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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

---oOo---

RONG JEWETT, SOPHY WANG, and)
XIAN MURRAY, individually and)
on behalf of all others)
similarly situated,)

Plaintiffs,)

vs.)

No. 17-CIV-02669

ORACLE AMERICA, INC.,)

Defendant.)

CONFIDENTIAL, PURSUANT TO PROTECTIVE ORDER

VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.

BY: ANJE DODSON

July 17, 2018

Volume I

(Pages 1 - 244)

Taken before JANE GROSSMAN

CSR No. 5225

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VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.
BY: ANJE DODSON - VOLUME I

Exhibit P-14

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I N D E X

VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.

BY: ANJE DODSON

TUESDAY, JULY 17, 2018

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DEPOSITION EXHIBITS MARKED FOR IDENTIFICATION

* Document designated "CONFIDENTIAL"

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Exhibit 1	Multipage document entitled "PLAINTIFF'S SECOND AMENDED NOTICE OF DEPOSITION OF PERSON MOST KNOWLEDGEABLE..." (No Bates numbers)	15
Exhibit 2 *	Multipage document entitled "Oracle A-Team New Hire Guide... Version 3.5 - August 2013" (ORACLE_JEWETT_00005585 - ORACLE_JEWETT_00005647)	36
Exhibit 3	Multipage document entitled "Oracle Database: SQL Fundamentals I, Volume I - Student Guide," dated January 2010 (No Bates numbers)	60

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Exhibit 16	One-page document with the designation "Performance (Murray, Ms. Xian)," dated 01-JUN-2014 (Handwritten Bates numbered Oracle_Jewett 869)	196
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Proceedings Commenced: 9:02 a.m.

RECESSES

9:53 a.m. until 10:03 a.m.
11:12 a.m. until 11:26 a.m.
Luncheon Recess: 12:01 p.m. until 1:00 p.m.
2:03 p.m. until 2:17 p.m.
3:19 p.m. until 3:31 p.m.

Proceedings Adjourned: 3:55 p.m.

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VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.

BY: ANJE DODSON

VOLUME I

BE IT REMEMBERED that, pursuant to Notice of Taking Videotaped Deposition, and on Tuesday, July 17, 2018, commencing at the hour of 9:02 a.m., at the LAW OFFICES OF ALTSHULER BERZON LLP, 177 Post Street, Suite 300, San Francisco, California 94108, before me, JANE GROSSMAN, a Certified Shorthand Reporter of the State of California, personally appeared

ANJE DODSON,

produced as the person most knowledgeable for Oracle America, Inc., who, being by me first duly sworn, was thereupon examined as a witness in said cause.

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A P P E A R A N C E S

FOR PLAINTIFFS RONG JEWETT, SOPHY WANG, and XIAN MURRAY,
individually and on behalf of all others similarly
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A P P E A R A N C E S

(Continued)

FOR DEFENDANT ORACLE AMERICA:

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By: KATHRYN G. MANTOAN, Attorney at Law
kmantoan@orrick.com
(present via telephone conference call)

ALSO PRESENT:

KEVIN GOGARTY, Videographer

1 MORNING SESSION 9:02 A.M.

2 P R O C E E D I N G S

3 THE VIDEOGRAPHER: Good morning.

4 Here begins Video No. 1 of Volume No. I of
5 the deposition of Anje Dodson in the matter of
6 Jewett, et al., vs. Oracle America, Inc., venued in
7 the Superior Court of the State of California for
8 the County of San Mateo, Case No. 17-CIV-02669.

09:02:29

9 Today's date is July 17th, 2018, and the
10 time on the video monitor is 9:02.

09:02:49

11 The video operator today is Kevin Gogarty,
12 representing Jane Grossman Reporting Services;
13 telephone 510.444.4500.

14 This video deposition is taking place at
15 177 Post Street in San Francisco, California, and
16 was noticed by the plaintiffs.

09:03:02

17 Will counsel please voice identify
18 yourselves and state whom you represent?

19 MR. MULLAN: John Mullan of Rudy, Exelrod,
20 Zieff & Lowe on behalf of the plaintiff and the
21 proposed class.

09:03:14

22 MR. McELHINNY: William McElhinny on
23 behalf of Plaintiff.

24 MR. FINBERG: Jim Finberg of Altshuler
25 Berzon for the plaintiffs and the proposed class.

09:03:24

1 MS. PERRY: Jessica Perry for Defendant 09:03:26
2 Oracle.

3 MS. MANTOAN: By phone, this is
4 Kathryn Mantoan for Defendant Oracle.

5 THE VIDEOGRAPHER: The court reporter is 09:03:38
6 Jane Grossman, representing Jane Grossman Reporting
7 Services.

8 And would she please administer the oath?
9 ---oOo---

10 ANJE DODSON, 09:03:44
11 having been sworn as a witness by the
12 Certified Shorthand Reporter,
13 testified as follows:
14 ---oOo---

15 EXAMINATION BY MR. MULLAN 09:03:44
16 MR. MULLAN: Q. Good morning, Ms. Dodson.
17 We met a few minutes ago off the record,
18 but can you state your full name for the record,
19 please?

20 A. Sure. Anje Dodson. 09:04:02
21 Q. And are you an employee of Oracle?
22 A. I am.
23 Q. And what is your current job title?
24 A. Vice president of human resources.
25 Q. How long have you been in that position? 09:04:11

1 Q. Do you recall how long you were in that 09:05:09
2 position?

3 A. I think around the same time, a few years,
4 you know, three. I don't...

5 Q. And was there a position before that? 09:05:17

6 A. Yes. I was, I believe, a manager. I rose
7 through the ranks, so...

8 Q. So maybe it would be probably quicker if
9 you just give me your previous jobs in chronological
10 order. 09:05:33

11 A. Sure.

12 I was hired as an HR representative in
13 '96, and then rose through the ranks, the career
14 ladder, so HR rep, senior HR rep. And then I moved
15 into an HR Business Partner/Consultant, 1, 2, 3, and 09:05:47
16 then was promoted into management.

17 Q. And we've already gone through what
18 happened after that.

19 A. Yes.

20 Q. Thank you. 09:05:58

21 Have you ever been deposed before?

22 A. I have.

23 Q. Okay. Was that on behalf of Oracle?

24 A. Yes.

25 Q. Do you recall what sort of case that was? 09:06:04

1 A. Okay. 09:06:56

2 Q. We can take any -- a break anytime you
3 want.

4 The only thing I'd say is that if there's
5 a question pending, you answer the question first 09:07:00
6 before you take a break --

7 A. Okay.

8 Q. -- okay?

9 From time to time, your counsel will
10 object to my questions. 09:07:07

11 But you must answer the questions unless
12 your counsel instructs you not to answer the
13 questions.

14 Does that make sense?

15 A. Yes. 09:07:15

16 Q. Are you taking any medication today that
17 would prevent you from giving accurate and honest
18 testimony?

19 A. No.

20 Q. Any other reason why you might not be able 09:07:23
21 to give accurate testimony today?

22 A. No.

23 Q. And you understand that you are testifying
24 under oath here today?

25 A. I do. 09:07:30

1 Q. Do you understand that you're testifying
2 for Oracle as its designee with respect to certain
3 topics here today?

09:07:32

4 A. Yes.

5 (Discussion off the record.)

09:07:48

6 (Deposition Exhibit 1 was marked for
7 identification.)

8 MR. MULLAN: Q. Ms. Dodson, you've just
9 been handed what's been marked as Exhibit 1.

10 Please take as much time as you need to
11 review that.

09:08:08

12 A. Okay.

13 Q. Exhibit 1, I'll represent to you, is the
14 Plaintiffs' Second Amended Notice of Deposition of
15 Person Most Knowledgeable.

09:08:53

16 Have you seen this document before?

17 A. Yes.

18 Q. Okay. And if you flip to page 3, you'll
19 see a heading, "MATTERS FOR EXAMINATION."

20 Do you see that?

09:09:07

21 A. I do.

22 Q. And you'll see two topics there. The
23 first topic, 4.:

24 "For each job position and/or job code
25 that is a COVERED POSITION, the training

09:09:17

1 MS. PERRY: And, again, I'll just make the 09:10:14
2 same clarification that she's here as the witness to
3 testify on Topic 19 as laid out in the objections
4 that Oracle served on July 10th.

5 MR. MULLAN: Q. And do you understand 09:10:38
6 that you're testifying as to those topics from the
7 period June 16th, 2013 to the present?

8 A. I do.

9 Q. Thank you.

10 What are your responsibilities as 09:10:50
11 vice president of human resources at Oracle?

12 A. Today my responsibilities include learning
13 and development, so our professional and leadership
14 solutions and services.

15 Q. And what does that encompass? 09:11:16

16 A. So I have a team called Organization &
17 Talent Development.

18 And this team oversees our performance
19 management process and our talent management
20 process and creates guidance and -- for managers 09:11:31
21 and employees on how to have effective conversations
22 about their performance.

23 And then a big part of that is also
24 development, right, development of our employees.
25 And so what learning solutions are available to our 09:11:47

1 employees in a variety of different ways, right. 09:11:50
2 Not all people learn -- a lot -- differently in
3 different ways. And so they oversee those
4 portfolios of solutions that we provide.

5 Q. By "learning solutions," is that training? 09:12:04

6 A. Yes.

7 Q. Okay. And it sounds like you oversee a
8 team.

9 Do you have any individuals who report
10 directly to you? 09:12:16

11 A. I do.

12 Q. How many?

13 A. I have nine direct reports.

14 Q. And who do you report to?

15 A. The head of HR, Joyce Westerdahl. 09:12:28

16 Q. And you've been in this role for nine
17 years; is that correct?

18 A. I've been in the vice president role since
19 2007.

20 Q. And who was your predecessor in that role? 09:12:55

21 A. It was actually, prior to me -- are you
22 saying for the learning aspect of my role?

23 Q. Yes. I'm sorry.

24 A. Okay.

25 Q. The learning and development aspect. 09:13:09

1 of phone calls, too. 09:14:24
2 Q. How long did you meet for yesterday?
3 A. I think we started mid- -- 10:30,
4 mid-morning, until in the afternoon.
5 Q. Noon or much later? 09:14:41
6 A. I think it was around 4:00, 4:30.
7 Q. Okay. And in addition, you had a few
8 phone calls?
9 A. Yes.
10 Q. And, again, that was with counsel? 09:14:53
11 A. Yes.
12 Q. And when were those phone calls?
13 A. Last week.
14 Q. How long did those calls last each, if you
15 recall? 09:15:05
16 A. About an hour.
17 Q. Have you reviewed the Complaint in this
18 action?
19 A. The Complaint?
20 I've reviewed this document (indicating 09:15:16
21 Exhibit 1).
22 Q. And for the record, you're referring to
23 the deposition notice?
24 A. The deposition (sic), yes.
25 Q. So the Complaint is the legal document 09:15:24

1 that the plaintiffs filed that lays forth their 09:15:25
2 claims against Oracle.

3 Have you seen any document that looks like
4 that?

5 A. No. 09:15:35

6 Q. Okay. Have you discussed the allegations
7 in this litigation with anyone other than your
8 lawyer?

9 A. No. Oh, sorry. No, no, not allegations.
10 I wouldn't phrase it that way. 09:15:49

11 When you asked about what else I had done
12 to kind of prepare, I talked with a woman who
13 oversees our Oracle University, who hosts a lot of
14 our learning solutions, Susan Griffin.

15 Q. Susan Griffin, did you say? 09:16:06

16 A. Uh-huh.

17 Q. And what's her job title?

18 A. She -- I don't remember her level, but she
19 works in Oracle University.

20 Q. We're going to come back to 09:16:14
21 Oracle University.

22 When did you speak to her?

23 A. Last week.

24 Q. And how long did you speak with her for?

25 A. About 15 or 20 minutes. 09:16:23

1 Q. Okay. So I'll start with the broad 09:16:34
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? 09:16:44

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 09:16:54
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 09:17:04
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; 09:17:14
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 09:17:31

1 know, around our EEO principles, so our business 09:17:34
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 09:17:52
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. 09:18:04
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? 09:18:16
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. 09:18:30
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," 09:18:45

1 is it online training in the form of just a website 09:18:47
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. 09:19:00

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 09:19:13
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. 09:19:23

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? 09:19:26

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, 09:19:40

1 sure you're familiar with that. 09:19:44
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. 09:19:55
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 09:20:05
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 09:20:18
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 09:20:25
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 09:20:42

1 course would cover that, it does not.

09:20:44

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?

09:20:54

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.

09:21:13

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.

09:21:24

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.

09:21:39

21 Q. Okay. But it's not a formal training
22 course that's required of new employees?

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

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

09:21:50

1 A. Yes. 09:21:51

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 09:21:59
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. 09:22:14

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. 09:22:24

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 09:22:35
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 09:22:50

1 care of it.

09:22:54

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.

09:23:01

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

09:23:11

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

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?

09:23:28

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.

09:23:38

24 But other than that, no, I'm not aware of
25 any mandatory requirements on our employees.

09:23:49

1 MR. MULLAN: Q. I'm sorry. Did you say 09:23:54
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), 09:24:01
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. 09:24:13

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? 09:24:21

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, 09:24:46
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? 09:25:00

1 And by "when," I mean is that something
2 that they do during work hours, or is that something
3 they're supposed to do on their own time?

09:25:07

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.

09:25:17

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?

09:25:31

13 MS. PERRY: Object to form.

14 THE WITNESS: It's available anytime
15 anywhere.

09:25:40

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?

09:26:05

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

09:26:23

1 expected of them. 09:26:25
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.
5 Q. And who is responsible for producing these 09:26:45
6 online presentations?
7 A. A variety of people.
8 Q. Is it different people for the four
9 different courses we've mentioned?
10 A. Yes. 09:27:00
11 Q. Who's responsible for the code of conduct
12 course?
13 A. Our legal department.
14 Q. And insider training (sic)?
15 MS. PERRY: Object. It's -- it's insider 09:27:12
16 trading. Insider trading.
17 MR. MULLAN: Trading?
18 MS. PERRY: Trading.
19 THE WITNESS: Insider trading -- trading
20 training. It's a tongue-twister. Is that -- 09:27:22
21 MR. MULLAN: Q. I'm sorry. Insider
22 trading training?
23 A. Yes.
24 Q. Okay. Let's hope we don't have to say
25 that too many times today. 09:27:31

1 A. I know. 09:27:33

2 Q. So who's responsible for producing that
3 online presentation?

4 MS. PERRY: One second before you respond
5 to that. 09:27:37

6 I'm just going to object to these
7 mandatory trainings to the extent that they fall
8 outside the scope of the deposition topic, which was
9 limited to the witness testifying generally as to
10 technical, job-related training offered or made
11 available. 09:27:47

12 (Clarification requested by the reporter.)

13 MS. PERRY: The witness is here to testify
14 generally as to technical, job-related trainings
15 offered or made available by Oracle to employees
16 within the three functions. 09:27:59

17 So it's fine. She can go ahead and
18 answer, based upon her own personal knowledge.

19 But I just wanted to make clear that
20 objection for the record, as we are getting into
21 some pretty specific questions about these other
22 generalized trainings. 09:28:12

23 So go ahead.

24 THE WITNESS: I'm sorry. Can you repeat
25 the question? 09:28:21

1 MR. MULLAN: Q. You're going to make me 09:28:22
2 repeat that?

3 A. It was around inside -- you were asking --

4 Q. So the question --

5 A. -- who was responsible? 09:28:27

6 Q. The question is, who is responsible for
7 producing the online training course insider trading
8 training?

9 A. That is also our legal group.

10 Q. And the same question regarding the sexual 09:28:40
11 harassment training.

12 A. I would view that one as a partnership
13 with legal and HR.

14 Q. Health and safety training?

15 A. That is our facilities and health and 09:28:52
16 safety group.

17 Q. Do they all -- strike that.

18 In your current capacity as the head of
19 learning and development, do these courses all have
20 to be signed off on by you? 09:29:14

21 A. No. That is not my area of
22 responsibility.

23 Q. At some point does Oracle assess whether
24 new employees have completed their training in these
25 areas? 09:29:38

1 MS. PERRY: Object to form. 09:29:39

2 THE WITNESS: You're asking, does Oracle
3 check if the -- if employees complete their
4 mandatory complia- -- compliance training, which is
5 the courses we've just outlined? 09:29:49

6 Yes, there -- there's a team that monitors
7 and follows up with individuals and managers.

8 MR. MULLAN: Q. And what is the name of
9 that team?

10 A. I -- I don't know their specific name. 09:30:07
11 It's -- it's a team within HR that oversees that
12 particular program.

13 Q. And by "that particular program," you mean
14 these compliance trainings?

15 A. Correct. 09:30:26

16 Q. Okay. So in addition to this required
17 training that we've talked about, are there any
18 other forms of required training for new hires?

19 A. Not that I'm aware of.

20 Q. Are there any other forms of required 09:30:51
21 training for certain employees within the three
22 functions, product development, IT, support, but not
23 for other employees?

24 A. There are no uniform requirements of
25 training in those groups that I'm aware of. 09:31:07

1 A manager may, you know, say that, "I want 09:31:10
2 my team members to take this training to be skilled
3 and capable in that particular business."

4 But there's nothing that I'm aware of
5 that's uniform. 09:31:21

6 Q. Are you aware of any line of business, any
7 division within those three groups that has
8 additional mandatory training?

9 A. No, not that I'm aware of.

10 Q. So you mentioned managers may have 09:31:44
11 additional training that they require of their
12 employees.

13 Can you give me any examples of that?

14 A. I don't have a specific example for
15 managers in those groups. 09:31:55

16 But I will tell you we have thousands of
17 courses and solutions, in person, online, available
18 to our employees.

19 And every group, every individual is a
20 little different, right, because skill-building may 09:32:10
21 be one thing for one person, and it may be something
22 else for another person. So...

23 Q. Are you aware of any training that Oracle
24 offers its employees in support, IT, or product
25 development to perform their specific job duties? 09:32:33

1 MS. PERRY: Object. Vague and ambiguous. 09:32:38

2 THE WITNESS: That's a -- yeah, that's a
3 broad question.

4 I mean, I'm not -- I'm sure -- you know,
5 there's training that people take, whether it's 09:32:45
6 their personal development, they want to get
7 stronger at something particularly or there's a new
8 skill that they need for their job, based on where
9 the business is going.

10 But, again, I'm not aware of anything 09:32:56
11 that's mandatory.

12 (Deposition Exhibit 2 was marked for
13 identification.)

14 MS. PERRY: Thank you.

15 THE WITNESS: Thank you. 09:33:30

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 09:33:43
21 representations within the document.

22 Take as much time as you need to review
23 it.

24 A. Okay. All right.

25 Q. Ms. Dodson, you've been handed a document 09:36:31

1 that's been marked as Exhibit 2 with the title on 09:36:33
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 09:36:45
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"? 09:37:03

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 09:37:19
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 -- 09:37:27

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 09:37:33

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.

09:37:35

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.

09:37:52

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

09:38:04

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
15 know, I want to make sure that my new hires, you
16 know, know where the tools and resources are.

09:38:14

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.

09:38:26

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.

09:38:44

1 I'm not -- there would be thousands of, 09:38:47
2 you know, business organizations and units. I -- I
3 don't see everything that everyone produces.

4 Q. Sure. I'm -- I'm not specifically asking
5 about what's created by the business. My question 09:38:58
6 is more general.

7 Have you seen other new hire guides?

8 A. Oh, okay. Thank you for clarifying.

9 So we have a new hire checklist that is
10 available to all employees on the internet. And 09:39:11
11 that checklist gives them information about what
12 they might need to know in their first few days.

13 Q. What sort of information would they need
14 to know in their first few days?

15 A. How to get a badge; you know, if they 09:39:37
16 have issues with getting their system set up, there
17 would be information about how to contact IT for
18 help; there would be information about their HR team
19 or who their HR rep is for questions; how to set up
20 your printers; things like that. 09:40:02

21 Q. So systems-related training, rather than
22 training related to their actual product that
23 they're working on; is that fair to say?

24 A. That's fair to say.

25 It is focused on what they need to do to 09:40:20

1 get up and running. 09:40:23

2 Q. And that new hire checklist is made

3 available to all new employees in the three

4 functions at issue in this matter, IT, support, and

5 product development? 09:40:35

6 A. Yes, it's available to all employees

7 around the globe.

8 MR. MULLAN: Have we been provided that

9 document? Do you know, Counsel?

10 MS. PERRY: I'm not sure. I'm not, 09:40:46

11 actually, sure it's responsive. So I can check.

12 MR. MULLAN: Thank you.

13 Q. So other than the new hire checklist

14 that's made available to all employees, have you

15 seen other new hire guides that look similar to 09:41:05

16 Exhibit 2?

17 A. I'm personally not aware or have seen.

18 Q. Have you seen any other training materials

19 produced for specific subgroups within the three

20 functions that we're talking about? 09:41:26

21 MS. PERRY: Object. Vague and ambiguous.

22 THE WITNESS: So, let me -- let me just

23 double-check what you're saying.

24 So you're asking for other training guides

25 that -- 09:41:42

1 MR. MULLAN: Q. Yes. 09:41:42

2 A. -- I have seen?

3 I have seen things that, you know, my team
4 has produced.

5 Q. And what has your team produced? 09:41:49

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? 09:42:16

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 09:42:36
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: 09:42:43

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 09:42:53

1 training classes that all employees must complete," 09:42:56
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. 09:43:05

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. 09:43:17

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, 09:43:30
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. 09:43:46

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? 09:44:06

1 Safari Books. These are all resources that every 09:45:41
2 employee, no matter where you are in the world or in
3 the company, can access.

4 MR. MULLAN: Q. "Harvard ManageMentor,"
5 did you say? 09:45:58

6 A. Yes.

7 Q. And what is that?

8 A. It's access to Harvard Business Review
9 documents and publications.

10 Q. And Safari Books? 09:46:05

11 A. It's a resource for getting a variety of
12 different books on a -- whatever topic you might
13 want.

14 If you want to know more about Python, I'm
15 sure you can find a book on it. 09:46:19

16 Q. Is Oracle University part of this?

17 A. Oracle University is not part of those
18 that I just described.

19 Q. Okay. Are employees required to take a
20 certain number of these online courses over the 09:46:37
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. 09:46:48

1 Development is very personal, right, 09:46:50
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, 09:47:02
6 you know, best suits them.
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? 09:47:13
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. 09:47:26
16 Q. -- from time to time?
17 A. No, not that I'm aware of, where it's
18 mandatory.
19 Q. So what factors determine -- determine
20 what training a manager might require of a newly 09:47:36
21 hired employee at Oracle?
22 A. Well, as a manager myself, I can speak to
23 this personally. And I would say, I mean, I think
24 about, you know, what the person is going to be
25 doing. And that can vary, right? Within my own 09:47:55

1 team, that varies wildly. And to figure out, you
2 know, what -- what I might recommend for them to
3 kind of get up to speed.

09:47:59

4 But it's more than just training
5 solutions. It might be, you know, networking. It
6 might be, you know, getting to know other people on
7 the team.

09:48:11

8 But I would also have a conversation with
9 that employee about, you know, their skills,
10 experience and what, you know, we might need to --
11 to add to that to enhance their -- their skills.

09:48:21

12 Q. Is it fair to say that employees with the
13 same job title receive the same job duties and
14 responsibilities training?

15 A. No, I wouldn't characterize that at all.
16 I think there can be differences.

09:48:42

17 Q. And why would there be differences?

18 A. Jobs can vary depending on, you know,
19 where you are, what your day-to-day responsibilities
20 are, what organization you're in, where you are in
21 the world. So I think there's a lot of variability
22 in that.

09:48:58

23 Q. Okay. Two employees in applications
24 development all working on the same line of
25 business, would they receive the same job duties and

09:49:12

1 responsibilities training? 09:49:15

2 A. I don't know if they would receive the
3 same responsibilities training.

4 I mean, without being in a specific
5 situation, they may have responsibilities that are 09:49:24
6 similar, but they -- but also may be working on
7 different products or different pieces of the
8 product.

9 Q. Does anyone oversee the training decisions
10 of a manager to ensure training is being made 09:49:41
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? 09:49:50

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 -- 09:50:02
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 09:50:17

1 my employees about what skills or what training they 09:50:20
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, 09:50:29
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 09:50:46
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
15 ensure that something like that doesn't happen? 09:50:59

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 09:51:09
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 09:51:20

1 and resources to learn at your disposal anytime. 09:51:23

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 09:51:37
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 09:51:55
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, 09:52:12
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 09:52:24
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. 09:52:36

1 MS. PERRY: Objection. Vague and 09:52:39
2 ambiguous.

3 THE WITNESS: It's a broad question.
4 I've talked about the mandatory compliance
5 program, right, that's oversight. 09:52:45
6 There's not a -- you know, an oversight
7 committee that I'm aware of that would look at
8 training like that.

9 MR. MULLAN: Q. Okay.

10 MS. PERRY: We've been going about an 09:53:01
11 hour. Can we take a break?

12 MR. MULLAN: Yeah.

13 MS. PERRY: Okay. Thanks.

14 THE VIDEOGRAPHER: We're going off the
15 record at 9:53, ending Media No. 1. 09:53:07
16 (Recess taken: 9:53 a.m. until 10:03 a.m.)

17 THE VIDEOGRAPHER: We're back on the
18 record at 10:03, beginning Media No. 2.

19 MR. MULLAN: Q. Ms. Dodson, you -- we're
20 back on the record after a short break. 10:03:31
21 You recognize you're still under oath?

22 A. I do.

23 Q. I just want to go back and touch upon
24 something we talked about earlier again.

25 You mentioned that you reviewed some 10:03:42

1	documents yesterday to refresh your recollection, I	10:03:44
2	believe.	
3	A. Yes.	
4	Q. And I think it's apparent that one of	
5	those documents was the A-Team New Hire Guide,	10:03:50
6	Exhibit No. 2; is that correct?	
7	A. Yes.	
8	Q. What other documents did you look at?	
9	A. I looked at some other PowerPoint	
10	presentations.	10:04:04
11	Q. Do you recall specifically what PowerPoint	
12	presentations?	
13	A. There were a variety of them, similar in	
14	topic, around our performance management process,	
15	our talent process.	10:04:17
16	Q. Anything else?	
17	A. I think as part of those, I think there	
18	were some details around the -- the technology that	
19	we use just, you know, to enable those processes.	
20	Q. And by "processes," you're referring to	10:04:37
21	the performance management process and talent	
22	process?	
23	A. Right, our approach.	
24	Q. Anything else?	
25	A. I saw some -- I refreshed with some	10:04:46

1 training, some tech- -- the -- some of the ten -- 10:04:50
2 the over 10,000 courses that Oracle University
3 hosts.

4 Q. Anything else?

5 A. I remember looking at an FAQ for our 10:05:07
6 competency that we significantly changed a few years
7 ago.

8 Q. I'm sorry. "Competency" did you say?

9 A. Our core competencies.

10 Q. Anything else? 10:05:35

11 A. I'm trying to think if there was anything
12 specific that I haven't mentioned.

13 I think that's what I remember.

14 Q. In your prior positions within the HR line 10:06:00
15 at Oracle, have you had any responsibility for
16 making determinations about initial compensation for
17 new hires?

18 A. No.

19 Q. How about responsibility for promotions 10:06:16
20 or reviewing promotion decisions for Oracle
21 employees?

22 MS. PERRY: Object to the form. Vague and
23 ambiguous; also to the extent it's far beyond the
24 scope of the noticed deposition topic.

25 THE WITNESS: When you say did I review 10:06:35

1 promotions, can you be a little more specific? 10:06:37

2 MR. MULLAN: Q. Did you have any role in
3 reviewing promotions for Oracle employees in the
4 three functions at issue in this matter?

5 A. So I do have responsibility for reviewing 10:06:49
6 certain transactions that affect vice-president and
7 senior-vice-president-level promotions across the
8 company, not for any particular organization.

9 Q. But nothing below vice-president level?

10 A. Correct. 10:07:11

11 Q. Have you ever had responsibility for
12 reviewing promotions or any role in promotion
13 decisions for employees at a lower level than
14 vice president?

15 A. I think the answer -- I mean, I'm sure at 10:07:24
16 some point in my HR career, you know, I would have
17 conversations with managers who were recommending
18 promotions. And they might use me as a sounding

19 board, you know, to review, "Here's what I want to
20 present. What do you think?" I can't recall a 10:07:38
21 specific situation. But just being in my HR career,
22 I'm sure I would have been a sounding board.

23 Q. To review promotion recommendations that
24 managers are making?

25 A. Yes. 10:07:57

1 Q. And who were they presenting those 10:07:58
2 recommendations to?

3 MS. PERRY: I'm going to object. This is
4 far beyond the scope of the noticed deposition
5 topic. It's far beyond the scope of the time period 10:08:08
6 at issue in this litigation.

7 So can you tell me where you're going with
8 this?

9 MR. MULLAN: It's just her history at --
10 at Oracle. We're almost done. 10:08:17

11 MS. PERRY: Okay. So the question is, do
12 you recall who the managers you were talking to were
13 presenting their promotion recommendations to? And
14 if you have personal knowledge about that, you can
15 testify about it. 10:08:31

16 I just want to make clear that this is far
17 beyond the scope of the noticed deposition topic.

18 THE WITNESS: I don't have a specific
19 situation because it goes so far back.

20 But certainly as a role in HR -- you know, 10:08:40
21 I can speak to it as my own career in HR -- I would
22 be as a sounding board to managers who might want to
23 suggest that they're going to promote somebody in
24 their organization and would I -- you know, what do
25 I think about the justification; you know, would I 10:08:55

1 support it, you know, if their manager asked me 10:08:58
2 about it.

3 And those are kinds of common things that,
4 you know, I might do in my role as an HR partner.

5 MR. MULLAN: Q. Would you support it if 10:09:08
6 the manager who's making the recommendation -- if
7 their manager asks you about the decision?

8 MS. PERRY: Object to form. Far beyond
9 the scope of the noticed deposition topic, far
10 beyond the scope of the case. 10:09:20

11 If you have personal knowledge about that
12 hypothetical situation, you can go ahead and answer
13 it.

14 THE WITNESS: I don't have, like, a
15 specific example that I could, you know, recall 10:09:29
16 right now to tell you exactly what, you know, I did
17 or -- or who was involved.

18 MR. MULLAN: Q. Okay. I guess I'm just
19 seeking clarity on who the managers -- or what
20 reason the managers would be reviewing this 10:09:43
21 promotion decision with you in HR.

22 MS. PERRY: Same objections.

23 THE WITNESS: Well, I mean, in general,
24 right, I mean, a manager -- part of a manager's
25 responsibility is the development of their team, the 10:09:56

1 progression and retention of their team, right? 10:10:00

2 We -- we ask our managers, you know, to do
3 a lot of things. And part of that is knowing the
4 various skills, the various qualifications, the
5 aspirations of their team members, what employees 10:10:13
6 are doing now, what they want to do in the future.

7 And so, you know, the manager has the
8 responsibility of the decision to promote. But it's
9 fair to say that they would want input from their,
10 you know, colleagues, or recommendations, or from HR 10:10:28
11 to make sure that, you know -- you know, they're --
12 I don't know -- not missing anything.

13 So, you know, in a hypothetical situation,
14 I think that seems very reasonable.

15 MR. MULLAN: Q. Do you -- or have you 10:10:43
16 ever had any oversight over decisions to provide a
17 raise to employees?

18 MS. PERRY: Again, far beyond the scope of
19 the noticed deposition topic; vague and ambiguous.

20 Do you have any personal knowledge about 10:11:00
21 that? You can testify to it.

22 THE WITNESS: Well, as a hiring manager --
23 as a manager in the company today, right, I mean, I
24 know that part of my responsibility is, you know, to
25 again look at the skills and experience and 10:11:12

1 development. 10:11:14

2 So I would make recommendations for my own
3 team.

4 MR. MULLAN: Q. Have you ever reviewed
5 raise decisions outside your own team? 10:11:21

6 MS. PERRY: Again, same objections.

7 THE WITNESS: When I was in a business
8 partner role, right, that would have been as an --
9 kind of an advisor to the business, right, those are
10 some things that you might -- that I would have
11 participated in. 10:11:39

12 But I can't recall a specific example.

13 MR. MULLAN: Q. As an "advisor to the
14 business," do you mean an Oracle line of business?

15 A. What I meant is, as an HR business
16 partner, right, we -- we support various lines of
17 business. 10:11:51

18 And that might be a role that the HR
19 advisor or HR business partner would play, right.
20 We -- we act as an advisor to those leaders in those
21 organizations. 10:12:03

22 Q. Can you just clarify for the record what
23 an "Oracle line of business" is?

24 A. Sure.

25 Actually, lots of people might have 10:12:13

1 definitions. 10:12:15

2 For me, a line of business is a unit.

3 So, you know, if you're in sales, you
4 know, that line of business rolls up through, you
5 know, X executive. 10:12:26

6 Q. What -- what is a line of business in
7 product development, for instance?

8 A. I would call it product development.

9 Q. So product development itself is the line
10 of business? 10:12:37

11 A. That's how I would define it, but others
12 may have different views.

13 Q. For instance, a subcategory or a
14 subdivision within product development might be
15 cloud technology? Is that a line of business, or a 10:12:51
16 line of business is -- is broader than that; it's
17 always referred to as the function itself?

18 MS. PERRY: Object to form; also, beyond
19 the scope of the noticed deposition topic.

20 She's not here as a PMK on the 10:13:02
21 organizational structure at Oracle.

22 If you have a personal definition of the
23 line of business, as Mr. Mullan has asked you about
24 it, you can testify to that.

25 THE WITNESS: I just shared that my 10:13:14

1 personal view of it is that when I think about line 10:13:16
2 of business, I think about the -- the large
3 organization.

4 MR. MULLAN: Q. So nothing smaller than
5 the function itself? 10:13:26

6 A. No.

7 Q. Are you familiar with the term "manager
8 hierarchies"?

9 A. I am, but I would ask, you know, kind
10 of -- I'm sure that's a term that can be defined a 10:13:34
11 variety of different ways.

12 Q. What's your definition of it?

13 MS. PERRY: You're asking her in her
14 personal capacity?

15 MR. MULLAN: In whatever capacity she 10:13:43
16 knows.

17 MS. PERRY: Okay. You can testify in your
18 personal capacity.

19 Again, this is far beyond the scope of the
20 noticed deposition topic. 10:13:51

21 THE WITNESS: So my personal view of
22 "manager hierarchy" -- when I hear that, I think of
23 the different levels in the management, you know,
24 front-line manager all the way up to executive.

25 MR. MULLAN: Q. So when somebody refers 10:14:03

1 to a particular management -- management hierarchy, 10:14:04
2 that typically refers to a -- a product unit within
3 Oracle's product development, for instance?

4 A. The way I define "management hierarchy"
5 would apply to all organizations. It's the level of 10:14:20
6 management.

7 (Deposition Exhibit 3 was marked for
8 identification.)

9 MR. MULLAN: Q. Please take as much time
10 as you need to review what's been marked as 10:15:02
11 Exhibit 3.

12 A. Okay.

13 Q. Do you recognize what's been marked as
14 Exhibit 3?

15 A. I recognize this. I reviewed this with 10:15:54
16 counsel.

17 Q. And what is it?

18 A. I didn't author this document. And so I
19 don't know exactly.

20 It looks to me, based on the title, that 10:16:05
21 it's a student guide on our "Oracle Database: SQL
22 Fundamentals..."

23 Q. What does "SQL" refer to?

24 A. Sequel.

25 Q. Does Oracle produce other student guides 10:16:30

1 other than this one? 10:16:33

2 A. So I don't know who produced this.

3 As a student guide, I am not actually

4 sure.

5 I've never seen this or what it refers to. 10:16:49

6 When I see "Student," it makes me, you

7 know, posit, this is internal or an external

8 course, because Oracle University provides training

9 externally as well.

10 Q. What do you mean, "provides training 10:17:06

11 externally"?

12 A. To our customers and to our partners.

13 Q. Do you believe this to be part of an

14 Oracle University training?

15 A. I don't want to speculate. 10:17:23

16 I mean, just the fact that it says

17 "Student Guide," I'm wondering if -- if it's not

18 part of Oracle University.

19 Q. If it's not part of Oracle University?

20 A. I'm sorry. If it's part of Oracle 10:17:32

21 University.

22 What I don't know is, is it internal or

23 external, or is it this, you know...

24 Q. Or is it what? I'm sorry.

25 A. It -- I just -- I've not seen this before, 10:17:42

1 so I'm not familiar, other than when I saw it 10:17:43
2 yesterday with my counsel.

3 Q. But you have seen other student guides
4 produced by Oracle?

5 A. No, I have not. 10:17:51

6 Q. Have you seen other similar training
7 guides for Oracle products?

8 A. So I have not looked -- I have not seen
9 Oracle technical guides that I'm aware of.

10 Q. Is that because they don't exist, or you 10:18:26
11 just haven't seen them?

12 A. That's not part of my daily
13 responsibilities -- is technical guides.

14 Q. Who's responsible for technical guides?

15 A. There's a large -- I mean, there's a 10:18:43
16 number of creators of technical content.

17 The technical groups can create their own
18 content and share that. So --

19 Q. Is --

20 A. Anyone could be a creator. 10:18:57

21 Q. Is somebody responsible for overseeing
22 technical guides?

23 A. There's not a -- not that I'm aware of
24 that there's somebody who oversees all technical
25 guides. 10:19:12

1 I know that, you know, various groups can 10:19:13
2 create content to share information about particular
3 products or other learning topics.

4 (Deposition Exhibit 4 was marked for
5 identification.) 10:20:02

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. 10:21:28

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 10:21:34
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 10:21:48
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? 10:22:06

1 MS. PERRY: Object to form. Calls for 10:22:10
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 10:22:18
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. 10:22:33

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 10:22:43
16 them when, you know, people would ask for them.

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, 10:22:59
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? 10:23:15

1 A. Not necessarily. 10:23:18

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. 10:23:27

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. 10:23:40

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. 10:23:48

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?" 10:24:01
10:24:14

1 So it's a variety of different ways that 10:24:15
2 this could come about.

3 MR. MULLAN: Q. So if a manager puts on a
4 brown bag like this, is it mandatory for the
5 employees reporting up to that manager to attend 10:24:27
6 that brown bag?

7 A. No.

8 MS. PERRY: Object to form.

9 MR. MULLAN: Q. Why wouldn't it be
10 mandatory? 10:24:34

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 10:24:46
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. 10:25:00

21 Q. Are managers expected to provide their
22 subordinates with developmental coaching?

23 A. I would not characterize it the way you
24 just said.

25 What I would look at, is as a manager, 10:25:17

1 right -- managers are expected -- you know, they 10:25:21
2 have a business goal. They need to meet their
3 business goals and their objectives, right?

4 And how do they do that? They do that
5 through their team. 10:25:29

6 And their team is made up of a variety of,
7 you know, people that have different skills, have
8 different qualifications, they work on different
9 projects.

10 So, I mean, certainly as a manager -- and 10:25:39
11 I'll speak to myself, right? As a manager, I'm
12 expected to under- -- you know, to -- to be aware of
13 what my team needs to meet our business objectives.

14 And if there's a gap, I might bring in
15 someone to talk about, "Hey, I don't think my people 10:25:52
16 are spending enough time on career development. Can
17 you remind them of all of the things that are
18 available?"

19 Q. If you flip to what's marked Bates number
20 -5405, which is the number in the bottom right-hand 10:26:06
21 corner of those pages --

22 A. Okay.

23 MS. PERRY: Sorry. What page did you say?

24 MR. MULLAN: -5405.

25 Q. -- you'll see a slide that's titled 10:26:29

1 "Virtual Information Services," or, "(VIS)."

2 Do you see that?

3 A. I do.

4 Q. Can you explain what virtual information

5 services is?

6 A. Sure.

7 This is a part of my team. It's an

8 organization that I would call curates information

9 and resources.

10 So you see the various programs on the

11 left-hand side, "Safari Books," "Business Book

12 Summaries."

13 So my team, you know, will curate

14 different information or different programs,

15 resources, providers, partners to bring, you know --

16 to make available information that our employees can

17 benefit from.

18 Q. Okay. And so looking at those programs

19 that are listed on the left-hand side -- I know

20 we've already talked about "Safari Books Online" --

21 what are these other programs?

22 A. So they're all online -- online tools,

23 again, anytime/anywhere resources that can be

24 available.

25 So you see with EBSCO, right, it provides

1 some different information, the Harvard Business 10:27:37
2 Review, different publications.

3 "Business Book Summaries" is, you know,
4 kind of like the CliffNotes for different business
5 books that our employees can use. 10:27:49

6 Oracle Social Network is, you know, our
7 online community, where people share and learn with
8 their peers.

9 Do you want me to keep going?

10 Q. Yes, if you could. 10:28:05

11 A. We talked about Safari.

12 i4cp is a membership, right?

13 And -- and APQC is a learning center
14 where you can get information on -- you know, it
15 says right here "knowledge management, performance 10:28:21
16 management (sic)," a number of topics.

17 Q. You said i4cp is a membership.

18 What does that mean?

19 A. So when I said earlier about VIS, virtual
20 information services, being a curator, we also look 10:28:34
21 at partners.

22 And, you know, we have memberships with
23 different organizations to provide resources and
24 learning solutions to our employees. And i4cp was
25 one of those at one time. 10:28:51

1 Q. So do all employees in product 10:28:53
2 development, support, and IT, have access to these
3 six learning centers?

4 A. So I know some of them.
5 Usually when we do a partnership, right, 10:29:18
6 we do an enterprise-wide membership so that all
7 employees can benefit from this.

8 i4cp -- one -- is one. I -- I just -- I
9 don't even know if they're still a program that we
10 use, so I can't speak to that one. 10:29:34

11 Q. So if it is -- but if it is still a
12 program that you use, would all employees, to your
13 knowledge, have access to all six of these programs?

14 A. As far as I'm aware, our programs, you
15 know, are enterprise-wide. 10:29:50

16 Q. Meaning all employees would have access?

17 A. Yes.

18 Q. And if you flip to -5414, do you see the
19 slide titled "Other Internal Programs"?

20 A. I do. 10:30:25

21 Q. And what are these programs?

22 A. The slide shows that there are -- there
23 are Oracle University classes, that there are social
24 tools, social networking tools -- again, I mentioned
25 this earlier -- that allows employees to communicate 10:30:44

1 with one another and share learning. 10:30:47

2 Oracle Social Network, right, is our
3 internal platform.

4 There is listed "Tuition Reimbursement,"
5 which allows employees to take classes at a 10:30:57
6 university or college that might be related to
7 their job and get reimbursement from --
8 reimbursement from Oracle.

9 There are also international assignments.

10 And then what -- the last one that's 10:31:09
11 listed here is an "Institute of Management Studies
12 (IMS) Classes."

13 Q. So going back to tuition reimbursement, it
14 sounds like Oracle employees are allowed, in some
15 instances anyway, to take classes at outside 10:31:27
16 universities or colleges; is that right?

17 A. Yes.

18 Q. And they will be reimbursed for the cost
19 of those courses?

20 A. The -- so this is a benefit, right? And 10:31:38
21 it's -- yes. And by IRS regulations, right, you can
22 re- -- get reimbursed.

23 They do need to discuss it with their
24 manager, right, and -- and get approval for it.

25 But we definitely -- that's another avenue 10:31:49

1 that our employees utilize. I -- I've known people 10:31:53
2 to go off and get, you know, their master's in
3 business, additional certifications through this
4 program.

5 Q. And -- but managers make the decision as 10:32:06
6 to whether or not those outside courses are
7 reimbursable?

8 A. Yes.

9 Q. Are there some guidelines in place that
10 the manager can rely upon in making those decisions? 10:32:16

11 A. There are guidelines.

12 And, I mean, part of it is if someone
13 wanted to go out and get a degree in photography,
14 that might be a little challenging to approve
15 because it may not be job-related. 10:32:31

16 So there is certainly a -- you know, a
17 expectation that the employee and the manager would
18 have a conversation about what degree or what
19 certification the employee is -- is -- is interested
20 in. And then they would have a discussion around 10:32:45
21 whether that, you know, met the criteria for
22 their -- for their job.

23 Q. Is that criteria listed on a document
24 somewhere?

25 A. I am sure -- well, I shouldn't say, "I am 10:32:59

1 sure." 10:33:02

2 I think that it's -- because it's a
3 benefit, it's probably listed in our tuition
4 reimbursement guidelines. I don't recall the exact
5 language, but I think it has something to do with 10:33:09
6 it's got to be applicable to, you know, a person's
7 role.

8 So in my example, if you were going to go
9 get a degree or something or a certification in
10 photography, and that wasn't anywhere in your 10:33:22
11 responsibility, that likely would not get approved.

12 Q. Sure.

13 So there is a tuition reimbursement
14 guideline?

15 A. There is a -- a -- a guideline around 10:33:32
16 tuition reimbursement, what it is, how much, and --
17 and as I said, I think it says something about the
18 factor of, you know, it's got to be applicable to
19 what -- what the person, you know, is doing or will
20 be doing. 10:33:49

21 MR. MULLAN: Counsel, I don't believe
22 we've received that guideline.

23 Is that something we can get?

24 MS. PERRY: I don't know if it's been
25 requested. 10:33:57

1 I'll look to see if it's responsive to 10:33:58
2 anything.

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. 10:34:07

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. 10:34:18

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 10:34:30
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 10:34:46
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 10:35:00

1 University. So there are other resources outside of 10:35:05
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 10:35:20
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 10:35:32
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? 10:35:40

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 10:35:50
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 10:36:06

1 since I'm responsible for my own career and 10:36:07
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. 10:36:14

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 10:36:33
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 10:36:43
16 in their organization.

17 I know the immediate manager would be able
18 to see.

19 Q. How long has Oracle University existed?

20 A. As far as I know, I mean, it's been there 10:36:55
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 10:37:09

1 think it has. I -- I think it has. 10:37:12

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 10:37:27
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. 10:37:41

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. 10:37:57

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 10:38:11
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 10:38:21

1 about with Safari Books that you could -- you could 10:38:24
2 read.

3 Q. Are you aware of any Oracle University
4 classes being mandatory for any particular
5 subdivision within product development or support or 10:38:35
6 IT?

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, 10:38:46
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 10:39:02
16 know, that's a manager expectation.

17 Q. What's required of an employee to complete
18 a course?

19 MS. PERRY: Object to form.

20 THE WITNESS: What's required of an 10:39:13
21 employee to complete a course?

22 Well, I -- I think, you know, from my
23 view, that could vary, right?

24 And you -- you don't -- if you're taking a
25 program in Oracle University that's instructor-led, 10:39:24

1 you know, and it's a three-day course, you would 10:39:26
2 participate in those three days and, you know, you
3 would complete the course.

4 There may be other things where you don't
5 have to complete. Like if you were, you know, going 10:39:36
6 through something on lynda.com, for example, you --
7 you may only take out a particular section that's
8 relevant to you at the time.

9 MR. MULLAN: Q. Are there any Oracle
10 University courses that require a test in order to 10:39:53
11 be certified as complete?

12 A. I can't think of a specific example, you
13 know. So I don't know if there's a test that they
14 complete at the end of that.

15 Q. So I think earlier you testified that 10:40:09
16 there is a record kept of the courses that an
17 employee will take, at least in Oracle University.

18 In order for that course to show up on
19 their employee's record, the -- the employee --
20 that -- the fact that the course was completed is 10:40:29
21 verified in some manner, I assume; is that correct?

22 A. Well, let me be clear because I -- I
23 testified earlier that if you register for a course
24 in Oracle University, that piece is -- is tracked,
25 right? 10:40:41

1 I don't have responsibility for Oracle 10:40:43
2 University. So what I couldn't tell you is, if that
3 person left the course early, would they show up as
4 complete or not. I don't know to the degree of
5 specificity that they use to -- to track that. 10:40:54

6 Q. Other than whatever they learn from taking
7 a course, do employees receive any other benefits
8 from Oracle for completing courses? And by "any
9 other benefits," I mean anything from bonuses, stock
10 awards, raises, promotions. 10:41:16

11 MS. PERRY: Object to form.

12 THE WITNESS: No, not that I'm aware of.
13 You don't -- I mean, you don't get rewarded for
14 taking a course.

15 MR. MULLAN: Q. Do employees typically 10:41:50
16 take Oracle University classes during work hours?

17 A. Excuse me. Sorry. Coffee.

18 MS. PERRY: Object to form. Overbroad.

19 THE WITNESS: I was distracted by my
20 own -- can you please repeat the question? 10:42:06

21 MR. MULLAN: Q. Are employees ever asked
22 to complete Oracle University classes during work
23 hours?

24 A. So the way I would -- I would look at that
25 is, courses that are, you know, instructor-led and 10:42:20

1 things like that, you know, those are during the 10:42:28
2 working hours. So if you wanted to take a -- like a
3 managerial course, "Lead to Achieve," for example,
4 you would take that during --

5 (Clarification requested by the reporter.) 10:42:40

6 THE WITNESS: A managerial course, "Lead
7 to Achieve," is one example, right, where that would
8 be during the day.

9 But I also just want to -- to restate
10 that we have people all over the world, right? And 10:42:48
11 different people learn different ways.

12 We have learning that's available anytime
13 anywhere. So if someone, you know, wanted to access
14 a video or a paper, they could do that anytime.

15 They sort of -- you know, we look at it as 10:43:04
16 they're in charge of their career development.

17 MR. MULLAN: Q. So they have the option
18 to do it after work hours, if they wanted?

19 A. If they wanted to read a paper, watch a
20 video, they have that option. 10:43:17

21 (Deposition Exhibit 5 was marked for
22 identification.)

23 MR. MULLAN: Q. Please take as much time
24 as you need to review what's been marked as Exhibit
25 No. 5. 10:43:51

1 organizations listed there: "Organization & Talent 10:48:00
2 Development," "Oracle University," and, "Line of
3 Business...Specific Training."

4 So my question is, does this slide or that
5 column represent all of the different development 10:48:15
6 organizations at Oracle?

7 MS. PERRY: Object to form.

8 THE WITNESS: That's a -- a tough question
9 to answer because -- I mean, those are sort of the
10 key organizations, right, Oracle University, OTD, my 10:48:32
11 organization.

12 And then there's a -- I mean, there's just
13 a few examples here of line-of-business-specific
14 training.

15 I think those are a couple of the key 10:48:42
16 organizations. But there's also sales training.
17 There's Oracle Learning Libraries. So there's a --
18 there's a variety of people and organizations that
19 produce content or training that -- and then make it
20 available. 10:48:59

21 MR. MULLAN: Q. Wouldn't sales training
22 fall under line-of-business-specific training?

23 It -- the reason I say that is because
24 it's -- it states as an example what you'll find,
25 "Sales." 10:49:13

1 A. Right. 10:49:15

2 Again, since I didn't author this
3 particular document or this particular slide, the
4 way I would read it is that, yes, there is sales
5 training. 10:49:22

6 But I'm not sure if this is referring to
7 Sales Academy, which is a training organization, or
8 if this is saying that, you know, organizations can
9 create their own -- like, I mean, if I'm a sales
10 organization, I may create content in addition to 10:49:37
11 what Oracle Sales Academy might create --

12 Q. Okay.

13 A. -- to make sure that my employees are
14 developed.

15 Q. If you look over in column 3, "Examples," 10:49:47
16 you'll see Oracle Sales Academy is listed there.

17 A. Oh, then -- yeah, then they're including
18 it.

19 But I -- I guess my point is that these
20 are some of the examples. I just don't know if this 10:49:57
21 is it.

22 Q. Can you think of any other development
23 organizations not included here?

24 And take your time to look at the chart.

25 A. From my point of view, I -- this covers 10:50:17

1 the ones that I'm most familiar with, yes. 10:50:20

2 Q. Going back to the example you talked about
3 earlier, Safari Books --

4 A. Uh-huh.

5 Q. -- does that fall under the organization, 10:50:29
6 the talent development organization?

7 A. It's part of virtual information systems,
8 so it's a different organization.

9 It all is part of my responsibility, but
10 it's -- it's managed by a different group. 10:50:42

11 Q. So where it says in column 2, "What You
12 Will Find," in "Organization & Talent Development,"
13 it says, "Virtual Library."

14 Safari Books would not be considered part
15 of Virtual Library? 10:50:58

16 A. Again, I don't know because I don't know
17 how they intended it.

18 Knowing my team, we tend to think of
19 ourselves as, you know, HR, so they could very well
20 have. 10:51:11

21 But when you were defining "development
22 organization," I was just clarifying that it is a
23 separate organization, but they, obviously, work
24 really well together and collaborate, you know,
25 and -- and -- and probably share each other's 10:51:23

1 resources. 10:51:26

2 Q. So "development" in this context, where to
3 find development opportunities, that is referring to
4 the personal development of Oracle employees in
5 general; is that right? 10:51:41

6 A. That is referring to personal development,
7 performance development, all kinds of development.

8 Q. And all employees have access to these --
9 these three development organizations; is that
10 accurate? 10:52:00

11 A. So what is accurate is that employees
12 would have access to things in OTD, they would have
13 access to things in Oracle University.

14 When you get to line-of-business-specific
15 training, you know things -- content that sales
16 might create, I don't know if that's available to
17 HR. 10:52:13

18 Q. Okay. But for those first two
19 organizations, "Organization & Talent Development"
20 and "Oracle University," all employees would have
21 access to those development organizations; is that
22 fair? 10:52:25

23 A. Well, it depends, again, on what the
24 example is.

25 So when you say "all employees would have 10:52:34

1 access to our leadership development programs," that 10:52:37
2 may not be the case, because you have to be a
3 manager to access leadership development courses,
4 right?

5 It doesn't mean you would be prevented 10:52:50
6 from taking it.

7 If you aspire to be a leader one day, you
8 could talk with your manager and say, "I do want to
9 manage. Can I take a training course, you know, to
10 help build those skills early?" And that would be 10:53:01
11 one example.

12 Q. So there are some courses that are off
13 limits to certain employees?

14 MS. PERRY: Object to form.

15 THE WITNESS: No, that's not what I'm 10:53:10
16 saying.

17 I'm saying that depending on your role --
18 for example, if you're an individual contributor,
19 you may not, you know, be taking leadership
20 development courses. You can still -- they're 10:53:18
21 not -- they're not closed off from you.

22 But if you're -- that particular program,
23 a leadership development course that's instructor-
24 led, that would -- you know, you would talk to your
25 manager about that. And the manager and you would 10:53:31

1 have the discussion whether that is relevant for you 10:53:33
2 right now, because you're not a leader, you're not a
3 manager.

4 MR. MULLAN: Q. Okay. But is the
5 manager's permission required to take a leadership 10:53:41
6 development course in the example you're positing?

7 MS. PERRY: Object to form. Lacks
8 foundation; calls for speculation; incomplete
9 hypothetical.

10 Go ahead. 10:53:53

11 THE WITNESS: The way I would look at it
12 is, again, employees own their careers, right, at
13 Oracle.

14 We want to give them the tools and the
15 resources available. 10:53:59

16 Managers are expected to help develop
17 those skills, right, whether it's doing their
18 performance of their job today or developing them
19 for a future role.

20 And so I think it's important that those 10:54:08
21 dynamics, that individual conversation with the
22 manager and the employee, are very -- you know, it's
23 personalized on what that particular person might
24 need to develop.

25 So I think it's fair to say that if one 10:54:20

1 of those employees wanted to be a leader one day, 10:54:22
2 right, that that manager and employee would have
3 that conversation and determine, "Okay. Well,
4 when -- when should I maybe take that leadership
5 course? You know, what would be appropriate for me 10:54:33
6 to learn and build those skills?"

7 MR. MULLAN: Q. Would they be prohibited
8 from registering for a course like that without
9 prior permission from their manager?

10 MS. PERRY: Same objections. 10:54:50

11 THE WITNESS: I don't -- I don't know the
12 registration process specifically, so I couldn't
13 tell you if they'd be prohibited. I think you --
14 you know, I don't think that I -- I wouldn't comment
15 on that. 10:55:03

16 But I would tell you that we've had
17 individual contributors take, you know, a variety of
18 leadership courses.

19 Let me just be clear, too. I'm talking
20 about instructor-led courses, right, that -- when 10:55:12
21 you're an individual contributor.

22 That doesn't prohibit employees from going
23 out to all of our resources, Safari Books, Harvard
24 ManageMentor, all of those programs that are many
25 times free and available anytime anywhere. 10:55:30

1 So it wouldn't prevent any employee from 10:55:32
2 learning and growing their skill set.

3 MR. MULLAN: Q. Okay. But just to nail
4 this down, you're not aware of any pre-authorization
5 requirement to take a leadership development course? 10:55:43

6 MS. PERRY: Object to form. Misstates
7 testimony.

8 THE WITNESS: Am I aware of a pre-
9 authorization to take an instructor-led course
10 through Oracle University? 10:55:57

11 To me, as an employee, if I wanted to take
12 an instructor-led course that I would register
13 through Oracle University that would cost money, I
14 would make sure that I've had that conversation with
15 my manager and that they -- you know, they're 10:56:13
16 supporting me and that it's relevant to what I'm
17 doing.

18 MR. MULLAN: Q. Well, that's a different
19 question.

20 My question is whether you're aware of a 10:56:21
21 formal pre-authorization requirement for certain
22 courses.

23 A. I'm not aware of that.

24 Q. So looking at the "Line of Business" row,
25 in the second column, it says, "What You Will Find." 10:56:48

1 It lists, "Sales," "HCM," "Global IT," "SNBC." 10:56:51
2 What is HCM?
3 A. Human capital management.
4 Q. What does that entail?
5 A. It's very broad. It entails all of our 10:57:03
6 human capital management technology.
7 Q. SNBC?
8 A. I can't recall that acronym.
9 Q. Can you think of any line-of-business-
10 specific training for product development? 10:57:28
11 A. Can I think of any specific line-of-
12 business training for product development? No, I
13 can't.
14 Q. How about support?
15 A. Again, your question around any specific 10:57:46
16 line-of-business training, no, I can't think of one.
17 Q. How about IT?
18 A. No, I can't think of one.
19 Q. Are you aware of any mandatory line-of-
20 business training? 10:58:05
21 A. The only mandatory training that I'm aware
22 of we talked about earlier, which is under the
23 mandatory compliance program.
24 Q. If you flip the page to the slide titled
25 "Career Development Portal" -- 10:58:57

1 performance. 11:00:31

2 And "My Career Assessment" is really just,
3 again, a toolkit to help employees think about their
4 career and how they want to develop.

5 Q. Is 360 assessment optional for employees? 11:00:41

6 A. Yes.

7 Q. What is a "Development Plan template"?

8 A. That is a -- I believe the way that it's
9 referenced here is the individual development plan.
10 And that is a template that is used for an employee 11:01:00
11 and a manager to identify and really make actionable
12 those skills or behaviors that we want to develop.

13 Q. So it's a template that's used to -- for
14 specific employees, individual employees?

15 A. It's templates that's available to all 11:01:31
16 employees.

17 And it's really a guide to help kind of
18 think about -- you know, again, going back to an
19 example, if I want to aspire to be a leader, what
20 are those things that I need to do? It might be 11:01:43
21 courses; it might be being coached; it might be
22 mentored; it might be taking a stretch assignment.
23 It could mean a variety of different things that we
24 would, you know, talk about and then, you know, put
25 down as an action plan. 11:02:02

1 (Clarification requested by the reporter.) 11:02:05

2 MR. MULLAN: Q. So this template exists
3 in a document form?

4 A. Yes.

5 MR. MULLAN: Is that something we can get, 11:02:13
6 Counsel?

7 MS. PERRY: I think it's been produced.

8 MR. MULLAN: We'll follow up on that.

9 Q. And what is "Access to Fusion Portrait"?

10 A. So at the -- kind of the core of our 11:02:29
11 systems is a portrait or a profile.

12 The way I would think about this is a
13 LinkedIn card, right, but it's internal.

14 It allows employees -- they create it --
15 to capture things about their skills, their 11:02:44

16 qualifications, their languages, whether they're
17 mobile or not, whether -- what they aspire to be,

18 what their pat- -- you know, interests are, you
19 know, what their education might be. There's a

20 number of factors. But it enables employees to -- 11:03:03
21 to put that down and help, you know, with the

22 conversation with their manager about what, you
23 know, they want to do with their career.

24 Q. Okay. And if you flip the page to the
25 slide titled "Leadership Development Portal." 11:03:15

1 under the -- the heading, there are four different 11:04:15
2 categories, right? So, I'm an aspiring leader; I'm
3 a front-line leader; I'm a mid-level leader --
4 (Clarification requested by the reporter.)
5 THE WITNESS: Sorry. Aspiring leader, 11:04:29
6 front-line leader, mid-level leader, and senior
7 leader.
8 And how we've categorized development
9 opportunities is because those development
10 opportunities are different depending on what level 11:04:39
11 you might be in, right?
12 When you're an aspiring leader, the things
13 you want to do to grow and build your skills can be
14 quite different from when you're a senior leader.
15 And so we've broken it out to really make 11:04:53
16 it easy for employees to focus on the training and
17 resources that are available at that -- depending on
18 what particular level they're looking at.
19 MR. MULLAN: And the next item listed
20 there is "Learning Paths for each level (under 11:05:09
21 'Essentials')."
22 Do you see that?
23 A. I do.
24 Q. And what is that referring to?
25 A. A learning path -- the way I think of a 11:05:20

1 learning path is curated content to help kind of 11:05:22
2 make it easy for you to find the learning resources,
3 tools that are available to you.

4 Rather than having to search all over the
5 place, a learning path of an aspiring leader might 11:05:37
6 say, "Here are some suggested things that you might
7 want to take or think about."

8 Q. Suggested courses, for example?

9 A. Yeah, I think there could be suggested
10 courses in there. 11:05:49

11 Q. What else might be suggested other than
12 courses?

13 A. Potential reading materials, books,
14 videos.

15 Q. Is that tailored simply to the leader 11:06:06
16 level?

17 MS. PERRY: Objection. Vague and
18 ambiguous.

19 THE WITNESS: So when you say "tailored...
20 to the leader level," you're -- I think what you're 11:06:22
21 asking for is, are there certain courses that are
22 only available to aspiring leaders versus senior
23 leaders?

24 MR. MULLAN: Q. Well, I'm asking if
25 the -- if the learning paths for each level, as it 11:06:35

1 states here, are tailored for the leader level at 11:06:40
2 issue.

3 A. So "tailored," I mean, it's a broad --
4 yes. I mean, there is some definite thinking
5 around what might be helpful to someone who's an 11:06:49
6 aspiring leader and then to someone who's a senior
7 leader.

8 Q. Uh-huh.

9 A. But there could be overlap.
10 So it's -- again, it's curating different 11:06:58
11 courses.

12 And it changes. You know, it's something
13 that we, you know, continually have to look at to
14 make sure that the training and learning that's
15 available, tools, resources, is relevant. 11:07:09

16 Q. Okay. My question is just really whether
17 it gets tailored beyond that.

18 For instance, is it -- do you have
19 learning paths for an application developer, IC
20 level 3 who wants to be an IC level 4? 11:07:22

21 A. So in the leadership development portal it
22 is all focused on leadership and on those four kind
23 of buckets.

24 I think as a learning path for somebody in
25 a particular job, sure, a manager could create that. 11:07:38

1 A manager could suggest, "You know, you're 11:07:43
2 an applications developer 1. I know you want to
3 aspire to be a senior applications developer. Here
4 are some things that you might want to do."
5 I don't think it's a -- a complete, 11:07:55
6 "Here's the list, and this is it."
7 I think it -- you know, we try to look at
8 learning as it's continuous. You always want to be
9 learning.
10 Q. Yeah. But I'm -- I'm specifically talking 11:08:04
11 about the leadership development portal.
12 A. Then it is -- to my knowledge, what we
13 show are things that are in those segments.
14 Q. The leader level?
15 A. The leader level. 11:08:17
16 Q. Okay. And not tailored beyond that?
17 A. Not that I'm aware of.
18 Q. What is the next item on the list
19 referring to, "Direct link to Harvard
20 ManageMentor"? 11:08:28
21 A. Well, as I think, as you see, the
22 quick -- the quick links on the right --
23 Q. Uh-huh.
24 A. -- the fourth button down is "Harvard
25 ManageMentor." So that means you can -- Harvard 11:08:38

1 ManageMentor, which is one of our resources 11:08:41
2 available -- it's just giving you a quick path to
3 get there.

4 Again, part of our -- I see our -- part
5 of our job is making it easy to find resources. And 11:08:52
6 this is doing that.

7 Q. And what is the "Manager Essentials
8 Portal" referenced in the next item?

9 A. So that, again, is a direct link into
10 another part of the web, the HR web page, which is 11:09:13
11 Manager Essentials. And it's, you know, some of the
12 key things to know and do as a manager.

13 Q. And the next item on the list is a "Direct
14 link to OWL (Oracle Women's Leadership)."

15 What does that reference? 11:09:30

16 A. Again, you can quick- -- you know, get
17 over -- Oracle Women's Leadership is a program we've
18 had at the company for over ten years. And it's
19 made up of women and men from all over the company,
20 but it's -- it's communities of women and helping 11:09:45
21 mentor and support others.

22 And so you can join a community and be a
23 part of the organization.

24 Q. And the next item references
25 "...Leadership News on the Global OTD blog." 11:10:00

1 What is that? 11:10:05

2 A. My team oversees a blog. And, you know,
3 we write about relevant leadership topics, you
4 know, give leadership challenges, and -- and make it
5 available to leaders. 11:10:18

6 Q. If you flip a couple of pages to -5342,
7 you'll see a slide titled "Virtual Library."

8 A. Uh-huh.

9 Q. What does "Virtual Library" refer to
10 here? 11:10:35

11 A. So the Virtual Library is, again, under
12 virtual information services.

13 This is where you would go to get that
14 anytime, anywhere learning that we talked about
15 earlier. So Harvard ManageMentor, Safari Books,
16 et cetera, those are all -- you know, you can get
17 publications of all sorts from this piece -- this
18 portal. 11:10:44

19 Q. And all Oracle employees have access to
20 the Virtual Library? 11:10:57

21 A. They do.

22 Q. If you flip to page -5343, the slide
23 titled "Learning Centers," what are the learning
24 centers?

25 A. So, again, this is a way to bring kind of 11:11:09

1 learning to the forefront, make it easy for all 11:11:14
2 employees around the world to access.

3 So there's articles. I think it says
4 here there's blogs and book summaries.

5 And you can, basically, go and search a 11:11:26
6 skill that you're looking for, and it will pull up
7 those relevant blogs, articles, videos, et cetera.

8 Q. And it's -- learning centers are
9 accessible to all Oracle employees?

10 A. To all Oracle employees around the world, 11:11:42
11 yeah.

12 Q. Is the use of the -- the learning centers
13 ever mandatory?

14 A. No, not that I am aware of.

15 Q. What does it mean, "Content aggregated by 11:11:54
16 skill" on the right-hand column?

17 A. What this means is -- as you can see from
18 the box, there's a "Search content...", right?

19 So this just enables a user, an employee,
20 to go search a skill that they want to learn about. 11:12:10

21 So if I wanted to pick -- if I wanted to
22 learn about Python coding, I could plug that in
23 there. If I wanted to learn about change
24 management, I would put that in there. And it would
25 aggregate and pull to the top those most relevant 11:12:23

1 articles, videos. 11:12:26

2 There's a variety of ways to search, again

3 trying to make it easy for employees to find what

4 they need when they need it.

5 MR. MULLAN: Okay. Why don't we take a 11:12:38

6 break?

7 THE VIDEOGRAPHER: We're going off the

8 record at 11:12, ending Media No. 2.

9 (Recess taken: 11:12 a.m. until 11:26 a.m.)

10 THE VIDEOGRAPHER: We're back on the 11:26:02

11 record at 11:26, beginning Media No. 3.

12 THE REPORTER: This is No. 6.

13 (Deposition Exhibit 6 was marked for

14 identification.)

15 MR. MULLAN: Q. Please take as much time 11:26:27

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 11:26:51

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. 11:27:09

1 Does that seem right to you? 11:27:10

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. 11:27:22

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 11:27:35
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? 11:27:58

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
20 that a manager could -- could look and see what 11:28:12
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 11:28:30

1 employee, you know, I might -- I might have some 11:28:32
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 11:28:46
6 how I would see it.

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 11:29:08
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. 11:29:28

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? 11:29:47

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. 11:29:59

1 Those two I -- I can't believe I can't 11:30:01
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, 11:30:10
6 because I -- I can't remember for certain.

7 But I think Information Protection is one
8 of those.

9 There is Sexual Harassment Awareness on
10 it. As we discussed earlier, that's... 11:30:32

11 Insider Training (sic) is also another one
12 of those.

13 Q. Insider Trading?

14 A. Trading.

15 Q. Right. 11:30:43

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 11:30:53
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? 11:31:23

1 A. Because mandatory training, it's not you 11:31:27
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. 11:31:42

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 11:32:00
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? 11:32:11

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 11:32:27
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.

25 And then the next one that I see here is 11:32:39

1 in Simplified Chinese, and there's no date, so it 11:32:49
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 11:33:00
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. 11:33:18

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. 11:33:43

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 11:33:58
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 11:34:15

1 the courses that's every two years. 11:34:18

2 Q. Every two years, so it was taken 2012,
3 2014, and 2016; correct?

4 A. According to this record.

5 Q. Is there any reason why Oracle might 11:34:40
6 require an employee to produce their record of
7 trainings completed?

8 MS. PERRY: Object to form.

9 THE WITNESS: That's pretty broad.

10 I can't think of a specific reason why 11:34:55
11 Oracle would request an employee to produce their
12 training record.

13 (Deposition Exhibit 7 was marked for
14 identification.)

15 MR. MULLAN: Q. Just take a second to 11:35:25
16 look at what's been marked as Exhibit 6 (sic), and
17 let me know when you're ready to --

18 THE REPORTER: It's 7.

19 MR. MULLAN: Q. 7. Excuse me.

20 A. Okay. 11:35:35

21 Q. Do you recognize what's been marked as
22 Exhibit 7?

23 A. I haven't seen this document before.

24 It appears to be a certificate of
25 completion for going through a particular database 11:35:47

1 program through Oracle University. 11:35:50

2 Q. Do you know if Oracle employees who
3 complete a course through Oracle University are
4 always provided with a certificate of completion?

5 A. I don't know if they're always provided a 11:36:07
6 certificate of completion.

7 Q. Do you know why an employee might be
8 required to produce certificate of completions?

9 A. I can't think of a specific reason why
10 someone would be required to produce a certificate 11:36:20
11 of completion.

12 Q. Do you know who has access to an
13 employee's records regarding certificates of
14 completion?

15 A. I don't know that. I don't recall that 11:36:34
16 specific for the record of completion -- the
17 certificate.

18 (Deposition Exhibit 8 was marked for
19 identification.)

20 MR. MULLAN: Q. And take your time to 11:37:09
21 review what's been marked as Exhibit 8.

22 And I will point out that this is an
23 excerpt of a spreadsheet that was produced to us by
24 Oracle. It's a very, very large spreadsheet, so
25 this is only about 20 lines from a much larger 11:37:24

1 document. And there are very many columns, and so 11:37:29
2 it's spread out over a number of pages.

3 A. Okay.

4 Q. So, again, this is an excerpt of an Excel
5 spreadsheet produced to us by Oracle. 11:38:00

6 Are you familiar with this type of
7 document?

8 A. I didn't author this, but it looks
9 familiar. It looks like an Oracle University course
10 listing. 11:38:12

11 Q. A listing of all of the courses that are
12 available through Oracle University?

13 A. Yes.

14 Q. I'll represent that there were, in fact,
15 43,767 rows. 11:38:21

16 A. We have no shortage of learning options.

17 Q. Are any of the trainings listed in -- in
18 Oracle University specific to any job title?

19 A. Not that I'm aware of.

20 Q. So just working our way through the 11:38:56
21 columns, the first column heading says, "Data
22 Sources (sic)."

23 Do you see that --

24 A. I do.

25 Q. -- "Data Source"? 11:39:05

1 And then the first line item is "Employee 11:39:06
2 LVC."
3 Do you know what "Data Source" and
4 "Employee LVC" refer to?
5 A. It refers -- again, not being the author 11:39:16
6 of it, but the acronym, as I see it and know it to
7 be, is Live Virtual Course.
8 Q. So that just refers to the type of course
9 this is?
10 A. The type of course. 11:39:28
11 Q. And a few rows down there's an entry in
12 that same column, "OU Public ILT."
13 What does that refer to?
14 A. "ILT" refers to instructor-led training.
15 And you may recall earlier on I talked 11:39:48
16 about Oracle University also providing training to
17 our customers and partners.
18 So this source could be a public course
19 that's available.
20 Q. So the courses are identified as either 11:40:03
21 employee or public. And that means employees
22 internal; public is made available to beyond just
23 Oracle employees. Is that correct?
24 A. "Public" means to our customers and
25 partners. 11:40:15

1 But our employees could also take public 11:40:16
2 courses.

3 Q. Thank you.

4 And the other "Data Source" category type
5 is "Employee LVC" -- what does that refer to? 11:40:28
6 I'm sorry. "Employee ILT."

7 A. That would be an employee course that's
8 instructor-led, instructor-led training.

9 Q. And the next column is just a unique
10 course code for that particular course? 11:40:47

11 A. That's what it appears to be.

12 Q. And the next column is "Offering Id."
13 Do you know what that refers to?

14 A. I don't.

15 Q. The next column is "RCO Id." 11:41:12
16 Do you know what that refers to?

17 A. I don't know what that refers to either.

18 Q. The next column, if you flip the page, is
19 self-explanatory, "Course Name."
20 Do you see that? 11:41:25

21 A. I do.

22 Q. And then you'll see the next two columns,
23 "Course Start Date" and "Course End Date."
24 Do you see that?

25 A. I do. 11:41:39

1 Q. So the first row, the course is (as read) 11:41:39
2 "Performance Issue troubleshooting - lesson learned
3 from Key Bank..."
4 The start date is the 2nd of May, 2018,
5 and the end date is the 2nd of May, 2018. 11:41:50
6 So that course was only made available for
7 one day; is that correct?
8 A. I am not certain, because, again, I'm not
9 the author of this report.
10 It certainly appears that way, but I -- I 11:42:10
11 couldn't tell you for sure.
12 Q. Why might a course be only offered for one
13 day?
14 A. I think there could be a variety of
15 reasons why a course could only be offered one day. 11:42:24
16 Perhaps, you know, it's a course that was
17 created by a particular group, and they wanted to
18 bring their people together, and they wanted to, you
19 know, have it hosted through Oracle University so
20 people could, you know, sign up. And it may just be 11:42:41
21 a -- you know, I think there's a variety of reasons
22 I could speculate why it would be just one day.
23 Q. So if a course was offered twice, one day
24 each time, that would have two entries in this
25 course list? 11:42:58

1 A. Again, I'm not the author of this, so I 11:43:00
2 couldn't -- I couldn't tell you that.

3 Q. The next column is "Offering
4 Availability."

5 Do you know what that refers to? 11:43:22

6 A. I don't know exactly what that refers to.

7 I can infer, based on looking, that there
8 are some that say, "Employee," but then there's a
9 lot that say, "Not applicable."

10 So I don't know if that's a man- -- you 11:43:40
11 know, like, a mandatory field or a reporting field.
12 Again, not authoring it, I don't know for certain.

13 Q. Do you know what "Not Applicable" means in
14 this context?

15 A. I do not. 11:43:49

16 Q. The next column says, "Offering Type."

17 Do you see that?

18 A. I do.

19 Q. And the first item listed is "eClass."

20 What does that refer to? 11:44:03

21 A. I'm not certain because when you look at
22 the -- the first page where it says, "Employee LVC,"
23 right, that's Live Virtual.

24 Oh. So I guess -- actually, hold on.

25 If you look at the first page where it 11:44:23

1 says, "Employee Live Virtual" or "LVC," Live Virtual 11:44:25
2 course, in the -- I guess the third page, it then
3 says "Employee" and "eClass." So to me that would
4 mean that it's an online class --

5 Q. Like -- 11:44:39

6 A. -- live virtual.

7 Q. Like a webinar or something?

8 A. Yes, yes.

9 Q. And "inClass" would be in real life?

10 A. That's how I would read this, because 11:44:48

11 even line 2 in the example says, "Employee ILT,"

12 instructor-led. And so line 2 on that page --

13 (Clarification requested by the reporter.)

14 THE WITNESS: Instructor-led training, and

15 line 2 says, "inClass." 11:44:58

16 So I would -- you know, makes sense that

17 it would be an in-class training.

18 MR. MULLAN: Q. You know, almost halfway

19 down the page in that column, "Offering Type"

20 column, you'll see an entry "Seminar." 11:45:13

21 Do you know what that's referring to?

22 A. I don't. I don't.

23 Q. Okay. And in this column you'll also see

24 some entries for "NULL," N-U-L-L.

25 Do you know what that refers to? 11:45:39

1	A.	Not in this context.	11:45:46
2	Q.	The next column is "Product Version."	
3		Do you know what that's referring to?	
4	A.	I don't know for certain, because, again,	
5		I didn't author it.	11:46:04
6		But it looks to be where they've completed	
7		it, that there's specific information around the	
8		product.	
9		I see "11g"; I see "9i"; "EBS 11i." Those	
10		are all different versions of our products.	11:46:21
11	Q.	Okay. The next column is, "Lob Origin."	
12		Does "Lob" here refer to line of business?	
13	A.	That's how I would read it, yes.	
14	Q.	And what does it refer to in this context?	
15	A.	Again, I'm not certain, but just from	11:46:41
16		looking at the document, it -- it would seem to me	
17		that global support may have created that first	
18		offering, but I don't know for certain.	
19	Q.	Is "Product Curriculum" a line of	
20		business?	11:46:59
21	A.	Not that I'm aware of.	
22	Q.	What is "Product Curriculum"?	
23	A.	I couldn't tell you.	
24	Q.	Is "License Management Services" a line of	
25		business?	11:47:18

1 A. That is a group that I am familiar with in 11:47:21
2 Oracle.

3 Q. And is that group part of any of the
4 functions at issue in this litigation, support, IT,
5 or product development? 11:47:32

6 A. I don't believe so.

7 Q. If you drop down, you'll see an Lob Origin
8 entry, "Sun Legacy."

9 Do you see that?

10 A. I do. 11:47:49

11 Q. Is Sun Legacy a line of business at
12 Oracle?

13 A. It's not a term I'm familiar with.

14 But we did acquire Sun Microsystems, so
15 someone has -- there may have been a -- a Sun course 11:48:00
16 that they brought over. I -- I'm not -- I don't
17 know for certain.

18 Q. And Sun is an Oracle product at this
19 point; right?

20 A. Yes. We bought the company and the -- the 11:48:13
21 technology.

22 Q. So Sun is housed within the product
23 development function?

24 A. Sun is -- there are pieces of Sun in
25 product development because it's a product, but 11:48:30

1 there are also other parts of Sun in other parts of 11:48:32
2 the company.

3 Q. Just a few lines above that you'll see,
4 "ACS Delivery NA."

5 Do you know what that's referring to? 11:48:44

6 A. It's an organization. I believe the
7 acronym stands for "Advanced Customer Support," but
8 I'm not a hundred percent certain.

9 Q. Is that an organization that's housed
10 within the support function? 11:48:58

11 A. Yes, that's what I'm aware of. Yes.

12 Q. If you flip to the next page, the second
13 column is "Program Type."

14 Do you see that?

15 A. I do. 11:49:27

16 Q. Do you know what that's referring to?

17 A. I don't.

18 Q. Do you know what the acronym "ESG" means?

19 A. I've seen the acronym before. I can't be
20 certain what it stands for. I think it might have 11:49:43
21 to do with sales, but I'm not certain.

22 Q. And jumping over to the last column,
23 "Primary Category 01," do you see that?

24 A. I do.

25 Q. Do you know what that's referring to in 11:49:59

1 this context? 11:50:01
2 A. I don't know for certain.
3 I can make inferences based on the type,
4 but I don't -- I don't want to speculate.
5 Q. And the first item is "Middleware." 11:50:12
6 What is Middleware?
7 A. It is a technology solution that we sell
8 to our customers.
9 Q. And the next item is "Server and Storage
10 Systems." 11:50:36
11 Do you know what that is referring to?
12 A. We sell servers and storage. So I would
13 presume there is training on that topic.
14 Q. If you flip the page and look at the last
15 column, it's titled "Requestor Name." 11:51:01
16 Do you see that?
17 A. I do.
18 Q. And for the most part, the entry in this
19 column is "Not Applicable," but there are a few
20 actual names here. 11:51:20
21 Do you know what sort of Oracle employee
22 would be requesting courses?
23 A. I don't, because I don't -- I don't know
24 for certain how this -- the context of this column.
25 Requester, you've just described it as 11:51:34

1 someone requesting a course. 11:51:37

2 I don't know if this actually means the
3 creator of the course. So I don't -- I don't know
4 the context of the specific column.

5 Q. Do you recognize any of these names? 11:51:45

6 A. I do not.

7 Q. If you flip to the last page, you'll see a
8 column, "Presenter."

9 Do you see that?

10 A. I do. 11:52:18

11 Q. Does that just refer to the person who is
12 presenting the course?

13 A. Again, I don't know the context, because
14 in some cases -- on your third line here, as the
15 presenter, Richard Gagelittle, if I'm pronouncing 11:52:36
16 that correctly, is the same as the requester, so I
17 don't know -- on the few pages before.

18 Q. So going back to the column that's on
19 page 3, "Lob Origin," and looking, for example, at
20 the very first entry on that -- in that column, it's 11:53:08
21 "Global Support."

22 Do you see that?

23 A. I do.

24 Q. Does that mean that the people that took
25 this course would all be from within that line of 11:53:21

1 business? 11:53:25

2 A. I can't infer that from this.

3 Q. You don't know?

4 A. I don't know.

5 MS. PERRY: Belated objection to form. 11:53:35

6 Misstates testimony; lacks foundation.

7 THE WITNESS: And I think what -- again,

8 you call that "origin," right? So, again, I don't

9 know if that was the creator.

10 But people can create content in different 11:53:52

11 organizations that other employees can attend or be

12 a part of.

13 Content is created all over the company

14 that different people can listen in or participate.

15 MR. MULLAN: Q. When an independent 11:54:16

16 contributor is promoted to a higher level, say,

17 going from an IC3 to an IC4, are they provided with

18 any additional training?

19 MS. PERRY: Object to form. Overbroad.

20 THE WITNESS: So the way that I would -- 11:54:31

21 what I would say to that is, if -- you know, as an

22 individual contributor -- which I was once one, and,

23 you know, you rise through the ranks, right? --

24 there's all kinds of training options that are

25 available. I think I've talked about this before, 11:54:48

1 right? 11:54:50

2 I mean, as an individual employee, my
3 career is my responsibility.

4 And so, you know, I would certainly -- and
5 I have taken it upon myself to see what different 11:55:00

6 options are out there, talk to my manager, talk to
7 other people that have been in the roles, and figure
8 it out, kind of what options, you know, I might want
9 to invest in or take to grow and build my skills.

10 But that is -- you know, that's on me to help guide 11:55:16
11 my career.

12 MR. MULLAN: Q. Okay. So you're saying
13 there is no mandatory additional training when an
14 employee goes from an IC3 to an IC4 or from an IC4
15 to an IC5? 11:55:34

16 A. I've said that before, that, yes, there's
17 no mandatory training that I'm aware of when going
18 to the various levels.

19 Q. Are there training courses that are only
20 available to more senior employees, for example, 11:55:47
21 training courses that are available to an IC5 or an
22 M1 that are not available to an IC3?

23 MS. PERRY: Objection. Asked and
24 answered.

25 THE WITNESS: Again, I would just state 11:56:04

1 that the courses are open. 11:56:05

2 If you're an IC1 or 2 or 3 or 4 or 5 you
3 have opt- -- you have access to all of the courses
4 that are available to those levels that I'm aware
5 of. 11:56:15

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 11:56:32
11 ambiguous.

12 THE WITNESS: So the -- the -- the way
13 that I would say it kind of in responding to your
14 question, right, because it is very broad, there's a
15 lot of training available. 11:56:45

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, 11:56:55
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 -- 11:57:10

1 yeah, I think definitely, you know, or I think it's 11:57:14
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 11:57:25
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 11:57:43
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 11:57:52
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. 11:58:17

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 11:58:29

1 their manager, colleagues, et cetera, that they 11:58:33
2 might be interested in and, of course, their own
3 personal, you know, development. They want to take
4 control and figure out what -- you know, how they
5 can be the most effective leader. 11:58:42

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 11:58:53
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 11:59:16
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 11:59:31
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. 11:59:45

1 If a employee moves to a different product 11:59:46
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, 12:00:01
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 12:00:18
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 12:00:31
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
19 working on, what they haven't been working on, and
20 take that all into account and, you know, perhaps 12:00:44
21 sug- -- suggest some things that, you know, help
22 fill in the gaps.
23 MR. MULLAN: Q. But you're not aware of
24 any mandatory training required under those
25 circumstances? 12:00:53

1 A. No, I'm not.

12:00:54

2 MR. MULLAN: So how about we take a lunch
3 now? It's noon.

4 MS. PERRY: Noon?

5 THE WITNESS: Okay. That works.

12:01:17

6 THE VIDEOGRAPHER: We're going off the
7 record at 12:01.

8 (Whereupon, the luncheon recess was taken
9 at 12:01 p.m.)

10 ---oOo---

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1 AFTERNOON SESSION 1:00 P.M.

2 P R O C E E D I N G S

3 THE VIDEOGRAPHER: We're back on the
4 record at 1:00 p.m.

5 ---oOo---

01:00:56

6 EXAMINATION BY MR. MULLAN (Resumed)

7 MR. MULLAN: Q. So we're back on the
8 record.

9 You understand you're still under oath?

10 A. I do.

01:01:01

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.

01:01:14

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?

01:01:27

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

01:01:42

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1 it "formal" is oftentimes when I hear that I think 01:01:44
2 of appraisals.

3 And we don't mandate performance
4 appraisals at the company.

5 We encourage a dialogue and a discussion. 01:01:52

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, 01:02:00
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. 01:02:15

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? 01:02:32

21 Some organizations -- like, for me, as an
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. 01:02:44

1 So it's -- just to be clear, it's -- it's 01:02:44
2 not a -- it's not a mandated process.
3 (Telephone rings.)
4 MS. PERRY: It's Katie.
5 MR. FINBERG: Oh, sorry, Katie. 01:02:56
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. 01:03:06
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? 01:03:19
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.
20 Q. Where an appraisal is happening for an 01:03:37
21 employee, who is responsible for doing that?
22 A. Who's responsible for conducting the
23 evaluation?
24 It's really a two-way street.
25 So as I mentioned, an employee can set -- 01:03:47

1 say, "I want a formal -- you know, I want a 01:03:49
2 performance appraisal," or a manager can say that.

3 And so when I hear "performance
4 appraisal," I think of the form, right, the document
5 that people are putting together. 01:04:00

6 But, again, that can happen in just a
7 conversation as well. But it can be started by the
8 employee, or it can be something that the manager,
9 you know, wants for his or her organization.

10 Q. Whether or not it's started by the 01:04:14
11 employee or the manager, who would be responsible
12 for completing the performance appraisal process
13 that's begun? Is that the manager's job?

14 A. So in the appraisal form, an employee
15 would have a piece to assess -- self-assess, right. 01:04:30
16 So they'd be responsible for completing that piece
17 of it.

18 Then there might be -- then there would be
19 a manager assessment.

20 And then there's also an option to get 01:04:39
21 feedback from others, from colleagues or peers, 360
22 feedback, as part of the process. And so that --
23 whoever they sent that to would then have that
24 responsibility to -- to participate.

25 Q. Okay. So for a performance appraisal 01:04:57

1 process involving an individual contributor, that 01:05:01
2 would typically be conducted by that employee's
3 direct manager; is that correct?

4 A. I would say that's a fair -- typically,
5 that would be it. 01:05:17

6 There could be specific examples where
7 that isn't the case. You know, there could be an
8 individual contributor who works with a -- you know,
9 on a project and perhaps gets feedback, you know, or
10 evaluation from a variety of different people. 01:05:31

11 Q. But, typically, it's more likely to be
12 their direct manager?

13 MS. PERRY: Object to form. Vague and
14 ambiguous.

15 THE WITNESS: I would say that might be a
16 common approach. 01:05:41

17 But, again, there are very -- there are
18 lots of other cases or places where someone might,
19 you know, not have that direct relationship.

20 MR. MULLAN: Q. For a manager-level
21 employee, an M-employee, who would conduct a
22 performance appraisal of that employee? 01:05:51

23 A. I think that would be a similar situation.
24 There are a lot of common scenarios where their
25 manager might conduct it, but there also could be 01:06:06

1 situations where people that they don't report to 01:06:10
2 them directly (sic) maybe provide input, et cetera.
3 But in general...

4 Q. You mentioned that there might be a peer-
5 participation element to a performance evaluation. 01:06:22

6 What does that look like?

7 A. So, again, the concept of a -- performance
8 management is to set objectives, right, and be
9 evaluated on how you're proceeding -- you know,
10 you're progressing against those objectives. 01:06:39

11 And so there may be other people in your
12 area of responsibility that have an impact or have,
13 you know, observed your performance or your work on
14 a particular project or a particular area that you
15 might want to bring their feedback in. And so you, 01:06:52
16 as the employee, can, you know, request that.

17 Q. Okay. Can a manager also request that?

18 A. Yeah, I think -- I mean, a manager can
19 request, you know, or set the process to say, "Hey,
20 I'd like you to include feedback from other people 01:07:09
21 who've seen your work," because the manager may not
22 see every aspect.

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 01:07:21

1 performance appraisals? 01:07:25

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 01:07:32
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? 01:07:56

11 A. So the way that the process works is that
12 there are numerical ratings. There's a system of 1
13 through 5, 1, obviously, being underperforming, 5
14 being outstanding. And you can evaluate the
15 competencies and the objectives against that rating 01:08:17
16 scale.

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

19 A. The employee does.

20 Q. Anyone else? 01:08:39

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. 01:08:57

1 Q. Which HR members? 01:09:00

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? 01:09:18

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, 01:09:30
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 -- 01:09:46
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 01:10:13
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, 01:10:22

1 would have access to it. 01:10:24

2 I can't think of anyone else.

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

5 A. The employee would go in through their 01:10:36
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 01:10:58

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 01:11:20

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. 01:11:33

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 01:11:42

1 conversation and make sure that they get all the 01:11:45
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 01:11:55
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 01:12:11
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. 01:12:24

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
20 were newly promoted or not. 01:12:41

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? 01:12:52

1 Q. So Oracle doesn't assess whether all 01:14:14
2 employees are regularly evaluated?

3 A. I'm not aware --

4 MS. PERRY: Object. Object to form.
5 Vague and ambiguous. 01:14:22

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
10 the expectations and responsibilities of a manager 01:14:33
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 01:14:47
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 01:15:00
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 01:15:11

1 it's not a mandatory process, right. 01:15:14

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. 01:15:34

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? 01:15:50

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? 01:16:18

22 A. I do mean internationally, yes, across all
23 functions, lines of businesses.

24 Q. And you have no breakdown for California?

25 A. I don't personally break it down by 01:16:34

1 California. 01:16:36

2 Q. And you have no breakdown for -- by

3 function?

4 A. I don't personally break it down by

5 function. 01:16:43

6 Q. Any reason to believe it might be

7 substantially different than 63 percent?

8 A. I think -- yeah, I think there could be

9 variability.

10 You're talking about different 01:16:56

11 organizations, different levels of people, different

12 places around the world. Culturally, you know, some

13 people, you know, may not, you know, want to do that

14 or want to do that (sic). I think there's all that

15 variability in there. So I think it could vary from 01:17:09

16 that.

17 But that's the number that, you know, I

18 look at as -- as a percentage.

19 Q. And is that for 2017?

20 A. That is for 2017. 01:17:21

21 Q. Do you have the percentage for 2016?

22 A. I don't, off the top of my head.

23 Q. 2015?

24 A. No.

25 Q. 2014? 01:17:31

1 A. No. 01:17:32

2 Q. Any reason to think it would substantially
3 differ in those prior years?

4 A. There is -- there is no reason I have that
5 it would substantially differentiate. 01:17:42

6 I look at those numbers, and I think, you
7 know, they're -- there's little variability from
8 what I see.

9 Q. So where an employee is subject to a
10 performance appraisal, what criteria are used for
11 evaluating that employee? 01:18:05

12 A. So --

13 MS. PERRY: Object to form. Vague and
14 ambiguous.

15 THE WITNESS: -- there's a lot. I mean,
16 that's, again, a big question, right? 01:18:14

17 So if -- I'll rephrase this.

18 So how I would hear your question is, if
19 an employee is getting a performance appraisal, what
20 criteria would they be evaluated against? 01:18:27

21 And that can vary. I'll -- you know,
22 they could get evaluated against our seven core
23 competencies. And there could be additional
24 criteria that comes into play, again, based on their
25 level, their experience, what their job is, you 01:18:46

1 know, what organization they're in, you know, what 01:18:52
2 they've previously done. There's a lot of different
3 factors that they could be evaluated against.

4 MR. MULLAN: Q. Sorry. I just want to go
5 back to the percentage of employees subject to a 01:19:12
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 01:19:29
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 01:19:48
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 01:20:00
21 appraisal as an employee or -- and I completed it or
22 I started it, and I didn't complete it.

23 Q. Got it.

24 So you mentioned seven core competencies.

25 Are all employees evaluated against those 01:20:18

1 seven core competencies? 01:20:22

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 01:20:33
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 01:20:46
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. 01:21:05

16 And so that's how I would describe the
17 seven core competencies.

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 01:21:21
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 01:21:31

1 examples of employees that aren't evaluated against 01:21:35
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 01:21:45
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 01:21:58
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 01:22:10
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 01:22:24
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 01:22:32

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.

01:22:34

4 But my testimony is that if someone is
5 appraised in the appraisal form, they can be
6 evaluated against those core competencies, if they
7 click that, or they may have other criteria that
8 they're evaluated against.

01:22:43

9 Q. So it's --

10 A. They're not mandated.

01:22:58

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.

01:23:09

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.

01:23:18

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.

01:23:30

1 Q. Okay. So it sounds like you're saying 01:23:32
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 01:23:41
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 01:24:02
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. 01:24:11

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. 01:24:21

21 The guidance around having a good
22 discussion and having a good dialogue around
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 01:24:34

1	year?"	01:24:37
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.	01:24:49
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	01:25:04
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	01:25:20
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?	01:25:31
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.	01:25:45

1 Our jobs hold a lot of people. I mean, a 01:25:46
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 01:25:54
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 01:26:07
11 ambiguous.

12 THE WITNESS: I think what I said earlier
13 around the evaluation of the core competencies,
14 again, it's dependent upon that manager and that
15 employee. 01:26:19

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.

20 MR. MULLAN: Q. Are the evaluation 01:26:29
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 01:26:47

1 those objectives. And so that would be documented 01:26:50
2 in the system.

3 Q. Do you have any idea of how many different
4 performance evaluation templates exist for any given
5 job code? 01:27:11

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

8 THE WITNESS: So when --

9 MS. PERRY: -- lacks foundation.

10 THE WITNESS: When you say "template," 01:27:21
11 that can mean a lot of things.

12 There is one place to go for a appraisal
13 in the system.

14 That doesn't mean that managers couldn't
15 use other forms or other templates to use to have a 01:27:36
16 dialogue around performance and -- and -- and
17 evaluation.

18 MR. MULLAN: Q. Okay. We're going to get
19 to templates for performance evaluations in a
20 minute. 01:27:56

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. 01:28:05

1 THE WITNESS: So, Oracle, like any other 01:28:09
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 01:28:16
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 01:28:30
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 play into that. 01:28:44

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 01:28:58
21 appraisal or it can be in a -- in a conversation.

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 01:29:14

1 ambiguous; also to the extent it's beyond the scope. 01:29:15

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. 01:29:32

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 01:29:45
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, 01:29:58
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 01:30:11

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. 01:30:29

1 MR. MULLAN: Q. Okay. So, but formal 01:30:32
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. 01:30:44

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 01:30:52
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 01:31:06
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. 01:31:14

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, 01:31:25

1 where we've documented or if I've had a 01:31:27
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. 01:31:38
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 01:31:48
11 a basis for making salary increase determinations?

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.

15 You can go ahead and testify. 01:32:06

16 THE WITNESS: I'm not aware of a policy
17 that -- that states that.

18 MR. MULLAN: Q. Is there a form- --
19 is there an Oracle policy in place that requires
20 managers to rely upon formal performance appraisals 01:32:22
21 in making decisions about bonuses for employees?

22 MS. PERRY: Same objections. Vague;
23 ambiguous; also to the extent it's beyond the scope
24 of the witness's noticed deposition topics.

25 THE WITNESS: I'm not aware of that. 01:32:39

1 MR. MULLAN: Q. The same question 01:32:40
2 regarding equity awards.

3 MS. PERRY: Same objection.

4 THE WITNESS: Is there a policy in place
5 that requires a performance appraisal to occur to 01:32:45
6 get an equity award, is that what you're asking?

7 MR. MULLAN: Q. The question is, is there
8 a policy in place that requires managers to rely
9 upon performance evaluations in making
10 determinations about equity awards for employees? 01:33:07

11 A. I'm not aware of a policy.

12 (Deposition Exhibit 9 was marked for
13 identification.)

14 THE REPORTER: This is 9.

15 MR. MULLAN: Nine? 01:33:39

16 THE REPORTER: Yes.

17 MR. MULLAN: Q. Please take as much time
18 as you need to review what has been marked as
19 Exhibit 9.

20 A. Okay. 01:34:56

21 Q. Do you recognize this type of document?

22 A. I do recognize this type of document.

23 Q. And what is it?

24 A. It is a printout of a performance
25 appraisal. 01:35:08

1 Q. What is the name of the program you use to 01:35:15
2 print out this appraisal?

3 A. I'm not sure what you mean by "the
4 program."

5 I mean, it's -- it's from our E-Business 01:35:24
6 Suite performance appraisal application.

7 (Deposition Exhibit 10 was marked for
8 identification.)

9 MR. MULLAN: Q. Take as much time as you
10 need to review what's been marked as Exhibit 10. 01:35:58

11 A. Okay.

12 Q. Do you recognize what's been marked as
13 Exhibit 10?

14 A. I recognize it to be snapshots or screen
15 shots of our performance appraisal. 01:37:00

16 Q. This is the performance appraisal
17 application you just mentioned a few minutes ago?

18 A. Yes, that's what it looks to be.

19 Q. So performance evaluations are generated
20 from this program that's captured in Exhibit 10? 01:37:12

21 A. So performance appraisal is done -- done
22 online in the system, and then it's, you know,
23 routed to the various people who are assessing
24 and -- like, a manager who's going to provide their
25 assessment. 01:37:33

1 And then, you know, how they print it out 01:37:33

2 I don't -- you know, I don't know.

3 Q. Okay. But my question is just simple.

4 Is this Exhibit 9 the performance
5 appraisal generated using the program that's 01:37:45
6 represented in Exhibit 10?

7 A. So --

8 MS. PERRY: Object to form.

9 THE WITNESS: -- they are different.

10 And I can tell because there's a date in 01:37:57
11 this one that you brought to me that says "FY13
12 Appraisal Template," right?

13 And so I don't know when this one
14 (indicating) was generated.

15 Let's see if there's a date here. 01:38:11

16 All right. So this looks to me -- I
17 don't know if this is a real appraisal or screen
18 shots taken from a presentation. Because there are
19 core competencies here that are listed that are our
20 seven core competencies on page one: change 01:39:21

21 agility, collaboration, communicating for impact --
22 sorry -- competitive edge, inspirational leadership,
23 mastering complexity, performance drive and
24 execution. Those are those seven core competencies
25 that we changed in 2016. 01:39:41

1 In fact, what's interesting is when you go 01:39:48
2 to page -5456, this template says it's dated FY '14,
3 and it shows and lists a number of additional
4 competencies. And some of those core competencies
5 that are listed there are from our old core 01:40:06
6 competencies. So...

7 MR. MULLAN: Q. Okay. I'll just
8 represent to you that this was produced by Oracle to
9 us as a single document.

10 Do you think that there may be other 01:40:19
11 Oracle performance appraisal versions that we
12 should be looking at within the time period at
13 issue in this matter, which is 2013 through the
14 present day?

15 A. What I'm saying is -- 01:40:32

16 MS. PERRY: Object to form.

17 THE WITNESS: -- I don't know. Is this
18 the -- is it -- are these screen shots taken from a
19 presentation, which -- if you're taking screen
20 shots, you know, you could put -- so I don't know 01:40:48
21 who -- I don't know who pulled this together, the
22 author of it, or how it was generated. So it's hard
23 to comment.

24 MR. MULLAN: Q. Well, I'll just represent
25 to you it was produced this way by counsel in 01:40:59

1 response to a request for performance appraisal 01:41:02
2 templates. So we don't know any more than what you
3 can tell from looking at this document.

4 A. So if it's a template, right -- there's a
5 template that, obviously, can be pulled and entered 01:41:18
6 online in the system.

7 But, you know, I guess it's -- managers
8 could, you know -- I don't -- I don't know how to
9 answer that.

10 Q. What -- 01:41:30

11 A. I don't.

12 Q. All I'm doing right now is trying to
13 figure out how this -- the mechanics of this
14 process.

15 It looks to me like this performance 01:41:36
16 appraisal, Exhibit No. 9, is generated from some
17 program.

18 And it sounds like you're -- you've
19 testified that that program is the performance
20 appraisal application; is that correct? 01:41:48

21 A. What I've testified is this looks like a
22 printout of a performance appraisal.

23 What I recognize in Document 10 is the
24 initial screen shot of what our application looks
25 like when you go into it. 01:42:00

1 So when you go into it, you would see and 01:42:01
2 you would select, you know, and evaluate against
3 those core competencies.

4 I mean, I don't want to speculate.

5 But these are manager data entry pages. 01:42:31
6 Perhaps the manager then entered some additional
7 criteria.

8 But, I mean, the obvious is they look
9 different, right? So one is a printout of a
10 template. And I don't know if they used the "print" 01:42:45
11 button. And one is, you know, screen shots of our
12 application, at least this is -- this is what it
13 appears to be.

14 Q. Screen shots of the performance appraisal
15 application you mentioned earlier? 01:42:58

16 A. Uh-huh.

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? 01:43:15

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." 01:43:32

1 A. Those are the seven core competencies. 01:43:37

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. 01:44:00

6 Employee -- the employee -- the process is
7 that, you know, the employee self-assesses, and the
8 manager provides their assessment.

9 And, again, the goal is to have those two
10 people come together and talk about the performance
11 against the objectives. 01:44:11

12 Q. Okay. So typically both the employee and
13 the manager would input information using the
14 performance application appraisal?

15 A. Yes. 01:44:28

16 Q. So going back to the performance
17 appraisal, Exhibit 9, first, if you just look at
18 the last page, you'll see:

19 "Copyright...2006, Oracle. All rights
20 reserved." 01:44:49

21 A. Uh-huh.

22 Q. So has this doc- -- this evaluation form
23 been in use at Oracle since 2006?

24 A. I --

25 MS. PERRY: Object to form. Lacks 01:44:59

1 foundation. 01:45:00

2 THE WITNESS: I couldn't speak to that
3 because I didn't have responsibility for this in
4 2006. So I can't tell you.

5 MS. PERRY: It's also beyond the scope of 01:45:14
6 the noticed deposition topic.

7 MR. MULLAN: Q. Has it been in use since
8 you have had responsibility?

9 A. So the way I would look at that is that
10 since I've had learning and development as part of 01:45:27
11 my responsibility, performance management has been
12 part of that -- part of our -- part of our
13 responsibility, right, the performance management
14 process and approach.

15 And E-Business Suite, which is the 01:45:42
16 appraisal, right, part of the application, has been
17 the tool for documenting goals and objectives and
18 evaluating performance in the system since I've been
19 in the job.

20 Q. Okay. So does that mean that this 01:46:02
21 performance evaluation format has been in use since
22 you've been in the job?

23 MS. PERRY: Object to form. Misstates
24 testimony.

25 THE WITNESS: So, I can't -- that's a -- 01:46:12

1 I can't say that because we are always kind of 01:46:13
2 evaluating and continuously improving the -- the
3 tool, the guidelines, et cetera, to make sure that
4 they're relevant and they meet our users' needs. So
5 I can't say that this is exactly the same tool 01:46:29
6 that's been in existence.

7 MR. MULLAN: Q. Can you give me an
8 example of a change that's been made as a result of
9 your constant evaluation of the tool?

10 A. Sure. 01:46:41

11 I think a big one -- a significant
12 change was our core competencies. Prior to 2016 we
13 had 32 core competencies that were broken out in a
14 -- you know, professional, managerial.

15 And two years ago we undertook a 01:46:56
16 process -- I guess it started longer than that
17 ago -- we undertook a process to get input and --
18 and streamline and make these more relevant for our
19 business today.

20 Q. So this 2013 evaluation predates that 01:47:13
21 streamlining of the core competencies; is that
22 correct?

23 A. That would be correct, because we didn't
24 make that change until 2016.

25 THE REPORTER: This is 11. 01:48:50

1 (Deposition Exhibit 11 was marked for 01:48:51
2 identification.)

3 MR. MULLAN: Q. Please take as much time
4 as you need to review what's been marked as
5 Exhibit 11. 01:48:58

6 A. Okay.

7 Q. Do you recognize Exhibit 11?

8 A. I do.

9 Q. Is this the 32 core compen- --
10 competencies that were in place prior to 2016? 01:49:47

11 A. Yes.

12 Q. And as you mentioned, it's broken down
13 into "CORE BUSINESS," "CORE MANAGERIAL," and "CORE
14 PROFESSIONAL."

15 Do you see that? 01:50:04

16 A. I do.

17 Q. And what does that refer to?

18 A. So I -- to be clear, I was not the author
19 of these -- these breakouts.

20 But my understanding of the -- the 01:50:15
21 breakouts were, you know, just very -- that you
22 had -- if you were a professional, you had a set of
23 core competencies. If you were a manager, you had
24 an additional set of competencies. And then, of
25 course, there were some core just business 01:50:30

1 competencies. 01:50:33

2 Q. So for an independent contributor --
3 individual contributor in product development, which
4 of these core competencies would be applicable to
5 that IC person? 01:50:45

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

8 THE WITNESS: So I would -- I would give
9 you a specific.

10 So if there is a individual contributor, 01:50:56
11 re- -- regardless of what group they're in or what
12 job they're in, the selection of the competencies --
13 and, again, this is presuming that that individual
14 that we're talking about had a formal performance
15 appraisal. That individual and that manager would 01:51:13
16 determine what competencies fit that specific job.

17 MR. MULLAN: Q. For an individual
18 contributor, though, could some of those
19 competencies come from the "CORE MANAGERIAL"
20 section? 01:51:32

21 A. I don't think that would be likely if
22 they're an individual contributor.

23 Those are -- those are really towards
24 managerial staff.

25 Q. Could come from -- could some come from 01:51:40

1 the "CORE BUSINESS" section? 01:51:41

2 A. Some could come from the "CORE BUSINESS"
3 or the "CORE PROFESSIONAL."

4 Q. Okay. And so prior to 2016, there were
5 nine competencies in the "CORE BUSINESS" section 01:51:54
6 subgroup and 18 in the "PROFESSIONAL" subgroup.

7 Do you see that?

8 A. I would have to count.

9 You're right on the nine Business
10 competencies. 01:52:09

11 I'd have to count the -- which ones were
12 you talking about? The Professional?

13 Q. The Professional.

14 A. Eighteen, is that what you said? Yeah.

15 Q. So that's the universe of core 01:52:39
16 competencies prior to 2016 applicable to an
17 individual contributor?

18 A. The competencies that could be selected
19 as part of the appraisal process could be any one
20 of these 32. 01:52:55

21 It's unlikely that an individual
22 contributor would get a managerial competency.

23 So if your question is, "Would they
24 largely be from the business side or the
25 professional side?" I would think, "Yes." 01:53:09

1 I can't think of a specific situation 01:53:10
2 where that would be different.

3 Q. Okay. And these list of core competencies
4 was applicable to employees who were being evaluated
5 in product development function, in support 01:53:25
6 function, and in the IT function, is that correct --

7 MS. PERRY: Object to form.

8 MR. MULLAN: Q. -- prior to 2016?

9 MS. PERRY: Object to form. Vague and
10 ambiguous; also to the extent it misstates testimony 01:53:36
11 and lacks foundation.

12 THE WITNESS: So how I would phrase this
13 or how I would characterize it, from my point of
14 view, is that these competencies were available to
15 all employees who would participate in a -- using 01:53:50
16 the appraisal tool.

17 MR. MULLAN: Q. Prior to 2016?

18 A. Prior to 2016.

19 You know, can I just add one thing,
20 though? 01:54:06

21 Again, we're talking about the specific
22 appraisal tool.

23 There are -- I can imagine, as large as
24 we are and as many employees as we are, that
25 managers could have other tools or templates that 01:54:16

1 they're using as a guide to, you know, discuss 01:54:19
2 performance.

3 Q. Okay. But these are the core
4 competencies?

5 A. Yes, as they were back before 2016. 01:54:26

6 Q. And if we just go back to the appraisal
7 that's marked as Exhibit No. 9, I'll draw your
8 attention to the first reference to a core
9 competency here on page 1 of the appraisal:

10 "Core.Professional.Adapting to Change." 01:55:03

11 Do you see that?

12 MS. PERRY: I actually think you're
13 missing one, but...

14 MR. MULLAN: Oh, I'm sorry. You're --
15 excuse me. 01:55:12

16 Q. So the first one is:

17 "Core.Business.Professional & Technical
18 Depth and Credibility."

19 Do you see that?

20 A. Yes, I see that. 01:55:35

21 Q. And that corresponds with the list
22 represented in Exhibit 11 under "CORE BUSINESS,
23 Professional & Technical."

24 Do you see that?

25 A. I do. 01:55:47

1 Q. Okay. And underneath that, "Core 01:55:48
2 Professional.Adapting to Change" -- do you see
3 that?

4 A. I do.

5 Q. And that corresponds with Exhibit 11 01:55:56
6 "CORE PROFESSIONAL, Competency, Adapting to
7 Change."

8 Do you see that?

9 A. I do.

10 Q. The next one -- excuse me -- "CORE. 01:56:07
11 PROFESSIONAL.Business"-- "Business Ethics."

12 Do you see that?

13 A. Yes.

14 Q. And that corresponds to Exhibit 11, 01:56:17
15 "Business Ethics."

16 Do you see that?

17 A. Yes.

18 Q. The next is "...Professional.Coaching."

19 Do you see that?

20 A. Yes. 01:56:32

21 Q. And that corresponds with Exhibit 11,

22 "CORE PROFESSIONAL, Coaching."

23 Do you see that?

24 A. Yes.

25 Q. The next item in the appraisal, Exhibit 9, 01:56:38

1	is "Core.Professional.Communication."	01:56:41
2	Do you see that?	
3	A. I do.	
4	Q. And that corresponds with Exhibit 11,	
5	"CORE PROFESSIONAL, Communication."	01:56:47
6	Do you see that?	
7	A. I do.	
8	Q. The next item in the appraisal is "Core.	
9	Professional.Decision Making."	
10	Do you see that?	01:56:58
11	A. Yes.	
12	Q. And that corresponds with "CORE	
13	PROFESSIONAL, Decision Making" in Exhibit 11.	
14	Do you see that?	
15	A. I do.	01:57:05
16	Q. The next item, "CORE.PROFESSIONAL.	
17	Innovation," do you see that?	
18	A. Yes.	
19	Q. And that corresponds with "CORE	
20	PROFESSIONAL, Innovation" in Exhibit 11.	01:57:15
21	Do you see that?	
22	A. I do.	
23	Q. The next item in the appraisal, "Core.	
24	Professional.Problem Solving," do you see that?	
25	A. Yes.	01:57:27

1	Q. And that corresponds with "CORE	01:57:27
2	PROFESSIONAL, Problem Solving" in Exhibit 11.	
3	Do you see that?	
4	A. Yes.	
5	Q. The next item, "Core.Professional.	01:57:33
6	Quality," do you see that?	
7	A. Uh-huh.	
8	Q. And that corresponds with "CORE	
9	PROFESSIONAL, Quality" in Exhibit 11.	
10	Do you see that?	01:57:42
11	A. Yes.	
12	Q. The next item, "Core.Professional.Results	
13	Orientation," do you see that?	
14	A. Yes.	
15	Q. And that corresponds with Exhibit 11,	01:57:49
16	"CORE PROFESSIONAL, Results Orientation."	
17	Do you see that?	
18	A. Yes.	
19	Q. The next item in the appraisal, "Core.	
20	Professional.Teamwork," do you see that?	01:58:00
21	A. Yes.	
22	Q. And that corresponds with Exhibit 11,	
23	"CORE PROFESSIONAL, Teamwork."	
24	Do you see that?	
25	A. I do.	01:58:08

1 Q. Okay. And that appears to be all of the 01:58:12
2 core competencies listed in the performance
3 appraisal that is Exhibit 9.

4 Do you agree?

5 A. I agree that's all that's here. 01:58:21

6 Q. And you agree that they all come from that
7 universe, that listing of core competencies that is
8 Exhibit 11?

9 A. Yes, they came from the -- the core
10 competencies under "PROFESSIONAL" and "CORE (sic)." 01:58:33

11 Q. So is it fair to say that performance
12 appraisals pulled the core competencies prior to
13 2016 from this list that's represented in two- -- in
14 Exhibit 11?

15 A. So I just want to be specific. 01:58:52

16 When you say "pull," it -- it wasn't an
17 automatic pull, right. Individuals and managers
18 would pull and select, and then they would evaluate
19 it.

20 Q. But the core comp- -- competencies listed 01:59:02
21 in the appraisal would be a subset of the core
22 competencies -- the 32 core competencies in --

23 A. It would be a subset from this list, yes.

24 Q. Going back to the performance appraisal,
25 Exhibit 9, you'll see the next entries after the 01:59:23

1 core competencies is something called "Functional." 01:59:29
2 A. Yes.
3 Q. There are three functional criteria here:
4 "...Development.Functional Design," "...Development.
5 Process and Standards Management," "...Development. 01:59:46
6 Technical Design."
7 Do you see those?
8 A. I do.
9 Q. What are functionals?
10 A. Functional competencies are applicable 01:59:58
11 to a job, but not all jobs have functional
12 competencies.
13 Q. And why is that?
14 A. It's a -- it's a process that a manager or
15 a group would go through to identify what those 02:00:15
16 critical functional skills would be.
17 And not all groups go through that process
18 for a variety of reasons. One may be that
19 there's -- there's such variety in their -- their
20 job or their group, and so they just would pull from 02:00:34
21 the core or some other criteria.
22 But it's a way to get at additional skills
23 and criteria to evaluate against.
24 Q. And for each of these core competencies --
25 I think you've discussed this already -- but would 02:00:56

1 the employee provide their own self-evaluation first 02:00:59
2 and then the manager provide an evaluation against
3 that core competency?

4 A. That is how the process would -- would
5 work using the system. 02:01:13

6 Q. Okay. But the employee doesn't get to
7 pick which core competencies they're being evaluated
8 against? That's already set for the job position;
9 is that correct?

10 A. So prior to this, right, it would be -- it 02:01:30
11 was my understanding that the competencies would be
12 aligned to a job, but that a manager and an employee
13 could pick additional competencies to evaluate
14 against.

15 Q. But they start off with some default 02:01:52
16 alignment of competencies -- competencies to the
17 particular job?

18 A. They start off with a default based on the
19 job, right. And so if a particular job has six or
20 seven, that would be maybe the default. 02:02:08

21 But it's my understanding that you can
22 definitely add to that prior to 2016.

23 Q. And when you say "for a particular job,"
24 do you mean a particular job code?

25 A. A job code, correct. 02:02:22

1 Q. And who sets the default core competencies 02:02:24
2 for job codes?

3 A. That would be human resources in
4 partnership with a business leader or an
5 organization. 02:02:36

6 MR. MULLAN: We're going to take a break.

7 MS. PERRY: Okay.

8 THE VIDEOGRAPHER: We're going off the
9 record at 2:03, ending Media No. 3. Thank you.

10 (Recess taken: 2:03 p.m. until 2:17 p.m.) 02:03:14

11 THE VIDEOGRAPHER: We're back on the
12 record at 2:17, beginning Media No. 4.

13 MS. PERRY: Thank you.

14 THE REPORTER: This is 12.

15 (Deposition Exhibit 12 was marked for 02:17:17
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. 02:17:42

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 02:17:53

1 June, 2014; is that correct? 02:17:57
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. 02:18:13
6 A. Okay.
7 Q. If you can just look to the very top left,
8 you see "Employee Name," employee "Manager," and
9 "Cost Center." Do you see that?
10 A. I do. 02:18:26
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 02:18:45
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. 02:19:04
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 02:19:14

1 testifying as the person most knowledgeable on this. 02:19:17

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. 02:19:25

6 MR. MULLAN: Q. Okay. Are you familiar
7 with Fusion HCM development?

8 A. I am familiar with Fusion HCM.

9 Q. Is that a product?

10 A. Yes. 02:19:34

11 Q. And if you look back to Exhibit 9, the
12 performance appraisal we looked at earlier for
13 Sophy Wang --

14 A. Uh-huh.

15 Q. -- if you look at the cost center field in 02:19:44
16 that appraisal, it's listed as "SL64 - Fusion SCM
17 Development..."

18 So that's a different cost center;
19 correct?

20 MS. PERRY: Object to form; also, again, 02:19:57
21 to the extent this is beyond the scope of this
22 witness's deposition topic.

23 THE WITNESS: I would infer that it's
24 different because they have different names and they
25 have different numbers and letters. 02:20:13

1 MR. MULLAN: Q. Do you know what "Fusion 02:20:15
2 SCM Development" is?

3 A. So I can't -- I don't know for certain
4 because acronyms can mean a lot of different things,
5 and multiple groups have the same acronyms. 02:20:25

6 But I believe it means "supply chain
7 management."

8 Q. Okay. Which is a different product than
9 Fusion HCM Development that we talked about earlier
10 with regard to Sharon Jewett's appraisal; is that 02:20:39
11 correct?

12 A. That would be a different product.

13 Q. If you look at the core competencies
14 listed in Sharon Jewett's appraisal, you'll see that
15 they are identical to the core competencies listed 02:20:57
16 in Sophy Wang's appraisal except that Sophy Wang has
17 the additional competency of coaching.

18 And you can take as much time as you want
19 to look at it. But if you can, just confirm that,
20 that -- 02:21:11

21 A. Okay. Hold on one second.

22 So for -- you asked me if the core
23 competencies are the same in these two appraisals
24 except for -- oh, my goodness. Which one was that,
25 communications? 02:22:22

1 MR. MULLAN: Q. Coaching. 02:22:24
2 A. Coaching.
3 That is -- that is true.
4 Q. So the -- the ten core competencies
5 reflected in Sharon Jewett's appraisal are all 02:22:33
6 included among the 11 core competencies reflected in
7 Sophy Wang's appraisal; is that correct?
8 A. They are all, correct. The same
9 competencies show up in both appraisals except for
10 the one we discussed, which is coaching. 02:22:52
11 Q. And, again, the Jewett core competencies
12 are all a subset of the competen- -- the core
13 competencies listed in Exhibit 11; correct?
14 A. Correct.
15 Q. Okay. I'll just note that Sharon Jewett's 02:23:13
16 appraisal, Exhibit 12, is dated the 9th of June,
17 2014, which is prior to the change in the core
18 competencies of 2016; right?
19 MS. PERRY: I think the witness testified
20 earlier it's got an appraisal creation date of 02:23:28
21 June 9th, 2014.
22 Is that what you're referring to?
23 MR. MULLAN: Yes.
24 MS. PERRY: There's multiple dates on
25 here, so I just wanted to be clear. 02:23:38

1 THE WITNESS: This was created before we 02:23:40
2 made the change to the core competencies.

3 MR. MULLAN: Q. All right.

4 A. Can I just make a comment because remember
5 when we were -- we were going back through 02:23:53
6 Exhibit 10, which is the screen shot one? Sorry.
7 That's been bothering me, going through the detail.

8 And I think what this is is, I think that
9 it is the template, but with two templates or
10 multiple templates merged together. And that's why 02:24:10
11 some of the information isn't the same.

12 So if you look, like, the employee is
13 the same, Justin Field, but in the "manager" is
14 Penny Adkins.

15 Then you go back to -- I don't know what 02:24:22
16 this special code is at the bottom -- -5456, you
17 have a different employee and a different manager.

18 So that's -- why I was a little taken
19 aback is this is the template, but it looks like
20 they've merged maybe a couple of older templates 02:24:41
21 together because their dates are -- some have dates;
22 some don't. So I just wanted to bring that up
23 because I was a little confused.

24 MR. MULLAN: Q. Okay. And just --

25 A. Yes. 02:24:54

1 Q. -- to clarify, do you think that, like, 02:24:54
2 the last several pages of this belong to a different
3 template, or is it merged?

4 A. I don't know for certain, but all I can 02:25:06
5 tell you is it's -- it's got two employee names in
6 it.

7 So my -- my thinking is -- is that, you
8 know, when someone provides a template of the form,
9 they may have had a copy with some new and old
10 information. 02:25:17

11 Q. Right. And I -- I see that on the page
12 that's titled "Manager Data Entry Pages, Overview
13 Page" --

14 A. Uh-huh.

15 Q. -- which is the sixth page of Exhibit 10, 02:25:25
16 it lists core competencies there that correlate with
17 the pre-2016 competencies, which is I think what you
18 were referring to.

19 A. Yes, yes.

20 Q. Okay. Well, just sticking with that 02:25:52
21 exhibit, Exhibit 10, on page 1 it lists what I think
22 are the new competencies.

23 But just can you confirm that those are
24 the seven core competen- -- competencies at issue
25 since 2016? 02:26:04

1 A. Page 1, which is -5451 of Exhibit 10,
2 those are the seven core competencies that were
3 implemented in 2016.

02:26:05

4 (Deposition Exhibit 13 was marked for
5 identification.)

02:26:12

6 MR. MULLAN: Q. Take as much time as you
7 need to review what's been marked as Exhibit 13.

8 I will tell you my questions are going to
9 focus on page 10.

10 A. Is there a page number on this that I
11 can't see?

02:27:15

12 Q. It's Bates number -4918.

13 A. Okay. Thank you. Okay.

14 Q. Do you recognize the document that's been
15 marked as Exhibit 13?

02:28:02

16 A. I do recognize it. I'm not the author of
17 it, but a lot of these slides are -- are -- I
18 recognize from different presentations on training
19 for employees for performance objectives, et cetera.

20 Q. And looking at this document, can you tell
21 if this predates the change in core competencies in
22 2016?

02:28:18

23 A. Oh, hold on.

24 Q. And I just draw your attention
25 specifically to page 10. You'll see in the

02:28:33

1 footer -- 02:28:35
2 A. Oh.
3 Q. -- there's a reference to financial year
4 '14, if that helps.
5 A. Yes. And so this is before because I can 02:28:39
6 see it says:
7 "Oracle competencies fall into two
8 categories.
9 "Core: professional, managerial" --
10 (Clarification requested by the reporter.) 02:28:47
11 THE WITNESS: Sorry.
12 So you asked me if this document was
13 prior to the change in 2016 of the seven core
14 competencies.
15 And my assumption is, yes, this was before 02:28:57
16 because on the slide it says:
17 "Oracle competencies fall into two
18 categories
19 "Core," which is, "professional,
20 managerial and business." 02:29:08
21 And we took away those distinctions.
22 There are just seven core competencies
23 now.
24 MR. MULLAN: Q. Are there still
25 functional competencies? 02:29:20

1 referring to the listing of seven core competencies? 02:30:57

2 A. I am.

3 Q. So those are the seven core competencies
4 that are in effect today?

5 A. Yes. 02:31:12

6 Q. "Change Agility," "Mastering Complexity,"
7 "Performance Drive & Execution," "Collaboration,"
8 "Communicating for Impact," "Inspirational
9 Leadership," and "Competitive Edge"; is that right?

10 A. That is right. 02:31:29

11 Q. So where an employee is subject to a
12 performance appraisal today, post-2016, the core
13 compet- -- competencies that they're evaluated
14 against will be some subset of these seven core
15 competencies; is that correct? 02:31:42

16 A. No, that's not how I would -- I would
17 showcase it or describe it.

18 So two categories.

19 If -- in appraisal tool, when you log in
20 to self-assess, these seven competencies will be 02:31:55
21 there, right -- so these seven core competencies
22 will be there, right. You click a button, and it
23 pulls them up.

24 Now, whether someone rates themselves
25 against all seven, you know, I guess they -- you 02:32:09

1 know, that's what we would encourage, if they're in 02:32:12
2 there, to do that. But they may not. I don't have
3 any control over that.

4 And then, in addition, if they're not
5 doing a formal performance appraisal, these could be 02:32:20
6 still discussed or not.

7 Q. Sure. I understand.

8 So, but for the performance appraisal
9 application, all seven of the core competencies are
10 included by default? 02:32:34

11 A. Yes, but you do have to click a button on
12 the appraisal, which would then populate the form.

13 Q. Okay. But there's no option to populate
14 the form with four of the core competencies?

15 A. I don't believe so. I think you click the 02:32:49
16 button, and they all drop.

17 Whether you evaluate against all of them,
18 that -- you know, I can't guarantee that.

19 (Deposition Exhibit 15 was marked for
20 identification.) 02:33:28

21 MR. MULLAN: Q. Take as much time as you
22 need to review what's been marked as Exhibit 14 --

23 THE REPORTER: I think it's 15.

24 MR. MULLAN: Q. -- or 15.

25 MR. FINBERG: Yeah, it's 15. 02:33:45

1 MR. MULLAN: Q. And if it helps, I am 02:33:46
2 going to ask you a couple of questions about
3 page -5254.

4 A. -5254. Okay.

5 Q. Firstly, do you recognize what has been 02:35:04
6 marked as Exhibit 15?

7 A. I do.

8 Q. What is it?

9 A. It is another version of a "Manager
10 Essentials" training we saw earlier. 02:35:10

11 Q. And I just, as I said, want to direct you
12 to page -5254.

13 A. Uh-huh.

14 Q. Do you see that slide --

15 A. I do. 02:35:20

16 Q. -- labeled "Oracle Core Competencies"?

17 A. Yes.

18 Q. And those are the same seven core
19 competencies we've been talking about; right?

20 A. They are. 02:35:32

21 Q. And it states in the slide:

22 "Every Oracle manager is expected to hold
23 themselves and their team accountable for
24 demonstrating Oracle's core competencies."

25 Do you see that? 02:35:42

1 A. I do. 02:35:42

2 Q. So these seven core competencies are
3 applicable to all Oracle employees?

4 A. So these seven core competencies are,
5 again, general and broad enough that we believe 02:35:55
6 cover, you know, jobs at Oracle.

7 And it's -- it's similar to values, right,
8 as well, like our EEO principles, et cetera, like
9 that.

10 So, you know, every manager -- that's 02:36:08
11 part of their responsibility to hold themselves
12 accountable and, you know, their team. That's a
13 manager expectation.

14 Q. Okay. So -- and just by every Oracle
15 manager being expected to hold themselves and their 02:36:25
16 team accountable, that would include all of the
17 employees who work within the three functions at
18 issue in this matter, IT, product development, and
19 support; correct?

20 A. It's bigger than that, right. It would 02:36:39
21 affect, you know, all employees around the globe.

22 Q. Yeah, I understand it's bigger.

23 But it definitely includes those three
24 functions; right?

25 A. Yes. 02:36:50

1 Q. And it states that: 02:36:50
2 "Each Core Competency has five levels of
3 proficiency."
4 Do you see that?
5 A. I do. 02:36:58
6 Q. What does that mean?
7 A. That means they have different levels of
8 proficiencies.
9 So if you are an individual who's maybe at
10 entry level, you might have a foundation of -- I 02:37:07
11 think they go in order -- 1, so kind of the -- the
12 lower -- lower expectations because of your -- your
13 level, right?
14 And the idea is that, as you progress up
15 through your levels, that you build upon that 02:37:28
16 foundation. And so you get more proficient and --
17 throughout your development.
18 Q. And just if you go back to Exhibit 14
19 you'll see in pages 2, 3, 4, 5, 6, 7, and 8 what I
20 think are the five levels of proficiency for each of 02:37:51
21 the seven core competencies.
22 Do you see those?
23 A. I do.
24 Q. So that's what you're referring to here?
25 A. That is what I'm referring to. So it's 02:38:00

1 the five levels. 02:38:03

2 And as you can see, they build upon each
3 other.

4 Q. And so these core competencies and the
5 five levels of proficiency are applicable to all
6 managers and all employees within Oracle? 02:38:10

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

9 THE WITNESS: These are skills and
10 capabilities that we believe apply to all employees 02:38:21
11 across all jobs, across all regions, countries,
12 et cetera.

13 Again, they're broad enough to mean --
14 they have to be specific to that person's, you know,
15 individual job. 02:38:35

16 MR. MULLAN: Q. So earlier we touched
17 upon functional competencies.

18 Is there a list of functional competencies
19 somewhere?

20 A. There is a list of functional 02:38:47
21 competencies.

22 MR. MULLAN: Counsel, we have not seen
23 that list. Is that something we can get?

24 MS. PERRY: I think you -- it was in one
25 of these exhibits we looked at, if I remember 02:38:56

1 correctly. 02:38:58
2 MR. MULLAN: We can -- we can come back,
3 do that off the record. But I -- I haven't seen
4 it.
5 MS. PERRY: I'm pretty sure we produced 02:39:26
6 it. So we can come back to it.
7 MR. MULLAN: Q. Can you go back to
8 Exhibit 9, which is the Sophy Wang appraisal?
9 A. Uh-huh.
10 Q. Do you see at the bottom of page 4, a 02:40:03
11 heading "Objectives"?
12 A. Yes.
13 Q. What is that referring to?
14 A. Objectives are goals.
15 Q. And so the first item here is: 02:40:25
16 "Build & Maintain peer network."
17 Do you see that at the top of page 5?
18 A. I do.
19 Q. Is there a list of objectives somewhere?
20 A. No. Those objectives vary by individual; 02:40:40
21 they vary by organization.
22 All the objectives contribute to the
23 group's --
24 Q. Who decides --
25 A. -- results. 02:40:55

1 Q. I'm sorry. 02:40:56
2 Who decides who -- which objectives apply
3 to any given employee?
4 A. The manager would know what their -- what
5 their objectives are, right. What do they need to 02:41:06
6 get accomplished in this month, next month, this
7 fiscal year?
8 And then they would have a dialogue or
9 discussion with their employees, who were helping
10 to contribute to get -- to achieve those results. 02:41:17
11 And so an employee may come up with some
12 objectives of their own in addition to what the
13 manager may call out.
14 Q. Anyone other than the employee and the
15 manager involved in determining the objectives? 02:41:32
16 A. I think I talked about this earlier.
17 I think in a typical situation, that's
18 probably a common scenario, where the manager and
19 the employee are doing that.
20 But I can also think -- I mean, there's a 02:41:51
21 lot of big global projects that are worked on, a lot
22 of projects that have various teams. I can think
23 of, certainly, scenarios where they might, you know,
24 have input from others.
25 MS. PERRY: John, that functional 02:42:03

1 competencies document was produced on July 6th, and 02:42:14
2 it's Bates -5707.

3 MR. MULLAN: Thank you.

4 Q. Does anyone oversee or evaluate the
5 objectives that a manager and employee have decided 02:42:40
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, 02:42:52
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. 02:43:04

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.

20 But, again, managers know -- you know, 02:43:20
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 02:43:29

1 people understand what they need to do and -- and 02:43:32
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 02:44:05
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 02:44:19
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 02:44:34
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 02:44:48
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 02:45:00

1 person would consider when thinking about salary
2 recommendations.

02:45:04

3 Q. Do you know if these performance
4 evaluations, where undertaken, are used where an
5 employee is being considered for a promotion?

02:45:19

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.

10 Again, I would say, even in my own
11 experience, that performance is a factor.

02:45:32

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.

02:45:39

20 (Deposition Exhibit 16 was marked for
21 identification.)

02:45:57

22 THE REPORTER: This is 16.

23 MR. MULLAN: Q. Take as much time as you
24 need to review what's been marked as Exhibit 16.

25 A. Okay.

02:46:33

1 Q. Do you recognize this document? 02:46:34

2 A. It looks familiar, but I don't know if
3 it's a screen inside a screen. I don't -- I don't
4 know.

5 Q. So it appears to be a document pertaining 02:46:49
6 to Xian Murray's performance; correct?

7 A. It looks to be that person's -- yes, it's
8 something to do with performance. It's a type of
9 performance review, and there's a rating and a date.

10 Q. And that rating, it's "4 - Exceeds 02:47:10
11 Expectations."

12 Do you see that?

13 A. I do.

14 Q. Earlier you mentioned the rating system 1
15 through 5, 1 being the lowest, 5 being the best. 02:47:19

16 Do you believe that this number
17 corresponds with that rating system?

18 A. I do, given that that's a rating and it
19 says "Exceeds Expectations," and that is what 4 is.

20 Q. Okay. So for every performance appraisal 02:47:38
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 02:48:02

1 appraisals, that they would give an overall rating. 02:48:04
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? 02:48:19
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? 02:48:28
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. 02:48:41
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 02:49:05
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,
25 criticality of the role, criticality of the project 02:49:17

1 that they're working on, where they are in the 02:49:21
2 world, et cetera.

3 MR. MULLAN: Q. And you said that rating,
4 4, corresponds with "Exceeds Expectations"; correct?

5 A. That is the way that we currently look at 02:49:47
6 a rating of 4 --

7 Q. Okay.

8 A. -- exceeds expectations.

9 Q. I'm going to test your memory and ask you
10 if you can tell me -- walk me through what the 02:49:56
11 various 1 through 5 ratings correspond to.

12 A. Sure. 1 is underperforming or not
13 performing; 2 is needs improvement; 3 is meets
14 expectations; 4 is exceeds expectations; and 5 is
15 outstanding. 02:50:16

16 Q. Will an employee who receives a 1 be
17 terminated?

18 MS. PERRY: Object to form. Lacks
19 foundation; incomplete hypothetical; calls for
20 speculation. 02:50:26

21 THE WITNESS: No, I don't think you can
22 conclude that.

23 I think someone could be a 1 who maybe
24 is in a new job and they're not performing in that
25 job. 02:50:37

1 I think there's a variety of reasons. 02:50:38

2 I wouldn't conclude that they're going to
3 be terminated based on that rating.

4 MR. MULLAN: Q. Are -- employees who
5 receive a numerical rating, do they always receive 02:50:47
6 it at a certain time of year?

7 A. No, they don't.

8 Again, it's dependent upon the
9 organization or the business of the group.

10 Certainly, we encourage managers to set 02:51:00
11 goals and objectives at the start of the new fiscal
12 year and, then, try and, you know, conclude and
13 evaluate performance along (sic) the year. And then
14 many would conclude with an appraisal at the end of
15 the year, if that's what they do, or a conversation. 02:51:14

16 Q. And who assigns the number?

17 A. Who assigns the performance rating?
18 Well, that is -- I mean, a manager has -- has --
19 rates the competencies or the objectives, or
20 whatever other criteria is available or that they've 02:51:34
21 called out, as well as the employee. So they both
22 rate.

23 And then the manager assigns the overall
24 rating.

25 Q. Do you have any idea, for employees that 02:51:47

1 do receive a numerical rating, what percentage
2 receive a 1?

02:51:51

3 A. I don't. I don't know that specific
4 information.

5 Q. A 2?

02:52:02

6 A. No, I wouldn't know that either, against
7 any of the ratings.

8 Q. So do managers at the VP level or above
9 ever review numerical ratings for members --
10 employees within their organization?

02:52:20

11 MS. PERRY: Object to form. Overbroad;
12 also to the extent it calls for speculation.

13 MR. MULLAN: Q. If you know.

14 A. Yeah. No, I mean, I think that it's --
15 again, being a large company, a large organization,
16 I -- I think that, you know, managers could
17 absolutely want to understand or want to see how
18 their team -- their broader team is, you know,
19 performing, so that you could look at, "All right.

02:52:32

20 You know, what kinds of things do I need to focus on
21 from a development point of view?" But it could
22 vary.

02:52:47

23 Q. But a VP, even if they're not the
24 immediate manager of a particular employee, would
25 have access to the numerical rating if that VP

02:53:02

1 wished to have access to the numerical rating? 02:53:06

2 MS. PERRY: Object to form. Vague and
3 ambiguous.

4 THE WITNESS: So I talked about this
5 earlier. 02:53:12

6 I couldn't -- I don't recall how the
7 levels of -- what they can see.

8 I just know that -- for sure that the
9 immediate manager and the employee, obviously, have
10 access to that data. 02:53:22

11 But, I mean, certainly it could be a
12 verbal conversation if you're a VP talking with your
13 direct -- you know, your individual manager, how are
14 their team as a whole performing.

15 MR. MULLAN: Q. Is there any numerical
16 score, minimum, in order to receive a salary
17 increase? 02:53:40

18 A. No --

19 MS. PERRY: Object to form. Vague and
20 ambiguous. 02:53:50

21 THE WITNESS: -- not that I'm aware of.

22 MR. MULLAN: Q. Or to be considered for a
23 promotion?

24 MS. PERRY: Same objection.

25 THE WITNESS: So every group is going to 02:54:01

1 have -- you know, again, based on what their goals 02:54:02
2 and objectives are, if they're working on a pretty
3 important project, if -- or if they're working on a
4 project that, you know, is more in maintenance mode,
5 but there's no requirement that if you have a rating 02:54:16
6 of a 1 that you get -- you don't get a raise,
7 because, again, performance is one factor that's
8 considered.

9 MR. MULLAN: Q. Are there any
10 consequences for managers who fail to assign 02:54:36
11 numerical ratings for their reports on an annual
12 basis?

13 MS. PERRY: Object to form. Lacks
14 foundation.

15 THE WITNESS: There's no consequences that 02:54:46
16 I'm aware of.

17 Again, it's not a mandatory process.

18 (Deposition Exhibit 17 was marked for
19 identification.)

20 THE REPORTER: This is 17. 02:55:13

21 MR. MULLAN: Q. Take as much time as you
22 need to review what's been marked as Exhibit 17.

23 My question is simply going to be if this
24 is the current list of functional competencies.

25 A. I believe this to be the current list. 02:55:38

1 document? Have you ever seen it before? 02:58:12

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

4 MR. MULLAN: Q. Do you know who
5 Lisa Gordon is? 02:58:17

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 02:58:25
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 02:58:35
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 02:58:46
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. 02:59:01

1 And I just want to know if you agree or 02:59:05
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 02:59:19
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 02:59:40
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 02:59:56
16 paragraph.

17 "There is no formal structure.

18 Supervisor does not have to conduct
19 performance reviews or give a rating
20 number." 03:00:13

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 03:00:18

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.

03:00:21

5 And as a manager, I would agree. As a
6 personal (sic), I would agree with that statement.

03:00:32

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.

03:00:48

11 A. Yeah. Okay.

12 Q. She's asked:

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

15 And she responds:

03:00:56

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?

03:01:05

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

03:01:16

1 on another witness's statement. 03:01:21

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. 03:01:30

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? 03:01:43

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. 03:01:52

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. 03:02:10

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 03:02:23

1 experience, the criticality of the role or the 03:02:27
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. 03:02:41

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 03:02:53
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 03:03:00
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 03:03:09
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 03:03:18

1 performance evaluation of employees in 03:03:18
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 03:03:18
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." 03:03:18
11 MS. PERRY: Yes. And as stated in our
12 objection and after multiple meet-and-confer
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 03:03:51
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, 03:04:04
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. 03:04:17

1 Q. So where an employee is evaluated using 03:04:20
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, 03:04:43
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. 03:04:51

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 03:05:03
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 03:05:20
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, 03:05:34

1 and how they're performing. It's a conversation. 03:05:37

2 And so that's -- that's what I could share.

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? 03:05:48

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 03:06:00
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 03:06:14
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 03:06:26
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 03:06:44

1 deposition topic as it was identified for you. This
2 has to do with compensation and not the performance
3 appraisal process.

03:06:48

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.

03:07:01

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?

03:07:19

14 So it's not just the performance piece
15 that I am considering.

03:07:33

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
20 decisions.

03:07:51

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.

03:08:07

1 If you have personal knowledge, you can 03:08:11
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. 03:08:18

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? 03:08:27
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.

14 (Deposition Exhibit 19 was marked for
15 identification.) 03:08:56

16 THE REPORTER: This is 19.

17 MR. MULLAN: Q. Take as much time as you
18 need to review what's been marked as Exhibit 19.

19 I can tell you that I'm going to ask you
20 specifically only about Item No. 10 in this 03:09:22
21 document.

22 A. Okay.

23 Q. So, firstly, do you recognize what's been
24 marked as Exhibit 19?

25 A. I -- some of the concepts I recognize. 03:09:46

1 integration between the two systems." 03:11:01

2 What are you understanding that response
3 to mean?

4 MS. PERRY: And you can testify about it,
5 based on your personal knowledge. 03:11:10

6 THE WITNESS: Yeah.

7 This means that because you enter a
8 performance rating in the system, it doesn't carry
9 over to other systems, such as Workforce
10 Compensation. 03:11:22

11 MR. MULLAN: Q. Is it saying that there's
12 no requirement that the performance rating any given
13 employee has is considered for purposes of Workforce
14 Compensation decisions?

15 A. The way I read this is it's saying that 03:11:41
16 the performance rating does not integrate to other
17 systems.

18 Q. And what do you mean by "integrate"?

19 A. Meaning it -- if it's entered in -- if a
20 rating is entered in a performance appraisal online, 03:11:53
21 that rating does not carry over to another
22 application, such as Workforce Compensation.

23 Q. The sentence (as read), "The option to
24 enter a performance rating in Workforce Compensation
25 is considered for" -- "is provided for consideration 03:12:08

1 of awarding compensation only," meaning it's not a 03:12:09
2 required consideration for Workforce Compensation
3 decisions; is that correct?

4 A. That is my understanding that, again,
5 you -- not everyone would put in a performance 03:12:22
6 rating. It is a factor that you could consider.

7 (Deposition Exhibit 20 was marked for
8 identification.)

9 MR. MULLAN: Q. Take as much time as you
10 need to review what's been marked as Exhibit 20. 03:13:07

11 MS. PERRY: John, how much more do you
12 think you have?

13 MR. MULLAN: Less than an hour.

14 MS. PERRY: Okay. Can we take a break
15 after you get done with this one, because we've been 03:14:09
16 going about an hour?

17 THE WITNESS: Okay.

18 MR. MULLAN: Q. Do you recognize what's
19 been marked as Exhibit 20?

20 A. I'm not the author of this document, but 03:14:18
21 it looks -- some of the slides look familiar on how
22 to create your profile or your portrait.

23 Q. And those are my questions.

24 What is a talent profile?

25 A. Sure. I think we even talked about this 03:14:32

1 earlier. 03:14:34

2 The way I would look at it is it's like a
3 LinkedIn profile that people use externally, but
4 this is a profile about you and your skills, your
5 experience, the languages you use or know, what you
6 aspire to be. 03:14:44

7 This is really a -- a foundation for you
8 to not only share some skills and things that maybe
9 your manager or team members don't know, but it's
10 also to help you kind of think about what you want
11 to do in the future. 03:15:03

12 Q. Who contributes to any given employee's
13 talent profile? Is it just the employee?

14 A. The portrait is created by the employee.

15 Q. Is it overseen or reviewed by a manager? 03:15:23

16 A. A manager -- I'll give an example as a
17 manager.

18 My employee would create the template. We
19 would talk about it, because I may have things that
20 I -- that the employee didn't call out that I think
21 are important to highlight on their -- their skills
22 and qualifications or their -- their overall
23 profile. 03:15:40

24 So as a manager, it's -- it's really a
25 guide for me to discuss, you know, and -- and help 03:15:51

1 that person achieve their career goals. 03:15:55

2 Q. If you look at Slide No. 3, which is on
3 the first page --

4 A. Uh-huh.

5 Q. -- the slide is titled "Oracle Talent 03:16:02
6 Management, Importance of Talent Profile."

7 Do you see that?

8 A. I do.

9 Q. The first bullet point states:
10 "Your talent profile is discussed at a 03:16:12
11 talent review board...attended by senior
12 managers."

13 What's a talent review board?

14 A. A talent review board is a forum where a
15 leadership team comes together and talks about their 03:16:24
16 workforce.

17 It's based on what -- there's an
18 objective, right?

19 So, for example, if a business wants to
20 understand -- they're entering a new market, for 03:16:37
21 example. "Do we have people who have the skills and
22 capabilities or the potential to help us succeed?"

23 Let's talk about who those people are, what they --
24 you know, what their potential is, how we can -- how
25 they can help us enter in this new market," or, you 03:16:56

1 know, whatever the business purpose might be. The 03:16:58
2 discussion is around that business purpose, and, of
3 course, it's talking about our people.

4 Q. So are there multiple talent review boards
5 at Oracle? 03:17:12

6 A. Yes, there are hundreds.

7 Q. How are they divided up? Is it by product
8 or by function?

9 A. Usually -- and, again, it all goes back to
10 the business objective. 03:17:25

11 So what I'll tell you, usually is a
12 manager -- a senior manager might say, "All right.
13 I want to talk about our -- our top talent."

14 And, you know, he or she would bring in
15 their direct reports, and they would talk about the
16 top talent across that organization. 03:17:37

17 So it would be in my purview. I wouldn't
18 have talent information in someone else's
19 organization.

20 Q. And which managers would typically
21 participate in the talent review board? 03:17:47

22 By "which managers," I really mean what
23 sort of level management are we talking about?

24 A. It varies. I mean, talent review
25 discussions happen across multiple levels. You 03:18:00

1 could have a group of front-line managers who are 03:18:03
2 having a discussion.

3 Q. Do talent review boards make decisions
4 pertaining to compensation?

5 A. Not in the talent-review-board discussion 03:18:17
6 that I've been in.

7 You know, it may be a factor. Someone may
8 be bringing it up.

9 But there again, with large, you know,
10 groups, you know, the -- the conversation could 03:18:28
11 vary.

12 But in my experience, you know, we're not
13 talking about compensation.

14 Q. Do all Oracle product development
15 employees have talent profiles? 03:18:41

16 A. Talent profiles are not required. So
17 it's not a mandated, "You have to have a profile."

18 We encourage it because we think it's a
19 great basis for understanding an employee's full
20 capabilities and aspirations so that we can align -- 03:18:58
21 you know, potentially help them get -- align them
22 with jobs that meet their sweet spot or kind of what
23 they want to be doing.

24 Q. Do you have any idea what percentage of
25 Oracle employees have talent profiles? 03:19:13

1 MR. MULLAN: Q. You've been handed what's
2 been marked as Exhibit 21. Take as much time as you
3 need to review it.

03:31:53

4 I will tell you that my questions focus on
5 page 2 of the document.

03:32:01

6 A. Okay. Is that the "Talent Management
7 Grid"? Because I don't see --

8 (Clarification requested by the reporter.)

9 THE WITNESS: Is it the "Talent Management
10 Grid"? Is that the page 2?

03:32:14

11 MR. MULLAN: Q. Yes.

12 A. Okay. I just wondered if you were
13 including the title page.

14 Let me just quickly look through this.
15 Okay.

03:33:25

16 Q. Do you recognize what's been marked as
17 Exhibit 21?

18 A. I recognize some of these slides, yes.
19 I'm not the author of the document. But some of it
20 looks familiar to content that we would have
21 produced.

03:33:33

22 Q. And it's content pertaining to talent
23 reviews that we were just discussing prior to the
24 break; is that correct?

25 A. Yes, this is around entering data into the

03:33:43

1 talent review system. 03:33:46

2 Q. And if you can, flip to page 2 --

3 A. Uh-huh.

4 Q. -- which is a slide titled "Talent
5 Management Grid." 03:33:55

6 Do you see that?

7 A. I do.

8 Q. So it appears to provide for a number
9 ranking system of 1 through 9; is that correct?

10 A. No, that's not how I would look at it. 03:34:07

11 There are two types of, I guess, ratings
12 or ranking -- well, there's a Y axis and an X
13 axis -- a Y and an X axis, right?

14 And so there's the evaluation of growth
15 potential on the left, which is saying, "Is somebody 03:34:28
16 at growth potential? Do they have some growth
17 potential? Or do they have high?"

18 And then from a performance, at the bottom
19 in the first column, it's a 1 or 2 rating, right.

20 "Does not meet expectations," or, "Needs 03:34:42
21 improvement," "New to the job."

22 The middle band is 3 and 4, which means,
23 successfully meets and/or exceeds expectations.

24 And 5 is outstanding.

25 So this is not a 1-through-9 ranking. 03:34:53

1 It's a -- it's those two factors together. 03:34:56

2 Q. But at the top right of the chart, you
3 have "Top Talent," which means that they have high
4 growth potential and outstanding performance; is
5 that correct? 03:35:12

6 A. That is correct.

7 Q. And in the bottom left of the chart, you
8 have "Mismatched Talent," which means that they
9 have "At GROWTH POTENTIAL" and "Does not meet
10 expectations" with regard to performance; is that
11 correct? 03:35:25

12 A. It's partially correct, because I think
13 the other piece in here is if someone is new to a
14 job, they might be in that bottom category because
15 they're just too new to evaluate on potential or
16 performance. 03:35:38

17 Q. Otherwise, their number would take into
18 consideration their growth potential, though?

19 A. Can you say that again?

20 Q. Other than that square, it -- the chart 03:35:51
21 seems to take into consideration an employee's
22 growth potential. You'll see on that column, it's
23 "At," or "Some GROWTH POTENTIAL," or "High GROWTH
24 POTENTIAL." Do you see --

25 A. I do see what you're saying. 03:36:08

1 But you don't have to have a performance 03:37:13
2 appraisal to be evaluated or discussed in a talent
3 review board.

4 MR. MULLAN: Q. So every employee -- that
5 53 percent of employees that have a talent profile, 03:37:27
6 they are assigned a 1 through 9 number; is that
7 correct?

8 A. So not all 53 percent.
9 So just because you have a profile doesn't
10 mean you've been reviewed in a talent review board 03:37:40
11 or a talent discussion. So don't think of it as
12 that 53 percent have all gone through this talent
13 process and -- and been discussed at a -- at a
14 leadership meeting.

15 Q. Do you know what percentage of those 03:37:56
16 employees that have completed a talent profile have
17 been reviewed by a talent review board?

18 A. I do. I think it's right around
19 33 percent. It's just over 30 percent of the
20 organization has been reviewed in a -- and rated in 03:38:11
21 a talent review board.

22 Q. Thirty percent of the entire organization,
23 so that's --

24 A. Correct.

25 Q. My rudimentary math tells me that's a 03:38:20

1 little over half of the people that have 03:38:28
2 submitted -- created talent profiles have been
3 subsequently reviewed by a talent review board.

4 A. You need a talent profile to have -- be
5 part of the discussion. So, yes, your math is, you 03:38:42
6 know, fairly correct.

7 Q. It's good enough for lawyers.

8 A. Fifty-three percent have been -- have a
9 profile, right, and 30 -- just over 30 percent have
10 been rated or reviewed. 03:38:54

11 Q. And the talent review board assigns the
12 number; is that correct?

13 A. No, that is not correct.

14 So prior to coming into the talent
15 discussion, a manager would enter data. They would, 03:39:10
16 again, note whether somebody is at growth potential,
17 some, or has high potential. They would put in a
18 rating, you know, from where they believe that their
19 performance is.

20 Those combined scores would position that 03:39:27
21 person on this grid.

22 So they would walk into the conversation
23 with that.

24 But part of the -- the value in the review
25 board is that there's a calibration that takes place 03:39:42

1 where you may present, you know, "John is in top
2 talent." And you're going to share a kind of why,
3 what their development goals are, what they aspire
4 to do, what you think that that person can do in the
5 future for you, if they're ready now to move into
6 another role or if they're ready in two years. So
7 there could be a succession element of the
8 discussion.

03:39:46

03:40:00

9 But because you're with other leaders on
10 the team, other leaders may provide input on that
11 individual as well and say -- for example, if I was
12 using, you know, John in the top talent, someone
13 could have a conversation of, "I'm not sure if
14 they're top talent because, you know, they're not
15 ready for something new. They're not ready for the
16 next job. They're -- you know, they're -- they're
17 very happy where they are. They don't want to do
18 more right now." There could be a variety of
19 reasons. But the value is in that conversation.

03:40:11

03:40:29

20 And, again, the whole point of a talent
21 review board is for development. It's about how we
22 grow our workforce so they're ready to meet, you
23 know, tomorrow's challenges.

03:40:43

24 MR. MULLAN: Counsel, have you looked for
25 talent profiles for any of the named plaintiffs?

03:40:56

1 MS. PERRY: I'm not sure if those were 03:41:00
2 requested or if we've looked for them.

3 MR. MULLAN: If you could, that would be
4 great.

5 MS. PERRY: I'll double-check to see if 03:41:08
6 there was a request.

7 MR. FINBERG: There was a request for all
8 documents about the named plaintiffs.

9 (Clarification requested by the reporter.)

10 MR. FINBERG: There was a request, an RFP, 03:41:20
11 for all documents about the named plaintiffs.

12 (Deposition Exhibit 22 was marked for
13 identification.)

14 MR. MULLAN: Q. Take as much time as you
15 need to review what's been marked as Exhibit 22. 03:41:43

16 A. Okay.

17 Q. Do you recognize what's been marked as
18 Exhibit 22?

19 A. I don't recognize this exact document.

20 But I do know of groups or managers who 03:42:17
21 put together templates to evaluate promotions.

22 Q. So it's titled "IC Product Development
23 Promotion Template."

24 Do you see that?

25 A. I do. 03:42:36

1 Q. Do you believe this template to be 03:42:39
2 applicable to all individual contributors working
3 within the product development function?

4 MS. PERRY: Object to form; also to the
5 extent it's beyond the scope of the deposition 03:42:51
6 topic.

7 Do you have personal knowledge?

8 THE WITNESS: I don't have personal
9 knowledge.

10 It would be hard to say that every 03:42:57
11 individual contributor in development would follow
12 this template.

13 It's probably created by a manager.

14 MR. MULLAN: Q. But you don't know
15 specifically one way or the other? 03:43:08

16 A. No, I don't.

17 Q. If you flip to what's page 3 of the
18 document -- page 3 and 4, actually -- you'll see a
19 heading "Position Criteria."

20 A. Yes. 03:43:27

21 Q. It has a number of columns that correspond
22 with the various IC levels.

23 Do you see that?

24 A. I do.

25 Q. And then in each column it has certain 03:43:36

1 criteria for each -- each level. 03:43:39

2 Do you see that?

3 A. Yes.

4 Q. "Summary Of Experience," "Scope Of
5 Position," "Technical Ability," "External
6 Visibility," "Teamwork and External" -- "Internal
7 Influence," "Achievements" and "Recommendations," do
8 you see that?

03:43:51

9 A. I do.

10 Q. In discussing this criteria for purposes
11 of promotions, does a manager draw the information
12 from performance evaluations?

03:44:08

13 MS. PERRY: Object to form; also to the
14 extent it's beyond the scope of the noticed
15 deposition topics.

03:44:26

16 THE WITNESS: Can you -- can you clarify
17 your question again? Sorry.

18 MR. MULLAN: Q. So, for instance, if we
19 look at IC3, the "Technical Ability" row, and it
20 states in there:

03:44:50

21 "Works on projects of moderate conceptual
22 complexity.

23 "Starting to demonstrate ability to write
24 spec's and designs.

25 "Specifies, designs and develops software

03:45:01

1 It's a -- it's -- you know, you would 03:46:25
2 consider in a promotion, you know, is this a new
3 job? Have they gained, you know, some new skills
4 that have now made them ready for this promotion?

5 I think there's a lot of other factors 03:46:38
6 that you would want to consider as well, in addition
7 to performance.

8 MR. MULLAN: Q. But you're not aware of
9 any formal requirement that they rely upon
10 performance evaluations -- formal performance 03:46:48
11 evaluations in making determinations about the
12 position criteria?

13 MS. PERRY: Again, she's not here as a
14 designated witness on the promotion process at
15 Oracle. 03:46:59

16 So to the extent you have any personal
17 knowledge about that, you can testify to it, but
18 that's not your PMK topic.

19 THE WITNESS: I don't have any personal
20 knowledge. 03:47:09

21 But as we talked earlier, performance
22 appraisals were not required, and they're not
23 mandated. So I don't think they would -- you know,
24 they could be required in this instance.

25 MR. MULLAN: Q. Okay. So you mentioned 03:47:22

1 reliance upon informal performance evaluation 03:47:26
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 03:47:36
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 03:47:54
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 03:48:07
16 expectations for managers.

17 And whether they utilize a formal written
18 performance appraisal or they utilize a
19 conversation -- frequent conversations, one-on-ones,
20 to make sure that employee -- their employees know 03:48:25
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 03:48:39

1 expectation of a manager. 03:48:42

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 03:48:50
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? 03:49:04

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. 03:49:19

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 03:49:29
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 03:49:48

1 holistically from a variety of factors. 03:49:51

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 03:50:02
6 more holistically at an employee's performance and
7 impact in the company.

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 03:50:17
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 03:50:29
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 03:50:45
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 03:51:02

1 with employees, to come to the table with, you know, 03:51:05
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 03:51:15
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. 03:51:31

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. 03:51:41

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 03:51:47
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.

25 Q. Is there a formal check in place at 03:51:59

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?

03:52:01

03:52:19

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?"

03:52:40

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?

03:52:53

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.

03:53:09

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

25 I guess if one manager kind of went the

03:53:22

1 opposite direction of what we recommend or what we 03:53:24
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. 03:53:38

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. 03:53:49

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.

15 Q. Do you know what the percentage is of 03:54:06
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. 03:54:18

21 Q. But something less than 63 percent?

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

23 MR. MULLAN: Okay. I have no further
24 questions at this time.

25 We are going to keep the deposition open, 03:54:29

1 based upon the possibility of additional relevant 03:54:31
2 documents. But we're done for today.

3 MS. PERRY: What relevant documents are
4 you talking about?

5 MR. MULLAN: Possible talent profiles. 03:54:41

6 MS. PERRY: Okay. So we spelled that out
7 in our communications with you last week with
8 respect to our letter and your apparent contention
9 that -- on July 10th that you think that there would
10 have been additional documents that would have been 03:55:00
11 encompassed.

12 We're happy to meet and confer with you
13 about it.

14 But I don't think that that is a reason to
15 continue to hold this witness's deposition open, 03:55:09
16 particularly because you were aware of that prior to
17 her coming for the deposition.

18 So that's my position on that. I just
19 want to make it clear for the record.

20 MR. MULLAN: There was also the new hire 03:55:23
21 checklist that you discussed earlier.

22 MS. PERRY: The new hire checklist was not
23 requested in discovery. I've checked on that. It
24 was not anything that was requested. And, frankly,
25 it doesn't really have much to do with the 03:55:35

1 allegations in this case either.

03:55:37

2 MR. MULLAN: Okay. Well, we can talk
3 about it offline.

4 MS. PERRY: Okay. We're done.

5 THE VIDEOGRAPHER: We're going off the
6 record at 3:55.

03:55:43

7 (Whereupon, the deposition was adjourned at
8 3:55 p.m.)

9 ---oOo---

10 I declare under penalty of perjury that
11 the foregoing is true and correct. Subscribed at
12 _____, California, this ____ day
13 of _____, _____.

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ANJE DODSON

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CERTIFICATE OF REPORTER

I, JANE GROSSMAN, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition is a true record and was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for any of the parties to said deposition, nor in any way interested in the events of this cause, and that I am not related to any of the parties thereto.

Dated: July 27, 2018

JANE GROSSMAN, CSR No. 5225

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July 27, 2018

Ms. Anje Dodson
c/o Jessica R. Perry, Attorney at Law
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, California 94025-1015

Re: Jewett, et al., vs. Oracle America, Inc.

Dear Ms. Dodson:

Please be advised that the original transcript of Volume I of your deposition, taken on July 17, 2018 in the above-entitled matter is available for reading, correcting, and signing.

The original transcript will be held at the offices of Jane Grossman Reporting Services, 1939 Harrison Street, Suite 460, Oakland, California 94612, for 30 days, in accordance with California Code of Civil Procedure Section 2025.520, or until requested for trial.

If you are represented by counsel in this matter, you may wish to ask your attorney how to proceed.

If you are not represented by counsel and if you wish to review the original of your deposition transcript, please contact our office to arrange for a mutually convenient appointment to do so.

Very truly yours,

Jane Grossman Reporting Services

cc: Original transcript
John T. Mullan, Attorney at Law
James M. Finberg, Attorney at Law
Jessica R. Perry, Attorney at Law

CONFIDENTIAL, PURSUANT TO PROTECTIVE ORDER

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BY: ANJE DODSON - VOLUME I

CONFIDENTIAL, PURSUANT TO PROTECTIVE ORDER

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