 manager was involved in a performance evaluation,
11 HR, and the employee.

12 How about the managers above the manager
13 who's involved in the performance appraisal?

14 A. Oh, I -- I can't remember.

15 I don't -- I don't think the manager's
16 manager would have access to the appraisal, but I --
17 I can't remember that for sure.

18 Q. Anyone at a corporate level have access to
19 that appraisal, other than HR?

20 MS. PERRY: Object to form. Vague and
21 ambiguous.

22 THE WITNESS: Yeah, that's a pretty broad
23 group of people, when you say "corporate."

24 Again, I would say HR, that has that role
25 and responsibility for that particular organization,

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1 would have access to it.

2 I can't think of anyone else.

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3 · · · · · MR. MULLAN: Q · How does an employee
4 · access the evaluations?

5 · · · · A · The employee would go in through their
6 · self-service applications portal · And they would
7 · create an appraisal.

8 · · · · Q · Are managers given instructions on how to
9 · perform employee evaluations?

10 · · · A · There are guidelines that my team and
11 · HR recommend and suggest to help have a really
12 · productive performance conversation · So there's,
13 · you know, suggestions on how to be fair and
14 · impartial; follow our EEO principles; you know,
15 · focus on the observable, the facts of the
16 · performance · So there are some guidelines to help
17 · managers have a good conversation.

18 · · · Q · Are they suggestions, or are they
19 · mandatory guidelines?

20 · · · A · They are not mandatory.

21 · · · Q · So the managers have discretion on how
22 · they perform the evaluations?

23 · · · A · Well, again, there's guidelines to help
24 · them through it.

25 · · · · · I think most managers want to have a great

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1 · conversation and make sure that they get all the
2 · necessary information.

3 · · · · · But because the -- each group can be so
4 · different, that performance appraisal or that
5 · performance conversation is going to look different
6 · for every employee.

7 · · · Q · So they're not required -- again, simply,
8 · they're not required to follow the guidelines?

9 · · · A · They're not required.

10 · · · · · But, again, I would say they're -- they're
11 · there to help managers · It's an expectation of
12 · managers that, you know, they talk with employees,
13 · because, again, the goal is you've got to achieve
14 · your business goals, and you can't do that without
15 · your teams performing.

16 · · · Q · Would a newly promoted manager at Oracle
17 · be provided these guidelines?

18 · · · A · All managers would have access to these
19 · guidelines · It wouldn't matter what level or if you

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20 · were newly promoted or not.
21 · . . . Q. · Would they constitute mandatory training
22 · for managers?
23 · . . . A. · No, they would not.
24 · . . . Q. · In what format are those guidelines
25 · provided?

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1 · . . . A. · There are a couple of ways.
2 · So one we've talked (sic) and seen in some
3 · of the presentations, right, that HR might share
4 · with managers or teams.
5 · And then there are toolkits that have
6 · those guidelines on our internal website.
7 · . . . Q. · Is there a group of people or any one
8 · person responsible for reviewing performance
9 · evaluations to ensure that they're completed?
10 · . . . A. · Well, managers, I mean, have -- you know,
11 · the expectation is on the manager that, again,
12 · they're going to collect the right information,
13 · that they're going to have the dialogue with
14 · employees, and -- and have responsibility for that
15 · process.
16 · But I just want to remind you that not
17 · every employee gets a formal performance appraisal.
18 · So how it looks and how it, you know -- it
19 · can differ -- varies.
20 · But one of our expectations of our
21 · managers is that they're having a conversation about
22 · what's expected and how they're performing against
23 · that and what they need to do to improve or get
24 · better in their job and, of course, for their
25 · career.

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1 · . . . Q. · So Oracle doesn't assess whether all
2 · employees are regularly evaluated?
3 · . . . A. · I'm not aware --
4 · MS. PERRY: · Object. · Object to form.
5 · Vague and ambiguous.
6 · THE WITNESS: · When you say "Oracle
7 · assesses," there's not one big overarching body that
8 · assesses.
9 · Again, I would come back to that is one of

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10· the expectations and responsibilities of a manager
11· of the company, you know.
12· And we help them with guidance and tools,
13· you know, to really help them be a great manager.
14· MR. MULLAN: Q. But, again, it's not a
15· requirement that they actually evaluate all of their
16· subordinates?
17· . . . A. It's not a requirement to formally
18· evaluate.
19· . . . Q. So there are no consequences for managers
20· who fail to complete evaluations for all of their
21· subordinates?
22· MS. PERRY: Object to form. Lacks
23· foundation.
24· THE WITNESS: So from a corporate
25· perspective, there's no consequences, again, because

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·1· it's not a mandatory process, right.
·2· The idea is that -- I think I -- you know,
·3· that you're having these conversations.
·4· You know, certainly groups of managers
·5· could say, "I want everyone to have a performance
·6· appraisal," or, "I want everyone to have a
·7· performance conversation."
·8· I couldn't tell you a specific example of,
·9· you know, where somebody would have enforced that,
10· but to just, you know, give you context or kind of
11· share the broader view of it.
12· MR. MULLAN: Q. So as you sit here today,
13· do you have any idea of what percentage of employees
14· in product development, for instance, were not
15· formally subject to a performance appraisal in 2017?
16· . . . A. So what I can tell you is, I can tell you
17· a percentage for people across the company. And
18· that's about 63 percent of people have completed and
19· started a performance appraisal.
20· . . . Q. And by "across the company," you mean
21· internationally?
22· . . . A. I do mean internationally, yes, across all
23· functions, lines of businesses.

144:4-22

·4· MR. MULLAN: Q. Sorry. I just want to go

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·5· ·back to the percentage of employees subject to a
·6· ·performance evaluation in 2017, which I believe you
·7· ·said was 63 percent.
·8· · Was that 63 percent who had been evaluated
·9· ·within the year of 2017 or 63 percent of all
10· ·employees had -- had undergone some performance
11· ·evaluation during their tenure at Oracle?
12· · . . . A. · So that number -- when we report on that
13· ·number, it includes -- it's looking at that fiscal
14· ·year of '17, FY '17. · And it can be people who
15· ·started and completed, or it can be people that
16· ·started and haven't completed. · So that's sort of
17· ·the total.
18· · . . . Q. · So some part of the evaluation was
19· ·completed in 2017 or undertaken in 2017?
20· · . . . A. · What that means is that I started an
21· ·appraisal as an employee or -- and I completed it or
22· ·I started it, and I didn't complete it.

144:23-145:17

23· · . . . Q. · Got it.
24· · So you mentioned seven core competencies.
25· · Are all employees evaluated against those

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·1· ·seven core competencies?
·2· · . . . A. · The seven core competencies are skills
·3· ·and behaviors that we believe all Oracle employees,
·4· ·you know, should exhibit, right.
·5· · And some of these competencies include
·6· ·collaboration, right. · We believe that employees --
·7· ·it's important to collaborate, work together as a
·8· ·team.
·9· · Another competency example is around
10· ·performance drive and results. · Again, that
11· ·competency is general enough to fit a wide variety
12· ·of jobs. · And it's saying that, you know, we have to
13· ·perform, and we have to achieve results and get our
14· ·objectives done, of course, while, you know, being
15· ·ethical and fair and all of that.
16· · And so that's how I would describe the
17· ·seven core competencies.

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145:18-150:19

18 · · · · Q · · Well, I'm going to get to the description
19 · of the seven core competencies.
20 · · · · · But my question right now is a little
21 · different.
22 · · · · · It is whether all employees are evaluated
23 · against those seven core competencies.
24 · · · · A · · So as I said earlier, not everyone is
25 · mandated to be evaluated. · So there would be

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· 1 · examples of employees that aren't evaluated against
· 2 · those core competencies. · They may be evaluated
· 3 · against another set of crit- -- criteria.
· 4 · · · · Q · · Okay. · To clarify, but employees who are
· 5 · subject to a performance appraisal are all subject
· 6 · to evaluation against the seven core competencies?
· 7 · · · · · MS. PERRY: · Objection. · Vague and
· 8 · ambiguous; lacks foundation; also to the extent it
· 9 · misstates the testimony.
10 · · · · · THE WITNESS: · So let me go back and
11 · clarify that again, because, as I said, an employee
12 · can self-assess, right, and start the appraisal
13 · process, or a manager can.
14 · · · · · They can click on whether those seven core
15 · competencies are part of the criteria to be
16 · evaluated against.
17 · · · · · They may not. · They may select a set of
18 · other criteria or objectives that they're going to
19 · be evaluated against for that particular period.
20 · · · · · MR. MULLAN: · Q · So is it your testimony
21 · that there are no core criteria for performance
22 · evaluations where performance evaluations are
23 · undertaken?
24 · · · · A · · That's not my testimony.
25 · · · · · My testimony is that there are seven core

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· 1 · competencies that we believe are broad enough,
· 2 · right, and affect all roles, all levels, no matter
· 3 · where you are in the world.
· 4 · · · · · But my testimony is that if someone is
· 5 · appraised in the appraisal form, they can be

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·6· ·evaluated against those core competencies, if they
·7· ·click that, or they may have other criteria that
·8· ·they're evaluated against.

·9· · . . . Q. ·So it's --

10· · . . . A. ·They're not mandated.

11· · . . . Q. ·So there are no core competencies --

12· ·competencies that are mandated?

13· · . . . A. ·So, again, I just want to be clear because

14· ·I think we're -- I'm not sure if we're talking about

15· ·the same things.

16· · There are seven core competencies that we

17· ·believe affect and impact all employees in the

18· ·company.

19· · You're asking me whether they're all

20· ·evaluated against those core competencies.

21· · And what I'm saying is that I can't tell

22· ·you that because some may be and some may be

23· ·evaluated against other criteria that their

24· ·specific situation and their manager may deem as

25· ·critical.

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·1· · . . . Q. ·Okay. ·So it sounds like you're saying

·2· ·there's no requirement that those -- there are core

·3· ·competencies that all employees are evaluated

·4· ·against where they're evaluated?

·5· · . . . A. ·What I'm saying is that there are seven

·6· ·core competencies, and they are not mandatory to be

·7· ·evaluated against.

·8· · . . . Q. ·And the manager gets to choose what the

·9· ·competencies, on any given employee, is evaluated

10· ·against -- what those competencies -- competencies

11· ·would be?

12· · MS. PERRY: ·Objection. ·Vague and

13· ·ambiguous; lacks foundation; misstates testimony.

14· · THE WITNESS: ·The manager has a -- a role

15· ·in it.

16· · But the employee starts off the appraisal

17· ·with a self-assessment. ·So they, too, can select

18· ·what objectives they want to be evaluated against.

19· · Again, we're talking about the appraisal

20· ·form.

21· · The guidance around having a good

22· ·discussion and having a good dialogue around

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23· goal-setting and performance is that manager and
24· employee come together and discuss, "What are my
25· objectives? What do I need to accomplish this

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·1· year?"
·2·MR. MULLAN: Q. Anyone other than the
·3· manager or the employee involved in setting the
·4· criteria for evaluating an employee?
·5·MS. PERRY: Object to form.
·6·THE WITNESS: You're asking whether the --
·7· if there's anyone outside the manager and employee
·8· that would set the criteria?
·9·I think that's a -- a common scenario.
10·But I would also say they could get input
11· from other people if they're working on a particular
12· project. So someone else might say, "Let's -- let's
13· look at this," or, "Let's evaluate this."
14·But, again, I think that would be a
15· discussion with the employee and the manager in that
16· specific situation on what they're going to be
17· evaluated against and whether that contains things
18· outside of those two.
19·MR. MULLAN: Q. Are people with the same
20· job title evaluated according to the same criteria?
21·A. Are people with the same job title
22· evaluated against the same criteria?
23·MS. PERRY: Objection. Vague and
24· ambiguous.
25·THE WITNESS: That's vague and broad.

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·1·Our jobs hold a lot of people. I mean, a
·2· job code, for example, of applications developer can
·3· mean a lot of different things. You can work on
·4· different products, et cetera.
·5·So, no, I wouldn't think that it -- that
·6· they would be evaluated against the exact, identical
·7· criteria.
·8·MR. MULLAN: Q. Would they be evaluated
·9· against the same core competencies?
10·MS. PERRY: Objection. Vague and
11· ambiguous.
12·THE WITNESS: I think what I said earlier

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13· around the evaluation of the core competencies,
14· again, it's dependent upon that manager and that
15· employee.
16· And so if that discussion is, "You know,
17· here are the core competencies I want to evaluate
18· you against," that would be one thing, or there
19· could be additional criteria or different criteria.

150:20-151:2

20· MR. MULLAN: Q. Are the evaluation
21· criteria used for any given job title recorded
22· somewhere at Oracle?
23· . . . A. If you're using the performance appraisal,
24· you would -- you would be documenting the
25· objectives, and you'd be documenting the ratings for

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·1· those objectives. And so that would be documented
·2· in the system.

151:18-152:21

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18· MR. MULLAN: Q. Okay. We're going to get
19· to templates for performance evaluations in a
20· minute.
21· What is the purpose of performing
22· performance evaluations at Oracle where they are, in
23· fact, performed?
24· MS. PERRY: Object to form. Vague and
25· ambiguous.

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·1· THE WITNESS: So, Oracle, like any other
·2· company, especially a large company -- right --
·3· there's a performance management concept or
·4· approach, right?
·5· And that whole idea -- I think I mentioned
·6· this earlier -- is -- and I don't think we're -- I
·7· think we're typical, right?
·8· You want to make sure your employees know
·9· what's expected of them so that they can meet or
10· exceed those objectives and so that you can achieve

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11 · your business strategy, you know, whether it's
12 · getting a product out, whether it's selling X amount
13 · of, you know, deals, et cetera. And so that
14 · umbrella, that concept -- there's lots of different
15 · factors that come into that.
16 · And so, in general, it's -- performance
17 · management is a -- a shared understanding of making
18 · sure that employees, you know, know what's expected
19 · of them, that they're measured against that
20 · performance, you know. And that can be in a
21 · appraisal, or it can be in a -- in a conversation.

152:22-155:11

22 · MR. MULLAN: Q. Are performance
23 · appraisals used by managers to aid them in making
24 · decisions about salary increases, for instance?
25 · MS. PERRY: Object to form. Vague and

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1 · ambiguous; also to the extent it's beyond the scope.
2 · THE WITNESS: A performance appraisal or a
3 · performance conversation is a factor. It's one of
4 · many factors is how I would -- I would characterize
5 · that.
6 · MR. MULLAN: Q. What other factors would
7 · be used?
8 · . . . A. What other factors would be used in
9 · considering a salary raise?
10 · MS. PERRY: Vague and ambiguous; beyond
11 · the scope of the noticed deposition topic.
12 · If you have personal knowledge, you can
13 · testify about it, but you're not the PMK about
14 · salary increases at Oracle.
15 · THE WITNESS: As a hiring manager,
16 · spec- -- on my own kind of experience in, I consider
17 · lots of factors. I consider how they're performing.
18 · I consider the criticality of the role in the work
19 · that they're performing. I consider their
20 · geographic location. I consider other aspects of
21 · how they work with others to get projects done; are
22 · they solely responsible for the work that they do;
23 · are there others that are impacted; what's their
24 · background. I mean, those are just a few that I
25 · would name off the top of my head.

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·1· MR. MULLAN:· Q· Okay· So, but formal
·2· performance appraisals may be one factor that
·3· managers rely upon to make salary decisions?
·4· . . . A· I can't speak for all managers· I can
·5· speak for myself.
·6· Performance is a factor.
·7· I don't know if the performance appraisal
·8· is a factor, right.
·9· It's about overall performance, what are
10· my objectives, and how have I performed against
11· those objectives.
12· . . . Q· So you -- you're testifying you don't know
13· if formal performance appraisals are a factor in
14· making salary determinations?
15· MS. PERRY:· Object to form; also beyond
16· the scope of the noticed deposition topic.
17· If you have personal knowledge, you can
18· testify about that.
19· THE WITNESS:· I can't speak to what all
20· the managers do at Oracle.
21· I was saying, in my experience, I consider
22· performance one of the many factors· And I
23· explained there are several other factors that are
24· included.
25· A performance appraisal is, you know,

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·1· where we've documented or if I've had a
·2· conversation, again, about the objectives and about
·3· the evalu- -- about the performance against those
·4· objectives· You know, for me, they play -- they
·5· play a factor· They're just not the only factor.
·6· That is what I would testify towards (sic).
·7· MR. MULLAN:· Q· Okay· Well, I want to
·8· ask you about Oracle's policies on this issue.
·9· Does Oracle have a policy in place that
10· requires managers to use performance evaluations as
11· a basis for making salary increase determinations?

155:12-17

12· MS. PERRY:· Objection· Vague; ambiguous;
13· and also to the extent it is beyond the scope of
14· this witness's noticed deposition topic.

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15 · · · · · You can go ahead and testify.
16 · · · · · THE WITNESS: I'm not aware of a policy
17 · that -- that states that.

161:17-162:5

17 · · · · Q: Okay. You mentioned in Exhibit 10, the
18 · first page, the seven core competencies.
19 · · · · · Are those the seven core competencies you
20 · mentioned on the left-hand side?
21 · · · · · I'll just go through them: "Core.Change
22 · Agility," "Core.Collaboration," "Core.Communicating
23 · for Impact," "Core.Competitive Edge," "Core.
24 · Inspirational Leadership," "Core.Mastering
25 · Complexity," "Core. Performance Drive & Execution."

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·1 · · · · A: Those are the seven core competencies.
·2 · · · · Q: And to be clear, this performance
·3 · appraisal application, is it only the manager who
·4 · enters information into that application?
·5 · · · · A: No.

176:14-178:5

14 · · · · · THE REPORTER: This is 12.
15 · · · · · (Deposition Exhibit 12 was marked for
16 · · · · · identification.)
17 · · · · · MR. MULLAN: Q: Please take as much time
18 · as you need to review what's been marked as
19 · Exhibit 12.
20 · · · · A: Yes.
21 · · · · Q: Do you recognize what's been marked as
22 · Exhibit 12?
23 · · · · A: Yes. This is similar to the document I
24 · recognized earlier or we talked through.
25 · · · · Q: It's a performance appraisal dated 9th of

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·1 · June, 2014; is that correct?
·2 · · · · A: It was created on June 9th, 2014, yes.
·3 · · · · Q: And I'll just represent that it is an
·4 · appraisal for Sharon Jewett, who is one of the
·5 · plaintiffs in this case.
·6 · · · · A: Okay.
·7 · · · · Q: If you can just look to the very top left,

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·8· ·you see "Employee Name," employee "Manager," and
·9· ·"Cost Center."· Do you see that?
10· ···· A· ·I do.
11· ···· Q· ·Cost Center is listed as "PD98 - Fusion
12· ·HCM Development..."
13· ······ What is that referring to?· Do you know?
14· ···· A· ·"Cost Center," as I look at it, is --
15· ·it's -- it's a financial reference, and it's a cost
16· ·center that that employee would belong in.
17· ···· Q· ·Is it typically associated with a product?
18· ······ MS. PERRY:· I'm going to object that this
19· ·is beyond the scope of this witness's designated
20· ·topic.
21· ······ I think this is actually a designated
22· ·topic for a subsequent PMK witness.
23· ······ So if you have personal knowledge about
24· ·this, you can testify about it.· But I just don't
25· ·want -- I just want it to be clear that you're not

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1· ·testifying as the person most knowledgeable on this.
2· ······ THE WITNESS:· I don't -- I don't know how
3· ·it's all defined.
4· ······ I have a cost center, and it is not by
5· ·product.

194:3-196:19

3· ······ MR. MULLAN:· Thank you.
4· ···· Q· ·Does anyone oversee or evaluate the
5· ·objectives that a manager and employee have decided
6· ·that are applicable for any given performance
7· ·evaluation?
8· ······ MS. PERRY:· Object to form.· Vague and
9· ·ambiguous.
10· ······ THE WITNESS:· I would say it's -- I mean,
11· ·that's a -- being a big company, that's a broad
12· ·statement, right?
13· ······ So I would -- in my specific knowledge and
14· ·experience, you know, that's, again, a discussion
15· ·worked between the employee and the manager.
16· ······ MR. MULLAN:· Q· ·But there's no formal
17· ·oversight group that determines that the objectives
18· ·being set are appropriate?
19· ···· A· ·There is no formal oversight group.

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20· But, again, managers know -- you know,
21· ·also are working with their managers to understand
22· ·what's expected of them and what they need to
23· ·accomplish in that year.
24· So, again, the performance management
25· ·process is to make sure all that's aligned, so

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1· ·people understand what they need to do and -- and
2· ·how to get it done.
3· Q· ·So where a performance appraisal has been
4· ·conducted, as in the example of Exhibit 9, is this
5· ·completed form used during the employee's annual
6· ·salary review?
7· MS. PERRY:· Object to form.· Lacks
8· ·foundation; beyond the scope of the noticed
9· ·deposition topic.
10· THE WITNESS:· So I can't speak to a
11· ·specific situation where someone would bring this
12· ·form in on the salary discussion.
13· You know, from my view, oftentimes people
14· ·who have performance conversations and evaluation
15· ·discussions, whether it's a verbal discussion or a
16· ·form, are at the beginning, a couple times
17· ·throughout the year, and at the end.· And our --
18· ·our salary process may not align with that cycle.
19· MR. MULLAN:· Q· ·So there's no formal
20· ·requirement that a performance evaluation, even
21· ·where a performance evaluation is being conducted,
22· ·is used as part of the salary -- the annual salary
23· ·review?
24· A· ·There's no formal requirement because,
25· ·again, performance is one factor that a manager or

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1· ·person would consider when thinking about salary
2· ·recommendations.
3· Q· ·Do you know if these performance
4· ·evaluations, where undertaken, are used where an
5· ·employee is being considered for a promotion?
6· MS. PERRY:· Object to form; also, beyond
7· ·the scope of the noticed deposition topic.
8· THE WITNESS:· I personally am not aware of
9· ·that.

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10 · · · · · Again, I would say, even in my own
11 · experience, that performance is a factor.
12 · · · · · It wouldn't be necessarily the performance
13 · appraisal.
14 · · · · · It would just be overall performance
15 · against somebody's objectives: How they're doing;
16 · how they're working with others; again, skills,
17 · experience; you know, criticality of their level;
18 · their role; what projects they're working on; a
19 · variety of things.

197:20-199:2

20 · · · · Q · Okay · So for every performance appraisal
21 · that's undertaken, is -- does it result in a
22 · performance rating, a single numerical performance
23 · rating?
24 · · · · A · So, again, what we would recommend is
25 · that, for those managers who are using performance

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1 · appraisals, that they would give an overall rating.
2 · · · · Q · And where is that rating stored?
3 · · · · A · It's in the appraisal document.
4 · · · · Q · And the appraisal document is stored
5 · where?
6 · · · · A · Well, it's part of our H- -- HR
7 · applications · So it would be the performance
8 · appraisal tool.
9 · · · · Q · And who has access to those performance
10 · ratings?
11 · · · · A · Sure · As I said earlier, the employee,
12 · obviously, can see their rating; the manager can see
13 · their rating; and I believe the HR person, who is
14 · responsible for that particular group or line of
15 · business, would also be able to view it.
16 · · · · Q · Anyone else?
17 · · · · A · Not that I'm aware of.
18 · · · · Q · Do these numerical ratings factor in an
19 · employee's annual salary review?
20 · · · · · MS. PERRY: Object to form · Asked and
21 · answered.
22 · · · · · THE WITNESS: So I -- I said previously
23 · that it's a factor, as well as a variety of other
24 · factors, including, you know, skills, experience,

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25 · criticality of the role, criticality of the project

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1 · that they're working on, where they are in the
2 · world, et cetera.

204:6-214:13

6 · (Deposition Exhibit 18 was marked for
7 · identification.)

8 · THE REPORTER: · This is 18.

9 · MR. MULLAN: · Q: · Take as much time as you
10 · need to review what's been marked as Exhibit 18.

11 · My questions are going to focus on
12 · page 14.

13 · MS. PERRY: · I'm going to also just object
14 · to the extent this is beyond the scope of the
15 · noticed deposition topic.

16 · THE WITNESS: · Okay.

17 · MR. MULLAN: · Q: · Okay. · So this is an
18 · interview with Lisa Gordon, who is described here as
19 · the director of compensation at Oracle, and it's
20 · dated January 9th, 2015.

21 · Do you see that?

22 · MS. PERRY: · I am going to object to the
23 · extent that you're purporting to describe what is in
24 · this document.

25 · Do you have any personal knowledge of this

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1 · document? · Have you ever seen it before?

2 · THE WITNESS: · I do not. · I've never seen
3 · it.

4 · MR. MULLAN: · Q: · Do you know who
5 · Lisa Gordon is?

6 · A: · I do know Lisa.

7 · Q: · And who is Lisa Gordon?

8 · A: · She is a senior person in our compensation
9 · group.

10 · Q: · Was she the director of compensation in
11 · January of 2015?

12 · MS. PERRY: · Again, I'm going to object
13 · that this is far beyond the scope of the noticed
14 · deposition topic.

15 · If you personally know what Lisa Gordon's

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16 · title was in January of 2015, you can testify to
17 · that.
18 · THE WITNESS: I don't know for certain.
19 · MR. MULLAN: Q. Any reason to doubt that
20 · she was the director of compensation in January of
21 · 2015?
22 · . . . A. No, I have no reason to doubt, but I
23 · just -- I -- I don't know for certain.
24 · . . . Q. So I just want to direct you to page 14 to
25 · a few representations made by Lisa Gordon here.

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1 · And I just want to know if you agree or
2 · disagree with these representations.
3 · MS. PERRY: I'm going to object to the
4 · scope. This is far, far beyond the scope of the
5 · noticed deposition topic. This is not her area of
6 · deposition topic. And I think it's inappropriate to
7 · question this PMK witness about statements made by
8 · another witness in another forum in another case.
9 · MR. MULLAN: Q. So the first question I
10 · have for you is, she states here managers at Oracle
11 · are not required to give their reports a performance
12 · rating.
13 · Do you see that?
14 · . . . A. No. Can you tell me where?
15 · . . . Q. Sure. It's Section 19, the first
16 · paragraph.
17 · "There is no formal structure.
18 · Supervisor does not have to conduct
19 · performance reviews or give a rating
20 · number."
21 · Do you see that?
22 · . . . A. I do see it.
23 · . . . Q. Do you agree or disagree with that
24 · statement?
25 · . . . A. As I have testified here today, I've said

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1 · that performance reviews are not mandatory. And our
2 · performance, in general, is just a factor when
3 · giving a salary. You know, so that is my -- that is
4 · my testimony.
5 · And as a manager, I would agree. As a

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6· personal (sic), I would agree with that statement.

7· . . . Q· If you flip the page to Section 20, the
8· question is --

9· . . . A· Sorry· I thought you meant page 20.

10· . . . Q· It's all right· Page 15, Section 20.

11· . . . A· Yeah· Okay.

12· . . . Q· She's asked:

13· "Is there a formula for determining merit
14· increases?"

15· And she responds:

16· "No real formula for determining merit

17· increases· It is based on how much

18· budget did we get and what is best for

19· our organization on how to spend it."

20· Do you agree with that?

21· MS. PERRY: I'm going to object.

22· This is beyond the scope of the witness's

23· noticed deposition topic· It's not -- it's not her

24· topic· Again, I believe it's inappropriate for you

25· to be asking this witness questions like this, based

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1· on another witness's statement.

2· If you have personal knowledge about that,

3· recognizing that it's beyond the scope, you can go

4· ahead and testify to it.

5· THE WITNESS: This is not my area of

6· responsibility.

7· MR. MULLAN: Q· So without a formal

8· requirement of performance evaluations, how is it

9· possible to review compensation decisions to ensure

10· that they rely on an employee's job-related

11· performance?

12· MS. PERRY: I'm going to object· That's

13· beyond the scope of this witness's noticed

14· deposition topics.

15· If you have personal knowledge or a

16· response to that, you can go ahead and testify to it

17· from your personal knowledge.

18· THE WITNESS: Again, this is not my area

19· of expertise or responsibility as a manager.

20· As I've said earlier, throughout this time

21· today, that there are a variety of factors that I

22· would think about when giving someone a raise.

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23 · · · · · And just to, you know, kind of reiterate
24 · that, it would be, you know, their skills, their
25 · qualifications, what they're doing, you know, their

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1 · experience, the criticality of the role or the
2 · projects that they're working -- you know, they're
3 · working on, how they team and work well with others,
4 · how they collaborate. There's a variety of factors
5 · that I would consider.

6 · · · · · MR. MULLAN: Q. So when a manager relies
7 · on factors other than a formal written performance
8 · evaluation, are those other factors documented
9 · somewhere?

10 · · · · · MS. PERRY: Again, I'm going to object
11 · that it's beyond the scope of the noticed deposition
12 · topic.

13 · · · · · This witness is not here to talk about
14 · compensation.

15 · · · · · This witness is here to talk about the
16 · performance appraisal process.

17 · · · · · So if you want to ask her questions about
18 · that topic, she can testify about it.

19 · · · · · But I'm not going to have her sit here and
20 · testify about topics that are beyond the scope and
21 · that are within the scope of another witness who's
22 · scheduled to testify.

23 · · · · · MR. MULLAN: The Topic No. 19 for which
24 · she's here for today states (as read):

25 · · · · · "YOUR policies and practices for

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·1 · · · · · performance evaluation of employees in
·2 · · · · · COVERED POSITIONS in California, including
·3 · · · · · but not limited to how job performance is
·4 · · · · · measured, how employees in COVERED
·5 · · · · · POSITIONS receive feedback on job
·6 · · · · · performance, how performance reviews are
·7 · · · · · conducted, and what factors are used to
·8 · · · · · evaluate employees in COVERED POSITIONS
·9 · · · · · for compensation purposes, promotion
·10 · · · · · and/or retention."

·11 · · · · · MS. PERRY: Yes. And as stated in our
·12 · objection and after multiple meet-and-confer

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13· communications with your office, we stated that we
14· will produce a witness, on a mutually agreed upon
15· date, to testify regarding its general performance
16· management framework for employees within the
17· information technology, product development, and
18· support job functions in California during -- during
19· the appropriate statute-of-limitations period.
20· That is what she is here to testify about,
21· that's what she's prepared to testify about, and
22· that's what she will be testifying about.
23· MR. MULLAN: Q: Okay. Do you want me to
24· repeat the question?
25· A: You can repeat the question, please.

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1· Q: So where an employee is evaluated using
2· something other than a formal performance review, is
3· that documented?
4· MS. PERRY: Again, beyond the scope.
5· If you have personal knowledge about that,
6· you can testify to it --
7· THE WITNESS: Okay.
8· MS. PERRY: -- that specific question.
9· THE WITNESS: Yeah, so I don't -- I mean,
10· I can only speak to that as a manager.
11· And as I've said to -- you know, as part
12· of my testimony earlier today is that the performer
13· (sic) -- the formal performance appraisal is one
14· tool to capture that information around what your
15· objectives -- the objectives are, what your goals
16· are, how you're going to be measured against that,
17· how you've done against that at the end of the year.
18· There are other ways to get at that
19· conversation without a formal appraisal tool.
20· I think I suggested earlier or I mentioned
21· earlier that, as a manager, I don't conduct formal
22· performance appraisals on my direct reports. I
23· have dialogues with them. I have conversations
24· frequently about, you know, what their objectives
25· are, how they're doing against those objectives,

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1· and how they're performing. It's a conversation.
2· And so that's -- that's what I could share.

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3 · · · · · MR. MULLAN: Q. Okay. So when a manager
4 · uses those other mechanisms other than a formal
5 · performance appraisal, how is that documented?
6 · · · · · MS. PERRY: Again, beyond the scope.
7 · · · · · If you have personal knowledge of that,
8 · you can testify about it.
9 · · · · · THE WITNESS: For my own organization, it
10 · could be documented in using a couple bullet points
11 · in a -- you know, a -- an e-mail about, "Here are
12 · the key priorities that I want to work on."
13 · · · · · And we talk about how they're progressing
14 · about (sic) that.
15 · · · · · So it may not all be documented, but
16 · it's -- it's discussed and known.
17 · · · · · You know, it's my responsibility as a
18 · manager to know what my people are working on so
19 · that we accomplish our goals as a team.
20 · · · · · MR. MULLAN: Q. But there's no formal
21 · process in place to document those factors such that
22 · somebody could do a review of that salary-increase
23 · decision based upon those documented factors?
24 · · · · · MS. PERRY: Again, I'm going to object to
25 · the scope. This is beyond this witness's noticed

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1 · deposition topic as it was identified for you. This
2 · has to do with compensation and not the performance
3 · appraisal process.
4 · · · · · THE WITNESS: Again, speaking to my own
5 · individual status as a manager, we have, frequent,
6 · you know, one-on-ones or conversations about how
7 · people are doing.
8 · · · · · Performance is one of many factors that I
9 · would consider when evaluating for compensation.
10 · And I've talked about that a little bit around how
11 · it -- you know, what are they doing? How are they
12 · performing? What's their job? How -- do they work
13 · well with others?
14 · · · · · So it's not just the performance piece
15 · that I am considering.
16 · · · · · MR. MULLAN: Q. No. But in -- a formal
17 · system of performance evaluations that you're
18 · describing relies, it sounds to me, entirely on the
19 · discretion of the manager for making compensation

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20· decisions.
21· Is there anything in place that can check
22· that system to make sure those salary compensation
23· decisions are equitable?
24· MS. PERRY: Again, beyond the scope of
25· this witness's noticed deposition topics.

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1· If you have personal knowledge, you can
2· testify as to that.
3· But I'm getting pretty much to the end of
4· what I think it's appropriate for you to be asking
5· this witness about.
6· THE WITNESS: You're asking me about areas
7· that are not in my responsibility.
8· I can only tell you what I do as a
9· personal manager.
10· I -- I think I've described that, right?
11· I, you know, consider performance; I get input from
12· others; I see how they're working well. You --
13· there's a variety of factors.

234:25-240:22

25· MR. MULLAN: Q. Okay. So you mentioned

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1· reliance upon informal performance evaluation
2· methodologies as well. You talked earlier about
3· this.
4· What steps do you take to -- or does
5· Oracle take to ensure that those informal
6· performance evaluation factors are a reliable
7· measure of performance?
8· MS. PERRY: Object to form; beyond the
9· scope.
10· THE WITNESS: Again, what we try to do
11· with our managers, right, is -- it's -- it's an
12· expectation set with our managers. They've a
13· variety of responsibilities, right? They've got to
14· hire. They've got to recognize. They've got to
15· manage performance. There's a number of
16· expectations for managers.
17· And whether they utilize a formal written
18· performance appraisal or they utilize a

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19· conversation -- frequent conversations, one-on-ones,
20· to make sure that employee -- their employees know
21· what's expected of them and how they're progressing
22· against those objectives and how they're overall
23· doing, and that they're also discussing the
24· development, right, because career development is
25· really important, you know, those -- that's an

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1· expectation of a manager.
2· MR. MULLAN: Q. Yeah, and -- and I
3· understand that.
4· But my -- what I'm struggling with is
5· trying to understand those informal, non-written
6· performance evaluation criteria that might be used,
7· those conversations, for example, that you gave.
8· What steps can Oracle take to ensure that
9· those conversations, for instance, are a reliable
10· measure of an employee's performance?
11· MS. PERRY: Object to form. Vague;
12· ambiguous; overbroad; beyond the scope.
13· THE WITNESS: So speaking as a manager,
14· right, there's -- there's a number of things that --
15· that I would do, right.
16· It is -- one, I rely on the facts and the
17· observations of someone's performance and how
18· they're doing, et cetera.
19· I also take into consideration what other
20· team members, you know, might say or how they
21· collaborate with other groups.
22· So I think, you know, while it's not a
23· formal oversight, you know, we encour- -- encourage
24· our managers to, you know, look at performance,
25· look at potential, look at an employee more

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1· holistically from a variety of factors.
2· And I -- and I think that, you know,
3· because you're not -- you know, because I don't just
4· judge or base on one aspect, you know, I feel like
5· that, you know, we're encouraging managers to look
6· more holistically at an employee's performance and
7· impact in the company.

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8 · · · · · MR. MULLAN: Q. But if a -- if a manager
9 · was using improper criteria, how would that come to
10 · light in a system in which there is no formal
11 · performance evaluation requirement?

12 · · · · · MS. PERRY: Object to form. Lacks
13 · foundation; incomplete hypothetical; calls for
14 · speculation; beyond the scope.

15 · · · · · THE WITNESS: So I can tell you a scenario
16 · where -- again, there's lots of different scenarios.

17 · · · · · But because it's kind of a broad question,
18 · I would say there are scenarios where -- if an
19 · employee is feeling that they're not being evaluated
20 · properly, there's lots of channels for that employee
21 · to -- to get assistance. They can talk to HR. They
22 · can, obviously, talk to their manager and -- and,
23 · you know, say, "I disagree with this. I think I'm
24 · performing at this level."

25 · · · · · We do encourage, as part of our guidelines

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1 · with employees, to come to the table with, you know,
2 · information about how they believe they're --
3 · they've performed.

4 · · · · · So if they were feeling wrongly evaluated,
5 · I think there's a number of channels that they
6 · could -- could follow to make sure that that, you
7 · know, is not happening, HR being one of them,
8 · their -- you know, having a direct conversation
9 · with their manager, or they're going above the --
10 · the manager's manager.

11 · · · · · MR. MULLAN: Q. Are there any checks in
12 · place that don't re- -- rely upon the employees
13 · taking affirmative action?

14 · · · · · MS. PERRY: Object to form. Vague and
15 · ambiguous.

16 · · · · · THE WITNESS: Can you be just a little bit
17 · more specific on what you mean by that?

18 · · · · · MR. MULLAN: Q. Yeah.

19 · · · · · So we're talking about performance
20 · evaluation of employees that is based on something
21 · other than the formal written performance evaluation
22 · process that you've talked about extensively today.

23 · You talked about conversations, for instance.

24 · · · · A. Uh-huh.

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25 · · · · Q · Is there a formal check in place at

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1 · Oracle that would catch a situation where an
2 · employer or a manager is using improper criteria,
3 · perhaps discriminatory criteria, in evaluating
4 · employees, where that manager is not relying upon
5 · written formal evaluations?

6 · · · · · MS. PERRY: Object to form. Vague and
7 · ambiguous; beyond the scope; calls for speculation;
8 · incomplete hypothetical; and beyond the scope of
9 · this witness's noticed deposition topics.

10 · · · · · THE WITNESS: So the way I would -- the
11 · way I would hear your question is, right, "Is there
12 · a way to catch somebody -- to catch somebody that's
13 · doing something wrong?"

14 · · · · · And I think we have talked about this,
15 · too, but just to reiterate, that we don't just send
16 · people out blindly, right?

17 · · · · · We have a lot of guidelines, we have a lot
18 · of toolkits that are available to managers and to
19 · employees with guidance on how to have a good
20 · conversation; how to be fair and impartial; how to
21 · use, you know, observable facts; you know, to
22 · separate things. So I think there are a lot of
23 · guidelines to help.

24 · · · · · And if -- you know, we're a large company.

25 · · · · · I guess if one manager kind of went the

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1 · opposite direction of what we recommend or what we
2 · would encourage, then there would be -- there's
3 · avenues for employees to -- to raise concerns with.

4 · · · · · MR. MULLAN: Q · Yeah · And you've
5 · discussed those avenues for employees.

6 · · · · · I'm just trying to figure out if there's
7 · any other checks that don't rely upon those
8 · employees raising the concerns.

9 · · · · A · Not that I'm aware of.

10 · · · · Q · Okay · Just one point of clarification.

11 · · · · · Way back when, you talked about 63 percent
12 · of employees in 2017 either started or completed a
13 · performance evaluation in 2017.

14 · · · · A · Uh-huh.

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15. . . . Q. . . Do you know what the percentage is of
16. employees who completed performance evaluations in
17. 2017?

18. . . . A. . . I don't know that -- that specific number.

19. I know that I -- what I said, that I look
20. at it from who started and who's completed.

21. . . . Q. . . But something less than 63 percent?

22. . . . A. . . I think that's fair to say.