

1 UNITED STATES DEPARTMENT OF LABOR
2 OFFICE OF ADMINISTRATIVE LAW JUDGES
3
4 OFFICE OF FEDERAL CONTRACT)
5 COMPLIANCE PROGRAMS, UNITED)
6 STATES DEPARTMENT OF LABOR,)
7)
8 Plaintiff,) OALJ Case No.
9) 2017-OFC-00006
10 vs.)
11) OFCCP No.
12 ORACLE AMERICA, INC.,) R00192699
13)
14 Defendants.)
15 _____)
16
17 VIDEOTAPED DEPOSITION OF SHAUNA HOLMAN-HARRIES
18 UNDER RULE 30(b)(6)
19 San Francisco, California
20 Thursday, August 1, 2019
21
22
23
24 Reported By:
25 Ashley Soevyn,
CSR No. 12019
Job No. 190801ASE

1

1 A P P E A R A N C E S
2
3 For the Plaintiff:
4 U.S. DEPARTMENT OF LABOR
5 OFFICE OF THE SOLICITOR
6 BY: NORMAN E. GARCIA
7 BY: LAURA C. BREMER
8 Attorneys at Law
9 90 7th Street, Suite 3-700
10 San Francisco, California 94103
11 E-mail: garcia.norman@dol.gov
12 E-mail: bremer.laura@dol.gov
13 Phone: (202) 693-5299
14
15 For the Defendant Oracle America, Inc.
16 ORRICK HERRINGTON & SUTCLIFFE
17 BY: WARRINGTON S. PARKER
18 BY: KAYLA DELGADO GRUNDY
19 Attorneys at Law
20 405 Howard Street
21 San Francisco, California 94105
22 E-mail: wparker@orrick.com
23 E-mail: kgrundy@orrick.com
24 Phone: (415) 773-5740
25 ALSO PRESENT: Dave Swafford, Videographer

3

1 UNITED STATES DEPARTMENT OF LABOR
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12 ORACLE AMERICA, INC.,) R00192699
13)
14 Defendants.)
15 _____)
16
17 30(b)(6) Videotaped Deposition of Shauna
18 Holman-Harries taken on behalf of the Plaintiff, U.S.
19 Department of Labor Office of the Solicitor, at 90
20 7th Street, San Francisco, California, beginning at
21 9:02 a.m. and ending at 6:05 p.m. on Thursday,
22 August 1, 2019, before ASHLEY SOEVYN, Certified
23 Shorthand Reporter No. 12019.
24
25

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1 I N D E X
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3 DEPOSITION OF SHAUNA HOLMAN-HARRIES
4 EXAMINATION BY: PAGE
5 MS. BREMER 10
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1 PROCEEDINGS
2 THE VIDEOGRAPHER: Good morning. This
3 begins Volume I of the deposition of Shauna
4 Holman-Harries in the matter of Office of Federal
5 Contract Compliance Programs versus Oracle America,
6 Incorporated. This is being held in the United
7 States Department of Labor, Office Administrative
8 Law Judges. Our case number today 2017-OFS-00006.
9 Today's date is August 1st, 2019. The
10 time on the video monitor is approximately 9:02 a.m.
11 The certified video operator today is Dave
12 Swafford contracted by Gradillas. This video
13 deposition is taking place at 90 7th Street
14 San Francisco, California, Room No. B104 -- or B40,
15 sorry, and was noticed by the plaintiff.
16 Counsel, can you please identify
17 yourselves and whom you represent?
18 MS. BREMER: Hi, I'm Laura Bremer. I
19 represent OFCCP and the Department of Labor.
20 MR. GARCIA: Norm Garcia representing
21 OFCCP and the Department of Labor.
22 MR. PARKER: Warrington Parker
23 representing Oracle.
24 MS. GRUNDY: Kayla Grundy from Orrick
25 Herrington & Sutcliffe on behalf of Oracle.

9

1 testimony under the penalty of perjury.
2 Do you understand?
3 A Yes.
4 Q And you should give your best testimony
5 today.
6 Do you understand?
7 A Yes.
8 Q If you don't understand a question,
9 please ask me to clarify it, okay?
10 A Okay.
11 Q And for the court reporter's benefit
12 please do not talk at the same time that I'm
13 talking, and I'll -- I'll try and do the same, okay?
14 A Okay.
15 Q So on May 8th, 2019, I took your
16 deposition asking about your personal knowledge. So
17 you were testifying about what you knew, saw,
18 experienced, read or did.
19 Today, I'm taking the deposition of
20 Oracle, the entity. So when I ask questions today,
21 I'm not just asking about what you personally know.
22 Today, I'm asking about what Oracle knows.
23 Do you understand that?
24 A Yes.
25 Q Okay. And so when I -- when I use the

11

1 THE VIDEOGRAPHER: Our court reporter
2 today is Ashley Soevyn of Gradillas.
3 Will the court reporter please swear in
4 the witness.
5 THE REPORTER: Ma'am, can I have you
6 raise your right hand.
7
8 SHAUNA HOLMAN-HARRIES,
9 having been administered an oath, was examined and
10 testified as follows:
11
12 THE VIDEOGRAPHER: You may now proceed.
13 EXAMINATION
14 BY MS. BREMER:
15 Q Please state your name for the record.
16 A Shauna Holman-Harries.
17 Q I took your deposition on May 8th, 2019.
18 Do you remember that?
19 A Yes.
20 Q At your deposition I described the
21 general rules for a deposition.
22 Do you remember?
23 A Yes.
24 Q So I'm not going to repeat all the rules
25 again, but I want to remind you that you are giving

10

1 term "you," I'm referring to Oracle, not you
2 personally.
3 A Okay.
4 MS. BREMER: I'd like to mark OC's
5 Amended Notice of Deposition of Oracle Pursuant to
6 41 C.F.R. Section 60-30.11 and Federal Rule of Civil
7 Procedure 30(b)(6) as Exhibit No. 121.
8 (Exhibit 121 marked for identification.)
9 THE REPORTER: Exhibit 121.
10 BY MS. BREMER:
11 Q Okay. If you could turn to Page 3, look
12 at Pages 3 and 4, there are four topics of
13 deposition.
14 Do you see that?
15 A Yes.
16 Q Are you the person that Oracle has
17 designated as person most knowledgeable to answer
18 questions regarding Topics 6, 18, 19 and 33
19 described in Exhibit 121?
20 MR. PARKER: She is not. She is the
21 person most knowledgeable to talk on these topics as
22 modified by the court order of June 19th and as well
23 as reflected in our objections both to the original
24 objections and the objections to this amended
25 notice.

12

1 THE WITNESS: I'm knowledgeable in these
2 areas.
3 BY MS. BREMER:
4 Q Okay. Looking at Topic 6, the documents
5 and data you, that means Oracle, maintained or
6 failed to maintain and supplied or failed to supply
7 to OFCCP during the compliance review HQCA, what did
8 you do to prepare for that topic?
9 MR. PARKER: I'm sorry, that misstates
10 the scope of the topic. Again, the topic has been
11 modified by our objections, specifically the
12 objections to the original deposition notice as well
13 as in the amended notice. And it was not moved on
14 by OFCCP; therefore, it is subject to the following
15 limitation:
16 "We will produce a witness on August
17 1st, 2019 to testify as to the requests
18 that were made by OFCCP and the
19 materials produced during the
20 compliance review of HQCA."
21 And on that topic, she is the 30(b)(6)
22 for Oracle. And if you want a copy of the amended
23 notice, I have one. I'm sorry, the amended -- the
24 objections to the amended notice.
25 MS. BREMER: No, I -- I have them.

13

1 talked to outside counsel.
2 Q And your supervisor is Vickie Thrasher?
3 A Yes.
4 Q And who did you meet with in outside
5 counsel to prepare for your deposition today?
6 A Warrington Parker and Erin Connell and
7 Kayla Grundy.
8 Q And how many times did you meet with them
9 to prepare for today's deposition?
10 A Five.
11 Q For approximately how many hours in
12 total?
13 A I'm going to have to -- if you give me a
14 moment, I'm going to have to count it in my head and
15 try and give you my best, and it's going to be a
16 guesstimation.
17 Somewhere, I would say, between -- total,
18 it would probably be somewhere between 20 to 25
19 hours.
20 Q And did you review any documents to
21 prepare for your testimony today regarding Topic 6?
22 A Yes.
23 Q Do you recall any particular documents?
24 A I recall some of the -- yes.
25 Q And what documents are those?

15

1 BY MS. BREMER:
2 Q And what -- so what did you do to prepare
3 for Topic 6?
4 A I met with outside counsel. And I also
5 talked to some of the individuals at Oracle that had
6 knowledge of these topics.
7 Q And who did you talk to at Oracle who had
8 knowledge of Topic 6?
9 A I talked to Kush -- and I -- I'm probably
10 going go slaughter his last name, but it's -- it's
11 Budachev [phonetic spelling], and he -- he is one of
12 the senior directors that maintains the data for
13 human resources.
14 And then I also talked to Denise Romani,
15 and she works in immigration and with the lawyers
16 that handle H1B status and other visa information.
17 Q Just so I'm clear, you talked -- are you
18 saying that Denise Romani talks with the lawyers who
19 handle immigration status or that you talk to the
20 lawyers?
21 A She does.
22 Q Okay. Did you talk to anyone else in
23 preparing to testify regarding Topic 6?
24 A I did talk to my supervisor to verify the
25 name of one of the databases. And then I also

14

1 A It's the communication back and forth
2 between myself and Hoan Luong and Hea Jung Atkins on
3 some of the documents and then some of the
4 communications that outside counsel had with the
5 Department of Labor.
6 Q Anything else?
7 A If there is, it's not right in my mind
8 right now, and I don't want to misstate the facts.
9 Q Okay. And regarding Topic 18 which is
10 policies, procedures and practices related to how
11 you, meaning Oracle, fulfills your legal obligations
12 pursuant to 41 C.F.R. 6C-1.12B, 60-1.40A and
13 60-2.10C, what did you do to prepare for that topic?
14 A I met with outside counsel.
15 MR. PARKER: And again, the only
16 objection is the -- I don't believe that that's an
17 accurate description of the court's order;
18 nonetheless, the accurate description in our opinion
19 appears in our amended objection -- or objections to
20 the amended deposition notice.
21 MS. BREMER: Okay. And, you know, you're
22 free to state what your understanding of it -- of
23 the scope is. Just because you say that doesn't
24 mean we necessarily agree.
25 MR. PARKER: I'm not asking for that.

16

1 MS. BREMER: Okay. I know. I just want
2 to make the record clear.
3 BY MS. BREMER:
4 Q Did you review any documents in
5 preparation for your testimony regarding Topic 18?
6 A Yes.
7 Q And what documents did you re- -- do --
8 sorry.
9 What documents did you review?
10 A The submissions to the government of --
11 any and all submissions that -- that we had to the
12 government. Naming them one by one would be
13 difficult but reviewed that and communications
14 between outside counsel and the OFCCP Department of
15 Labor.
16 Q And when you say "submissions to the
17 government," are you -- during what time frame?
18 A Starting in 2014 --
19 Q And --
20 A -- to -- to -- I mean, whatever the
21 present date is, the date of the last submission.
22 I -- I don't know that off the top of my head.
23 Q And did you review the filings, court
24 filings, in this case?
25 A No.

17

1 see them, then I can tell you if I had reviewed it.
2 But without seeing the documents, I might be giving
3 you false information.
4 BY MS. BREMER:
5 Q Okay. And when -- you mentioned
6 communications -- that you viewed communications
7 between Oracle -- or, I'm sorry.
8 You mentioned that you reviewed
9 communications between outside counsel and OFCCP.
10 Were those communications that were before -- dated
11 before January 17th, 2017, or did they include
12 communications after that date?
13 A I'm not sure about one of the documents.
14 I would have to look at the date, but I would say
15 most of them were prior to that date.
16 Q Other than counsel, did you talk to
17 anyone to prepare for your testimony regarding Topic
18 18?
19 A No.
20 Q Okay. What did you do to prepare for
21 your testimony regarding Topic 19, which is
22 policies, procedures and practices related to how
23 Oracle makes, keeps and maintains all personnel or
24 employment records to comply with OFCCP regulations?
25 MR. PARKER: Again, Ms. Holman-Harries is

19

1 Q Did you review the discovery produced
2 in -- or served in this case?
3 A No.
4 MR. PARKER: I'm sorry. She did because
5 the documents that she looked at were served in
6 discovery. She did not see any documents that
7 weren't served in discovery.
8 So if that's question, all the documents
9 she reviewed had Bates stamps and had been provided
10 to OFCCP?
11 MS. BREMER: Oh, yeah. Okay. And --
12 and -- thanks for the clarification.
13 THE WITNESS: Yeah.
14 BY MS. BREMER:
15 Q What I meant was, did you review
16 submissions in discovery that were -- submissions
17 that were originally made during the discovery in
18 this case?
19 MR. PARKER: That's vague and ambiguous.
20 THE WITNESS: Yeah. And I'm really not
21 sure what was -- the submissions were in discovery,
22 so I wouldn't feel -- I feel like I -- I can't
23 really answer that question other than saying I'm
24 not really sure what the submissions were.
25 If you presented them to me and had me

18

1 not prepared to talk on the topic as you just read
2 it but is prepared to talk on the topic as is -- was
3 delimited in the June 19th order.
4 THE WITNESS: I spoke with outside
5 counsel as described earlier, the same three people,
6 as described earlier. And I also spoke with
7 Kush -- and here I go with the last name again --
8 Budachev and -- and also to get the clarification of
9 the name of the database and what -- and the -- the
10 change of names of my supervisor, Victoria Thrasher.
11 BY MS. BREMER:
12 Q Okay. Regarding Topic 33, which relates
13 to conciliation, what did you do to prepare for that
14 topic?
15 A I met with outside counsel and reviewed
16 the same documents that I've already described.
17 Q Okay. Did you do anything else to
18 prepare to testify regarding Topic 33 that you
19 haven't already described?
20 A No, I have not.
21 Q Has your title changed since your
22 deposition on May 8th, 2019?
23 A No.
24 Q Have your responsibilities changed since
25 that deposition?

20

1 A No.
2 Q Have the employees that report to you
3 changed since your deposition?
4 A No.
5 Q Have the managers that you report to
6 changed since your deposition?
7 A No.
8 Q During the compliance review, what
9 information did Oracle provide to OFCCP about its
10 organizational structure?
11 A We provided the OFCCP with the workforce
12 analysis.
13 Q And that's part of the AAP?
14 A Yes.
15 Q Anything else?
16 A With regard to just the organizational
17 structure?
18 Q Yes.
19 A No. The workforce analysis is, from my
20 understanding, the organizational structure. There
21 were others documents, however, provided.
22 Q And were -- what information did Oracle
23 provide to OFCCP during the compliance review about
24 the -- the jobs at Oracle and the responsibilities
25 for -- for those jobs?

21

1 for specific job openings?
2 A Yes.
3 Q And those requisitions include
4 information about the job?
5 A Yes, as far as the applicants for
6 different requisitions. I believe -- I believe
7 there were -- there may have been some posting
8 information in there on some of the thumb drives,
9 but I am not exactly certain the depth of it.
10 MS. BREMER: Okay. I'm going to mark as
11 Exhibit 122 a spreadsheet that's Bates-numbered
12 DOL4594 through 4688. It's a spreadsheet that says
13 "Job Descriptions" at the --
14 THE WITNESS: Okay.
15 MS. BREMER: -- far right corner.
16 THE WITNESS: Thank you.
17 MS. BREMER: I'm sorry I only have -- on
18 this document, I just have one --
19 MR. PARKER: Okay.
20 MS. BREMER: -- copy.
21 MR. PARKER: We'll just -- we'll share
22 back and forth, Shauna.
23 THE REPORTER: Exhibit 122.
24 MR. PARKER: Do you have the e-mail to
25 which this was attached?

23

1 MR. PARKER: Sorry, the documents that
2 were actually provided are the -- the best
3 indication of what was provided.
4 You can answer to the best you can.
5 THE WITNESS: I'm kind of unclear as to
6 what you mean as far as responsibilities. Are you
7 talking about job descriptions?
8 BY MS. BREMER:
9 Q Yes, that would be -- that would fall
10 within it, yes.
11 MR. PARKER: Vague and ambiguous.
12 THE WITNESS: Without really looking back
13 on every document that was submitted, I do know that
14 there were some postings that were provided as far
15 as on some of the positions that were filled and
16 then the applicants for those positions.
17 As far as job descriptions, in all
18 honesty, I cannot recall if the OFCCP made a request
19 for job descriptions and if -- we -- we would have
20 provided them had they requested it, but I'd have to
21 relook at all of the submissions to see if that was
22 provided.
23 BY MS. BREMER:
24 Q And the postings regarding positions
25 filled, are -- are you talking about requisitions

22

1 MS. BREMER: Not on --
2 MR. PARKER: Let me ask a different
3 question. Was -- was this marked in her prior
4 deposition?
5 MS. BREMER: No.
6 MR. PARKER: Okay.
7 (Exhibit 122 marked for identification.)
8 BY MS. BREMER:
9 Q Did you -- did Oracle provide this
10 document to OFCCP during the compliance review? And
11 I -- I note that the DOL Bates number at the bottom
12 indicates that we produced this back to you.
13 A As I was telling you before, I -- I --
14 we've been involved -- well, I didn't tell you this,
15 but we've had several different audits, and some
16 have asked for job descriptions and others.
17 I don't recall if we produced this, you
18 know, within the -- the request. But I can say that
19 this does look like the job descriptions at Oracle.
20 So I -- I do not know when it was provided, but I
21 can say that this is -- this is a copy of the -- of
22 the job descriptions and the format.
23 Q Okay. So this -- this appears to be a
24 true and correct copy of the job descriptions that
25 OFCCP -- that Oracle provides to OFCCP if requested

24

1 during audits?
2 MR. PARKER: Misstates the testimony.
3 Vague and ambiguous and outside the scope.
4 THE WITNESS: It -- it looks like what
5 Oracle would have provided if -- if requested to do
6 so.
7 BY MS. BREMER:
8 Q Okay. And what information is included
9 in this -- in this document just generally? Is
10 it -- is it -- for example, is this a description of
11 all of OFCCP's -- I'm sorry.
12 Is this a description of all of Oracle's
13 jobs?
14 MR. PARKER: It's outside the scope.
15 It's vague and ambiguous.
16 THE WITNESS: Without going through every
17 job number or job title at Oracle, I can't answer if
18 it is in fact all of the jobs at Oracle. All I can
19 say is that there are a large number of jobs here.
20 But without doing a item-by-item comparison, I
21 wouldn't be able to tell you which jobs were
22 provided.
23 BY MS. BREMER:
24 Q Okay. And the -- the information about
25 the jobs that's -- that's provided includes a -- the

25

1 BY MS. BREMER:
2 Q The -- under Item 7, it says:
3 "Present these data in the manner most
4 consistent with your current
5 compensation system."
6 Do you see that?
7 A Are you talking about Item 7 rather than
8 11?
9 Q No, that's in Item 11. It's what's in
10 the --
11 A Oh, okay.
12 Q -- second -- second sentence.
13 A "Present this data in manner most" --
14 yes.
15 MS. BREMER: Okay. I'm going to mark as
16 Exhibit 1 -- actually, yes, 123 a document entitled
17 "Oracle Item 11 Report."
18 THE REPORTER: Exhibit 123.
19 MS. BREMER: We previously looked at this
20 document during your deposition on May 8th, but I
21 noticed that some pages were missing. It -- it
22 was -- only had every other page. It must have been
23 a two-sided.
24 So I'm not sure if the original is
25 Exhibit No. 41 to that -- I don't know if the

27

1 job code, job title, the function, specialty area,
2 global career level, brief description, detailed
3 description and job requirements, correct?
4 A Those are the headers, yes.
5 MS. BREMER: I'd like to show you what
6 has been previously marked as Exhibit 4 to the
7 deposition of Sean Ratliff.
8 (Exhibit 4 previously marked for identification.)
9 Q This is the scheduling letter that OFCCP
10 sent to Oracle on or about September 24th, 2014 to
11 schedule a compliance review at Oracle's
12 headquarters correct?
13 A Yes, it appears to be.
14 Q And a scheduling letter included a
15 request for information from Oracle.
16 A Yes.
17 Q If you look at Item 11 on Page
18 ORACLE_HQCA_417306, it requested that Oracle provide
19 analyzed compensation data, correct?
20 A Yes.
21 Q And OFCCP requested that Oracle present
22 these data in the manner most consistent with
23 Oracle's current compensation system?
24 MR. PARKER: Misstates the -- the
25 document speaks for itself. Misstates the document.

26

1 original which was Exhibit 41 to your prior
2 deposition included all the pages or not. But just
3 to be careful, I'm marking it as a new exhibit.
4 (Exhibit 123 marked for identification.)
5 Q Was the Item 11 report a response to the
6 Item 11 requested by OFCCP's September 24th, 2014
7 scheduling letter?
8 A It looks like it, yes.
9 Q Okay. And this is just an excerpt
10 from -- from that Item 11 report, correct? It
11 was -- it was much more voluminous than this?
12 A Yes, I believe so.
13 Q Is the Item 11 Report a standard report
14 that Oracle prepares when OFCCP requests
15 compensation information during a compliance review?
16 MR. PARKER: Vague and ambiguous.
17 Outside the scope.
18 THE WITNESS: What time frame are you
19 speaking about?
20 BY MS. BREMER:
21 Q In 2014.
22 MR. PARKER: Same objections.
23 THE WITNESS: This is what we produced in
24 2014 before the regulations changed, so...
25

28

1 BY MS. BREMER:
2 Q And what regulations are you talking
3 about?
4 A There was -- there were more requests for
5 additional compensation items and -- and later
6 audits.
7 Q And -- okay.
8 That didn't relate to the audit ----
9 of -- of --
10 A Correct.
11 Q -- Oracle's head- -- headquarters?
12 A Correct.
13 Q During the 2014 time frame when OFCCP
14 requested compliance information -- or compensation
15 information in this scheduling letter, were these --
16 these standard data fields that -- that Oracle
17 provided to OFCCP?
18 MR. PARKER: Vague and ambiguous.
19 Outside the scope.
20 THE WITNESS: I don't know if the term
21 "standard" would be the correct term to use, but
22 this is what we provided the government.
23 BY MS. BREMER:
24 Q Okay. And if you look at the first field
25 of data provided, it was work unit flow.

29

1 means?
2 A Sure. And I would have to relook at this
3 again to see if it's still in the same order that
4 it -- it came out of the system to -- to -- to do
5 that. But if it's in the same order that it was in
6 when it came into our report, it would be the
7 highest level -- actually, I can tell you right now.
8 Just a minute.
9 Okay. The highest level in this, so it
10 was reversed, would be zero GEP, and it flows down
11 to zero EAA, I believe. It could be reversed, but
12 I -- I don't believe it is, but just -- just to give
13 me a -- you know, I don't want to give you false
14 information. I'd want to look and -- you know,
15 and -- and see how it came in in the raw data.
16 But I believe that would be the higher
17 level cost center and then going down to cost
18 centers as they were report into different ones.
19 Q Okay. And for the -- so the job title
20 of -- of the first row of data that we're looking at
21 on -- on Exhibit 123 is QA director, product
22 development, right?
23 A Yes.
24 Q And the zero GEP, does that -- how does
25 that cost center relate to this person's job title?

31

1 Was that a -- a data field that was
2 prepared for OFCCP audits?
3 MR. PARKER: Outside the scope. Vague
4 and ambiguous. I'm sorry. The reason it's outside
5 the scope is, one, you're asking about all audits
6 and not just HQCA which is the scope of this case
7 and this topic.
8 THE WITNESS: It was provided not in all
9 audits but in audits during this time frame.
10 BY MS. BREMER:
11 Q And was work unit flow -- could you --
12 could you describe what data is provided here under
13 work unit flow?
14 A Work unit flow is an assembly of cost
15 centers or -- for lack of better term, because
16 there's other -- there's other type of codes that --
17 that are not in this, but of cost centers that flow
18 through the departmental reporting procedure. So it
19 could be -- but it's not a department code.
20 It's -- it's where the -- the cost center
21 would -- for instance, I -- I might be in cost
22 center ABC but my supervisor might be in DEF, and --
23 and so it would reflect both cost centers there.
24 Q So using -- just using the first -- the
25 first one as an example, can you explain what that

30

1 A That would be just with that specific
2 person, and that would show how -- just as I
3 described, for instance, if I were in cost center
4 ABC and my supervisor were in DEF, so the DEF would
5 be, you know, first, before that in this -- this
6 string of data, and then I would be ABC following
7 that.
8 Q So the zero GEP would refer to the cost
9 center of this person's supervisor?
10 A Not necessarily. Each -- each of these
11 could be different, but it could be how the cost
12 centers -- it could be the supervisor's supervisor,
13 and as it -- it generally moves within the
14 organization.
15 So it could be the next level. Could be
16 my supervisor's supervisor there, could be showing,
17 and -- and so on and so forth.
18 Q Okay. And looking at "Department," you
19 provided on the Item 11 Report information about
20 department.
21 What is -- what is that?
22 A And I want to correct something right
23 now. Because I'm looking down a little bit further,
24 it does go from right to left. So cost center does
25 go from right to left. Because if you look down --

32

1 before I get to the next question, if you look down
2 to software development manager, and it's fourth
3 from the bottom, you'll see a zero ORG code, and --
4 and this -- it flows -- that would be the -- the
5 cost center that would be like the -- whatever
6 supervisor level you know is there.
7 And -- and then the next cost center
8 would be -- of the next level would be zero EAA.
9 And then -- and then it would go to OFH F and end
10 that way. But the zero ORG would be the -- the
11 higher level cost center.
12 The code is -- is -- those are cost
13 center codes in the department list or what we call
14 cost center codes for purposes of the affirmative
15 action data.
16 Q Okay. And -- and what's the department
17 description in the last column?
18 A That's a title that's tied into that cost
19 center.
20 Q And the salary that's listed, is that --
21 is that base pay?
22 A Yes.
23 Q Is the "Department" field a job
24 categorization that's used internally by Oracle?
25 MR. PARKER: Vague and ambiguous.

33

1 data to OFCCP as part of the initial response to
2 OFCCP's scheduling letter?
3 A You mean the first submission only?
4 Q Yes.
5 A Not on the -- not for the scheduling
6 letter.
7 Q Okay. And -- but during the compliance
8 review, OFCCP requested that Oracle provide
9 additional data fields, correct?
10 A Yes.
11 MS. BREMER: Okay. I'm going to show you
12 what's been marked as Exhibit 10 to Sean Ratliff's
13 deposition.
14 (Exhibit 10 previously marked for identification.)
15 THE WITNESS: Thank you.
16 BY MR. GARCIA:
17 Q Is this a true and correct copy of a --
18 an e-mail chain between you and OFCCP between
19 November 19th, 2014 and December 11th, 2014?
20 A It appears to be.
21 Q And it attaches an Item 11 Report that
22 contains additional data fields, correct?
23 A Yes.
24 Q In your e-mail on December 11th, 2014,
25 in the second paragraph you indicate:

35

1 Outside the scope.
2 THE WITNESS: I -- I don't think I
3 understand that question.
4 BY MS. BREMER:
5 Q Is "Department" a term that's used within
6 Oracle regarding compensation?
7 MR. PARKER: Vague and ambiguous.
8 Outside the scope.
9 THE WITNESS: What do you mean a term
10 used with regard to compensation?
11 BY MS. BREMER:
12 Q Is it used in setting compensation?
13 MR. PARKER: Outside the scope. Vague
14 and ambiguous.
15 THE WITNESS: Not that I know of, but I
16 would have to look at it. It could be. I mean, it
17 may not. I can't really answer, with all certainty,
18 that -- that question of how it plays in.
19 I think that you're talking about --
20 you're talking about the code and then -- you know,
21 and that's a cost center code, so it's -- it could
22 be, you know, different. So there -- it's still --
23 it's kind of vague to me of what you're asking.
24 BY MS. BREMER:
25 Q Did Oracle provide any other compensation

34

1 "We have very few employees or jobs at
2 any Oracle location where there are
3 multiple employees doing the same or
4 similar work with the same
5 skills/experience."
6 What was -- what was your basis for
7 saying that?
8 MR. PARKER: Outside the scope.
9 THE WITNESS: My basis for saying that
10 is, actually, in some of our earlier audits when I
11 started working at Oracle, there were some questions
12 asked by the OFCCP on -- on type of work. And at
13 that time I found out that while jobs could be --
14 have the same title and the same department at
15 Oracle, in many instances the people could be doing
16 completely different things.
17 BY MS. BREMER:
18 Q And how did you find that out?
19 MR. PARKER: Outside the scope. Asked
20 and answered.
21 THE WITNESS: Through my research as just
22 described to you for the other audit.
23 BY MS. BREMER:
24 Q Okay. What -- what research, though, led
25 you to find out or determine that there were a few

36

1 employees or jobs at any local location where there
2 were multiple employees doing the same or similar
3 work with the same skill and experience?
4 MR. PARKER: Outside the scope. Asked
5 and answered.
6 THE WITNESS: The research -- the
7 research discussing -- I -- I talked to human
8 resources reps and also some supervisors, and -- so
9 it was actually a -- a self-discovery process to
10 where I found out how different jobs really are at
11 Oracle.
12 BY MS. BREMER:
13 Q And which human resources reps did you
14 talk to?
15 MR. PARKER: Outside the scope.
16 THE WITNESS: I can't recall the names
17 because it was over six years ago. But I -- I
18 remember talking to them about -- about this, trying
19 to -- to find out what the jobs were about and
20 writing documentation on the differences of the jobs
21 and finding out just how varied the jobs are.
22 I was also told that by the person that
23 reported to me that had -- at that time had been at
24 Oracle for a while that I didn't, you know, take
25 that as the final answer. I did the research myself

37

1 and found out, just, they really are varied.
2 BY MS. BREMER:
3 Q And what was your understanding of what
4 "same or similar work with the same
5 skill/experience" means?
6 MR. PARKER: Outside the scope.
7 THE WITNESS: Well, at that point, and
8 some of the jobs from this first research, people
9 actually had different levels of certifications
10 within the same job title to where some of them
11 could service and take care of more products or
12 customers, yet they still -- and some of the
13 certifications were quite different from each other,
14 but yet they still had the same job title and in
15 quite a few instances were at the same career level.
16 BY MS. BREMER:
17 Q And what certifications are you talking
18 about?
19 A I can't remember --
20 MR. PARKER: Outside the scope.
21 THE WITNESS: I can't remember off the
22 top of my head, but I would say they -- they were
23 like IT-related certifications.
24 BY MS. BREMER:
25 Q And you say -- the e-mail to OFCCP says:

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1 "Please note that we do not maintain
2 education or work experience in our
3 database."
4 Is that true?
5 A There are a few ins- -- I think it's in
6 any single database, there are a few instances where
7 there is education in the database from the
8 personnel files. It couldn't be -- it's not in any
9 one database.
10 Q But Oracle does have education data in
11 its database?
12 MR. PARKER: Misstates the testimony.
13 THE WITNESS: Yeah, it's not in any one
14 database.
15 BY MS. BREMER:
16 Q But it's in some of the databases?
17 MR. PARKER: Misstates the testimony.
18 THE WITNESS: Some of the education is in
19 some of the databases but not all.
20 BY MS. BREMER:
21 Q And what about work experience?
22 A As far as what type of work experience?
23 Q What you meant when you said:
24 "Please note we do not maintain
25 education or work experience in our

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1 database."
2 MR. PARKER: Outside the scope.
3 THE WITNESS: It would be the same answer
4 in that it would be -- it would -- it wouldn't be in
5 any one database. There might be, for instance, in
6 the personnel file a clipping of somebody's resume
7 in that file, depending on when they were hired. If
8 there was an acquisition, it could be in a box
9 someplace that's not an electronic database. Or it
10 may not be there at all.
11 If they were hired before requisition
12 numbers were in place, then there may -- it would
13 not even be in the application process because there
14 wouldn't be a specific number at that point -- and
15 this was, you know, years ago -- to tie their
16 experience to it.
17 So it's maintained in quite a few
18 different places but not any single database. And
19 it may not be maintained at all.
20 BY MS. BREMER:
21 Q Did Oracle have data on -- showing the
22 prior employee of at least some of its employees?
23 MR. PARKER: Outside the scope. Vague
24 and ambiguous.
25 THE WITNESS: Yeah, I really -- I'm

40

1 confused as to what you're asking.
2 BY MS. BREMER:
3 Q Okay. Let me ask this.
4 OFCCP requested that Oracle provide
5 education and work experience data, correct?
6 A Yes.
7 Q Okay. And -- and was this e-mail
8 Oracle's response to that request, or at least one
9 of its responses to that request?
10 A It looks like some of the information
11 could have been with regard to one of those
12 requests. But in looking through the e-mails prior
13 to that in this document, I do not see a request
14 from Hoan -- unless you -- you see it and I'm
15 missing it -- asking for that information.
16 So I -- I don't see the request here in
17 this. I'm -- so I'm not saying that it isn't one of
18 the responses. But with -- without seeing the exact
19 request that this goes to, I wouldn't be able to
20 answer that question.
21 Q Okay. Do you -- so you don't recall a
22 request being made for data regarding work
23 experience?
24 MR. PARKER: Misstates the testimony.
25 THE WITNESS: Yeah. I would actually say

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1 it does misstates the testimony. I didn't say that.
2 I said this particular document. Your question was
3 this document, is this in response to one of those.
4 And I said I didn't see the request in
5 this document. I do recall a request for that, but
6 I don't know if this was in response to part of
7 that.
8 BY MS. BREMER:
9 Q Okay. So you do recall that OFCCP
10 requested data regarding employees' work experience?
11 A Yes.
12 Q Okay. And does Oracle have any data
13 regarding work experience in its databases?
14 MR. PARKER: Asked and answered.
15 THE WITNESS: As I previously told you,
16 if a person was hired through the regular process of
17 application within a specific time frame -- and I --
18 off the top of my head, I don't recall when those
19 numbers started being used -- but then there may be
20 some work experience on a resume there, but there
21 may not be either.
22 If they were acquired from another
23 company, there may be a resume that's in some kind
24 of a physical storage file someplace. Or there may
25 be none of that information. There -- it would just

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1 really, really depend. If they -- again, if they
2 were hired prior to the use of requisition numbers,
3 then, you know, there -- there wouldn't be a way to
4 necessarily track them in -- in the system.
5 So it just really -- it really depends,
6 and it -- and it -- it varies quite a bit as to what
7 information is maintained. There's not a hard and
8 fast rule for -- for any one person. Sometimes you
9 can go into the personnel file, which we gave you a
10 certain of them, and you can see a clipping, but
11 sometimes there's nothing there.
12 MR. PARKER: For the record, I'm going
13 to -- it's -- I understand now that Exhibit 122 was
14 produced to OFCCP in connection with the Pleasanton
15 audit in February of 2015; and, therefore, I object
16 to all questions pertaining to Exhibit 122 as
17 outside the scope of this deposition.
18 BY MS. BREMER:
19 Q Okay. Let's talk about someone who
20 applied to Oracle through the IRecruitment system.
21 Are you familiar with that?
22 A Yes.
23 Q If someone applied to a job requisition
24 through IRecruitment, they would apply online,
25 correct?

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1 A Yes.
2 Q And as part of the application process,
3 they could enter data to Oracle's database showing
4 their -- their employment history, correct?
5 MR. PARKER: Outside the scope and vague
6 and ambiguous.
7 THE WITNESS: They may or may not, yes.
8 It may not show all of it, but they could, yes.
9 BY MS. BREMER:
10 Q And so the I- -- IRecruitment -- Oracle's
11 IRecruitment system housed at least some data
12 regarding employees -- some employees' work
13 experience, correct?
14 MR. PARKER: Outside the scope. Vague
15 and ambiguous.
16 THE WITNESS: It could have depending on
17 the person.
18 BY MS. BREMER:
19 Q And it could have during the 2014 time
20 frame that the compliance review of Oracle's
21 headquarters was taking place, correct?
22 MR. PARKER: Same objections.
23 THE WITNESS: It could have.
24 MS. BREMER: Okay, let's -- let's go
25 ahead and take a break.

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1 THE VIDEOGRAPHER: This marks the end of
2 Volume I, Media 1. The time now is 10:03 a.m., and
3 we're going off record.
4 (Recess.)
5 THE VIDEOGRAPHER: This marks the
6 beginning of Volume I, Media No. 2. Our time now is
7 10:11 a.m., and we're on record.
8 BY MS. BREMER:
9 Q Okay. Before the break, we were talking
10 about exhibit 123. Go ahead and take a look at that
11 again.
12 A Okay, just a second. Okay.
13 Q Okay.
14 A Actually, let's see.
15 Q This is 123.
16 A I'm sorry. That one?
17 Q Oh, yeah.
18 A Exhibit 10?
19 Q It's Exhibit 10 to the Sean Ratliff --
20 A Okay.
21 Q -- deposition.
22 Did OFCCP request educational data during
23 the compliance review?
24 A Yes.
25 Q Did Oracle provide educational data to

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1 recorded, but it was not recorded in any one
2 particular location at the time of the audit. Where
3 I would typically look would be in the personnel
4 file. But that's what I was describing.
5 BY MS. BREMER:
6 Q And when you talk about "the personnel
7 file," are you talking about a specific system or
8 database?
9 A Yes.
10 Q And what -- which one?
11 A Well, at the time of the audit the
12 database was the -- it's the HRMS system, human
13 resources management system, but it was in a EBS --
14 like E as in eight, B as in boy, S as in Sam --
15 database at that time.
16 Q And Oracle had other databases with
17 information other than the HRM database, correct?
18 MR. PARKER: Beyond the scope. Vague and
19 ambiguous.
20 THE WITNESS: It would have been, again,
21 not for everyone, but there may have been some
22 additional information, as I just described earlier,
23 depending on when the person came on board and how
24 they came on board and the recruiting software.
25

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1 OFCCP?
2 A We told the OFCCP that it would be
3 burdensome, it would take some time to provide it,
4 and we did not get a response back with regard to
5 that.
6 Q And so Oracle did not provide educational
7 data to OFCCP during the compliance review?
8 A Under those conditions that I just
9 described, no.
10 Q On Exhibit 10, it says:
11 "Please note that we do not maintain
12 education or work experience in our
13 database."
14 What database were you referring to?
15 MR. PARKER: Outside the scope.
16 THE WITNESS: At this time I was talking
17 about providing it consistently within the
18 personnel -- electronic personnel file.
19 BY MS. BREMER:
20 Q What do you mean "consistently within the
21 personnel electronic file"?
22 MR. PARKER: Outside the scope.
23 THE WITNESS: Yeah, just what I had just
24 described to you previously, in that, education may
25 or may not be in that file. There may be some of it

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1 BY MS. BREMER:
2 Q And during the compliance review, did you
3 indicate to OFCCP that there could be additional --
4 or that there could be educational data in the
5 recruiting database?
6 A I told the OFCCP that we would have to do
7 a lookup and that it would be burdensome.
8 Q Okay. But my question was, during the
9 compliance review, did Oracle indicate to OFCCP that
10 there could be educational data in the recruiting
11 database?
12 MR. PARKER: Beyond the scope.
13 THE WITNESS: We didn't name any
14 particular database.
15 BY MS. BREMER:
16 Q Did Oracle let OFCCP know that there was
17 some educational data available in some of its
18 databases?
19 MR. PARKER: Beyond the scope.
20 THE WITNESS: I would have to look at the
21 exact verbiage of everything submitted. I do recall
22 telling the OFCCP that it would be burdensome to
23 look it up, but we didn't say that we couldn't
24 provide it.
25 BY MS. BREMER:

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1 Q And what did you tell OFCCP would be the
2 burden of providing educational data?
3 MR. PARKER: Beyond the scope.
4 THE WITNESS: I'd have to look at the
5 exact verbiage, but it would just be the amount of
6 time it would take to go in and manually try and
7 find the information, if it existed. And -- and --
8 and I want to qualify that with if it existed.
9 BY MS. BREMER:
10 Q What about providing electronic data
11 regarding education?
12 MR. PARKER: Vague and ambiguous. Beyond
13 the scope.
14 THE WITNESS: It -- from my understanding
15 at that time, I was told that we could provide some
16 information in a few cases where it might be
17 captured electronically but not in all cases.
18 BY MS. BREMER:
19 Q Did Oracle ever provide the information
20 that could be captured electronically regarding
21 employees' education during the compliance review?
22 A Are you talking about before we started
23 the year-long process of trying to get all the --
24 the data to you -- to you all when we started?
25 MR. PARKER: No, she's not. She's

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1 IRC number, we would go -- and in order to try and
2 find it, we could go into the personnel file and see
3 if there's a resume there.
4 Or if the person was hired or brought on
5 board with an IRC number and not part of an
6 acquisition or not a long-term employee before they
7 were used, we would have to find the IRC number that
8 they were hired on then go into the system and try
9 and pull it from there.
10 BY MS. BREMER:
11 Q What's an IRC number?
12 A Requisition number.
13 MS. BREMER: I would like to show you
14 what was marked as Exhibit 36 to your deposition.
15 (Exhibit 36 previously marked for identification.)
16 THE WITNESS: Did you need to see this?
17 THE REPORTER: Previously marked, no, but
18 thank you.
19 BY MS. BREMER:
20 Q Now, if you look at the attachments on
21 Exhibit 36, the -- under --
22 A There's no attachment.
23 Q At the top -- I'm sorry, the description
24 of the attachments?
25 A Yeah.

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1 talking just about during the audit period.
2 THE WITNESS: Oh, during the audit
3 period? No.
4 BY MS. BREMER:
5 Q Did Oracle ever notify OFCCP that some
6 data regarding education could be provided
7 electronically during the audit period?
8 MR. PARKER: Asked and answered. Beyond
9 the scope.
10 THE WITNESS: We told the OFCCP that it
11 would be burdensome. We did not go into detail.
12 BY MS. BREMER:
13 Q And Oracle's statement that it would be
14 burdensome referred to the manual pulling of that
15 information, correct?
16 MR. PARKER: Beyond the scope. Misstates
17 the testimony.
18 THE WITNESS: It would be -- it would be
19 in response to some of the manual lookup for -- for
20 that information.
21 BY MS. BREMER:
22 Q When you say "the manual lookup for that
23 information," what do you mean?
24 MR. PARKER: Same objections.
25 THE WITNESS: When -- if a person has a

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1 Q It says "HQCA Compensation
2 Report6-10-15.xls."
3 Was that the title of an attachment that
4 Oracle sent to OFCCP on -- on June 16th, 2015?
5 A I would have to look at the attachment
6 to -- to see. It could be.
7 MS. BREMER: And let's mark as
8 Exhibit 124 a document with the Bates No.
9 ORACLE_HQCA_189. It's a native format document,
10 and -- so I -- I selected -- it's an excerpt of the
11 native -- the native file.
12 THE WITNESS: Okay.
13 THE REPORTER: Exhibit 124.
14 (Exhibit 124 marked for identification.)
15 THE WITNESS: Thank you.
16 BY MS. BREMER:
17 Q Okay. So just to explain what I did
18 here, I selected the first rows of data in the XL
19 spreadsheet and printed them. Because there's a
20 large number of columns in the spreadsheet, the
21 first rows of data that I selected printed on
22 approximately 18 pages.
23 So the approximately 18 pages in
24 Exhibit 124 show the data for the first 21 people
25 listed in the database.

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1 Does that make sense?
2 **A** Yes.
3 **Q** Okay. Does this appear to be a true and
4 correct copy of the excerpt of the compensation
5 report that Oracle provided to OFCCP on June 16th,
6 2015 with the e-mail that's Exhibit 36?
7 **A** It looks like it.
8 MS. BREMER: Looking at the -- the name
9 of the attachment that you listed on Exhibit 36,
10 it's "HQCA Compensation Report 6-10-15.xls."
11 What -- what does the "6-10-15" refer to?
12 MR. PARKER: Before you answer the
13 question, just hold on just a second. I'm not --
14 THE WITNESS: Okay.
15 MR. PARKER: There's no instruction yet.
16 I just want to make sure I understand what this is.
17 THE WITNESS: Okay.
18 MR. PARKER: Maybe we can clear it up.
19 There was a -- at the last deposition of Ms. Holman,
20 there was an Exhibit 37 that was marked that was the
21 subject of an exchange of attorney-client privilege.
22 Is this that document?
23 MS. BREMER: I believe it -- it was, and
24 I -- let's see. I believe I printed it differently
25 than you did.

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1 MS. BREMER: Right.
2 MR. PARKER: That's -- that's what I
3 needed to know. Thank you.
4 MS. BREMER: Okay.
5 MR. PARKER: I'm sure you forgot the
6 question, but we needed to go ahead and do that.
7 MS. BREMER: Yeah.
8 THE WITNESS: I think I answered her
9 question, so -- she wanted to know if it looked like
10 it could be that.
11 BY MS. BREMER:
12 **Q** Then -- I was looking at the name of
13 the -- name of the document, the "HQCA Compensation
14 Report 6-10-15.xls."
15 Was that the -- the title of Exhibit 124?
16 **A** It looks like it could be. We submitted
17 lots of compensation information to the OFCCP, so I
18 can't say for certain if this was what was attached.
19 But it looks like one of the -- one of the bits of
20 compensation information that we provided to the
21 OFCCP.
22 **Q** Okay. And I just note that Exhibit 36
23 has a Bates number of ORACLE_HQCA_088, and this
24 native file has a Bates number of 189.
25 **A** Okay.

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1 MR. PARKER: So let me be clear.
2 MS. BREMER: I'm not sure I have it here.
3 MR. PARKER: If this is Exhibit 37 from
4 the prior deposition, I will instruct her not to
5 answer any further questions on this.
6 MS. BREMER: Oh, oh. I'm sorry. I'm
7 sorry.
8 MR. PARKER: That's what I'm trying to
9 clear up.
10 MS. BREMER: Okay. So the -- the
11 issue --
12 MR. PARKER: I don't have an issue --
13 MS. BREMER: Yes.
14 MR. PARKER: If it's Exhibit 37, I do.
15 If it's not Exhibit 37, then I won't.
16 MS. BREMER: This is the --
17 MR. GARCIA: It's not Exhibit 37 from the
18 other deposition.
19 MS. BREMER: Right.
20 MR. GARCIA: Exhibit 37 from the other
21 deposition was a copy of Sheet 4 in the native file
22 which Ms. Connell said that particular page was
23 privileged information.
24 MR. PARKER: Okay.
25 MR. GARCIA: This is not that.

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1 **Q** So it was produced in order --
2 **A** Okay.
3 **Q** -- if that helps.
4 **A** Yeah. And so I don't -- I don't know how
5 you organized this. I can just say that it looks
6 like one of the submissions that we made. I can't
7 say for certain without, you know, seeing the
8 documents itself if it was the exact one, but it
9 looks like it -- it could be.
10 **Q** Okay. And what does -- in the title of
11 the document, what does "6-10-15"6-10-15 refer to?
12 **A** That, I believe, would have been the date
13 of the per- -- that the person that put the
14 spreadsheet together put it together.
15 **Q** And the "xls" shows that it's an Excel
16 spreadsheet?
17 **A** Yes.
18 **Q** And "HQCA" means that it was data for
19 Oracle's headquarters?
20 **A** Yes.
21 **Q** Is this -- have you heard the term
22 "compensation snapshot" before?
23 **A** Yes.
24 **Q** What does -- what does that mean?
25 MR. PARKER: Outside the scope.

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1 THE WITNESS: A compensation snapshot
2 would be at a point in time leading up to the 1/1/14
3 date, and it would be the compensation earned
4 leading up to that date. It would list what the
5 employee was making at that time, and it would list
6 the earnings that they made in the year prior to
7 that also.
8 BY MS. BREMER:
9 Q And it would include just the Oracle
10 employees who were employed as of the January 1st,
11 2014 date?
12 A For HQCA.
13 Q Yes.
14 A Yes.
15 Q And during the compliance review, Oracle
16 provided more than one 2014 compensation snapshot to
17 OFCCP, correct?
18 A Yes.
19 Q And when -- when OFCCP requested
20 additional data, was -- did Oracle put that data
21 into an entirely new spreadsheet or did it -- it add
22 to the compensation spreadsheet and just provide a
23 new spreadsheet that would contain all of the data?
24 MR. PARKER: Vague and ambiguous.
25 THE WITNESS: I'm not totally certain

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1 what the person did that put it together in my
2 department, if he created a completely new
3 spreadsheet, but I do know he utilized some of the
4 data that had already been pulled from, you know,
5 prior submissions.
6 BY MS. BREMER:
7 Q And then -- and then added them to a new
8 submission?
9 A Yes.
10 Q And who -- who pulled the data for OFCCP
11 during the compliance review of Oracle's
12 headquarters?
13 A The person that pulled the data -- it was
14 at my request that it be pulled.
15 MR. PARKER: I'm sorry, belatedly, beyond
16 the scope.
17 Continue your answer.
18 THE WITNESS: It would be -- I -- I
19 requested the pulling of data. And it depends on
20 how you're defining "pulled."
21 BY MS. BREMER:
22 Q I'm using the term the same way you --
23 you used it when you said someone pulled data --
24 A Okay.
25 Q -- for the -- for the compensation

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1 snapshot.
2 A Okay. The to- -- the data was pulled out
3 of the database that Oracle maintains this
4 information in, or did at the time by a person in
5 the OAL department. And then the person that
6 populated the spreadsheet and put the spreadsheet
7 together with all of this information is Neil
8 Bourque, and he's in my department.
9 THE REPORTER: Neil Bourque?
10 THE WITNESS: Bourque, B-O-U-R-Q-U-E.
11 And it's N-E-I-L.
12 THE REPORTER: Thank you.
13 THE WITNESS: Uh-huh.
14 MR. PARKER: I need to take a break and
15 talk to Kayla just for a minute again. I need --
16 again, it's on the issue of privilege, so that's why
17 I need to take a break.
18 THE VIDEOGRAPHER: This marks the end of
19 Volume I, Media 2. The time is now 10:35 a.m.
20 We're going off record.
21 (Recess.)
22 THE VIDEOGRAPHER: This marks the
23 beginning of Volume I, Media No. 3. Our time now is
24 10:39 a.m. We're on record.
25 MR. PARKER: Just for the record, I

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1 understand -- and this is why we took the break --
2 that Exhibit 124 was a document inadvertently
3 produced, and it did -- it's not in Exhibit 124, did
4 contain a document that was protected by
5 attorney-client privilege.
6 The document that was actually produced
7 by Ms. Shauna Holman-Harries, not that she will know
8 the Bates stamp number, is Bates-stamped
9 ORACLE_HQCA_409. And so that we have -- so that the
10 record is, one, accurate; but two, we avoid any
11 issues with attorney-client privilege, we would
12 object to the use of ORACLE_HQCA_189 which is
13 Exhibit 124 and ask that it be replaced by Bates
14 stamp 409.
15 Beyond that, I'm not going to prevent you
16 from asking questions on Exhibit 189 as I understand
17 that this is a non- -- the nonprivileged portion.
18 But in any case, it is a document that is better
19 reflected in Exhibit -- in Bates stamp 409.
20 MS. BREMER: Okay. We --
21 MR. GARCIA: Can I just make a comment,
22 then, for the record. It's my understanding that
23 Exhibit 124, the portion that was shown for the 2014
24 snapshot, is the same document at Exhibit 409. It's
25 my understanding that the document that was claimed

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1 to be privileged and produced in error had
2 additional sheet, Sheet No. 4, that was in addition
3 to what was produced at Exhibit -- at Bates stamp
4 No. 409.
5 MS. BREMER: And is -- is it -- is that
6 your understanding?
7 MR. PARKER: I said all I'm going to say.
8 I think I was quite clear.
9 BY MS. BREMER:
10 Q Okay. So during the compliance review,
11 OFCCP requested various fields of data regarding
12 compensation from -- from Oracle, correct?
13 A Yes.
14 Q And during the compliance review, Oracle
15 provided some compensation data for the year 2014,
16 correct?
17 MR. PARKER: Vague and ambiguous.
18 BY MS. BREMER:
19 Q A snapshot of information as of
20 January 1st, 2014, right?
21 A Yes.
22 Q And the HQCA Compensation Report
23 6-10-15.xls that was attached as a -- to the e-mail
24 that was marked as Exhibit 36 was a snapshot of
25 compensation data for Oracle's headquarters as of

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1 Q Did Oracle ever provide starting salary
2 for the employees' current position?
3 MR. PARKER: Vague as to time.
4 BY MS. BREMER:
5 Q During the -- during the compliance
6 review.
7 A I would have to look at the last
8 spreadsheet that was submitted to see if we were
9 able to -- to do that to be absolutely certain since
10 there were so many spreadsheets submitted.
11 Q What did Oracle do to try to find a
12 program that would pull starting salary and current
13 position?
14 MR. PARKER: Outside the scope.
15 THE WITNESS: We -- I don't remember the
16 names, but we did talk to some of our -- our folks
17 in IT, and also -- it -- it's kind of like a HARS
18 department and ask them if they would be able to
19 pull up the salary and the current position.
20 And we were told that it was -- the --
21 the in- -- the information where that was housed was
22 run on an Excel spreadsheet type of thing and that
23 if we wanted that information, they could provide us
24 with a lot of different fields with starting pay,
25 but we'd have to manually go in and look at each

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1 January 1st, 2014, right?
2 A Yes.
3 Q Looking back at Exhibit 36, the e-mail
4 says:
5 "We're still working on getting the
6 three years of performance information
7 that you requested and will add that
8 once we receive it."
9 And then it says:
10 "In addition, we've been trying to find
11 a program that will pull starting
12 salary and current position but have
13 been unsuccessful so far."
14 Had OFCCP requested that Oracle provide
15 data for starting salary in employees current
16 position?
17 A I would have to look at the exact request
18 for the verbiage, but it sounds like -- to see --
19 they asked for a lot of columns of information. So
20 to see if that was the exact column, I'm assuming
21 that they did request that.
22 Q Because your e-mail was --
23 A Yes.
24 Q -- responding to that request, right?
25 A Correct, correct.

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1 employee and pull that -- that data.
2 So that's -- and so that's where, again,
3 it would -- we were saying it would be burdensome to
4 pull it. And so that's -- that's what we did. We
5 did ask questions, and we tried our best to get it
6 to where we could run something to where it could go
7 in and just hone in that bit of information for
8 starting salary and current position.
9 But they -- we were told that we would
10 have to look at the -- look at it -- each one of the
11 people. They could pull all of the money, but we'd
12 have to look at each one individually and determine
13 what the pay -- the pay was that they received when
14 they went into their most recent position.
15 BY MS. BREMER:
16 Q When investigating whether -- or what it
17 would entail for Oracle to respond to OFCCP's
18 request for starting pay in current position, did
19 Oracle consider writing scripts to pull that data?
20 MR. PARKER: Outside the scope.
21 THE WITNESS: I asked if that could be
22 done at that time. And they said because of the --
23 the nature of the Excel database that they couldn't
24 go in like in another type of database and pull it,
25 that they could pull all the pay information, but

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1 that we would have to go in and look and determine,
2 you know, what the pay amount was for -- for that
3 particular position.
4 That's -- that's what I was told.
5 BY MS. BREMER:
6 Q When you say you could have pulled all of
7 the pay information, would that be that -- a
8 person's -- an employee's entire pay history?
9 MR. PARKER: Outside the scope.
10 THE WITNESS: It could -- it could be,
11 but we'd have to manually go in and look and
12 determine what was what.
13 BY MS. BREMER:
14 Q You said that they could pull all of the
15 pay information.
16 What did you mean by that?
17 A They --
18 MR. PARKER: Outside the scope.
19 THE WITNESS: They could pull like
20 different amounts. So, for instance, a bonus that
21 was received, you know, there, it could have -- it
22 could have different pay amounts they received, like
23 different increases while they were there.
24 But we would have to go in and look to
25 determine what the -- the pay was manually to

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1 the data that Oracle had produced to OFCCP as part
2 of the 2014 compensation snapshot during the
3 compliance review?
4 MR. PARKER: Asked and answered.
5 THE WITNESS: Yeah, the -- yes.
6 MS. BREMER: I would like to mark as
7 Exhibit 125 a document Bates-labeled
8 ORACLE_HQCA_5408 to 5409 which is e-mail strings
9 between Shauna Holman-Harries and Hoan -- Hoan Luong
10 on August 26th, 2015 through August 28, 2015.
11 (Exhibit 125 marked for identification.)
12 THE REPORTER: Exhibit 125.
13 THE WITNESS: Thank you.
14 BY MS. BREMER:
15 Q Is this a true and correct copy of an
16 e-mail chain between you and OFCCP between
17 August 26, 2015 and August 20th, 2015?
18 A Yes.
19 Q And if you look at the first part of the
20 e-mail chain on August 26th, 2015 from Hea Jung
21 Atkins to Shauna Holman-Harries, do you see that?
22 A Yes.
23 Q It says:
24 "Could you please provide wage
25 information for snapshot date 1/1/13

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1 determine if that pay -- which pay amount went with
2 their most recent position.
3 BY MS. BREMER:
4 Q And OFCCP all request -- also requested
5 three years of performance information from Oracle,
6 right?
7 A Yes.
8 Q Did Oracle provide three years of
9 performance information for its employees during the
10 compliance review?
11 A I would have to look and see if that
12 information had been obtained during the compliance
13 review before the NOV to be certain. I know we were
14 working on it, if -- if it hadn't been provided.
15 But I'd have to see the last spreadsheet submitted
16 to be able to answer that question for you.
17 I do know that we were working on it.
18 Q And the last spreadsheet that Oracle
19 provided to OFCCP during the compliance review would
20 reflect all of the data fields that Oracle provided
21 as part of the 2014 compensation snapshot?
22 A As of that date. It wouldn't reflect the
23 ones that we were still working on, but it would
24 show you the final submission prior to the NOV.
25 Q And that would reflect every -- all of

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1 containing all fields already submitted
2 for snapshot 1/1/14."
3 Do you see that?
4 A Yes.
5 Q And what did you understand OFCCP to be
6 requesting from Oracle?
7 A They were requesting snapshot data like
8 that that we produced for 1/1/14 for a year earlier.
9 Q And when you say "snapshot data," you're
10 talking about compensation data, correct?
11 A Yes.
12 Q And the data OFCCP requested from Oracle
13 was compensation data that would include the same
14 fields of data for 2013 as Oracle had already
15 provided for January 1st, 2014, right?
16 A Yes.
17 Q If you look at the next e-mail,
18 August 28th, 2014 from Hoan Luong to you, it says:
19 "Please submit compensation database
20 provided on June 16, 2015 with
21 January 1, 2013 snapshot date with the
22 following additional information and
23 any other relevant compensation
24 information and factors affecting pay
25 added in separate columns."

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1 And there's a list of -- of 16 factors
2 that OFCCP was requesting, right?
3 **A** Yes.
4 **Q** And -- and OFCCP also requested these 16
5 data fields for the 2014 compensation snapshot,
6 right?
7 **A** Yes.
8 **Q** What was your understanding of what was
9 required to compile a replica of the 2014
10 compensation snapshot to provide a compensation
11 snapshot for 2013?
12 **MR. PARKER:** Beyond the scope. Vague and
13 ambiguous.
14 **THE WITNESS:** What do you mean by my
15 understanding?
16 **BY MS. BREMER:**
17 **Q** Okay. Oracle.
18 **MR. PARKER:** In answering this question,
19 you are not -- from my point of view and my
20 objections is you're not speaking on behalf of
21 Oracle.
22 So you can answer the question. I'm not
23 instructing you not to answer.
24 **THE WITNESS:** So just to be -- are you
25 instructing me not to answer?

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1 data be provided for 2013, correct?
2 **A** Yes.
3 **MR. PARKER:** I'm gonna just -- the word
4 "same" in that sentence is vague and ambiguous.
5 You can continue.
6 **MS. BREMER:** The same fields of -- data
7 fields.
8 **MR. PARKER:** Very good.
9 **THE WITNESS:** Yes.
10 **BY MS. BREMER:**
11 **Q** And did -- did Oracle produce a 2013
12 compensation snapshot to OFCCP during the compliance
13 review?
14 **A** We were waiting for -- for information
15 from the OFCCP as to the basis for the 2013
16 snapshot, and we did not get that.
17 **Q** Okay. When you say Oracle was waiting
18 for information from OFCCP regarding the basis, what
19 was Oracle waiting for?
20 **A** The justification as to why it was
21 relevant.
22 **Q** Did Oracle do anything to -- or take any
23 steps to prepare a 2013 compensation snapshot for
24 OFCCP --
25 **MR. PARKER:** Beyond --

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1 **MR. PARKER:** Absolutely not.
2 **THE WITNESS:** Oh, okay. All right. All
3 right.
4 **MR. PARKER:** Not by any stretch of the
5 imagination.
6 **THE WITNESS:** I wasn't here. I
7 couldn't -- okay.
8 **MR. PARKER:** I just don't want you to
9 assume -- you said you're answering on -- you
10 indicated you might be answering on behalf of
11 Oracle. I'm saying --
12 **THE WITNESS:** Yes.
13 **MR. PARKER:** -- from my perspective, you
14 are not. This is beyond the scope.
15 Have at it.
16 **THE WITNESS:** Okay. All right. Okay.
17 All right.
18 And so, what -- let's go -- could you
19 repeat the question?
20 **BY MS. BREMER:**
21 **Q** So as of August 24th, 2015, Oracle had
22 already provided a compensation snapshot for 2014 to
23 OFCCP providing some compensation data, correct?
24 **A** Yes.
25 **Q** And OFCCP was requesting that the same

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1 **BY MS. BREMER:**
2 **Q** -- during the compliance review?
3 **MR. PARKER:** Beyond the scope. Vague and
4 ambiguous.
5 **THE WITNESS:** What do you mean by
6 "prepare"?
7 **BY MS. BREMER:**
8 **Q** Did -- did Oracle take any steps during
9 the compliance review to -- to provide a
10 compensation snapshot for 2013?
11 **MR. PARKER:** Same objections.
12 **THE WITNESS:** We collected information
13 that was similar to the '14 data in preparation for
14 OFCCP to respond to our question.
15 **BY MS. BREMER:**
16 **Q** Did Oracle complete -- did Oracle compile
17 all of the data fields for the 2013 compensation
18 snapshot that it had provided to OFCCP for the 2014
19 compensation snapshot?
20 **MR. PARKER:** Beyond the scope. Vague and
21 ambiguous.
22 **THE WITNESS:** We compiled -- we compiled
23 it. We pulled the data, but we were waiting for
24 OFCCP to provide the justification that we asked for
25 in our correspondence with them.

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1 BY MS. BREMER:
2 Q Okay. So when you say you compiled it,
3 was it -- was all of the data compiled for the 2013
4 compensation snapshot during the compliance review?
5 MR. PARKER: Beyond the scope.
6 THE WITNESS: It was -- it was compiled
7 in the background. I'm not sure if there were one
8 or two fields that we had to pull in, but we were
9 working on it. And we were waiting for OFCCP to
10 answer our question to provide the basis for
11 requesting the data.
12 And -- but we were working on it behind
13 the scenes, waiting for that request.
14 BY MS. BREMER:
15 Q So if it wasn't complete, it was almost,
16 almost complete? Almost all of the da- -- data had
17 been compiled into the 2013 compensation snapshot
18 during the compliance review?
19 MR. PARKER: Vague and ambiguous. Beyond
20 the scope.
21 THE WITNESS: Yes.
22 BY MS. BREMER:
23 Q Okay. I'm going show you what was marked
24 as Exhibit 38 in your previous deposition.
25 (Exhibit 38 previously marked for identification.)

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1 A They appear to be. It'd be the same --
2 the same as before, without seeing the exact e-mail
3 and looking at the documents attached, I couldn't
4 say for certain, but I can say they -- it looks like
5 they are.
6 Q Okay. Well, I am showing you the e-mail
7 which is Exhibit 38.
8 A I mean, by -- in this system, seeing the
9 exact attachments in the system, that's what -- what
10 I'm referring to.
11 Q And --
12 A I know what you're saying, yes, this is
13 the e-mail. But without seeing the e-mail in the
14 electronic form with the attachments, but it appears
15 that -- that it is.
16 Q Okay. Which of the these documents would
17 be the HQCA Compensation Report no Vlookup with
18 extra visa data 10-22-15?
19 A That would be 126.
20 Q What does Vlookup mean?
21 A That would be a code that Neil Bourque
22 developed to show where he was at for himself. It
23 would be a note to himself as to if he had pulled
24 different data in. Other than -- than that high
25 level, I can't really tell you what his intent was

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1 MS. BREMER: Then I'm going to mark as
2 Exhibit 126 a document that was -- or an excerpt of
3 a document produced in native format at
4 ORACLE_HQCA_699.
5 THE WITNESS: Yes.
6 THE REPORTER: Exhibit 126.
7 (Exhibit 126 marked for identification.)
8 MS. BREMER: I'm also going to mark as
9 Exhibit 127 a document -- an excerpt of a document
10 produced in native format at ORACLE_HQCA_700.
11 THE REPORTER: Exhibit 127.
12 (Exhibit 127 marked for identification.)
13 Q If you look at Exhibit 38 --
14 A Yeah.
15 Q -- the e-mail that you sent to Hoan
16 Luong --
17 A Uh-huh.
18 Q -- lists two attachments: "HQCA
19 Compensation Report no Vlookup with extra visa data
20 10-22-15.xlsx and HQCA Ranking Report 2013 no
21 Vlookup.xlsx."
22 Do you see that?
23 A Yes.
24 Q Were Exhibits 126 and 127, are those
25 excerpts of the attachments to this e-mail?

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1 and how -- how he utilized it, but I just know that
2 it had to do with him pulling data in.
3 Q Okay. And the extra visa data indicates
4 that this compensation report, Exhibit 126, included
5 additional visa information that was not on prior
6 compensation snapshots?
7 A I believe so. Again, because there were
8 so many submissions, I'd have to look at each and
9 every submission to see what visa data was included,
10 but it could be. I didn't create the file. I can
11 only assume, so I can't be exact on it, but...
12 Q Does -- does the date 10-22-15 in the
13 title of Exhibit 126 indicate that the data was
14 pulled on that date?
15 A I -- I can't say. I think that -- it
16 could have been the day he completed it or the day
17 that he worked on it. It was some type of date
18 reference for him, and he would have to answer that
19 question.
20 Q Okay. And looking at Exhibit 126 which
21 was produced in native format, Oracle provided
22 compensation data to OFCCP in Excel spreadsheets,
23 correct?
24 A Yes.
25 Q And why did Oracle provide the

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1 compensation data to OFCCP in Excel format?
2 MR. PARKER: Beyond the scope. Calls for
3 speculation.
4 THE WITNESS: OFCCP requested that we
5 started in some of our earlier audits that we
6 provide it in Excel format. We used to provide it
7 in a PDF format, and that was at the request of-- as
8 all the audits that we've gone through preceded,
9 that was at the request of OFCCP.
10 BY MS. BREMER:
11 Q And with Excel spreadsheets, the data
12 could be sorted, correct?
13 MR. PARKER: Beyond the scope.
14 THE WITNESS: Yes.
15 BY MS. BREMER:
16 Q And it could be used to create pivot
17 tables?
18 MR. PARKER: Calls for speculation.
19 Beyond the scope.
20 THE WITNESS: Yes.
21 BY MS. BREMER:
22 Q Did Oracle retain copies of all the Excel
23 spreadsheets it sent to OFCCP during the compliance
24 review?
25 MR. PARKER: Beyond the scope.

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1 attorneys?
2 MR. PARKER: I'm sorry. I'm going to
3 instruct not to answer based on attorney-client
4 privilege.
5 MS. BREMER: You're going to instruct not
6 to answer just -- I'm not asking for communications,
7 just who.
8 MR. PARKER: But you are. You have --
9 the communication is before you. And, therefore,
10 now you're asking who she communicated the
11 communications to. That's attorney-client
12 privilege.
13 She can answer to as to any nonattorney
14 you sent it to, to the extent you know.
15 THE WITNESS: Okay. It would have been
16 the members of my team, the people that -- in my
17 department. I usually try to share information with
18 them so they would know what was going on.
19 And I don't know if I copied my
20 supervisor or not on it. I don't remember. I don't
21 recall. But, let's see, we've got Neil, Lida,
22 Charles, they're all visibly -- the members of my
23 team at that -- at that point in time are copied.
24 BY MS. BREMER:
25 Q And were the compensation spreadsheets

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1 THE WITNESS: I'm not sure if he -- I --
2 I think we do. We -- we maintain copies of the
3 e-mails that we sent with the attachments to the
4 OFCCP.
5 BY MS. BREMER:
6 Q And with the attachments, that would
7 include the Excel spreadsheets?
8 A Yes.
9 Q Who received copies of the compensation
10 snapshots -- snapshot that Oracle provided to OFCCP
11 during the compliance review?
12 MR. PARKER: Beyond the scope. Compound.
13 THE WITNESS: When you say "who," do you
14 mean people who were copied on it? Do you mean --
15 who do -- who --
16 BY MS. BREMER:
17 Q Either copied or forwarded to?
18 MR. PARKER: Same objections. Also vague
19 as to time.
20 THE WITNESS: Well, Neil Bourque provided
21 it. I'd have to look on all the e-mails to see who
22 was visibly copied. Our -- our attorneys received a
23 copy.
24 BY MS. BREMER:
25 Q And when you say "attorneys," which

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1 sent to -- or that you provided to OFCCP also sent
2 to anyone in the HR group?
3 MR. PARKER: Vague and ambiguous.
4 Outside the scope.
5 THE WITNESS: The only -- the only
6 per- -- I -- I don't know. I'd have to look at --
7 and look at any blank carbons, and it would only
8 have been -- if it had been anybody, it would be my
9 supervisor in -- in that group.
10 I don't know if I ever provided it to the
11 compensation department for any reference. I'd have
12 to look -- you know, go back and look. But from --
13 for the most part, the people that you see copied
14 there, other than what's privileged, are the people
15 that received a copy of it.
16 BY MS. BREMER:
17 Q Okay. Looking at Exhibit 126.
18 A Okay.
19 Q Again, this was a voluminous Excel
20 spreadsheet, and what I did was what I described
21 with the other compensation snapshot. I selected
22 the first rows of data in the Excel spreadsheet and
23 printed them. And because of the large number of
24 columns in this spreadsheet, this first rows of data
25 that I selected printed on approximately 20 pages.

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1 So the approximately 20 pages in
2 Exhibit 126 show the data for the first 23 people
3 listed in the database.
4 Does that make sense?
5 **A** Yes.
6 **Q** Okay. Why don't -- just look at the --
7 the data fields that Oracle provided to OFCCP as
8 part of the 2014 compensation snapshot which is --
9 **A** Yeah, if you give me a minute just to
10 look through this, I appreciate it.
11 **Q** Sure.
12 **A** Okay, thank you.
13 **Q** Sure.
14 So the first -- the first data field is
15 the -- is the last name.
16 Is that the last name of the employee?
17 **A** Yes.
18 **Q** And then the third column of information
19 is ID number.
20 Is that a unique employee identifier?
21 **A** Yes.
22 **Q** And then the next column in the
23 compensation snapshot shows the employee's gender,
24 correct?
25 **A** Yes.

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1 **A** Yes.
2 **Q** And does "SUPP" stand for the support job
3 function?
4 **A** Where is -- where is that one?
5 **Q** It's -- the first few people on this
6 snapshot were not in the support job function.
7 **A** Oh, oh. Yes, I believe there is.
8 Without looking at the sheet, I couldn't tell you
9 for certain, but that sounds like a type of coding
10 that would have been used.
11 **Q** And the 2014 compensation snapshot that
12 Oracle provided to OFCCP during the compliance
13 review did have -- include the job function of every
14 employee at Oracle's headquarters, correct?
15 **A** Yes, I believe so.
16 **Q** Okay. And then it provided -- the
17 snapshot provided job specialty information for
18 Oracle's employees too?
19 **A** Yes.
20 **Q** The next column of data is H1B status.
21 And at least all the data fields on this page
22 indicate number sign N/A.
23 What does that mean.
24 **A** That means that that particular person
25 didn't have a Visa according to the categories

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1 **Q** And then Oracle has also provided the
2 race for the employee?
3 **A** Yes.
4 **Q** And then the next column is for national
5 origin.
6 Did Oracle provide data regarding the
7 national origin of its employees?
8 **A** No, we don't track that data.
9 **Q** Oracle provided data in the compensation
10 snapshot for each employee's job title, correct?
11 **A** Yes.
12 **Q** And then tuning to the next page, Or- --
13 the compensation snapshot provided by Oracle
14 provided each employee's job function, right?
15 **A** Yes.
16 **Q** It also provided each employee's job
17 specialty?
18 **A** Yes.
19 **Q** Looking at -- at the job function column
20 for data, there's data that says "PRODEV."
21 Does that stand for the product
22 development job function?
23 **A** Yes.
24 **Q** And then "INFTECH" stands for information
25 technology job function?

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1 listed in the next three columns. So I know that
2 that was -- Visa information was provided, but --
3 and the particular cut that you would have here,
4 it's not applicable to the people that were
5 listed --
6 **Q** Okay. Let's --
7 **A** -- in those -- in the categories. You've
8 got like the three -- three categories.
9 **Q** The three categories you're referring to
10 are: Visa types held from 1-1-13 to 6-30-14, All
11 Visas Held, and Status Change History or -- and H1B
12 Status, not a Status Change History?
13 **A** Yes. Yes, all these -- yes, the three
14 columns that you just mentioned.
15 **Q** And what about Status Change History?
16 **A** Status Change History, I would have to --
17 that would have been, I believe, related to that
18 also because of the -- and -- and simply because --
19 and I -- and I'm reminded as far as, you know, what
20 that is but I'm assuming because of the color coding
21 at the top.
22 Whenever we added a new -- frequently,
23 not whenever -- but often when we added a new
24 section, we would color code it for OFCCP to find it
25 more easily.

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1 Q And when you say I believe it related to
2 that, you mean to Visa data as well?
3 A It could have, yeah. I want to -- to
4 double-check everything and see the entire
5 spreadsheet to be able to say for certain.
6 Q Okay. Turning to the next page, the
7 second column is entitled "Job Group."
8 A Yes.
9 Q So in the 2014 compensation spreadsheet
10 Oracle provided job group information to OFCCP for
11 all -- all employees at HQCA, right?
12 A Yes.
13 Q And it also provided their grade, right?
14 A Yes.
15 Q And what does -- what does "grade" refer
16 to?
17 A Pay grade would refer to -- if you look
18 at it, you'll see an "either" on some, and you'll
19 see "and" on others. That refers to whether the
20 person was exempt or non-exempt. And then you'll
21 see a number, and that that categorizes people
22 according to whatever pay range their job has been
23 classified in.
24 Q When you say "their job," are you
25 referring to job code?

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1 job requires more experience, the person would --
2 the numbering would increase.
3 So an IC1 would be, again, a person of
4 low experience, at least for the job that they are
5 performing. And then IC2 would be a little bit more
6 and IC3 a little bit more and so on and so forth.
7 And then you've also got the manager
8 levels, and they follow the same type of rationale
9 with -- starting with M for your management levels,
10 and like a -- a manager -- like an M6 is, I
11 believe -- I would have to look, but I think -- I
12 think that one is like a senior director, but I'd
13 have to -- to look at -- back at the job title.
14 But -- but you -- you kind of get what I
15 mean. Or maybe an M5 is a senior director, or a --
16 an M6 might be a VP. But like -- but that type of
17 thing going up. But I could be off one without
18 looking at the titles next to it.
19 Q So the managers also -- and someone with
20 an M1 global career level would have less experience
21 than somebody with an M5 global career level?
22 A Yeah, for the job that they're performing
23 would be less responsibilities.
24 Q Okay. And so Oracle provided --
25 A I want to qualify --

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1 A Well, job code is representational of job
2 title. It's not exact. But I'm referring to --
3 yes, I think that that would be -- that would be
4 fair, whatever their -- their job had been
5 classified in as represented by the job code.
6 Q Okay. And Oracle provided data in the
7 next four columns for each employee's supervisor in
8 the compensation snapshot as well, correct?
9 A Yes.
10 Q So turning to the next page, Oracle
11 provided data for employee's data of birth in the
12 2014 compensation snapshot as well, correct?
13 A Yes.
14 Q And there's a column that's Global Career
15 Level.
16 What is that?
17 A That is the way that Oracle uses -- it's
18 a coding system, and it -- it organizes people
19 according to, generally, the job that their doing,
20 you know, how -- some of the different
21 responsibilities they have.
22 So, for instance, a person that would
23 come in with absolutely no experience, work
24 experience at all, might come in as a IC0, a con- --
25 an individual contributor zero. And as they -- the

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1 Q -- data --
2 A I want to qualify something.
3 It doesn't necessarily mean less
4 experience. It would be less experience as required
5 by the job. So I might have a person that has 20
6 years experience, but, you know, they're an
7 individual contributor at a specific level. And,
8 you know, that's -- that's kind of like the job that
9 they are performing. So it's related to both of
10 them.
11 Q It's related to both the job that they're
12 performing and -- and their experience in that job?
13 A Correct.
14 Q And Oracle provided -- provided data in
15 the 2014 compensation snapshot for each employee's
16 global career level?
17 A Yes.
18 Q And the next column of data that Oracle
19 provided in the snapshot is entitled "Department,"
20 correct?
21 A Yes.
22 Q The next column on the next page is Work
23 Unit Flow.
24 Is this the same information that was
25 provided in the original Item 11 response?

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1 A I believe so.
2 Q And then Exhibit 126 has a column
3 "Original Hire Date."
4 A Uh-huh.
5 Q Was -- was that the date that the
6 employee was originally hired by Oracle?
7 A Not necessarily. It could be.
8 Q Okay. What -- what is "Original Hire
9 Date"?
10 A It could be the original date that the
11 employee was hired by Oracle, but it could also be a
12 hire date that we were given by a company, or Oracle
13 was given by a company, it acquired for the hire
14 date with that particular company.
15 Q Okay. And -- and so Oracle included that
16 data as well in the compensation snapshot --
17 A Yes.
18 Q -- to OFCCP?
19 A Yeah.
20 Q Okay. What does the column "Date and
21 Time" refer to?
22 A We were trying to do some calculations
23 for some of the requests that OFCCP had, and so we
24 used -- or Neil, when he put this together, he put
25 the -- he put everything effective as of that date,

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1 could be, or it could also include -- and I'd have
2 to look to be absolutely certain. It also could
3 include maybe the time with the company that Oracle
4 acquired.
5 BY MS. BREMER:
6 Q So either the -- the time that the
7 employee had been employed by Oracle or one of its
8 predec- --
9 A Right.
10 Q -- acquisitions?
11 A Yeah.
12 Q Okay. Let's turn to the next page on
13 Exhibit 126. There's a column of "Data PT/FT."
14 What is that?
15 A Okay, wait a minute. I think I'm --
16 maybe I flipped too much. Let's see, we've got
17 that.
18 MR. GARCIA: I think she skipped a page.
19 BY MS. BREMER:
20 Q Yeah, this is the page after --
21 A Oh.
22 Q -- the page with time with company months
23 and --
24 A This was either part time or full time.
25 Q Okay. And -- and does "P" indicate part

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1 as of 1/1/14, for the compensation snapshot. And
2 then he took hire date and ran some kind of a
3 mathematical formula to get the -- the timing at
4 Oracle in years.
5 Q Okay. And so date -- "Date and Time"
6 also reflects that this is a compensation snapshot
7 as of January 1st, 2014?
8 A Yes.
9 Q Okay. So the data also included -- the
10 data that Oracle provided to OFCCP as part of the
11 2014 compensation snapshot also included a time with
12 company years and also time with company months?
13 A Yes.
14 Q And -- and what does that information
15 reflect?
16 A As far as the months, that -- that's all
17 based off of this 1/1/14 date, so it would be the
18 years and months. It's just broken up. So they --
19 they're supposed to go together.
20 Q Okay. So it's the total amount of time
21 that -- that each employee had been with Oracle,
22 employed by Oracle?
23 A Yes.
24 MR. PARKER: Misstates the testimony.
25 THE WITNESS: It -- yes, it -- yes, it

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1 time?
2 A Yes.
3 Q And -- and "F" in that column indicates
4 full time?
5 A Yes.
6 Q Okay. So as part of the 2014
7 compensation snapshot that Oracle provided to OFCCP,
8 it included data showing whether each employee was
9 full time or part time?
10 A Yes.
11 Q Okay. And it also implied -- provided
12 data showing exempt status, correct?
13 A Yes.
14 Q And -- and what is that?
15 A What is exempt status?
16 Q What -- what is that column indicating?
17 A The one that says "Exempt Status"?
18 Q Yes.
19 A Whether -- whether they are exempt or
20 nonexempt under the Fair Labor Standards Act, or --
21 or if they're exempt from the Fair Labor Standards
22 Act or not.
23 Q And -- and what does an "E" in that
24 column mean?
25 A That they're exempt.

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1 Q And what about an "N"?
2 A Nonexempt.
3 Q Okay. The next column of data in the
4 2014 compensation snapshot is "Salary," correct?
5 A Yes.
6 Q Is that annual salary?
7 A That particular column was the annual
8 salary that was reported on the initial Item 11
9 submission for their base salary in the system.
10 Q Okay. And then turning to the next page,
11 there is also a data field for "Regular Wages" and
12 then "Total Compensation."
13 What are those?
14 MR. PARKER: Compound.
15 THE WITNESS: Well, you've got regular
16 salary, and then you've got regular wages, and that
17 has to do with whether a person is exempt or
18 nonexempt as far as their -- their wages.
19 And then the total compensation, that
20 was -- that was pulled -- some of that data that I
21 told you about that was pulled from OAL, that would
22 be the total compensation that the employee earned.
23 BY MS. BREMER:
24 Q And that -- would that include bonuses?
25 A It should. I'd have to -- to look to

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1 verify that. It -- let me -- let me look across a
2 second real quick. Because we've organized it a
3 little differently on the most recent audits. I
4 would have to double-check and make absolutely
5 certain. But I'm thinking so because I'm looking at
6 the one where it has the -- the regular wages, yeah.
7 So I'm not sure.
8 MR. PARKER: Shauna, you don't have to
9 talk out loud.
10 THE WITNESS: Okay. Or think out loud,
11 you mean?
12 MR. PARKER: Yeah.
13 THE WITNESS: Okay.
14 MR. PARKER: You can just -- you told her
15 you would --
16 THE WITNESS: Yeah, I'd have to check.
17 MR. PARKER: You don't know. You
18 think -- you thought it -- it should include
19 bonuses.
20 THE WITNESS: Okay.
21 MR. PARKER: You said you would have to
22 check.
23 THE WITNESS: I -- yeah, to be absolutely
24 certain.
25 BY MS. BREMER:

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1 Q But in any event, there were different
2 types of compensation information that Oracle
3 provided to OFCCP during the compliance audit,
4 different types of compensation that each employee
5 received?
6 MR. PARKER: Vague and ambiguous.
7 THE WITNESS: There were different
8 categories of compensation.
9 BY MS. BREMER:
10 Q Okay. Now we're going to flip a few
11 pages. This is the problem with them not being
12 numbered.
13 A I know. I know, right?
14 Q So flip to the page where at the top in
15 the left-hand column it says "Perf Rating 2013"?
16 A Okay. I've to find that page. Just a
17 minute.
18 MR. PARKER: Why don't you show her what
19 it looks like.
20 THE WITNESS: Oh, I know what it looks
21 like. I'm just -- I just have to flip through and
22 find which one. But thank you, though. Okay.
23 BY MS. BREMER:
24 Q Okay. So the column on the far right
25 says "Education."

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1 Was education data provided for anyone in
2 the 2014 compensation snapshot?
3 A No.
4 Q Looking at the next page of Exhibit 126,
5 the column is "School Attended."
6 Was any information regarding school
7 attended provided in the 2014 compensation snapshot
8 to OFCCP?
9 A No.
10 Q And what about the next column, "Prior
11 Salary/Acquired"?
12 A I would have to look and see if -- if
13 there was an amount, it -- if it -- they came -- I
14 would have to -- I would have to double-check and
15 see a full spreadsheet to be able to answer that.
16 Q And what is "Prior Salary/Acquired"?
17 What -- what does that reference?
18 A That would have been the salary at the
19 company, what they were making at the company that
20 we acquired -- that Oracle acquired.
21 Q Was -- was Exhibit 126 the last Excel
22 spreadsheet containing compensation data for 2014
23 that Oracle provided to OFCCP during the compliance
24 review period?
25 A If it's the spreadsheet -- if it is in

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1 fact the spreadsheet that was attached to the 10/29
2 e-mail, the answer is yes.
3 **Q** And so that would be the most complete
4 compensation snapshot for 2014 that was provided to
5 OFCCP?
6 **MR. PARKER:** Vague and ambiguous.
7 **THE WITNESS:** You mean the spreadsheet on
8 10/29?
9 **BY MS. BREMER:**
10 **Q** Yes.
11 **A** Yes.
12 **Q** Okay. Let's look back at Exhibit 38.
13 **A** Let me find it. And you said 38?
14 **Q** Yes. It was previously marked as 38.
15 That's the -- that's the --
16 **A** This one.
17 **Q** -- 10/29 e-mail.
18 **A** Got it. Thank you.
19 **Q** Okay. So on Exhibit 38, the darker print
20 is OFCCP's request to Oracle, right?
21 **A** Yes.
22 **Q** And then the lighter print is Oracle's
23 response?
24 **A** Yes.
25 **Q** Okay. Looking at Item 2, it says:

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1 **A** I'd have to go item by item with all of
2 the requests that we got from the OFCCP and compare
3 column by column in order to answer that question.
4 **Q** What about "Department"? Did OFCCP
5 specifically request that column of data?
6 **A** I -- again, I'd have to read all of the
7 list to be absolutely certain and see if there's --
8 if I -- to make -- see if they requested that
9 information or not.
10 **Q** Did the 2014 spreadsheets contain all the
11 data fields that Oracle believed were important in
12 affecting employee's compensation?
13 **MR. PARKER:** Outside the scope. Lacks
14 foundation. Calls for speculation and vague and
15 ambiguous.
16 **THE WITNESS:** I'm trying to think of how
17 I -- because I -- to me that's kind of a loaded
18 question. I don't know if -- if -- I mean, we
19 provided the data that we provided. I don't -- I
20 don't want to assign value to it, but we provided
21 the data that we provided.
22 **BY MS. BREMER:**
23 **Q** Did Oracle provide data to OFCCP in
24 response to its suggestion that Oracle could provide
25 any other relevant compensation information and

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1 "Resubmit compensation database
2 provided on 6-15-16 with a 1-1-14
3 snapshot date, and the following
4 additional information, and any other
5 relevant compensation information and
6 factors affecting pay added as separate
7 columns."
8 Do you see that?
9 **A** Yeah.
10 **Q** And then the lighter print response says:
11 "You ask for any other relevant
12 compensation and factors. We do not
13 know what you mean in light of prior
14 responses and due to OFCCP not
15 providing any information on its areas
16 of focus."
17 **A** Which -- which item were you reading
18 from? Oh, I see.
19 **Q** Two.
20 **A** Okay.
21 **Q** Oracle's response to Item 2?
22 **A** Yes, okay.
23 **Q** Did Oracle provide any data fields in the
24 2014 compensation snapshot that OFCCP did not
25 specifically request.

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1 factors affecting pay?
2 **A** We -- without you defining what those
3 factors would be -- I mean, the sentence you just
4 read, it says:
5 "We do not know what you mean in light
6 of prior responses due to OFCCP not
7 providing any information on its own of
8 focus."
9 We're -- you know, we're talking -- we're
10 not totally certain what you mean by relevant --
11 other relevant, you know, data. We provided what we
12 provided. I don't know how -- how else to do that
13 without getting a -- a clearer definition from OFCCP
14 on what does it determine relevant?
15 **Q** And sitting here today, you don't -- you
16 don't know if there was data that Oracle provided to
17 OFCCP as part of the 2014 compensation snapshot that
18 was not specifically requested by OFCCP?
19 **MR. PARKER:** Misstates the testimony.
20 **THE WITNESS:** Yeah. I don't know all the
21 fields. You know, as thinking through and
22 rethinking, the only thing that maybe would be the
23 work unit flow, but -- but I -- but even with that,
24 I'd have to look because I think at different times
25 OFCCP may have asked, you know, for like how is this

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1 put together, the structure, and it may have been us
2 trying to help them.
3 But I don't know. That would be, maybe,
4 the only field that I can think of that -- other
5 than that, I'd have to really compare it one by one
6 to be absolutely certain. Because it's just like
7 any list, I think, that any person has, to be
8 absolutely certain, there's so many different things
9 that -- that OFCCP asked for, I really, in order to
10 make sure my answer is -- is truthful, I'd have to
11 have a visual comparison.
12 BY MS. BREMER:
13 Q Okay. Looking at the -- at the bullet
14 points of -- showing that the -- the data that OFCCP
15 requested from Oracle, OFCCP requested education
16 degree earned, correct?
17 A Uh-huh. Yes.
18 Q And Oracle did not provide data for
19 education degree earned to OFCCP during the
20 compliance review, correct?
21 MR. PARKER: Asked and answered, third
22 time.
23 THE WITNESS: We didn't deny that we
24 wouldn't provide it. We just said that it would be
25 burdensome. So we did not refuse to provide it; we

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1 same. We didn't refuse to provide it.
2 Q But you didn't provide it?
3 A No. And I don't even know -- you know,
4 in honest- --
5 MR. PARKER: You've answered the
6 question.
7 THE WITNESS: Okay. All right.
8 BY MS. BREMER:
9 Q Okay. And so under rank by
10 performance -- so OFCCP requested data of rank by
11 performance, correct?
12 A Yes.
13 Q Okay. And Oracle's response was HQCA
14 Ranking Report 2013 No Vlookup.xlsx, right?
15 A Yes.
16 Q Okay. So if you could turn back to
17 Exhibit 127, is this an excerpt of the Excel
18 spreadsheet you were referencing in Exhibit 38?
19 A Yes.
20 Q Were all of the employees who were
21 included in the 2014 compensation snapshot also
22 included in this Excel spreadsheet regarding rank?
23 A I would have to look and see the exact
24 stopping point of it to make -- to make absolutely
25 certain.

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1 just said it would be burdensome and time-consuming.
2 BY MS. BREMER:
3 Q And Oracle did not provide it?
4 MR. PARKER: Asked and answered, fourth
5 time.
6 THE WITNESS: My answer is just what I
7 said, so no.
8 BY MS. BREMER:
9 Q And during the compliance review, OFCCP
10 requested data of prior salary immediately before
11 joining Oracle, correct?
12 A Yes.
13 Q And OFCCP did not provide that data
14 during the compliance review, correct?
15 MR. PARKER: Oracle, you mean.
16 MR. GARCIA: You said OFCCP.
17 BY MS. BREMER:
18 Q Oracle did not provide prior salary
19 immediately before joining Oracle to OFCCP during
20 the compliance review, correct?
21 A That would have been -- if you look at
22 the first response and the first bullet on that
23 sheet, again, it would -- it would be time-consuming
24 if we had it all, so we'd have to look in a lot of
25 different areas. So it would -- it would be the

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1 Q If you look at "Ranking," the column
2 "Ranking" on Exhibit 127, what does that refer to?
3 A The ranking refers to whether they were
4 ranked or not. Because at Oracle, it's -- it's not
5 consistent practice to rank your employees. It's an
6 option that a supervisor has, but it's not required
7 by any stretch of anybody's imagination.
8 And, in fact, probably more supervisors
9 at this time were not ranking their employees. And
10 if they were ranked, it would be ranked on the date
11 that they were ranked.
12 Q Okay. And that would be in the column
13 Ranked -- "Ranked On" would provide the date that
14 the employee was ranked?
15 A Yes.
16 Q And that under the column "Ranking"
17 was -- on this page, everyone has no ranking.
18 Do you see that?
19 A That's -- that's -- that's pretty --
20 pretty common. 'Cause I did look through this in
21 preparation, and there were only a few people in --
22 you know, that were ranked. It wasn't common at
23 all, the ranking.
24 Q And was ranking a number, if -- if a
25 person was ranked?

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1 **A** See, there were so few. Usually, yeah,
2 there was a number, you know, 1, 2, 3, 4, however
3 many people in that group. And, you know, the --
4 the people could have been in groups that were at
5 other locations too, so it wouldn't have necessarily
6 been a consistent numbering.
7 **Q** So the ranking would reflect a ranking of
8 the employees supervised by a particular manager?
9 **A** Yes.
10 **MR. PARKER:** Outside the scope. Lacks
11 foundation.
12 **BY MS. BREMER:**
13 **Q** And this is different -- the data for
14 ranking was different than the performance data that
15 was included in Exhibit 126, correct?
16 **A** Yes.
17 **Q** Okay. Did Oracle conduct any analysis of
18 the data in the 2014 compensation snapshot that's
19 reflected in Exhibit 126 before sending the data to
20 OFCCP?
21 **MR. PARKER:** Outside the scope. And I'm
22 not saying that this did happen, but where any
23 analysis conducted by attorneys, then you cannot
24 answer that question, including that information.
25 And it's vague and ambiguous.

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1 analysis could have been done of the data?
2 **MR. PARKER:** Outside the scope. Vague
3 and ambiguous. Lacks foundation. Calls for
4 speculation.
5 **THE WITNESS:** I'm just -- I -- I mean,
6 that would be your decision whether you think it
7 could be. I don't -- I don't feel I'm qualified
8 to -- to talk about that because any of this -- the
9 data that was done in analysis was under
10 attorney-client work product.
11 And I don't want to speculate. I want to
12 be able to give you factual answers.
13 **BY MS. BREMER:**
14 **Q** Looking back at Exhibit 38...
15 **THE WITNESS:** What time is it?
16 **MR. PARKER:** It's time for lunch.
17 **MS. BREMER:** Almost time for lunch.
18 **THE WITNESS:** Okay. Yeah, a few more
19 questions. Okay. All right. And we'll do it fast
20 so I can catch my flight.
21 **BY MS. BREMER:**
22 **Q** Okay. So at the very end of Item 2 on
23 Exhibit 38, Oracle indicates:
24 "These requests appear to be
25 duplicative and are overlapping. We

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1 **THE WITNESS:** It -- any analysis would
2 have been done under attorney-client work product.
3 **BY MS. BREMER:**
4 **Q** Did your -- as I understand the
5 instruction, it was if any analysis was conducted by
6 Oracle's attorneys of the 2014 compensation data,
7 then you can't answer the question. So let me ask
8 it this way.
9 Did --
10 **MR. PARKER:** So let me be clear. If it
11 was done by attorneys or at the direction of
12 attorneys, you can't answer the question.
13 **MS. BREMER:** Right.
14 **MR. PARKER:** To the extent it wasn't done
15 at the direction of attorneys or by attorneys, you
16 are free to answer that question.
17 **THE WITNESS:** Okay. It would be the same
18 answer. Any analysis that was done of this -- of
19 this compensation snapshot was at the -- done by
20 attorneys or the direction -- at the direction of
21 attorneys.
22 **BY MS. BREMER:**
23 **Q** The data in the 2014 compensation
24 snapshot that Oracle sent to OFCCP during the
25 compliance review was in the type of format that an

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1 submitted compensation for the varying
2 requests the OFCCP has made on 12/11/14
3 spreadsheet, 2/15/14 spreadsheet,
4 2/20/15 spreadsheet, 2/26/15
5 training" --
6 **A** I'm trying to find it. Which item is
7 that?
8 **Q** Two.
9 **A** Two?
10 **Q** So it's at the very top of Page 696.
11 **A** Okay. All right. All right. Thank you.
12 **Q** Right before Item 4.
13 **A** Okay.
14 **Q** Do you see that?
15 **A** Yeah.
16 **Q** Oracle's -- Oracle's response?
17 **A** Maybe it was Item 3. Yeah, I see.
18 **Q** So my -- my question is, the Exhibit 126
19 spreadsheet, this supersedes prior compensation
20 snapshots that were provided to OFCCP earlier in the
21 compliance review?
22 **A** This is --
23 **MR. PARKER:** Vague and ambiguous. Please
24 give me time to object.
25 **THE WITNESS:** I'm sorry. I'm sorry.

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1 This is the most recent one.
2 BY MS. BREMER:
3 Q And it includes data that was included in
4 prior snapshots plus additional compensation data,
5 correct?
6 A Yes.
7 Q Okay. Looking at Item 4, did you
8 understand that OFCCP was requesting salary and job
9 history data the from Oracle?
10 A Just a minute. Let me read it.
11 Yes.
12 Q During the compliance review, did Oracle
13 provide job history data for all employees at HQCA?
14 A No. We asked -- we asked for the basis
15 of the -- of the request.
16 Q And during the compliance review, did
17 Oracle provide salary information history for all
18 employees?
19 A No. We asked for the basis for that
20 request too, and didn't get a -- didn't get an
21 argument as to why it was needed.
22 Q And Oracle -- Oracle did not provide the
23 data for salary history for all employees during the
24 compliance review, correct?
25 MR. PARKER: Asked and answered.

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1 BY MS. BREMER:
2 Q And that would -- those e-mails would
3 include attachments both of documents and of data
4 provided to OFCCP?
5 A Yes.
6 Q And --
7 MS. BREMER: Okay. Let's -- let's just
8 go ahead and -- and break for lunch now.
9 THE WITNESS: Okay.
10 THE VIDEOGRAPHER: This marks the end of
11 Volume I, Media No. 3. Our time now is 12:07 p.m.
12 We're going off record.
13 (Lunch recess.)
14 THE VIDEOGRAPHER: This marks the
15 beginning of Volume I, Media No. 4. The time now is
16 1:23 p.m., and we're on record.
17 BY MS. BREMER:
18 Q Okay. I would like to show you
19 Exhibit 43 which was marked in your previous
20 deposition.
21 And is this a true and accurate copy of
22 an e-mail chain between you and OFCCP between
23 August 26, 2015 and October 1st, 2015?
24 (Exhibit 43 previously marked for identification.)
25 A I think so. I will have to look at it.

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1 THE WITNESS: Yeah. We, again, were
2 waiting for OFCCP to respond and provide us with
3 the -- the reasoning as to why you needed all of
4 this information before we responded.
5 BY MS. BREMER:
6 Q Okay. And so you never provided the
7 data?
8 MR. PARKER: Asked and answered.
9 THE WITNESS: Yeah.
10 BY MS. BREMER:
11 Q Well, that actually wasn't an answer to
12 my question which is why I keep asking the question.
13 So let me ask again, which is, Oracle did not
14 provide salary history data for all employees to
15 OFCCP during the compliance review, correct?
16 A Correct.
17 Q Okay. And Oracle kept copies of all the
18 data -- or all the data it provided to OFCCP during
19 the compliance review, right?
20 MR. PARKER: Asked and answered. Outside
21 the scope.
22 THE WITNESS: In the e-mails that I -- I
23 referenced earlier, my earlier answer, that's what
24 we kept. We kept the e-mails of the information
25 submitted.

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1 Q Okay. So looking -- we looked at the
2 first three e-mails in this chain earlier in your
3 deposition today, the ones from August 26, 2015
4 through August 28th, 2015, right?
5 A Yeah, just a minute.
6 Yes.
7 Q Okay. And this -- these e-mails were
8 OFCCP's request to Oracle to provide a compensation
9 snapshot data for 2013, right?
10 A Some of them are about that. Some of
11 these e-mails are about that.
12 Q Right.
13 And -- and the next e-mail, Friday,
14 August 28th, 2015 from you, being Shauna, to Hoan
15 Luong, you indicate that:
16 "We will provide the informing as soon
17 as we can."
18 Correct?
19 A Are you talking about my response? This
20 is -- I --
21 Q Yes.
22 A Yeah, let me finish. Let me read this.
23 Yes, that's an e-mail from me.
24 Q Okay. And in your e-mail, you were
25 indicating that Oracle would provide the 2013

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1 compensation database as soon as we can?
2 **A** I -- well, that we would provide them
3 information. It didn't -- it didn't say 2013. It
4 just said:
5 "We will provide the information just
6 as soon as we can in a reasonable time
7 frame given all the requests we have to
8 complete in addition to the -- this
9 enormous request."
10 Yes.
11 **Q** Right.
12 And -- and in your e-mail, you were
13 responding to OFCCP's request for information that
14 included the request for the 2013 compensation
15 snapshot data, right?
16 **A** Right.
17 **Q** Okay. And then if you look at the next
18 e-mail on September 21st, 2015, that's an e-mail
19 from OFCCP to you, correct?
20 **A** Yes.
21 **Q** And that e-mail says:
22 "I'm following up on the status of
23 their request below dated
24 August 28th, 2015."
25 And it requests a status update, correct?

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1 made to OFCCP's September 21st, 2015 e-mail?
2 **A** Well --
3 MR. PARKER: Outside the scope.
4 THE WITNESS: -- I do know that in one of
5 the other exhibits that you gave me -- and we
6 were -- we -- we responded to the 2013 request. I
7 think it was in that. Let me double-check. I think
8 I saw it, one of the ones, and we were asking, I
9 think, for the basis. Let me double-check. I may
10 be wrong.
11 See, that's why I just really don't feel
12 comfortable without looking at this stuff. Let me
13 look at it.
14 MR. PARKER: There are other exhibits
15 over there.
16 THE WITNESS: Okay. I think it was one
17 with the pink on it. I thought it was. No.
18 MR. GARCIA: I think it was 38,
19 Exhibit 38.
20 THE WITNESS: Thank you. Thank you.
21 I'm not sure if it was on here or not,
22 but I know we requested the basis of information on
23 a lot of stuff. Yeah, after we reviewed the
24 request, we did request the basis of information on
25 a lot of stuff. And I don't know what e-mail it was

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1 **A** Yes.
2 **Q** Okay. Did Oracle respond to that
3 request?
4 **A** I'd have to look in all the other
5 e-mails. Not all e-mails that were sent back are
6 responsive to -- on the OFCCP side or on Oracle's
7 side necessarily were attached to the prior
8 communication, so I'd have to look at -- I'd have to
9 go in and look at all the e-mails sent to see if we
10 responded to it.
11 **Q** Okay. At -- sitting here today, are you
12 aware of any response that -- that you made to
13 OFCCP's September 21st, 2015 e-mail?
14 **A** I would have to go in and review them
15 to -- to determine. I know I responded to a lot of
16 data, and there were -- there were many, many, many
17 requests. So I wouldn't feel comfortable answering
18 that. I'd have to go in and -- and look in the
19 system to make -- to double-check and see if there
20 was a response to this -- to this request and -- and
21 check it and do it like a data sort and everything.
22 **Q** Right.
23 So my -- my question was just, based on
24 what you know today, sitting here at your
25 deposition, are you aware of a response that Oracle

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1 in, but I do know that there was a -- some type of a
2 response about that. But I don't know which e-mail
3 it was in.
4 BY MS. BREMER:
5 **Q** Okay. So looking back at Exhibit 43,
6 there's another e-mail in the chain from OFCCP to
7 you again. And it says:
8 "Dear, Shauna, I'm again following up
9 with the status of the requested items
10 dated August 28th, 2015 and a
11 previous follow-up on September 21st,
12 2015. I have yet to receive status
13 update from you."
14 So as of -- as of October 1st, 2015,
15 Oracle had not responded to OFCCP's request that it
16 provide a compensation snapshot with 2013 data,
17 correct?
18 **A** I -- I think I've already answered that.
19 I think I would have to go through everything and --
20 and -- to ascertain that, but let me...
21 They're talking about the LCAs in this --
22 in this final e-mail. I don't see a reference to
23 the 2013 snapshot.
24 **Q** Okay. So at the -- at the very top, it
25 says: "I'm again following up on the status of the

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1 requested items" --
2 **A** Okay.
3 **Q** -- "dated August 28th, 2015," which
4 included --
5 **A** Okay.
6 **Q** -- a request for the --
7 **A** Okay.
8 **Q** -- 2013 compensation data, correct?
9 **A** Yes.
10 **Q** Okay. And -- and so OFCCP is responding
11 to this e-mail to you that it had not yet received a
12 stated -- status update, right?
13 **A** That's what they're saying.
14 **Q** Okay. And you're saying, to be
15 absolutely sure, you would have to check all of the
16 e-mails that were -- went back and forth.
17 But what I'm asking is, sitting here
18 today, do you have any reason to believe that that
19 statement is incorrect?
20 **A** I -- I -- I have -- I would still have to
21 check. I -- I can't say that it's correct or
22 incorrect without checking all the follow-ups. I
23 mean --
24 (Simultaneous cross-talking.)
25 **Q** And that's not my question. I didn't ask

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1 see. And this may be perfectly correct in what
2 it -- in what it's saying. But to -- for me to
3 verify that under oath, I would want to double-check
4 the e-mails.
5 BY MS. BREMER:
6 **Q** Okay. And you understand I'm not asking
7 you to verify under oath whether that's accurate;
8 that wasn't my question, right?
9 MR. PARKER: Vague and ambiguous. Asked
10 and answered.
11 THE WITNESS: Yeah. Do you want to --
12 MR. PARKER: And beyond the scope.
13 BY MS. BREMER:
14 **Q** Do you remember at the beginning of the
15 deposition I ask that you give your best testimony
16 today?
17 **A** Yes.
18 **Q** Okay. And you've -- you -- in
19 preparation for this deposition, you've reviewed
20 numerous documents, correct?
21 **A** Yes.
22 **Q** You spent about 20, 25 hours preparing
23 for this deposition?
24 **A** Yes.
25 **Q** Okay. Sitting here today, all I'm asking

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1 if it's correct or incorrect.
2 MR. PARKER: You should let her ask --
3 finish the answer, though. Finish your answer.
4 MS. BREMER: Go ahead.
5 THE WITNESS: I -- you know, that's what
6 it says here. But I -- I can't say whether it's a
7 correct statement without looking at all of the
8 e-mails to be absolutely certain.
9 BY MS. BREMER:
10 **Q** Okay. Again, I'm not asking that you
11 look at every single e-mail to -- and verify that
12 this is accurate.
13 I'm -- I'm asking for your best testimony
14 today based on what you have in front of you. Do
15 you remember -- do you have any reason to believe
16 that OFCCP did provide a response regarding the 2013
17 compensation data requested on August 28, 2015
18 before October 1st, 2015?
19 MR. PARKER: Asked and answered. Beyond
20 the scope.
21 THE WITNESS: I would have to really look
22 at all of -- all of the e-mails to -- to answer. I
23 wouldn't want to answer incorrectly.
24 So in order to be absolutely certain, I
25 would want to sit there and check every e-mail and

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1 is, do you recall -- or do you have any reason to
2 believe that the statement that OFCCP had not yet
3 received the status update from you regarding the
4 items requested, including the 2013 compensation
5 snapshot, is incorrect?
6 MR. PARKER: Vague -- vague and ambiguous
7 as to the words "items requested." Beyond the
8 scope. Asked and answered except for the items
9 requested portion.
10 THE WITNESS: I know at some point that
11 we responded to the items requested. The date I'm
12 not absolutely certain of.
13 I'll answer it this way. I have no
14 reason to believe that -- that this is a false
15 statement. But in order to be absolutely certain, I
16 would still want to look at the e-mails to be
17 absolutely certain, to give you definitive answer.
18 I hope that answers your question.
19 BY MS. BREMER:
20 **Q** Okay. So at some point you indicated
21 that Oracle did respond to OFCCP's request for a
22 snapshot of 2013 compensation data, right?
23 **A** Yes.
24 **Q** Okay. And the response was that --
25 what -- what was Oracle's response to that request?

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1 MR. PARKER: Beyond the scope.
2 THE WITNESS: I don't know if it's in
3 here.
4 MR. PARKER: And it's been asked and
5 answered when we covered Exhibit 38.
6 THE WITNESS: I know that there was some
7 question over the relevancy of -- of the
8 information, and I know that -- that we were working
9 on different issues or different items requested.
10 Let me see something here.
11 BY MS. BREMER:
12 Q You -- did you indicate you were looking
13 for some sort of justification for the request
14 from --
15 A Yes, I did. I did indicate that, but I'm
16 trying to -- I know there was an e-mail in here, I
17 think. But I -- I'm not sure if it's in this stack
18 or one of the other, you know some -- are like that.
19 The stack is like that of e-mails.
20 Q What -- what type of justification were
21 you looking for from OFCCP?
22 MR. PARKER: Beyond the scope. Asked and
23 answered.
24 THE WITNESS: As to the relevancy,
25 because the data went back more than two years -- in

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1 A That data started 1/1/13.
2 Q Take a look at the very last page and
3 very last column of data.
4 A Are you talking about starting wages?
5 Q Yes.
6 A That would have been starting wages, but
7 it wouldn't have been compensation earned. So
8 the -- it went back -- that's like what they started
9 at which is a reasonable time. But it -- for actual
10 dollars earned, it would have gone back prior -- or
11 further back than two years for that compensation
12 year.
13 And so the data we gave, it started on
14 1/1 -- other than starting salary, which is a common
15 request, it started on 1/1/13, and it was -- it was
16 through that year to 1/1/14, the data that -- that
17 we provided. And so that went back -- it actually
18 went back a year and a half from the date of the
19 audit.
20 Q And how were you -- what's the basis for
21 saying that went back for more than a year and a
22 half of the audit?
23 MR. PARKER: Outside the scope.
24 THE WITNESS: Because they -- the 1/1/13
25 snapshot would have gone back as far as income

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1 the 1/1/13 snapshot, the data went back more than
2 two years as far as part of the compensation that
3 would have been covered in the response, and so we
4 wanted to know the relevancy of that time frame
5 since it went back further than -- than two years.
6 It would have gone back to 1/1/12, and
7 the audit didn't start until 2014, so it would have
8 gone back more than two years beyond -- beyond that
9 date.
10 BY MS. BREMER:
11 Q And what data are you talking about that
12 would -- would have gone back more than two years?
13 A Some of the earnings --
14 MR. PARKER: Beyond the scope.
15 THE WITNESS: Oh, I'm sorry. Go ahead.
16 MR. PARKER: You can answer.
17 THE WITNESS: It -- it -- the
18 compensation data would have gone back more than two
19 years, so some of the earnings of the employees.
20 BY MS. BREMER:
21 Q And that would have -- for the 2014
22 compensation snapshot, Oracle provided data to OFCCP
23 that went back more than two years, correct?
24 A No.
25 Q And if you look back at Exhibit 126 --

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1 earned to 1/1/12 which would have been two and a
2 half years -- the audit was, what, in -- around
3 September of 2014? So that would have gone back to
4 the -- start of that snapshot period would have gone
5 back two years and nine months.
6 BY MS. BREMER:
7 Q And that's based -- okay.
8 That's based on -- when you say it
9 would have gone back that far, you're saying that
10 that's when employees initially received that base
11 salary?
12 MR. PARKER: Vague and ambiguous.
13 Outside the scope.
14 THE WITNESS: Not the base salary but
15 other earnings. It could have been vacation
16 accrued. It could have been a bonus. It could have
17 been any other information like that.
18 BY MS. BREMER:
19 Q And as far as base salary was concerned,
20 base salary would be -- in -- in the 2014
21 compensation snapshot, the base salary listed in
22 that snapshot was base salary as of January 1st,
23 2014, correct?
24 A Yes.
25 Q Okay. So what you're saying is that

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1 other compensation -- okay. Let's go for -- talk
2 about bonus.
3 When would the bonus -- the bonuses
4 listed in the 2014 compensation snapshot, when were
5 those earned?
6 **A** They would have been --
7 **MR. PARKER:** Compound.
8 **THE WITNESS:** Oh, I'm sorry.
9 They would have been earned during 2013,
10 so it would have been any compensation earned during
11 the year prior to 1/1/14.
12 **BY MS. BREMER:**
13 **Q** Did Oracle ever provide this
14 justification for not providing 2000 -- a 2013
15 compensation snapshot during the compliance review?
16 **MR. PARKER:** Beyond the scope.
17 **THE WITNESS:** We would have asked for a
18 justification of why you needed 2013 information.
19 **BY MS. BREMER:**
20 **Q** Right.
21 My question was whether Oracle ever
22 provided any reason to OFCCP for not providing the
23 2013 compensation snapshot.
24 **MR. PARKER:** Beyond the scope.
25 **THE WITNESS:** We asked what the

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1 the -- the year of the audit plus a snapshot for the
2 prior year?
3 **MR. PARKER:** Beyond the scope. Vague and
4 ambiguous. Compound.
5 **THE WITNESS:** Yes.
6 **BY MS. BREMER:**
7 **Q** And in other audits, did Oracle provide
8 compensation data, some of which was data earned
9 more than two years prior to the compliance review?
10 **MR. PARKER:** Same objections.
11 **THE WITNESS:** Yes.
12 **BY MS. BREMER:**
13 **Q** So why didn't you provide that in this
14 case?
15 **MR. PARKER:** Same objections.
16 **THE WITNESS:** In some of the audits that
17 we provided that, we asked for the -- the reason
18 they wanted it, and they provided a justification
19 and so we produced it.
20 **BY MS. BREMER:**
21 **Q** And what was the basis for requiring a
22 justification from OFCCP before providing the
23 compensation data?
24 **MR. PARKER:** Beyond the scope.
25 **THE WITNESS:** I guess it was further back

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1 justification was. We -- and -- and were waiting
2 for a response from you and didn't.
3 **BY MS. BREMER:**
4 **Q** And some of the data that was -- that
5 OFCCP compiled in the 2013 compensation snapshot, it
6 did not go back more than two years prior to the
7 audit, correct?
8 **MR. PARKER:** Assumes facts. Beyond the
9 scope.
10 **THE WITNESS:** Correct.
11 **BY MS. BREMER:**
12 **Q** Did -- why didn't Oracle just produce a
13 compensation snapshot that included data that only
14 went back two years?
15 **MR. PARKER:** Beyond the scope. If you
16 know.
17 **THE WITNESS:** You had asked for a
18 complete snapshot just like the 1/1/14 information,
19 so that's why we were -- we wanted to know the --
20 why you needed it back to 1/1/13, you know, the --
21 the snapshot as of 1/1/13. So we just wanted you to
22 provide us with a reason. And that's it.
23 **BY MS. BREMER:**
24 **Q** In other compliance reviews, did Oracle
25 provide compensation data snapshots for the year of

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1 than two years from the date of the audit. It's the
2 same justification.
3 **BY MS. BREMER:**
4 **Q** Did Oracle require a justification to
5 provide the 2014 data?
6 **MR. PARKER:** Beyond the scope.
7 **THE WITNESS:** That was required under the
8 scheduling letter, and so that was within the
9 two-year date of the audit.
10 **BY MS. BREMER:**
11 **Q** So specifically looking at Exhibit 126
12 and the data fields, could you point out the data
13 fields that would have gone back more than two years
14 if you had provided OFCCP with a snapshot of 2013
15 compensation data?
16 **MR. PARKER:** Beyond the scope.
17 **THE WITNESS:** Okay. The salary that's
18 just based off a base salary would have been -- that
19 would have been the same as of 1/1/13. However,
20 when you get into regular salary and you get into
21 actual wages that were paid into these other
22 columns, those would have been different because it
23 only would have been for a partial year.
24 And then when you get into like --
25 **BY MS. BREMER:**

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1 Q Okay. Wait, wait, wait. Before you --
2 A Oh, I'm sorry.
3 Q -- move on to that.
4 A Do you need the page? You need the page?
5 Q No, just -- I see where you're talking
6 about salary and then regular salary, those columns.
7 A Yeah.
8 Q So if I understand what you're saying,
9 you could have -- Oracle could have responded to
10 OFCCP's request for the 2013 compensation data and
11 provided salary data without going back more than
12 two years.
13 MR. PARKER: Misstates the testimony.
14 MS. BREMER: Well, that's what I was
15 trying to understand.
16 MR. PARKER: Beyond the scope.
17 MS. BREMER: Okay.
18 THE WITNESS: Well, we had asked for the
19 basis, and I think if we had gotten -- you know, if
20 we had -- if we had understood why the request, then
21 I think that there -- there wouldn't have been --
22 you know, it would have -- that -- that would have
23 been a starting point.
24 And so -- so that's -- that's what we
25 were waiting for.

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1 January 1st, 2013 snapshot date without going back
2 more than two years before the compliance review?
3 MR. PARKER: Outside the scope.
4 THE WITNESS: That's not what the OFCCP
5 asked for. They asked for -- I mean, we -- they
6 asked for something that was just like the 1/1/14
7 snapshot date.
8 BY MS. BREMER:
9 Q Okay. And I'm asking a different
10 question.
11 Could you please answer my question?
12 A If -- if --
13 MR. PARKER: Sorry, it's outside the
14 scope.
15 Go ahead.
16 THE WITNESS: We -- we could have, but we
17 were trying to find out what the basis of your
18 request was. And so -- for that first and to see
19 and then go from there. So it wasn't something that
20 we offered to do, but we were waiting for additional
21 information to find out, you know, what the basis of
22 the request for 1/1/13 was.
23 BY MS. BREMER:
24 Q And just to be clear, you -- Oracle never
25 expressed its concern that some of the data

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1 BY MS. BREMER:
2 Q Okay. So --
3 A And so --
4 Q Yeah.
5 A Did you want me to identify other -- I
6 mean, bonus, depending on when the bonus was earned,
7 any -- any of the other wages that were -- that were
8 earned in -- in, you know, time periods on here
9 that -- that were -- well, let's see. You would
10 have gotten -- that were more than two years back
11 from the date of the audit.
12 So you really would have only, I think,
13 have gotten like maybe, what, three months into the
14 year, wouldn't you? Yeah, because it would be
15 the -- you only would have gotten like three or four
16 months more data on -- on that particular thing.
17 So...
18 Q Okay. I guess, what I'm asking for first
19 is just to clarify. You said -- you said the salary
20 would have been the same as the one --
21 A The base salary amount. The base salary
22 amount.
23 Q The base salary amount.
24 You could have -- Oracle could have
25 provided the base salary amount as of the

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1 contained in a 2013 compensation snapshot would go
2 back more than two years during the compliance
3 review period, right?
4 MR. PARKER: Outside the scope. Asked
5 and answered.
6 THE WITNESS: We asked -- we wanted the
7 rationale or why you wanted information that was
8 that old first, so we were waiting for that.
9 BY MS. BREMER:
10 Q Okay. So you didn't ever raise that
11 issue with OFCCP?
12 A No.
13 MR. PARKER: Same objections.
14 BY MS. BREMER:
15 Q Okay. So going -- just looking at the
16 other -- you were starting to go through. Which
17 other data fields would have been impacted by
18 Oracle's concern that the data might extend back
19 more than two years had it complied with -- with
20 OFCCP's request for the 2013 snapshot?
21 MR. PARKER: Outside the scope.
22 THE WITNESS: Overtime wages, any of
23 these categories. Bereavement could have been
24 impacted; jury duty, depending on when it occurred;
25 holiday work.

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1 Let's see. I've got another one that
2 says "Oracle Regular Wages," and I'm not sure why
3 that's on this one sheet because it kind of comes
4 after, but that one.
5 BY MS. BREMER:
6 Q I think this --
7 A Some of this is like -- yeah, some of --
8 I think there's like a duplication. When they --
9 they did it, it kind of cutoff oddly. Let's see.
10 Any of the early shift, the second shift,
11 the pager, weekend, vacation pay; sick pay,
12 depending on when it occurred; commission, depending
13 on when it occurred; any of the bonuses, depending
14 on when they occurred -- or, well, actually it would
15 be -- let's see. I'm trying to thinking of the --
16 the quarter.
17 So it would have been, I believe -- well,
18 this is -- it might have been like the -- you would
19 have gotten probably the fourth quarter of 2012, but
20 the third quarter -- or, no, you wouldn't have,
21 let's see, because the fourth quarter is like --
22 ends in May.
23 So I think you have -- you have some of
24 the actual pay that was earned in this 2014 snapshot
25 on these bonuses for 2012, so you have what you

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1 A No. The amount of vacation pay they took
2 for the vacation they took. So if I took vacation
3 in one quarter, then it would be reflected on those
4 dates that I took it.
5 Q Has -- has Oracle ever used this
6 justification to provide only one year of a
7 compensation snapshot in another case?
8 MR. PARKER: Beyond the scope.
9 THE WITNESS: I'd have to look at all the
10 audits, but I know that we have asked for, you know,
11 why is it relevant, why do you need it. And -- and
12 we usually get an answer.
13 BY MS. BREMER:
14 Q And in this case, Oracle only provided
15 one year of compensation snapshot data, right?
16 MR. PARKER: Asked and answered.
17 THE WITNESS: Yes.
18 BY MS. BREMER:
19 Q Okay. Let's look back -- actually, I'm
20 going to mark as Exhibit 128 a letter from Jane Suhr
21 to Gary Siniscalco with attachments. And for some
22 reason, it doesn't -- it didn't print with Bates
23 numbers, but Bates numbers are ORACLE_HQCA_5501
24 through 22.
25 THE REPORTER: Exhibit 128.

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1 would have gotten. You wouldn't have gotten any
2 additional there because some of this is, it says --
3 when you go into fiscal year 2013, that starts in
4 June, so...
5 MR. PARKER: Shauna, this will go much
6 easier if you just an- -- keep your thoughts to
7 yourself and answer the question.
8 THE WITNESS: Okay. So those were --
9 those were the -- the columns that -- that I'm
10 looking through. It could have been stock level.
11 It could have been impacted.
12 BY MS. BREMER:
13 Q Okay. So looking at, for example,
14 vacation pay --
15 A Uh-huh.
16 Q -- the reason you're saying that it could
17 extend back more than two years prior to the audit
18 date is because that vacation pay could have been
19 earned more than two years before?
20 A Yes.
21 MR. PARKER: Beyond the scope.
22 BY MS. BREMER:
23 Q Okay. But the data that's in the
24 spreadsheet reflects the amount of vacation pay that
25 that person has accrued on that date in time, right?

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1 (Exhibit 128 marked for identification.)
2 THE WITNESS: Thank you.
3 BY MS. BREMER:
4 Q Okay. Did Oracle receive this letter on
5 or about April 15th, 2015?
6 A Yes.
7 Q If you look at the -- Page 4 of 4, at the
8 end of the letter it list attachments to the letter.
9 A Okay. Yes.
10 Q Okay. So the first attachment listed is
11 the March 4th, 2015 on-site confirmation letter,
12 and that's attached as the next page, right?
13 A Yes.
14 Q If you look at Item No. 4 at the bottom
15 of the page?
16 A Yes.
17 Q OFCCP requested that Oracle provide:
18 "A listing of employees who have made
19 discrimination, harassment or
20 retaliation complaints or otherwise
21 opposed any form of discrimination,
22 harassment or retaliation at Oracle
23 Redwood Shores (HQCA)."
24 Correct?
25 A Yes.

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1 Q And it made that request on March 4th,
2 2015, right?
3 A Yes.
4 Q Okay. Looking back at the letter --
5 A The one to Gary or --
6 Q Yes, the one --
7 A Okay.
8 Q -- the one to Gary. I'm looking at Page
9 2 and the paragraph that talks about during the
10 March 24th, 2015 entrance conference. It says:
11 "OFCCP asked that Oracle confirm again
12 that there was not a single complaint
13 of discrimination, harassment or
14 retaliation at Oracle's Redwood Shores
15 headquarters where over 7,000 employees
16 work."
17 And then it says:
18 "Ms. Holman-Harries confirmed her
19 previous response and explained that
20 she interpreted the request to be
21 limited to complaints of
22 discrimination, harassment or
23 retaliation made only in 2014."
24 Is that an accurate description of -- of
25 what occurred at the March 2000 -- March 24, 2015

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1 submitted another information request for employee
2 complaints to Oracle, including, 'all internal and
3 external complaints of discrimination, harassment or
4 retaliation filed at Oracle headquarters within the
5 past three years."
6 Is that correct? Did that occur?
7 A Yes.
8 Q Okay. And then it says:
9 "In response, Oracle's vice president
10 of International Human Resources,
11 Elizabeth Snyder assured OFCCP that
12 Oracle will gather the information from
13 its legal department and provide it to
14 OFCCP immediately."
15 Is that also accurate?
16 A I believe so. I'm not quite as clear on
17 that statement, but I believe so.
18 Q And -- and you attended the entrance
19 conference?
20 A Yeah. I'm going on memory, so that last
21 statement isn't -- the other statements I clearly
22 remember, but the last sentence that you just read,
23 I -- I don't remember.
24 Q Did -- during the compliance evaluation,
25 did Oracle ever provide to OFCCP all internal and

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1 entrance conference?
2 A Yes.
3 Q Okay. And then at the bottom of that
4 paragraph, it says -- it also says:
5 "She state that her response to our
6 request was at the direction of
7 Oracle's legal department."
8 Is that also accurate?
9 A Yes.
10 Q (As read):
11 "At that time Oracle had an opportunity
12 to correct its previous inaccurate
13 response. And after Oracle failed to
14 do so, OFCCP shared that Oracle
15 representatives -- shared with them a
16 file-stamped copy of Spandow versus
17 Oracle, a discrimination and
18 retaliation complaint filed with the
19 EEOC in 2013 and subsequently filed in
20 federal court in 2014."
21 Is that -- is that also accurate?
22 A Yes.
23 Q The last paragraph of this page says
24 that:
25 "At the entrance conference, OFCCP

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1 external complaints of discrimination, harassment or
2 retaliation filed at Oracle's headquarters within
3 the past three years?
4 A Our outside counsel responded to -- to
5 this letter with regard to the internal complaints
6 and external complaints.
7 Q And was the -- were internal complaints
8 provided to OFCCP during the compliance review
9 period in response to OFCCP's request for that
10 information?
11 A He -- outside counsel provided a
12 rationale behind that. It -- it was something
13 that -- that he provided a rationale with with
14 regard to these complaints.
15 Q Was that a rationale for not providing
16 the complaints?
17 A It was -- it was, I think, more questions
18 than anything, or -- I'm -- I'm thinking -- I
19 wouldn't classify it as a rationale for -- for not
20 providing -- not responding to it, but it -- it was
21 a rationale with regard to this particular matter.
22 Q Okay. And my question again is, during
23 the compliance review, did Oracle provide the data
24 that OFCCP had requested for internal complaints of
25 discrimination, harassment or retaliation?

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1 **A** No.
2 **Q** Did OFCCP -- I'm sorry.
3 Did Oracle do anything to collect
4 information regarding internal complaints in
5 response to OFCCP's requests?
6 **MR. PARKER:** Beyond the scope. Vague and
7 ambiguous.
8 **THE WITNESS:** The complaints are handled
9 outside of my department. I don't -- I don't know
10 what the legal department did. So I can't really
11 tell you if -- if they did any additional -- what --
12 what additional work, if any, that did they.
13 **BY MS. BREMER:**
14 **Q** And did you -- and did your compliance
15 group do anything to gather information regarding
16 internal complaints of discrimination in response to
17 OFCCP's request?
18 **MR. PARKER:** Same objections.
19 **THE WITNESS:** We would have been reliant
20 on the legal department for that. So I -- I defer
21 to the fact that -- I -- I don't know what they did.
22 I can't -- you know, if they did any additional
23 research or -- or that, because we would have gone
24 to the legal department to get that information.
25 **BY MS. BREMER:**

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1 And then you said, did they do -- I
2 think -- I'm not sure if you said they did
3 additional, but maybe I just put it that way in my
4 head. I don't know. But it -- the research that
5 they did, I would not know what they did.
6 **BY MS. BREMER:**
7 **Q** Okay. So whatever was done to respond to
8 that request for internal complaints of
9 discrimination was done by Oracle's legal
10 department?
11 **MR. PARKER:** Outside the scope. Asked
12 and answered.
13 **THE WITNESS:** Yes.
14 **BY MS. BREMER:**
15 **Q** Okay. If you look at the second
16 attachment to this letter which is an e-mail dated
17 March 16th, 2015 from Hea Jung Atkins to Shauna
18 Holman-Harries.
19 **A** Okay. I've got to -- I've got the one
20 Brian Mikel. And this one is -- it's the e-mail on
21 March 16th?
22 **Q** Yes.
23 **A** Okay.
24 **Q** Okay. So if you look at the middle of
25 the page, the paragraph that talks about "Our

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1 **Q** Your group would have gone to the legal
2 department to get that information?
3 **A** Yes.
4 **Q** Okay. I'm having trouble with your --
5 your statement --
6 **A** Okay.
7 **Q** -- "additional research" which suggests
8 to me that you did some research, so that's what
9 I'm -- why I ask again.
10 **A** Oh, I -- it's in response, yeah. There's
11 not additional --
12 **MR. PARKER:** I'm sorry. The question
13 is --
14 **THE WITNESS:** Yeah, I'm sorry.
15 **MR. PARKER:** -- still outside the scope.
16 **THE WITNESS:** Okay. I'm sorry.
17 **MR. PARKER:** Otherwise, the same
18 objections.
19 **THE WITNESS:** Yeah. I'm sorry if I used
20 that and that's confusing.
21 Our group would not have done any
22 research in addition to what our lawyer described to
23 you because it -- it -- we do not do -- we do not
24 handle that area. We would have had to rely on the
25 legal department to do research on those items.

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1 investigation is not complete at this time." It
2 says in the second sentence in that paragraph:
3 "In response to your request, we shared
4 the information that we have available
5 at this time about indicators and
6 relevant job groups at Oracle."
7 What information did OFCCP provide to
8 Oracle about indicators and relevant job groups at
9 Oracle?
10 **MR. PARKER:** Beyond the scope.
11 **THE WITNESS:** Nothing more than this at
12 this point. They didn't tell us where indicators
13 were. They didn't tell us what groups were
14 impacted.
15 I believe -- and this is -- this is
16 relying on memory. I believe that they just said
17 that they were indicators and they were coming on
18 site, but we were not clear as to where or what type
19 of indicators, whether it be against, you know,
20 unfavored groups, which unfavored groups they meant
21 with regard to it and which -- which areas.
22 There wasn't really much information
23 provided at all other than they were coming on site
24 for indicators.
25 **BY MS. BREMER:**

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1 Q So are you saying that this is not
2 accurate, that they did not share the information
3 about indicators?
4 A They did not --
5 MR. PARKER: Beyond the scope.
6 THE WITNESS: They did not give us
7 detailed indicators of what the indicators were, no.
8 BY MS. BREMER:
9 Q Okay. Let's look back at Exhibit 38.
10 A I've got to find it without cutting my
11 finger. I keep cutting my finger.
12 Q Okay. So looking again at the bullet
13 points under Item 2 for the request for the
14 compensation snapshot for 2014?
15 A All right.
16 Q Okay. So the first bullet point was the
17 request of the names of schools attended. And here,
18 Oracle response is:
19 "We don't have this data in any
20 database."
21 Correct?
22 A Correct.
23 Q Okay. And with respect to educational --
24 or education degree earned, the response was:
25 "See -- see response to first bullet."

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1 in any database?
2 A Correct. And -- and it would be the --
3 the same response.
4 MR. PARKER: Sorry, there's no question
5 asked.
6 THE WITNESS: Okay.
7 MR. PARKER: In other words, you've
8 answered question.
9 THE WITNESS: Okay. All right.
10 BY MS. BREMER:
11 Q And the performance evaluation rating --
12 okay. So Oracle -- Oracle had requested three years
13 of performance information. That wasn't your
14 response in Exhibit 36.
15 MR. PARKER: If you don't -- she's
16 representing a fact to you, Shauna.
17 THE WITNESS: Yeah, uh-huh.
18 MR. PARKER: It may or may not be true.
19 And I'm not saying it is true, I'm not saying it
20 isn't true. But if it's a fact that you don't know,
21 then you can -- you can say that in response, okay?
22 THE WITNESS: Okay. I was just getting
23 ready to pull up 36.
24 BY MS. BREMER:
25 Q Well, let me -- let me just ask this

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1 So your response was the same?
2 A Yes.
3 Q So with response -- with regard to
4 education degree earned, Oracle was telling OFCCP
5 that Oracle did not have that data in any of its
6 databases?
7 A Yes. And what we meant by that is -- and
8 I can see what your confusion is, but -- is that we
9 didn't have it in its entirety in all those
10 databases as I told you earlier when I was talking
11 to you.
12 Q Okay. And did -- did Oracle ever tell
13 OFCCP that?
14 MR. PARKER: Beyond the scope.
15 THE WITNESS: Tell them what?
16 BY MS. BREMER:
17 Q That -- that Oracle didn't have the data
18 in its entirety.
19 A I don't believe so, no. I know that we
20 did tell them that it was in various databases. But
21 as far as in its entirety in any database, no, I
22 don't believe so.
23 Q And with respect to prior salary
24 immediately before joining Oracle, Oracle's response
25 also was we don't have this database -- or this data

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1 question.
2 In the compensation snapshot that -- that
3 we looked at which was the last compensation
4 snapshot that Oracle provided to OFCCP, it provided
5 data regarding performance, correct?
6 A Yes.
7 Q Okay. And it -- it provided one year of
8 compensation data, right?
9 A Yes.
10 Q Not three years?
11 A You just said compensation data. It
12 provided one year of compensation data.
13 Q I'm sorry.
14 A I know, it's late. We've been -- you've
15 asked a lot of questions, so...
16 Q Oracle provided one year of performance
17 rating data?
18 A Yes.
19 Q And it did not provide three years of
20 performance rating data?
21 A No.
22 MR. PARKER: When you get to a good time,
23 I would like to take a break.
24 BY MS. BREMER:
25 Q Okay. Looking at Exhibit 38 again on

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1 Item 7, it says:
2 "Please resubmit resume files that were
3 sent on March 26, 2015."
4 Do you see that?
5 **A** Yes.
6 **Q** Did -- and so the -- the way that Oracle
7 provided resumes to OFCCP was pasted on MS --
8 Microsoft Word?
9 **A** We did screenshots of the resumes that
10 were in the Taleo system and cut and pasted them
11 on -- on, I believe, different Word documents.
12 Again, they may have been PDFed afterwards, I don't
13 know, depending on who pulled them, but yes.
14 **Q** And OFCCP was requesting that they
15 provide -- be provided by Oracle in an easier to
16 read format, correct?
17 **A** Yes.
18 **Q** And Oracle's response was:
19 "These files are not available in any
20 other format"?
21 **A** Yes.
22 **Q** At that time did Oracle maintain resumes
23 electronically?
24 **A** Yes.
25 MS. BREMER: Okay. Let's go ahead and

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1 **Q** And Violation 2 was violation for
2 compensation discrimination against females,
3 correct?
4 **A** Yes.
5 MR. PARKER: Calls for a legal
6 conclusion. Please let me --
7 THE WITNESS: I'm sorry.
8 MR. PARKER: Calls for a legal
9 conclusion. Outside the scope.
10 BY MS. BREMER:
11 **Q** If you look at the second paragraph of
12 Violation 2, it says:
13 "During the compliance review, OFCCP
14 reviewed employment policies, practices
15 and records."
16 And Oracle provided employment policies,
17 practices and records to OFCCP during the compliance
18 review, right?
19 MR. PARKER: Compound. Vague and
20 ambiguous.
21 THE WITNESS: Yes.
22 BY MS. BREMER:
23 **Q** And during the compliance review, OFCCP
24 requested to interview employees at Oracle, correct?
25 MR. PARKER: Outside the scope.

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1 take a break.
2 THE VIDEOGRAPHER: This marks the end of
3 Volume I, Media No. 4. Our time now is 2:22 p.m.
4 We're going off record.
5 (Recess.)
6 THE VIDEOGRAPHER: This marks the
7 beginning of Volume I, Media No. 5. Our time now is
8 2:30 p.m., and we're on record.
9 MS. BREMER: All right. I would like to
10 mark as Exhibit 129 the March 11th, 2016 Notice of
11 Violation.
12 (Exhibit 129 marked for identification.)
13 THE REPORTER: Exhibit 129.
14 THE WITNESS: Thank you.
15 BY MS. BREMER:
16 **Q** Is this exhibit the Notice of Violation
17 OFCCP issued after its compliance valuation of
18 Oracle's Redwood Shores headquarters?
19 **A** Yes.
20 **Q** And Oracle received this on or about
21 March 11th, 2016?
22 **A** Yes.
23 **Q** Okay. Let's look at Violation 2.
24 **A** Let me get to that without cutting my
25 fingers.

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1 THE WITNESS: You mean does it say that
2 here? Is that what --
3 BY MS. BREMER:
4 **Q** No, I'm asking if --
5 **A** Did they?
6 **Q** Yes.
7 **A** Yes.
8 **Q** And -- and you -- you were present at
9 interviews by OFCCP of Oracle's management and human
10 resources employees, correct?
11 MR. PARKER: That's compound. And it's
12 outside the scope.
13 You mean every single one?
14 MS. BREMER: No, I just --
15 MR. PARKER: Or just certain of them?
16 BY MS. BREMER:
17 **Q** Well, you can tell me if you were.
18 Did you -- did you attend any interviews
19 of Oracle's management by OFCCP --
20 MR. PARKER: Outside the scope.
21 BY MS. BREMER:
22 **Q** -- during the -- during the compliance
23 review?
24 MR. PARKER: Outside the scope.
25 THE WITNESS: Some of them.

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1 BY MS. BREMER:
2 Q And did you attend interviews of Oracle's
3 human resources employees by OFCCP during the
4 compliance review?
5 MR. PARKER: Outside the scope.
6 Compound.
7 THE WITNESS: Some of them.
8 BY MS. BREMER:
9 Q And what about nonmanagement employees?
10 MR. PARKER: Same objections.
11 THE WITNESS: No.
12 BY MS. BREMER:
13 Q The Notice of Violation says that:
14 "During the compliance review, OFCCP
15 analyzed individual employee
16 compensation data."
17 That's the -- did you understand that to
18 be referring to the compensation data that Oracle
19 provided to OFCCP?
20 MR. PARKER: Lacks foundation. Calls for
21 speculation. Outside the scope.
22 THE WITNESS: Could you rephrase the
23 question?
24 BY MS. BREMER:
25 Q OFCCP indicates in its Notice of

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1 MR. PARKER: By the way, which topic are
2 we on? Have we left 6 behind?
3 MS. BREMER: Well, it's -- some of this
4 goes to 6 in that, as we just saw, it relates to
5 documents provided to OFCCP during the compliance
6 review.
7 MR. PARKER: Okay.
8 THE REPORTER: It also is creeping into
9 conciliation.
10 MR. PARKER: My -- my objection still
11 stands on both of those, but I understand. Please
12 let me know when we've moved past 6 onto one
13 specific topic just so that I can make sure I'm very
14 comfortable that my objections are sound as to both
15 Topic 6 and 33.
16 Sorry to interrupt.
17 THE WITNESS: Oh, sorry. I think we're
18 waiting.
19 BY MS. BREMER:
20 Q What -- what is a regression analysis?
21 MR. PARKER: Calls for -- calls -- lacks
22 foundation. Calls for speculation. Outside the
23 scope.
24 THE WITNESS: It -- a regression analysis
25 is a mathematical analysis that weighs different

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1 Violation that it analyzed individual employee
2 compensation data.
3 Oracle provided individual employee
4 compensation data to OFCCP during the compliance
5 review, correct?
6 A Yes.
7 Q On the next page?
8 A Page 4 of 9?
9 Q Yes.
10 A Okay.
11 Q Well, I'll -- I'll start at the very
12 bottom of Page 3. It says:
13 "Based on the evidence gathered during
14 the compliance review, OFCCP evaluated
15 and analyzed Oracle's compensation
16 system and through regression or other
17 analysis found statistically
18 significant pay disparities based on
19 sex after controlling for legitimate
20 explanatory factors."
21 Do you know what a regression analysis
22 is?
23 MR. PARKER: Lacks foundation. Calls for
24 speculation. Beyond the scope.
25 THE WITNESS: Yes.

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1 factors that are considered in pay to determine if,
2 you know, what the standard deviation if there's
3 been different indicators that come up in -- in the
4 pay.
5 BY MS. BREMER:
6 Q And when you -- when you talk about
7 "standard deviation," what do you mean?
8 MR. PARKER: Lacks foundation. Calls for
9 speculation. Beyond the scope.
10 THE WITNESS: My understanding of
11 standard deviation is that it's -- a standard
12 deviation is the probability that something did not
13 occur by chance.
14 BY MS. BREMER:
15 Q Okay. And when you said to determine
16 what the -- what the standard deviation -- let me
17 ask again.
18 You also used the term "indicators" that
19 come up in pay. What did you mean by "indicators"
20 in that context?
21 MR. PARKER: Same objections.
22 THE WITNESS: A indicator could be a
23 standard deviation, or it could be any other type of
24 mathematical result, I guess, for lack of better
25 words, that could say that something needs to be

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1 looked at a little bit more closely as far as the
2 probability that didn't just happen by chance.
3 BY MS. BREMER:
4 Q And in this case, the something would be
5 compensation would need to be looked at more
6 closely?
7 MR. PARKER: Same objections.
8 THE WITNESS: Yes.
9 BY MS. BREMER:
10 Q Okay. Could you turn to Attachment A,
11 please?
12 A Okay.
13 Q Okay. It -- Attachment A provides a
14 description of OFCCP's analysis of Oracle's
15 compensation data, correct?
16 MR. PARKER: Document speaks for itself.
17 And -- I'm sorry. Outside the scope.
18 THE WITNESS: Yes.
19 BY MS. BREMER:
20 Q It says:
21 "OFCCP analyzed Oracle's compensation
22 data by Oracle job function using a
23 model that included the natural log of
24 annual salary as a dependent variable
25 and accounted for differences in

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1 BY MS. BREMER:
2 Q Okay. So Oracle did provide data on
3 tenure -- employees' tenure at Oracle, right?
4 A Yes.
5 Q And was it -- okay.
6 So it describes -- there's a chart
7 showing a regression analysis of female and male
8 employees salary difference at Oracle.
9 Do you see that?
10 A Yes.
11 Q And there's a list of classes, female
12 information technology employees.
13 Do you see that?
14 A Yes.
15 Q And information technology refers --
16 that's Oracle's job function, right?
17 A As far as which -- what is Oracle's job
18 function, you've got information technology
19 employees? Are you talking about that.
20 Q Yes.
21 A Well, that wouldn't be the job function
22 according to, necessarily, the document that we just
23 looked at earlier. I think it was more abbreviated.
24 But -- so I'm not -- I mean, I know that there were
25 some sections in there that said "information

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1 employees' gender, work experience at
2 Oracle work, work experience prior to
3 Oracle, full-time, part-time status,
4 exempt status, global career level, job
5 specialty, and job title."
6 The compensation snapshot that OFCCP
7 provided to -- I'm sorry.
8 The 2014 compensation snapshot that
9 Oracle provided to OFCCP during the compliance
10 review period included data on all of these -- on
11 all of these factors, correct?
12 MR. PARKER: It's vague and ambiguous.
13 THE WITNESS: I'm trying to look at where
14 the -- the items listed for the regression analysis,
15 what page? Where?
16 BY MS. BREMER:
17 Q We're looking at Attachment A.
18 A On the very first part? Okay.
19 MR. PARKER: Misstates this document.
20 THE WITNESS: We did not provide -- we
21 didn't have the work experience prior to Oracle.
22 And you had length of experience at Oracle, but it
23 doesn't say whether it was relevant to the -- the
24 current job. Let's see. The other information
25 looks accurate.

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1 technology" but they were worded differently than
2 this.
3 Q You're just saying that there was an
4 abbreviation for information technology?
5 A Well, there was, but I -- I'd have -- let
6 me look at it. I just -- I just want to make sure
7 it's accurate. It's that -- that big -- one of the
8 big thick ones.
9 Q Exhibit 126.
10 A Thank you.
11 Q So second page?
12 A Take out 125.
13 Yes, there's like a -- an in- -- INF
14 Tech, if that's what you're referring to. I don't
15 know if -- when -- to see that, you know, the
16 information technology, I'm not -- I don't know if
17 you're referring just to this class of employees
18 or --
19 Q Okay.
20 A -- or not class of employees, but this --
21 this -- this group of -- this job function of
22 employees.
23 Q Okay. So just looking back at what this
24 document says, it says:
25 "OFCCP analyzed Oracle's employees

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1 compensation by Oracle job function."
2 And then under the class, it lists
3 information technology, product development
4 employees, and support employees.
5 Do you see that?
6 **A** Yes.
7 **Q** Okay. So do you understand those job
8 groupings to be Oracle's job function?
9 **MR. PARKER:** Lacks foundation. Calls for
10 speculation. Outside the scope.
11 **THE WITNESS:** It could be. I can't say
12 for certain because of the difference in the way
13 that it's written. I would want to see a key as to,
14 for job function, was it just the employees that
15 said information -- INF Tech, or were there any
16 other employees, you know, included in -- in that.
17 For the product development, would it
18 just be those that have job function PRODEV with --
19 and, you know, would it just be limited to that.
20 And then you said there was a support thing earlier.
21 But if it's limited to that, the answer
22 would be yes. But if this -- without knowing --
23 like having a key as to exactly what groups, you
24 know, I can't say for certain.
25 **BY MS. BREMER:**

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1 would mean something different than Oracle?
2 **MR. PARKER:** Lacks foundation. Calls for
3 speculation. Outside the scope.
4 **THE WITNESS:** Since I did not do the
5 analysis, I don't know.
6 **BY MS. BREMER:**
7 **Q** Okay. If you look at Footnote 1 to this
8 Attachment A, it says:
9 "Oracle provided OFCCP with one year of
10 compensation data that included Oracle
11 employees who were employed at the
12 relevant facility on January 1st, 2014.
13 Oracle refused to provide OFCCP with
14 its prior year compensation data."
15 **A** We didn't refuse. We -- we asked, you
16 know, about that. We never refused to provide it.
17 We haven't refused to provide anything. If
18 anything, we just asked questions, you know, and
19 asked for -- for rationales as to why you needed
20 different stuff.
21 **Q** In looking at Violation No. 10, that --
22 that violation states that:
23 "Oracle denied OFCCP access to records
24 including prior year compensation data
25 for all employees and complete hiring

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1 **Q** And Oracle provided the data to OFCCP
2 that was in the compensation snapshot, right?
3 **MR. PARKER:** Vague and --
4 **THE WITNESS:** Yeah. Oh, sorry.
5 **MR. PARKER:** Sorry.
6 Vague and ambiguous to the extent you're
7 asking her to draw a conclusion that these employees
8 are those employees. Lacks foundation. Calls for
9 speculation. Outside the scope.
10 **THE WITNESS:** Yeah.
11 **BY MS. BREMER:**
12 **Q** Did -- when -- during the course of the
13 compliance review when Oracle provided data to
14 OFCCP, did -- did it provide a key for abbreviations
15 that it used in the data?
16 **A** I don't recall. I -- I don't think so,
17 but I -- again, I'd have to review -- I don't
18 recall, but I'd have to review everything. And to
19 be absolutely certain that these equate to this, I
20 just wanted to see, like, that this -- the way the
21 OFCCP is defining information technology employees,
22 you know, like that means each one of these here.
23 **Q** Do you have a -- any reason to believe
24 that when it uses this -- the term "product
25 development," for example, it would mean -- OFCCP

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1 data for PT1 roles during the review
2 period of January 1, 2013 through
3 June 30th, 2014."
4 Do you see that?
5 **A** Yes.
6 **Q** And then for corrective action, it
7 states:
8 "Oracle must immediately provide to
9 OFCCP all relevant compensation and
10 hiring data which was requested." And
11 Then it gives a series of dates.
12 Did Oracle do anything to cure this
13 violation between March 11, 2016 and January 17th,
14 2017?
15 **MR. PARKER:** Calls for a legal
16 conclusion. Outside the scope.
17 And you can answer to the extent that it
18 doesn't involve any --
19 **THE WITNESS:** Attorney-client.
20 **MR. PARKER:** -- attorney-client. So
21 anything that's done at the request of attorneys or
22 by attorneys you should not answer. Everything else
23 you can answer to.
24 **THE WITNESS:** Okay. Well, I just want to
25 say we did not deny access. And much of this, like

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<p>1 we had started providing you information on a lot of 2 this stuff, we just asked -- the only thing we ever 3 did is ask you to hone it in or ask you for the 4 support reason. 5 Any -- any information that was provided 6 to the OFCCP from the time of this to, what was it, 7 January 2017, at that point we had turned it over to 8 outside counsel, so they were handling all of it at 9 that point. 10 BY MS. BREMER: 11 Q Okay. So this is part of the 12 conciliation Topic 33, and I'm -- so I'm asking what 13 Oracle did whether -- whether it was through -- 14 MR. PARKER: You're not going to get 15 attorney-client. 16 MS. BREMER: I'm not asking -- 17 MR. PARKER: She told you -- 18 MS. BREMER: I'm asking -- 19 MR. PARKER: She said she turned it over 20 to Oracle's attorneys. That's what Oracle did. 21 THE WITNESS: The only -- 22 MR. PARKER: And then she said that -- 23 THE WITNESS: Yeah. 24 MR. PARKER: -- they didn't deny access, 25 so she disagreed with the premise. But she did tell</p> <p>165</p>	<p>1 Specifically, Oracle failed to identify 2 problem areas in its compensation systems to 3 determine whether sex or race based disparities 4 exist. 5 Between March 11th, 2016 and 6 January 17th, 2017, did Oracle provide its 7 in-depth analyses of total employment processes 8 pursuant to 41 C.F.R. R60-2.17B3 to OFCCP? 9 MR. PARKER: Calls for a legal 10 conclusion. It is outside the scope of Topic 33. 11 And you can answer to -- unless it was -- 12 something was done at the direction of lawyers or 13 done by -- well, you can answer if you know if it 14 was -- if something was provided by lawyers to 15 OFCCP. 16 THE WITNESS: Okay. And what was the 17 start date of that? Was that March -- 18 BY MS. BREMER: 19 Q Eleven, 2016. 20 A In '16? 21 Q So the -- the date of this NOV to -- 22 A Yeah. 23 Q -- the date of the filing of the 24 complaint. 25 A That would have been handled again by our</p> <p>167</p>
<p>1 you what Oracle did. 2 BY MS. BREMER: 3 Q Between March 11th, 2016 and 4 January 17th, 2017, did Oracle produce a 5 compensation snapshot to OFCCP with 2013 data? 6 A You mean 2013 data, or what was the date 7 of the snapshot? 8 Q 2013? 9 A 1/1/13? 10 Q Yes. 11 A Okay. Anything that would have been 12 provided at this point would have been provided 13 through our attorneys. 14 Once -- once we got the NOV, we turned it 15 all over to them. We had a meeting that we 16 attended, but other than that everything -- that 17 didn't -- that was just a meeting, but everything 18 was turned over to our attorney. 19 Q Okay. If you look at Violation No. 6? 20 A Okay. 21 Q OFCCP also cited Oracle for failing to 22 perform an in-depth analysis of its total employment 23 processes to determine whether and where impediments 24 to equal opportunity -- employment opportunity 25 exists as required by 41 C.F.R. 60-2.17B3.</p> <p>166</p>	<p>1 attorneys. Anything after the date of the NOV -- or 2 anything that would have been provided to OFCCP 3 would have been provided through attorneys. 4 Q Is -- is it Oracle's position that OFCCP 5 should have done more to conciliate the violations 6 stated in the NOV? 7 MR. PARKER: Vague and ambiguous. Calls 8 for a legal conclusion. 9 THE WITNESS: I'm presenting like records 10 here, and so taking a legal position isn't something 11 that is in my area in the slightest way of 12 expertise. 13 So I would really want to default that 14 to -- to our lawyers. I can -- I can answer 15 questions on -- on records and what was submitted 16 and according to the items, but I don't want to draw 17 a legal conclusion because I'm not equipped to -- I 18 don't have the skills or background to do that. 19 MS. BREMER: I'm going to mark as 20 Exhibit 1 -- actually, sorry, I'm not going to mark. 21 I'm going to show you what's been 22 previously marked as Exhibit 2 to Suhr PMK 23 deposition. That's the Jane Suhr 30(b)(6) 24 deposition. 25 THE WITNESS: I haven't -- I haven't seen</p> <p>168</p>

1 any of this stuff. Oh, this. Oh, I thought you
2 were going to give me her deposition. Sorry. I'm
3 going, what?
4 (Exhibit 2 previously marked for identification.)
5 **Q** Actually, I should have asked you, did
6 you review any depositions in preparation for --
7 **A** No, no. No, I haven't seen anybody's.
8 No.
9 **Q** And this was an e-mail that was sent
10 to -- to you, correct?
11 **A** Yes.
12 **Q** It says:
13 "Please let us know when we could
14 expect to receive Oracle's position
15 statement and subsequently initiate
16 conciliation discussions."
17 Did -- did you understand that OFCCP was
18 requesting Oracle's position regarding the NOV?
19 **MR. PARKER:** Misstates the document.
20 **THE WITNESS:** I -- I requested -- I -- I
21 acknowledged receipt of this, and then I handed it
22 to -- over to our attorneys to handle.
23 **MR. PARKER:** I don't think that was an
24 answer, though. She's asking did you understand
25 that OFCCP was asking for Oracle's position

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1 engage in the meaningful, good faith
2 and timely conciliation process in
3 order to attempt to reach an acceptable
4 resolution of the notice of
5 violations."
6 Did OFCCP -- I'm sorry.
7 Did -- did Oracle take OFCCP up on its
8 suggestion that it begin conciliating?
9 **A** Our attorneys started handling the
10 conciliation discussion with OFCCP.
11 **MR. PARKER:** I still -- I think -- excuse
12 me, if you don't mind --
13 **THE WITNESS:** Okay.
14 **MR. PARKER:** -- so that we can clear --
15 do you mind if we take a break so we don't have to
16 keep running into attorney-client issues on this?
17 **MS. BREMER:** Okay.
18 **MR. PARKER:** Okay?
19 **THE VIDEOGRAPHER:** This marks the end of
20 Volume I, Media 5. Our time now is 3:04 p.m., and
21 we're going off record.
22 (Recess.)
23 **THE VIDEOGRAPHER:** This marks the
24 beginning of Volume I, Media No. 6. Our time now is
25 3:11 p.m., and we're on record.

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1 statement?
2 **THE WITNESS:** Yes.
3 **BY MS. BREMER:**
4 **Q** And did you also understand that OFCCP
5 was suggesting that conciliation discussions would
6 be initiated?
7 **MR. PARKER:** Misstates the document.
8 **THE WITNESS:** I see that they brought up
9 conciliation, but I didn't know where that would fit
10 in this, personally.
11 **BY MS. BREMER:**
12 **Q** Okay.
13 **A** But I -- I -- I can see that you -- you
14 brought the topic -- OFCCP brought the topic up.
15 **BY MS. BREMER:**
16 **Q** Okay. I'm going show you what has been
17 marked as Exhibit 5 to Jane Suhr's PMK deposition.
18 (Exhibit 5 previously marked for identification.)
19 **Q** Did you receive -- is this a true and
20 correct chain of e-mails between you and Robert
21 Doles between March 18th and March 29th, 2016?
22 **A** Yes.
23 **Q** If you look at the third paragraph on the
24 first page of Exhibit 5, it says:
25 "At this stage OFCCP is prepared to

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1 **MR. PARKER:** Counsel, I believe we -- we
2 had a discussion about the privilege. I believe
3 that Ms. Holman-Harries can answer your last
4 question without implicating the privilege. And
5 we're going to do our best here that our -- and let
6 me do it this way.
7 There's a lot of correspondence. And so
8 what I basically said, if it's in correspondence,
9 definitely talk about it. If not, she and I might
10 need to confer -- but why don't we proceed, and you
11 can -- we can go from there.
12 **THE WITNESS:** Okay. I'll find it again.
13 What was -- Laura, what was the number on that one?
14 **MS. BREMER:** It was the Suhr PMK
15 deposition Exhibit 5.
16 **THE WITNESS:** Okay. Oh. Oh, he's got it
17 right here, so I don't have to fumble. Okay.
18 **BY MS. BREMER:**
19 **Q** And I was asking if Oracle took OFCCP up
20 on its suggestion that the parties need to
21 conciliate?
22 **A** From my understanding, I know there was a
23 response to me about -- about the position statement
24 and about that, but there was a lot of
25 correspondence between our outside counsel and OFCCP

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1 with regard to conciliation.
2 As the -- as the correspondence went on,
3 we had a discussion and we agreed to conciliate and,
4 in fact, had a meeting, I believe it was, in October
5 of 2016, if my memory serves me correctly, with --
6 in our first efforts to conciliate.
7 Q Was there any meeting prior to October 6,
8 2016 between OFCCP and Oracle regarding
9 conciliation?
10 A Not to the best of my memory, no.
11 Q In the letter at the bottom of this third
12 paragraph that we were talking about before the
13 break, OFCCP says:
14 "Argument of counsel, affirmations of
15 good faith in making individual
16 decisions and cohort comparisons are
17 insufficient to rebut statistical
18 evidence of systemic discrimination."
19 Do you see that?
20 A Which -- which paragraph is it in? Is it
21 in the -- his letter, right? This first --
22 Q Yes, yes, the -- the first page of
23 Exhibit 5 to the Suhr PMK.
24 A Yeah, how far down on the page? That's
25 probably an easier question.

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1 review them. I correct myself.
2 BY MS. BREMER:
3 Q What was your understanding of OFCCP's
4 statement that cohort comparisons are insufficient
5 to rebut statistical evidence of systemic
6 discrimination?
7 A My understanding was that OFCCP said
8 there was a systemic issue and it was not going to
9 look at people that were doing essentially the same
10 work and comparing those people against each;
11 rather, they were going -- they were looking at an
12 overall comparison regardless of if they were doing
13 the same work.
14 Q What's your understanding of the term
15 "cohort"?
16 A A cohort would be somebody doing the same
17 type of work that somebody else would be doing. So,
18 for instance, on my team, I have a couple of people
19 that are doing -- doing compliance or diversity from
20 a compliance perspective, and they would be cohorts.
21 However, I have a counterpart that has people on her
22 team that -- that do diversity, but they do it from
23 an inclusions perspective.
24 My team, they were -- they're required to
25 do a lot of data manipulation and -- and research

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1 Q It's the second-to-last paragraph, and
2 it's the --
3 A Okay.
4 Q -- last sentence of that paragraph.
5 A Okay. Yes, I see that.
6 Q Okay. And was that the position that
7 OFCCP took throughout the conciliation period?
8 MR. PARKER: Compound and vague and
9 ambiguous.
10 THE WITNESS: I was only involved in part
11 of the conciliation efforts, so it was a position
12 they took and the part that I was involved in.
13 BY MS. BREMER:
14 Q And during conciliation -- during the
15 period of conciliation, after the receipt of the NOV
16 in March 11th, 2016 until OFCCP filed the
17 complaint, did you -- did you review all of the
18 letters that were sent between counsel and OFCCP?
19 MR. PARKER: I -- I object to the phrase
20 "during the period of conciliation" both
21 argumentative and vague and ambiguous.
22 You can otherwise answer.
23 THE WITNESS: Okay. I reviewed the
24 letters but not during that time frame, not all of
25 them. But I -- or, actually, I think -- yes, I did

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1 and that type of thing. And her team, they -- you
2 know, they -- they meet and greet with people and
3 they -- they build branding. So we -- they would
4 not be cohorts with us; however, two people on my
5 team that are doing the same work would be cohorts.
6 Q So cohorts under your definition would be
7 people who are doing the -- the same -- the same
8 work, individuals who are doing the same work?
9 MR. PARKER: Asked and answered.
10 THE WITNESS: Yes.
11 BY MS. BREMER:
12 Q And OFCCP indicated in March 2016 that it
13 would be looking for statistical evidence of
14 systemic discrimination from Oracle, right?
15 A I don't understand the question.
16 Q I'm sorry.
17 A That's okay. It's getting late.
18 Q OFCCP's position that -- was that it was
19 conducting a statistical analysis of the evidence
20 not looking at individuals, right?
21 A They said they were looking at -- at
22 groups of people. They were not looking at doing a
23 cohort analysis.
24 MS. BREMER: Okay. I'm going to show you
25 Exhibit 6 to Jane Suhr's PMK deposition.

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1 This document is OC -- Oracle's --
2 Exhibit 6 is Oracle's response to Exhibit 5,
3 correct?
4 (Exhibit 6 previously marked for identification.)
5 A Yes.
6 Q And in its response, Oracle declined
7 OFCCP's suggestion for a conciliation meeting,
8 correct?
9 MR. PARKER: Document speaks for itself.
10 THE WITNESS: Which paragraph are you
11 referring to in here?
12 BY MS. BREMER:
13 Q Looking at the -- at Page 5 of the
14 letter.
15 A I think I'm looking at something
16 incorrectly here. Okay, Page 4. There it is, okay,
17 the last paragraph.
18 Yeah, I don't see anywhere in here that
19 Oracle's refusing. In this -- in this paragraph, it
20 says:
21 "For the reasons stated above, we
22 believe the invitation for a
23 face-to-face meeting at this stage
24 would be -- likely be premature. We
25 are also concerned about engaging in a

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1 Q And -- and he's saying at this point --
2 Oracle's saying at this point, we believe it's best
3 to have written communication?
4 MR. PARKER: Misstates the -- the
5 document in its entirety. Asked and answered.
6 THE WITNESS: He said:
7 "It would be more accurate and forthright
8 exchange. We believe it's best to have written
9 communication."
10 BY MS. BREMER:
11 Q Okay. And then along with this letter,
12 there are appendixes, an Appendix A and Appendix B,
13 which asked 57 questions to OFCCP, right?
14 A Yes.
15 Q And Questions 12 through 31 related to
16 the compensation discrimination violations?
17 A Are -- are you talking about on this like
18 12, the following? Yes.
19 Q Number 15 asks:
20 "How -- how many different models,
21 iterations and computations did the
22 statistician run besides the three
23 listed in Attachment A?"
24 Was Oracle requesting that OFCCP provide
25 information about models that were not included in

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1 face-to-face dialogue given that the
2 region has mischaracterized and
3 misstated other in-person interactions
4 going all the way back to the entrance
5 conference. Until we have a reason to
6 believe there would be more accurate
7 and forthright exchange, we believe
8 it's best to have written
9 communication."
10 I don't see where they denied it. I --
11 they're just talking about the need to have more --
12 he's talking about the need to have more written
13 communication. But I don't see where he said where
14 we're not conciliating.
15 BY MS. BREMER:
16 Q Okay. So at this -- at this point in
17 April of 2016, Oracle was declining OFCC -- OFCCP's
18 invitation for a face-to-face meeting?
19 MR. PARKER: Misstates the testimony and
20 the document. The document speaks for itself.
21 THE WITNESS: Yeah. I don't -- they
22 aren't declining meeting. They're just saying that
23 they need more information. That's what he's
24 saying.
25 BY MS. BREMER:

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1 the Notice of Violation?
2 MR. PARKER: Document speaks for itself.
3 THE WITNESS: I can't answer that
4 question yes or no. I don't have an answer to that
5 question of what he -- of the three listed in the
6 attachment.
7 I think that from the best of my
8 knowledge, he was just simply trying to ask for --
9 for different models that were used and, you know,
10 why that particular model was -- was chosen that
11 was. Because he said, it says:
12 "How many different models, iterations
13 and computations did the statistician
14 run besides the three listed in
15 Attachment A?"
16 So he's just asking if there were other
17 models used.
18 Q That -- that were not included in -- in
19 Attachment A?
20 A Yes. That's my understanding of it.
21 Q And -- and "Attachment A" is referring to
22 the NOV Attachment A, right?
23 A Yes.
24 Q And if you look at Question 20, the
25 question is:

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1 "If other factors were considered and
2 rejected by OFCCP, what did the results
3 show using the factors that were
4 rejected? In other words, did OFCCP
5 consider a factor that explained or
6 reduced the disparity and then reject
7 it?"
8 Was Oracle asking OFCCP to provide
9 information about factors that were not included in
10 its analysis in the NOV?
11 MR. PARKER: Document speaks for itself.
12 THE WITNESS: It's my understanding that
13 Oracle was simply trying to understand how OFCCP
14 came up with the numbers that it came up with.
15 Because Oracle, I know, had asked OFCCP to share
16 information on -- on how they came up with the
17 numbers that they had, and it was always met -- met
18 with a refusal.
19 BY MS. BREMER:
20 Q And when you say that it was "always met
21 with a refusal," the NOV provided information about
22 how OFCCP came up with its numbers, right?
23 A It presented some factors, but some
24 factors in it weren't -- was -- we talked about
25 earlier, were not even presented by Oracle. It

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1 didn't -- didn't go into the whole process, I mean,
2 didn't weigh different things differently.
3 It -- we didn't know the -- how you did
4 it type of thinking. We knew some of the factors
5 and we knew some of the results, but we didn't know
6 the how. And we -- we asked that. And I know even
7 when we went to the meeting with you on October 6,
8 we asked that, and we were told that that would --
9 would not be shared with us.
10 Q And with respect -- well, we'll go over
11 the -- that October 6th meeting letter later.
12 A Okay. Sure.
13 MS. BREMER: Show you what's been marked
14 as Exhibit 7 to the Jane Suhr PMK deposition.
15 (Exhibit 7 previously marked for identification.)
16 Q Was Exhibit 7 OFCCP's response to
17 Oracle's letter which was marked as Exhibit 6 to the
18 Jane Suhr PMK deposition?
19 A Yes.
20 Q So in this response, OFCCP responded to
21 some of Oracle's questions, right?
22 A A few of them.
23 Q And it also -- the letter also stated why
24 other questions were inappropriate, right?
25 A From the OFCCP's perspective.

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1 MS. BREMER: I'm going to show you what
2 has been marked as Exhibit 9 to Jane Suhr's PMK
3 deposition.
4 (Exhibit 9 previously marked for identification.)
5 Q Exhibit 9 is Oracle's position statement,
6 correct?
7 MR. PARKER: Misstates the document.
8 BY MS. BREMER:
9 Q Okay. Just looking at the -- the first
10 page is an e-mail cover letter from Gary Siniscalco
11 to Hea Jung Atkins dated May 25th, 2016, correct?
12 You nodded --
13 A You mean on -- on this? Yes.
14 Q Yes. So the cover -- the cover letter
15 that's attaching the May 25th, 2016 letter says:
16 "Attached please find our position
17 statement in response to Mr. Dole's
18 letter of March 11, 2016 as requested
19 by you."
20 So this was Oracle's position statement
21 to OFCCP's NOV, right?
22 A Yes.
23 Q And with respect to the compensation
24 discrimination violations, Oracle's position was the
25 OFCCP's statistical model was defective, right?

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1 A Where do you see that? Do you know what
2 paragraph?
3 Q If you look on Page 3?
4 A Three of 18?
5 Q Yes.
6 A Okay.
7 Q So the -- the first three pages of the
8 letter are -- are basically a summary of -- anyway,
9 on Page 3 --
10 A Three of 18, right?
11 Q -- 3 or 18, it says --
12 A Okay.
13 Q (As read):
14 "OFCCP's statistical model is defective
15 and no counter statistical model is
16 warranted."
17 Do you see that?
18 MR. GARCIA: She's looking at the
19 attachment. You want her to look at Item No. -- you
20 want her to look at the letter page.
21 BY MS. BREMER:
22 Q Right. Looking at the letter --
23 A Okay, the letter.
24 Q -- the third page of the letter --
25 A The letter letter. Okay.

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1 Q -- from Gary Siniscalco.
2 A Yes, thank you.
3 Q Okay. So looking at Roman numeral IV, it
4 says:
5 "OFCCP's -- OFCCP's statistical model
6 is defective and no counter statistical
7 model is warranted."
8 Do you see that?
9 A Yes.
10 Q So that was -- at least part of Oracle's
11 position was that OFCCP's statistical model was
12 flawed?
13 A Yes.
14 Q And Oracle did not offer any factor that
15 OFCCP should consider that would explain the
16 disparities described in the NOV, right?
17 A Well, Oracle -- no, I don't -- Oracle
18 asked -- told the OFCCP that they -- they thought a
19 cohort analysis should be done because each job is
20 so different at Oracle that they did not feel the
21 groupings that OFCCP chose to use were comparing --
22 was comparing apples to apples. They did not
23 con- -- consider that these jobs were performing the
24 same -- the same work.
25 Q Okay. So Oracle's position throughout

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1 THE WITNESS: Oracle's position was that
2 the jobs -- the jobs were very different. And from
3 what they were saying, it could not be compared with
4 the mod- -- you know, with -- with the statistical
5 model that the OFCCP used from what I understood of
6 that model.
7 And I think that's why he was asking --
8 another reason why he was asking so many questions
9 about how -- how the model was used and the results
10 of the model, you know, in those initial questions.
11 But I -- I don't know for certain, but I would
12 assume, pretty much, that that would be the reason.
13 BY MS. BREMER:
14 Q And Oracle did not present any competing
15 statistical model for OFCCP to consider during
16 the -- during conciliation?
17 MR. PARKER: Asked and answered.
18 THE WITNESS: We had asked for lists
19 of -- of what people were impacted so we could take
20 a look and find out who the true cohorts were, and
21 it was denied.
22 And then we were also told that OFCCP
23 would use a statistical analysis and that they
24 refused to -- and this is in the -- this is in the
25 conciliation meeting, that they refused to consider

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1 the conciliation period was that OFCCP should
2 conduct a cohort analysis?
3 MR. PARKER: I'm sorry. If you don't
4 mind, there is a series of documents which speak for
5 themselves. They are back and forth.
6 You can answer to the extent you --
7 you -- you understand that question.
8 THE WITNESS: Okay. Just -- so I'm --
9 I'm sorry to do this to you, Laura, but could you
10 repeat the question?
11 BY MS. BREMER:
12 Q Oracle's position throughout the
13 conciliation period was that OFCCP should conduct a
14 cohort analysis, right?
15 A Yes, that they should consider true
16 comparators because the jobs that they were
17 comparing were not true comparators.
18 Q So OF -- Oracle's position during the
19 conciliation period were -- was that a statistical
20 model would not account for differences in jobs?
21 MR. PARKER: Sorry. The documents speak
22 for themselves on -- on this particular point. And
23 I -- to the extent there's an implication that this
24 was the only position taken by Oracle in
25 conciliation, I would object on that basis as well.

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1 a cohort analysis.
2 But I think you just covered that too on
3 some of these -- this communication.
4 BY MS. BREMER:
5 Q Okay. You said you requested lists of
6 people impacted.
7 What are you talking about?
8 A Well, who -- who was impacted. And --
9 and -- and I -- and I -- I don't remember what
10 document it was because I'm -- I'm going over that
11 we wanted to know what -- what were the -- what were
12 the groups that you grouped together, you know, the
13 employees to -- to hone it down over so we could
14 further understand all of this.
15 We knew that employees were in these --
16 in these broad areas, but, you know, we really
17 needed to look at this a little bit more thoroughly
18 as far as so we could truly understand, you know --
19 and -- and your concerns so we could address the --
20 the -- and do a cohort analysis of which people in
21 particular, you know, you thought were in this large
22 group of people that you thought were most impacted
23 so we could address that.
24 Q And when are you talking about you were
25 requesting that? Was that at -- you're saying that

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1 you did that after the NOV was issued, or --
2 **A** No.
3 **Q** -- are you talking about during the
4 compliance review period?
5 **A** Oh, I'm --
6 **MR. PARKER:** Object again to the phrase
7 "during the compliance review period."
8 **BY MS. BREMER:**
9 **Q** Okay. I'm talk -- when -- I'm confused
10 about what you're talking about, so I'm asking, you
11 said you weren't sure who was -- who was impacted,
12 so I'm -- I'm wondering when Oracle had confusion
13 about that point.
14 **A** There -- there were different -- this
15 just wasn't conciliation, but it -- there --
16 during -- during that time, we -- we had asked you,
17 you know, what -- are there any areas more than
18 other areas that you're more concerned with so we
19 can address, you know, your concerns here.
20 You know, are there -- can you narrow it
21 down into smaller groups of people so we can address
22 your concerns there so we could truly understand
23 what the -- what you were saying. And we never
24 really got any answers with regard to that.
25 **Q** And you're saying that happened after

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1 the --
2 **A** No.
3 **Q** -- NOV issued or before?
4 **A** That was before.
5 **Q** Okay.
6 **MR. PARKER:** And I apologize. During the
7 compliance review period is not -- I have no
8 objection to that. I thought you said repeated
9 conciliation period, so I withdraw --
10 **MS. BREMER:** Okay.
11 **MR. PARKER:** -- that particular
12 objection. It's getting late in the day for me.
13 **THE WITNESS:** It's very late.
14 **MS. BREMER:** So that's why I was
15 confused.
16 **BY MS. BREMER:**
17 **Q** So right now I'm talking about af- -- the
18 period of time after the NOV was issued in
19 March 11th, 2016 up until the time that OFCCP
20 filed the complaint in January of 2017.
21 **A** Okay.
22 **Q** Okay. So my question that lead to --
23 **A** Okay.
24 **Q** -- this discussion --
25 **A** Sorry.

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1 **Q** -- was -- well, let me just rephrase it
2 to be absolutely clear.
3 After OFCCP issued the NOV in March of
4 2016 up until January of 2017, did Oracle present
5 any competing statistical model for OFCCP to
6 consider?
7 **MR. PARKER:** Asked and answered.
8 **THE WITNESS:** No.
9 **BY MS. BREMER:**
10 **Q** Let's see here.
11 Did -- and during that same time frame --
12 and --
13 **A** Okay.
14 **Q** -- these questions --
15 **A** I gotcha.
16 **Q** -- involve that same time frame.
17 **A** Okay.
18 **Q** Did Oracle offer any factors that OFCCP
19 should consider in its statistical analysis that
20 would explain the disparities found?
21 **A** No.
22 **Q** Oracle -- let's see here.
23 **A** I think, though -- you know, I was
24 thinking -- I'm trying to think back on the
25 communication, and I think there was something in

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1 one of these. I don't know if it was in this group,
2 but I believe Erin sent a -- Erin Connell sent a
3 suggesting looking at them by comparators. I
4 believe she sent a communication to you.
5 **Q** A letter?
6 **A** Something in there. I remember seeing
7 something, and -- and I believe it was in that time
8 frame.
9 **MR. PARKER:** She's just asking if you
10 think it's in a letter.
11 **THE WITNESS:** Oh, if it's in the letter.
12 Well, she asked if there -- okay.
13 **MR. PARKER:** She's asking --
14 **MS. BREMER:** No. Okay.
15 **MR. PARKER:** -- did Erin place it in the
16 letter?
17 **THE WITNESS:** Oh, yes.
18 **MS. BREMER:** No, I --
19 **MR. PARKER:** Okay.
20 **THE WITNESS:** She did. She did. But I
21 don't know if it's in -- if -- I was just looking to
22 see if it was in one of these groupings.
23 So there was that. It was -- it took it
24 back to the -- the cohort or the comparators again,
25 using comparators. So that was a suggestion that

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1 was made in that time frame.
2 BY MS. BREMER:
3 Q Okay. A suggestion that -- so Oracle
4 made a suggestion that OFCCP look at -- at
5 cohorts --
6 A Yes.
7 Q -- which could be groupings of -- of just
8 a few employees, right?
9 MR. PARKER: That misstates the
10 testimony.
11 BY MS. BREMER:
12 Q Okay. Let's just look at -- back at this
13 letter that's Exhibit -- Exhibit 9, and this --
14 A Is that Erin's letter?
15 Q No, this is Gary's letter still that --
16 A Okay.
17 Q -- that we were looking at before, and it
18 says in Roman numeral IV.
19 A Okay. I'm -- of course I already
20 shuffled this.
21 Q I think that's the one.
22 A Is it? Nine. Okay.
23 Q It is.
24 So back to Page 3 --
25 A Okay.

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1 Q Did Oracle suggest a factor or a variable
2 that OFCCP should consider that would address the
3 specific types of work performed by individual
4 employees?
5 A No, not any -- not anything -- one
6 factor.
7 Q Okay. Looking at Page 15 of 18, there's
8 Footnote 17 which says:
9 "We presume, quote, work experience at
10 Oracle means simply length of time at
11 Oracle since hire or acquisition."
12 And that was referring to -- was Oracle
13 presuming that the work experience that OFCCP
14 considered in its model meant length of time at
15 Oracle since hire or acquisition?
16 A I'm not certain. I -- I believe that
17 they were just basically talking about at time --
18 time -- time at Oracle rather than relevant work
19 experience. And I just know that from some of the
20 different discussions with regard to this item.
21 Q Okay. Actually, let's -- let's just look
22 up at the text where these footnotes appear --
23 A Okay.
24 Q -- the text of the letter. It says:
25 "Each of the regression models" --

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1 Q -- of the letter --
2 A Sure, sure.
3 Q -- from Gary to Hea Jung Atkins.
4 A Okay.
5 Q Okay. So at the bottom of -- of this
6 Roman numeral IV, it says:
7 "In many cases, no two employees at
8 HQCA have the same or similar job
9 unless they have no or possibly just
10 one or two comparators."
11 So Oracle was taking the position that
12 OFCCP would need to consider groupings of -- of
13 employees, some of which would be just two or three
14 employees, right?
15 A It could be.
16 Q Okay. Looking at Page 16.
17 A Sixteen of 18?
18 Q Yes, 16 of 18.
19 Okay. At the very top of the page, it
20 says:
21 "None of variables the OFCCP considered
22 addresses this specific type of work
23 performed by individual employees."
24 A Is that in the very first par- -- oh, I
25 see. Okay, it starts with "However," okay.

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1 those are compensation regression
2 models -- "simply -- state simply that
3 the model involved the natural log of
4 annual salary as its dependent variable
5 and accounted for differences in
6 employee's gender, race, et cetera,
7 work experience at Oracle, work
8 experience prior to Oracle, full-time,
9 part-time status, exempt status, global
10 career level, job specialty and job
11 title."
12 So the footnote to -- to work experience
13 at Oracle is referring to that factor that OFCCP
14 used in the model described in the NOV, right?
15 A Yes.
16 Q Okay. And so Oracle states that it
17 presumes that work experience at Oracle means the
18 length of hire -- or the length of time at Oracle
19 since hire or acquisition?
20 A Yes.
21 Q Okay. And then Oracle also makes an
22 assumption regarding the -- what work experience
23 prior to Oracle meant in OFCCP's model that it
24 described in the NOV, right?
25 MR. PARKER: The document speaks for

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1 itself.
2 THE WITNESS: Yes.
3 BY MS. BREMER:
4 Q And there aren't any other footnotes --
5 the other -- the other factors -- Oracle knew what
6 data OFCCP was considering for these other factors,
7 right?
8 MR. PARKER: Misstates the testimony.
9 Asked and answered.
10 THE WITNESS: The question was, did
11 Oracle know what data the OFCCP was considering for
12 these other factors? Is that the question that you
13 asked.
14 BY MS. BREMER:
15 Q Okay. Let me -- these other factors --
16 okay. So, for example, gender, that was included --
17 gender was a field of data that was included in the
18 compensation snapshot that Oracle provided to OFCCP,
19 right?
20 A Yes.
21 Q Okay. And full-time, part-time status,
22 that was also a field of data that was in the
23 snapshot?
24 A Yes.
25 Q Exempt status was a field of data in the

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1 analysis in response to the NOV, right?
2 A Yes.
3 Q If you look at -- back at -- back at
4 Page 3 of the actual letter, after Gary Siniscalco's
5 signature, it's cc'ed to Patricia Shiu, Director
6 OFCCP.
7 Do you see that?
8 A Yes.
9 Q What did you understand Patricia Shiu's
10 position to be in May of 2016?
11 MR. PARKER: Outside the scope.
12 THE WITNESS: What do you mean her
13 position? Her job?
14 BY MS. BREMER:
15 Q Yes.
16 A She -- she's -- she was the director of
17 the OFCCP, the main person.
18 Q For all of OFCCP?
19 A Yes.
20 Q And she was -- she's a political
21 appointee?
22 A Yes.
23 Q And located in Washington, D.C.?
24 A Yes.
25 Q Why did Oracle copy Patricia Shiu on its

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1 compensation snapshot?
2 A Yes. But not all of these were, so I
3 don't know -- I think they -- the answer to your
4 question is for some of them but not -- not all of
5 them.
6 Q Okay.
7 A Not all of these factors.
8 Q Right. I'm just going through them --
9 A Yeah.
10 Q -- one by one.
11 A Okay.
12 Q Global -- global career level was also
13 a -- that was also a column of data that was
14 included in the compensation snapshot?
15 A Yes.
16 Q Job specialty was as well?
17 A Yes.
18 Q And job title was another data field?
19 A Yes.
20 Q Okay. Okay. And so on Pages 17 and 18
21 of 18, Oracle provides OFCCP with some comparisons
22 of individual employees, correct?
23 A Yes.
24 Q And this was after OFCCP had already
25 advised Oracle that it would not consider a cohort

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1 position statement?
2 MR. PARKER: Outside the scope.
3 THE WITNESS: I think it -- just to state
4 the obvious, to make her aware of this situation.
5 MS. BREMER: Okay. I'm going to mark as
6 Exhibit 130 a document dated June 8th, 2016. It's
7 the Show Cause Notice.
8 (Exhibit 130 marked for identification.)
9 THE REPORTER: Exhibit 130.
10 THE WITNESS: Thank you.
11 BY MS. BREMER:
12 Q Did Oracle receive a copy of a Show Cause
13 Notice from OFCCP on or about June 8th, 2016?
14 A Yes.
15 Q And is this a true and correct copy of
16 the Show Cause Notice that was sent to Oracle?
17 A It looks like it.
18 Q And after -- after OFCCP issued this Show
19 Cause Notice, Oracle requested an in-person
20 meeting -- a conciliation meeting with OFCCP,
21 correct?
22 A To the best of my memory, yes.
23 Q And Oracle and OFCCP agreed to meet on
24 October 6th, 2016?
25 A Yes.

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1 MS. BREMER: Okay. I'm going to -- I'm
2 going to go head and take a break right now.
3 THE WITNESS: Okay, okay.
4 THE VIDEOGRAPHER: This marks the end of
5 Volume I, Media No. 6. Our time now is 3:59 p.m.,
6 and we're off record.
7 (Recess.)
8 THE VIDEOGRAPHER: This marks the
9 beginning of Volume I, Media No. 7. Our time now is
10 4:10 p.m., and we're on record.
11 BY MS. BREMER:
12 Q Okay. We were about to talk about the
13 October 6th conciliation meeting.
14 Who attended that meeting?
15 A Off the top of my head, I don't know of
16 everyone that attended, but I do know that Janette
17 Wipper was there. There was a -- a gentleman by the
18 name of Ian. I don't know his last name. I was
19 there. Gary Siniscalco was there. Erin Connell was
20 there. And Juana Sherman was there. And then
21 Charles Nyakundi for Oracle.
22 I believe in our last deposition you
23 reminded me you were there. Hoan Luong was there.
24 And I don't remember if Hea Jung was there or not.
25 Q And what about Jane Suhr?

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1 A I believe she was there.
2 Q Did -- did anyone from Oracle take notes
3 at that meeting?
4 A Yes.
5 Q Who?
6 A There were two of us that -- that took
7 notes, both myself and Charles Nyakundi.
8 Q And did any of Oracle's attorneys take
9 notes at that meeting?
10 A I don't know if they took as
11 comprehensive of notes, and I haven't seen their
12 notes, but Erin Connell may have been taking them
13 too. But I'm not positive.
14 Oh, and as soon as we're done with this,
15 I want to go clarify something else, unless you
16 would like me to clarify it now, of something we've
17 already just discussed.
18 Q Okay.
19 A So would you like me to clarify now, or
20 do you want to finish this topic first?
21 Q Go ahead and clarify.
22 A Okay. And I think I did clarify it, but
23 I just want to make sure. When you asked me in --
24 in the last round, last segment, that if there were
25 any other factors that Oracle suggested. And at

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1 first, I -- I said no. And I said, wait a second,
2 there were factors such as, you know, true
3 comparators.
4 And I just want to make sure when I'm
5 talking about true comparators, I was -- I mean the
6 different functions of their jobs, what they're
7 doing and what are the different responsibilities
8 they have, the different tasks they perform and that
9 type of thing.
10 Q Okay. And when you're talking about
11 different functions that people perform, is that --
12 is that reflected in any data?
13 MR. PARKER: Vague and ambiguous.
14 THE WITNESS: It -- it -- not in the data
15 that -- that you have been given with regard to this
16 audit.
17 BY MS. BREMER:
18 Q Okay. So -- so -- so Oracle didn't
19 provide data during the compliance review of -- of
20 different functions --
21 A Or different responsibilities, yeah. And
22 I used the wrong word. But, yeah, they didn't
23 provide data of each and every person's job and --
24 and what the differences were during the audit
25 because -- I mean, there was a huge number of people

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1 and a huge number of different responsibilities.
2 Q Okay. And did Oracle provide data that
3 would reflect individual's responsibilities or
4 functions and responsibilities between March 11th,
5 2016 and January 17th, 2017?
6 A They provided in some of the
7 communication some of the responsibilities when they
8 described differences. There was a letter that Eric
9 Connell wrote, and then there was -- I think there
10 were a few examples in the letter that we just -- we
11 went over that Gary wrote of -- of some differences
12 and a few of what the people did as an example.
13 Q And those were descriptions of
14 differences between different individuals?
15 MR. PARKER: Documents speak for
16 themselves.
17 THE WITNESS: Yes.
18 BY MS. BREMER:
19 Q Did --
20 THE WITNESS: Oh, this is sinking. Oh.
21 BY MS. BREMER:
22 Q Did Oracle provide any data between
23 March 11th, 2016 and January 17th, 2017 that
24 would show the differences or reflect differences in
25 individual's responsibilities from Oracle's

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1 perspective?
2 MR. PARKER: Vague and ambiguous.
3 THE WITNESS: No.
4 BY MS. BREMER:
5 Q And Oracle didn't suggest that there was
6 a data field that OFCCP should be considering in
7 order to make its statistical model more accurate?
8 A The suggestions that Oracle made were not
9 in relation to a statistical model. It was in
10 relation to the cohort analysis and the different
11 responsibilities that people have and the -- how
12 jobs are different since there's so many different
13 types of jobs at Oracle.
14 Q Okay. So Oracle -- during the
15 conciliation period, Oracle was advocating a cohort
16 analysis?
17 MR. PARKER: Again, I object to the term
18 "conciliation period." And it's been asked and
19 answered.
20 THE WITNESS: Yes.
21 BY MS. BREMER:
22 Q Okay. We were talking about who was
23 taking notes --
24 A Yes. Yes, we were.
25 Q -- during October 6th, 2016

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1 this document was produced last night at
2 approximately 4:55. I did not become aware that
3 Oracle had produced this document until our lunch
4 break during this deposition.
5 For that reason alone, I'm going to keep
6 this deposition open for further questions because
7 of the lateness of -- of this.
8 MR. PARKER: Do whatever you want to do,
9 but I'll disagree with it.
10 MS. BREMER: Okay.
11 MR. PARKER: I'm not going to agree to
12 continue the deposition, so have at it.
13 BY MS. BREMER:
14 Q Do you recognize Exhibit 131?
15 A Yes.
16 Q And what is it?
17 A These are Charles Nyakundi's and my
18 notes.
19 Q So these are the notes that you were
20 talking about that Charles combined both -- his
21 notes with your notes?
22 A Yes.
23 Q And was that done -- that was done in
24 2016?
25 MR. PARKER: Asked and answered.

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1 conciliation meeting.
2 What notes have you -- or have you
3 reviewed notes of the October 6, 2016 meeting in
4 preparation for this deposition?
5 A Yes.
6 Q And what notes have you reviewed?
7 A I reviewed the notes that I took and that
8 I sent to Charles Nyakundi, and then he added his
9 notes to the set of notes that I took, so the final
10 product of that.
11 Q Okay. And when did Charles Nyakundi add
12 his notes to your notes?
13 A I don't know the exact date, but it was
14 shortly after the -- the October 6th meeting.
15 Q Have you seen any other notes other than
16 your notes and Charles Nyakundi's notes that just --
17 that reflect what happened at the October 6th,
18 2016 meeting?
19 A No.
20 MS. BREMER: Okay. I'm going mark as
21 Exhibit 131 a document that is Bates-numbered
22 ORACLE_HQCA_607319 through 607325.
23 (Exhibit 131 marked for identification.)
24 MS. BREMER: And just for the record, I'd
25 like to state that this -- that these notes -- or

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1 THE WITNESS: Yes.
2 BY MS. BREMER:
3 Q Are there other -- did you retain the
4 original notes that you took and the original notes
5 that Charles Nyakundi took?
6 A I don't have his notes separate from
7 mine. I have my notes separate from his that I took
8 electronically.
9 Q Okay. Speaking on behalf of Oracle, do
10 you -- does Oracle have Charles Nyakundi's original
11 notes of the October 6th, 2016 conciliation
12 meeting?
13 A They would be -- if -- they would be
14 retained on Charles Nyakundi's computer.
15 Q Okay.
16 MS. BREMER: So, Counsel --
17 THE WITNESS: Work computer.
18 MS. BREMER: Okay. So, Counsel, I
19 request the original notes be produced.
20 MR. PARKER: I hear your request.
21 BY MS. BREMER:
22 Q Looking at Page 1 of the notes, there is
23 a header after the first paragraph that says "Hiring
24 and recruiting portion of the NOV," with a colon.
25 Who -- is it your understanding that that

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1 reflects someone's statement, or was that included
2 by either you or Charles to describe?
3 **A** I'm not sure if it reflects a statement
4 or not. It prob- -- it could have been an organizer
5 that either Charles or I used. Because these notes
6 were taken al- -- well, almost three years ago. So
7 not sure -- absolutely certain. But if -- if --
8 if -- that. But I think that if you look at some of
9 the data, that it may explain it.
10 **Q** Okay. So let's do that.
11 Af- -- in the first paragraph after that
12 header there's Janette with a colon.
13 **A** Uh-huh.
14 **Q** In these notes, if there is a person's
15 name with a colon, does that indicate that they were
16 the one speaking?
17 **A** Yes.
18 **Q** And then it says -- in the second
19 sentence of -- after the Janette with a colon, it
20 says:
21 "With respect to compensation with
22 regard to gender and race, shows ranges
23 from three standard deviations."
24 Do you see that?
25 **A** Yes.

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1 was not otherwise involved, you can answer.
2 **THE WITNESS:** Okay. Any attempt at
3 replication was done by counsel.
4 **BY MS. BREMER:**
5 **Q** She indicates:
6 "Other contractors have given us expert
7 reports."
8 Did Oracle consider providing an expert
9 report to rebut the compensation analysis?
10 **MR. PARKER:** Again, that would be the --
11 the same. Don't disclose attorney-client
12 communication. If Oracle considered it independent
13 of any advice or discussions with attorneys, feel
14 free to answer that question.
15 **THE WITNESS:** That was determined by our
16 attorneys.
17 **BY MS. BREMER:**
18 **Q** Okay. And between March 11th, 2016 and
19 January 17th, 2017, Oracle did not provide an
20 expert report to OFCCP, right?
21 **A** Yes.
22 **Q** Yes, as -- as in it did not?
23 **A** We did not, yes.
24 **Q** Right.
25 Okay. And then the next paragraph has

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1 **Q** So there was in fact some information
2 after the hiring and recruiting header that related
3 to compensation violations, right?
4 **MR. PARKER:** Vague and ambiguous.
5 **THE WITNESS:** Yes.
6 **BY MS. BREMER:**
7 **Q** So Janette indicated that with respect to
8 the compensation, everything is out of your data.
9 Did you understand -- did Oracle
10 understand that OFCCP's analysis of the compensation
11 was based on the -- on the compensation data that
12 Oracle had provided to OFCCP during the compliance
13 review?
14 **MR. PARKER:** Asked and answered.
15 **THE WITNESS:** Yes.
16 **BY MS. BREMER:**
17 **Q** She says:
18 "It -- it is easy to replicate and pick
19 our analysis apart."
20 Did Oracle attempt to replicate the
21 analysis -- the compensation analysis done by OFCCP?
22 **MR. PARKER:** Again, the instructions are
23 going to be if it was done at the direction of
24 counsel or by counsel, you cannot answer, that
25 question. Otherwise if that's not true or counsel

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1 "Gary" with a colon. Is that referring to what Gary
2 Siniscalco said?
3 **A** Yes.
4 **Q** And at the end of -- at the end of this
5 paragraph, it says:
6 "We have to look at specific issues and
7 individuals and look at that" -- and
8 then it trails off.
9 It says -- do you know what else he said?
10 **MR. PARKER:** I'm sorry. It assumes
11 facts.
12 **THE WITNESS:** Okay.
13 **MR. PARKER:** I'm not sure that it's a
14 trailing off at all, so it assumes fact.
15 **BY MS. BREMER:**
16 **Q** Okay. Is that a -- is that -- is it your
17 understanding that that is what he said or if he
18 said anything else?
19 **A** That's what the notes indicate. I don't
20 remember if he said anything else, but I -- I just
21 know that we tried to take as good of notes as we
22 could.
23 **Q** Okay. So at -- at the October 6th
24 meeting, with respect to compensation, Oracle was
25 taking the position that OFCCP should be looking at

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1 individuals; is that right?
2 **A** Yes.
3 **Q** And in response, in the next paragraph,
4 Janette says:
5 "We're not interested in specific
6 comparators. We are looking at
7 systemic issues. We are not going to
8 engage in a cohort analysis."
9 Is -- is that accurate?
10 **A** Yes.
11 **Q** And it's your understanding that is
12 referencing again the compensation violations,
13 right?
14 **A** Yes.
15 **Q** Okay. Let's look at Page 3 of the notes.
16 And at the bottom of the page, it says -- there's
17 Janette with a colon, and it says:
18 "Do you want to talk about
19 compensation?"
20 Do you see that?
21 **A** Let's see. Where does it say "Do you
22 want to talk about compensation?"
23 **Q** Near the bottom.
24 **A** Oh. Oh, there. Yes, I see. Okay. I
25 was looking at the wrong Janette. I was looking at

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1 cohorts, generally they're working under the same
2 supervisor, and they may even be working on the same
3 product. So when we look at supervisor, that's
4 another term for the product they're working on or
5 more towards the type of work that they're doing.
6 Not always, because even under the same supervisor,
7 you could have differences in jobs.
8 But by looking under supervisor, you're
9 more likely to find true co- -- cohorts or
10 comparators.
11 **Q** Okay. So this was OFCCP's response to
12 Oracle's suggestion that the analysis for
13 compensation should be done by supervisor?
14 **MR. PARKER:** Calls for speculation.
15 Lacks foundation as asked.
16 **THE WITNESS:** Yes.
17 **BY MS. BREMER:**
18 **Q** And the notes indicate that Janette
19 Wipper said:
20 "Employees believe that career level
21 and title have to do with pay."
22 Did you understand OFCCP to be talking
23 about global -- the global career level?
24 **A** Yes.
25 **Q** And "title" would be job title?

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1 the last one.
2 **Q** Okay. And so then in the last paragraph
3 on this page, Janette Wipper explained the -- or
4 described the variables used in OFCCP's compensation
5 analysis.
6 Do you see that?
7 **A** Yes.
8 **Q** And -- and is that accurate as far as --
9 is this an accurate reflection of what occurred at
10 that meeting?
11 **A** Yes.
12 **Q** And when discussing the compensation
13 model, she indicated:
14 "We don't see evidence that supports
15 supervisor."
16 What -- what was she talking about, or do
17 you understand what he was saying?
18 **MR. PARKER:** I'm sorry. Calls for
19 speculation.
20 **THE WITNESS:** Okay.
21 **MR. PARKER:** Lacks foundation.
22 **BY MS. BREMER:**
23 **Q** What -- what -- what was your
24 understanding of what she was saying?
25 **A** And -- and generally -- when we look at

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1 **A** Yes.
2 **Q** And on the top of Page 4, Gary -- then
3 did Gary respond to Jeanette Wipper's comments?
4 **A** Yes.
5 **Q** And -- and Gary was arguing that -- Gary
6 we was responding -- or continuing Oracle's argument
7 that the data should be analyzed by supervisor.
8 **MR. PARKER:** The passage speaks for
9 itself.
10 **THE WITNESS:** Yes. To get true -- to get
11 true comparators, yes.
12 **BY MS. BREMER:**
13 **Q** And you recall that there was some
14 back-and-forth during the conciliation, meaning
15 between OFCCP and Oracle, about the validity of --
16 of comparing employees in doing a compensation
17 analysis that included -- or that was based on
18 employees' supervisors?
19 **A** I know there was discussion back and
20 forth, yes.
21 **Q** And at the end of this statement as
22 reflected in the notes, it says:
23 "The difference in product as
24 represented by supervisor creates a
25 different skill set."

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1 And Jeanette Wipper, did she respond:
2 "Then do you have a document?"
3 **A** That's what the notes indicate.
4 **Q** And is -- is that your memory of the
5 meeting as well?
6 **A** My memory's tied up with these notes, in
7 all honesty, so yeah. It's from what the notes say.
8 I can only attest to what the notes say for
9 everything that went on in this meeting.
10 **Q** Did -- between -- or after the
11 October 6th, 2016 meeting up through January 2017,
12 did Oracle provide OFCCP with a document that would
13 indicate that the difference in product is
14 represented by supervisor?
15 **A** I would have to review all the documents.
16 I know that there is that -- the letter from Erin
17 Connell that I keep referencing, and that may have
18 been after -- after this.
19 But, you know, I -- I'd have to -- to
20 review, again, all the communication back and forth
21 between outside counsel and OFCCP to say exactly
22 when those communications occurred.
23 **Q** Okay. So if there was such a document,
24 it would be reflected in one of those -- in the
25 correspondence between OFCCP and Oracle's outside

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1 counsel?
2 **A** Yes.
3 **Q** Okay. And so the next paragraph after
4 this, did Gary take the position as well that this
5 is individualized and some employees don't have a
6 comparator in job title product?
7 **MR. PARKER:** Document speaks for itself.
8 Could you point her to -- are you quoting something?
9 **MS. BREMER:** Yes, this is in the
10 middle --
11 **THE WITNESS:** She is.
12 **MS. BREMER:** -- of -- after Gary, colon.
13 In the next paragraph after Janette's request, do
14 you have a document?
15 **THE WITNESS:** Yes, that's what he said.
16 **BY MS. BREMER:**
17 **Q** And was it Oracle's position that some
18 employees would not have any comparator?
19 **A** Yes.
20 **Q** Okay. And then the next time that Gary's
21 reflected as saying something in -- in the notes, it
22 says, starting with the second sentence:
23 "When a focal review is done, the
24 question is looked at as far as how
25 people look in compensation compared to

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1 their comparators. Additionally we
2 will get data by looking at the
3 compensation report. We sort by
4 department and supervisor to illustrate
5 what is going on."
6 What compensation report was he talking
7 about?
8 **A** Your Item -- Item 11.
9 **Q** The -- the response -- Item 11 response
10 to the scheduling letter?
11 **A** Yes, I think. Let me read this again
12 more carefully.
13 Well, no. Okay. I'm sorry. I'm
14 incorrect.
15 From rereading this, he's looking at --
16 do you remember the -- the manager training and how
17 managers, when they go through the focal review,
18 they look at people in their -- their work group
19 and -- and how they relate to each other?
20 Do you remember when we talked about that
21 last time?
22 **Q** Yes.
23 **A** Okay. He's referring to that -- that --
24 that goes through the focal. So he actually says:
25 "When a focal review is done, the

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1 question is looked at as far as how do
2 people look at compensation compared to
3 their comparators. Additionally, we
4 will get data by looking at the
5 compensation report."
6 And by that, you know, the amount of
7 money that people are making. Then -- and -- and --
8 and in addition to that, yeah, it looks like -- it
9 looks like what he's saying, he could get additional
10 information, you know, from -- from some of the
11 information that we submitted.
12 But for the most part, he -- he's talking
13 about the focal report and looking at people within
14 each supervisor's work group.
15 **Q** What focal report? What focal report?
16 **A** The focal review, as far as when managers
17 do a focal review for possible increases.
18 **Q** It's using the term compensation -- he
19 used the term "compensation report."
20 Is there a re- -- a report of the
21 compensation from the focal review that somebody
22 reviews at -- during the focal review?
23 **A** The focal review? There's the focal
24 review that's given that -- where each -- each
25 manager gets the people that report to them, and

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1 then they're given a budget and then they allocate
2 the money, that budget. And they try and make sure
3 that there's no discrimination is pay.
4 And then I believe here, no, there's not
5 an additional report that I'm aware of. And -- and
6 here I believe he's -- he's talking about --
7 'cause -- 'cause he's saying:
8 "We -- we will get the data by looking
9 at compensation -- at the compensation
10 report" -- I believe it's the
11 scheduling letter information -- "and
12 in addition to that."
13 And for him, I think that's what he's
14 referencing, but I -- I can't be positive.
15 And then --
16 Q Right.
17 So that's --
18 A -- and then they went head and sort --
19 sort by supervisor and department because that --
20 that information was provided to you.
21 Q Okay. And the supervisor and department
22 information, that's information that's in the --
23 Oracle's response to Item 11 --
24 A Yes, yes.
25 Q -- right?

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1 A Yes.
2 Q Did you take your notes on a computer?
3 A Yes.
4 Q And what about Charles?
5 A I don't know if he took his by hand or by
6 computer. I know he -- he -- I -- I'm not sure,
7 because sometimes he actually takes handwritten
8 notes.
9 Q Okay. And when you were taking your
10 notes, were you trying to capturing everything that
11 was said during the meeting?
12 A Yes.
13 Q And you were trying to create an accurate
14 description of what had occurred during the
15 conciliation meeting?
16 A Yes. Yes.
17 Q Okay. And is it your understanding that
18 Charles was doing the same?
19 A Yes.
20 Q Okay. So then -- okay. After the
21 paragraph we were just discussing, it looks like you
22 said something. And then Gary -- the notes reflect
23 that he said:
24 "You can come in and talk to some
25 managers and tell us what -- what you

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1 A Yeah.
2 Q So -- so the compensation report's
3 referring to that Item 11 response?
4 A Yes, I believe so, in addition to the --
5 in addition to the focal.
6 Q And -- so he -- and he also talked about
7 focal separately. Okay.
8 MR. PARKER: I'm sorry. Move to strike
9 the --
10 MS. BREMER: What, I don't get to
11 testify?
12 MR. PARKER: Yeah, that's exactly right.
13 So let me just be clear. Move to strike
14 "And so he also talked about focal separately.
15 Okay."
16 BY MS. BREMER:
17 Q Okay. And then -- so looking -- then it
18 looks like -- let me just ask about the notes that
19 were prepared.
20 These notes that we're looking at, they
21 were taken -- your original notes were taken during
22 the meeting, right?
23 A Yes.
24 Q Okay. And -- and Charles also took notes
25 during the meeting?

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1 think some of the -- what you think
2 some of the jobs and find out if you
3 think they are doing the same thing
4 even if we think they are doing
5 different things."
6 So what exactly was Oracle proposing?
7 A Gary -- I think just what Gary -- the
8 notation to Gary is, telling the OFCCP they can talk
9 to some of the managers that we think are doing
10 different things, even if we think they're doing
11 different things, that you think are -- are doing
12 same of the same thing and make -- and see what you
13 think.
14 Q So is he suggesting that we need to talk
15 to -- do an -- do an analysis of all -- all of the
16 jobs in order to analyze Oracle's compensation?
17 A I -- I can't say what his intent was. I
18 just -- I'm just going by the notes as -- as -- as
19 they're written.
20 Q Okay. So -- so the -- the suggestion was
21 that OFCCP conduct further -- further investigation
22 at that point?
23 MR. PARKER: Asked and answered.
24 THE WITNESS: That's as it -- as it
25 appears from what I'm reading.

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1 BY MS. BREMER:
2 Q And then it looks like Ian -- that's Ian
3 Eliasoph, right?
4 A His -- you said Ian what?
5 Q Eliasoph.
6 A That is -- okay, I wasn't sure. I wanted
7 to -- I thought you said his last name.
8 I just know him as Ian. I -- yes.
9 Q Okay. And then there is a -- a question
10 that the notes reflect him asking:
11 "Are you saying that the statistical
12 analysis is so nuanced that it can't be
13 done? And not a different one is
14 needed."
15 And then Gary responds:
16 "Both. We were saying that a different
17 one needs to be done, and we need to be
18 able to look at cohorts and can't draw
19 systemic conclusions because the jobs
20 are different so different one needs to
21 be done."
22 A Correct.
23 Q Okay. So when Oracle took the position
24 you can't draw systemic conclusions, part of what
25 Oracle was saying was that it could -- that a

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1 statistical analysis is so nuanced that it can't be
2 done?
3 A No. He says -- what he says is we were
4 saying that a different one needs to be done, and we
5 need to be able to look at cohorts and can't draw
6 systemic conclusions because the jobs are different
7 so a different one needs to be done.
8 So I -- I think, from what I'm reading,
9 it sounds like he's saying it needs to be further
10 researched. You just can't rely just on pure
11 statistical analysis. That's what -- how I'm
12 reading it. You have to investigate it.
13 Because of the jobs at Oracle being so
14 different that you can have indicators -- you know,
15 as we -- we talked about earlier, you can have
16 indicators for something, but without really taking
17 a look at it and why -- you know, why they're
18 indicators, you can't really draw conclusions.
19 Q And did Oracle provide information to
20 OFCCP between March 11th, 2016 and January 17th,
21 2017 that would -- that explain -- explain why the
22 indicators are not accurate?
23 MR. PARKER: Asked and answered.
24 THE WITNESS: There were several
25 documents that -- that were provided. There was the

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1 statistical analysis could not be done regarding
2 compensation for Oracle's workforce?
3 MR. PARKER: The document speaks for
4 itself.
5 THE WITNESS: I think they are saying
6 that you have to look at -- you have to include
7 cohorts in any kind of analysis. I don't know if --
8 I don't see him saying that you can't do a
9 statistical analysis, but I'm saying he's saying
10 that you have to consider cohorts when you look at
11 this. That's what I'm reading.
12 BY MS. BREMER:
13 Q Okay. And then in -- Ian's question was:
14 "Are you saying one of his" --
15 He asked basically two questions:
16 "Are you saying the statistical
17 analysis is so nuanced that it can't be
18 done?"
19 That was one question.
20 A Right.
21 Q And then in -- when Gary answered
22 "Both" --
23 A Yes.
24 Q -- he was indicating that that was --
25 that was Oracle's position, right, that a

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1 letter from Erin Connell that gave some examples of
2 why, you know, it had to be looked at, at a deeper
3 level.
4 And then in the -- the letter that we
5 talked about a little while ago that Gary wrote, he
6 gave a couple of examples in that too as to why --
7 you know, why -- why jobs are different and you
8 really have to look at them carefully.
9 BY MS. BREMER:
10 Q Okay. So at the -- on Page 4 at the very
11 end, the notes reflect Janette as saying:
12 "This is a difficult one to accept.
13 Oracle has been a contractor for years,
14 and we have not seen documentation of
15 the required self-audit."
16 Did you -- did Oracle understand OFCCP to
17 be referencing the compensation analysis required by
18 41 C.F.R. Section 60-2.17?
19 A Yes.
20 Q And Janette says -- or the document
21 reflects her saying:
22 "I don't understand why what product a
23 person is working on isn't documented."
24 Did Oracle have any data documenting the
25 products that its employees were working on?

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1 **A** At that time there was not a
2 comprehensive documentation of products that people
3 were working. There -- there -- it's -- it's more
4 in depth now. But at that time it was not an
5 in-depth model. There was some documentation, but
6 it wasn't, you know, for all jobs.
7 And -- and different areas had -- you
8 know, relied on different information, so it wasn't
9 comprehensive to where we could just go in and pull
10 it up really quickly at that point in time --
11 **Q** And --
12 **A** At that point in time.
13 **Q** And when -- when did it -- did Oracle
14 start documenting product or providing more -- when
15 did Oracle start providing more documentation
16 regarding products?
17 **A** I don't know the exact date. I can say
18 that I've become aware of better documentation in
19 the last year.
20 **Q** And you don't know when that
21 documentation began?
22 MR. PARKER: Asked and answered.
23 THE WITNESS: No.
24 BY MS. BREMER:
25 **Q** Okay. And then on Page 5 of the notes,

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1 itself on this. I don't want to -- I don't want to
2 say what she was thinking. But I think that if you
3 look at it, it says most -- what her statement is,
4 I -- that's the only thing that I can say that is
5 what she meant.
6 **Q** Okay. Let's look at Page 6. And then at
7 the bottom there's a header "Janette provided
8 settlement information." And then there's a header
9 for "Compensation."
10 Do you see that?
11 **A** Yes.
12 **Q** Then it says one year, colon, 22 million
13 for all violations.
14 What are these -- can you describe
15 what -- what Janette said about the remedy for the
16 compensation violations?
17 **A** Well, just -- just what it says here.
18 She's saying for one year, there were 22 million for
19 all violations, women and Asians are not counted
20 twice, 7.7 million for women and product,
21 African-Americans 250,000, Asians 13 to 14 million,
22 information technology 670,000 for females and
23 487,000 for females and support. And she said it
24 impacted 3,561 employees.
25 But that's the best notes, I mean, that

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1 there is an exchange. Erin is reflected saying:
2 "Your allegation says that there is a
3 compensation issue, not that women and
4 men are being steered into different
5 product lines with different pay,
6 correct?"
7 I guess, that's -- that's a question by
8 Erin, right?
9 **A** Yes. That should be a question yes.
10 **Q** And Janette's response is reflected as
11 being:
12 "You can make that argument, but if
13 most of the women end up in lower
14 paying jobs and the men end up in
15 higher paying jobs, then we will argue
16 that the compen- -- the comp system is
17 tainted."
18 Do you see that?
19 **A** Yes.
20 **Q** Did you understand her to be referring to
21 the compensation system?
22 **A** Yes.
23 **Q** And was she explaining that compensation
24 disparities could be due to assignment problems?
25 **A** I think that the document speaks for

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1 we can get. We were -- or I was typing really fast.
2 So -- yeah.
3 **Q** Do you -- when she said "for one year,"
4 did -- did OFCCP explain that the one year was
5 because that's all the data that OFCCP had at that
6 point from the compliance review?
7 **A** I don't remember.
8 **Q** Is this three years, colon, 66 million?
9 How do you understand that OFCCP arrived at that
10 number?
11 **A** Just from looking at this. And I could
12 be wrong, but it looks like they multiplied
13 22 million times three.
14 **Q** And did -- did Janette explain that
15 during the meeting?
16 **A** I don't remember.
17 **Q** And do you recall her explaining at the
18 beginning that she was -- that OFCCP was only
19 considering base pay in its calculations?
20 **A** I don't remember that.
21 **Q** And then Juana, does that refer to Juana
22 Sherman?
23 **A** Yes.
24 **Q** She asked at the meeting:
25 "Are there any nonmonetary aspects?"

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1 **A** Yes.
2 **Q** And then Janette responded:
3 "Yes, we would want to propose some
4 changes, for example, training in pay
5 equity analysis, clearly documenting
6 what the justification is for
7 discrepancies, pay transparency, and
8 explaining to the employees. There are
9 a variety of ideas we would have for
10 policy changes as part of the
11 settlement."
12 Do you recall her discussing any other
13 nonmana- -- nonmonetary aspects of the settlement?
14 **A** I don't recall anything other than --
15 than on these notes, in all honesty. I wish I did,
16 but...
17 **Q** There's a redaction in the next section.
18 Do you know what that is?
19 **A** Yes.
20 **Q** Do you know, why -- why was that --
21 MR. PARKER: It's attorney-client --
22 attorney-client privilege.
23 THE WITNESS: There was a question asked
24 of one of the attorneys when we sent this in, and
25 that's what that is.

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1 I -- we took down as far as the notes.
2 **Q** And in your experience discussing
3 remedies for violations, mitigation typically comes
4 up with respect to hiring claims, right?
5 **A** I don't have a lot of experience with --
6 with violations, so I'll take your -- I'll take your
7 word for it. I don't have the experience you have
8 with regard to that, so I'll take your word for it.
9 **Q** Okay. And then the next, Page 7, the
10 notes reflect Ian saying:
11 "With -- with compensation, the numbers
12 are more firm."
13 MR. PARKER: Sorry, where you are reading
14 from?
15 MS. BREMER: Ian. It says -- first, he
16 says:
17 "These are not hard numbers."
18 MR. PARKER: Okay.
19 BY MS. BREMER:
20 **Q** And then he says:
21 "But with compensation, numbers are
22 more firm."
23 Did you understand OFCCP to be saying
24 that -- that there was more flexibility with the --
25 the hiring remedies than the compensation remedies?

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1 MR. PARKER: The redaction is the same
2 thing.
3 BY MS. BREMER:
4 **Q** Okay. And then -- and then the next
5 column is -- or the next header is -- is "Hiring."
6 Do you see that?
7 **A** Yes.
8 **Q** And there's a discussion about mitigation
9 evidence.
10 That relates to the -- to the hiring --
11 the remedies for hiring, right?
12 **A** Yes.
13 **Q** And it doesn't make sense -- or there was
14 no discussion of mitigation with respect to the
15 compensation violations.
16 **A** I don't see that in the notes.
17 **Q** And do you recall that?
18 **A** I don't recall anything other than what
19 is in the notes.
20 **Q** Okay.
21 **A** Just -- just the overall high-level view
22 of meeting everybody. But as far as everything
23 discussed in the meeting, again, it's like we're
24 talking just about three years ago, I don't remember
25 all the topics that were discussed other than what

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1 **A** Yes.
2 **Q** And then the notes reflect Ian saying:
3 "We will ask you for more information.
4 Formula for -- for this calculation is
5 described in the agency directive under
6 remedies on the agency's website."
7 And what did -- what did you understand
8 this to mean?
9 **A** Just all I can say is, you know, what --
10 what's written there, that there's a formula for --
11 for the calculation and it's described in the
12 agency's directive under remedies on agency's
13 website.
14 I don't understand it to mean anything
15 other than that.
16 **Q** Okay. So OFCCP was -- was just
17 explaining to Oracle where it could find the how to
18 calculate -- how to calculate the -- the remedies?
19 **A** That's what it says.
20 **Q** Okay. And then the next time Ian speaks,
21 or is reflected as speaking in these notes, it
22 says -- well, let's -- let's ask -- let's start with
23 Gary's question above. It says:
24 "How do we -- how do you want us to
25 proceed?"

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1 And then there's a response from Ian.
2 Do you see that?
3 **A** Yes.
4 **Q** And it says:
5 "It is helpful you've asked. If we
6 move to that phase, there is a lot to
7 do. If we get stuck on the liability
8 part, there isn't much to do. It
9 depends on your response. If you say
10 you are not liable, then there isn't
11 much to go to from there."
12 Do you see that?
13 **A** Yes. I do want to qualify something.
14 It's something that came up as -- as you were
15 talking. It jogged my memory.
16 Charles may have taken handwritten notes.
17 If he did, I'm not sure if he still has a copy of
18 them, and he may have just compared them to mine and
19 filled in where, you know, I didn't have
20 information. But I -- I have the notes that I sent
21 to him. So --
22 **Q** Okay.
23 **A** If he has -- if he has -- if he typed
24 them, and I don't remember if he did or not, then
25 I'm sure he still has them.

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1 the October 6, 2016 meeting that OFCCP did not
2 answer?
3 **MR. PARKER:** Exhibit 131 speaks for
4 itself.
5 **THE WITNESS:** Yes. Yeah, I was going to
6 say the exact same thing, that it speaks for itself.
7 I -- anything that -- the answer to that question
8 would be in those notes.
9 **BY MS. BREMER:**
10 **Q** And you have nothing further to add?
11 **A** No. No. I -- no, I don't.
12 **Q** And as of the October 6, 2019 meeting,
13 Oracle still had not produced the 2013 compensation
14 snapshot data, right?
15 **A** No. I don't believe so. I don't know
16 when it was produced. I'd have to look and see, you
17 know, the date. But I think it was after that
18 meeting.
19 **MS. BREMER:** Okay. Let's -- let's look
20 at Exhibit 17 to the Jane Suhr PMK deposition.
21 (Exhibit 17 previously marked for identification.)
22 **A** Do I have it?
23 **MR. GARCIA:** No. She's trying to hand it
24 to you.
25 **THE WITNESS:** Oh. I'm looking for

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1 **Q** Do you -- at the meeting was it Oracle's
2 understanding that OFCCP was -- was requesting a
3 response from -- or a proposal from -- from Oracle?
4 **MR. PARKER:** Vague and ambiguous.
5 Compound.
6 **THE WITNESS:** Yes, if we wanted to
7 settle.
8 **BY MS. BREMER:**
9 **Q** And was it your understanding that --
10 that OFCCP expected to see a -- a -- an offer in
11 response to the remedies that OFCCP discussed
12 regarding the compensation violations?
13 **MR. PARKER:** Vague and ambiguous.
14 **THE WITNESS:** I'm -- I'm not sure. I
15 mean, I know that -- I know from this, just what I
16 said, that they were -- OFCCP was -- wanted some --
17 some type of proposal and settlement. But beyond
18 that point and -- and don't have -- and, really, I
19 really have not much experience with violations,
20 that was my understanding.
21 Can I ask you how much time we have left?
22 Okay.
23 He mouthed 45 minutes, so...
24 **BY MS. BREMER:**
25 **Q** Did -- did Oracle ask any questions at

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1 Exhibit 17. Do we already have that?
2 **BY MS. BREMER:**
3 **Q** During the deposition today, you've a
4 couple times mentioned a letter from Erin Connell.
5 Is this the letter that you've been
6 referring to?
7 **A** Let me take a look.
8 Yes.
9 **Q** Okay. And the compensation
10 discrimination violations are discussed starting on
11 Page 6 of the letter.
12 Do you see that?
13 **A** Yes.
14 **Q** Okay. So then on -- on Page 7 of the
15 letter, it says, at the very top:
16 "Oracle is a highly diverse company in
17 terms of people, skills, products and
18 customers. As a result, generalized
19 statistics that might be probative in
20 assessing employers with large numbers
21 of teamsters, teachers, bank tellers,
22 retail store clerks or cashiers, car
23 assemblers or other similar positions
24 or not meaningful here."
25 **A** Is that on Page 7 of her -- of

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1 October 31st -- her October 31st letter?
2 Q Yes.
3 A Okay. I don't see that. It says:
4 "Oracle does not -- does not have
5 hundreds, or even dozens, of employees
6 who are" --
7 MR. PARKER: You don't have to read it
8 out loud.
9 THE WITNESS: Okay.
10 MR. PARKER: You can just read it to
11 yourself.
12 BY MS. BREMER:
13 Q It's at the top --
14 A Oh, I see, to the contrary. Okay, I see
15 where it starts. All right.
16 Q Was -- was Oracle taking the position
17 that, A, that generalized -- a generalized
18 statistical analysis of Oracle's compensation could
19 not be done?
20 MR. PARKER: Document speaks for itself.
21 THE WITNESS: I don't -- I don't see that
22 it says -- it says that -- where she's saying
23 that -- it says:
24 "As a result of generalized statistics
25 that might be probative in assessing

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1 through it, but I'd have to reread it again, each --
2 each sentence and word to make -- to be absolutely
3 accurate in that answer.
4 MS. BREMER: Okay. I would like to mark
5 as Exhibit 132 a December 12th, 2016 letter from
6 Erin Connell to Patricia Smith.
7 THE REPORTER: Exhibit 132.
8 (Exhibit 132 marked for identification.)
9 THE WITNESS: All right. Thank you.
10 BY MS. BREMER:
11 Q Is this a true and correct copy of a
12 letter that Oracle sent to Patricia Smith on or
13 about December 12th, 2016?
14 A That Erin sent to them that Orrick sent,
15 yes.
16 Q And Patricia Smith was the solicitor of
17 labor in 2000 -- December 2016, correct?
18 A As far as I know, yes.
19 Q And -- so that was the -- that was the
20 top -- top attorney for Department of Labor?
21 A It's my understanding, yes.
22 Q Why -- why did Oracle send a letter to
23 the solicitor of labor concerning -- concerning
24 conciliation?
25 MR. PARKER: You can answer that to the

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1 employers with large numbers of
2 teamsters" -- and it goes on to talk
3 about -- "are not meaningful here."
4 So it says that it would be very
5 difficult to do one.
6 Q And in the October 31st, 2016 letter,
7 Oracle did not suggest an alternative statistical
8 analyst of -- of Oracle's compensation?
9 A It suggested a cohort analysis, I
10 believe, and she provides some examples in here.
11 Q And Oracle's October 31st, 2016 letter
12 did not include any monetary offer to resolve the
13 violations either, right?
14 A Correct.
15 Q And did Oracle suggest any nonmonetary
16 remedies to resolve the violations?
17 A I'd have to read this thoroughly again.
18 I've read it. I -- I don't believe so, but I -- I
19 have -- to be -- give you exactly accurate one, I'd
20 have to read it again.
21 Q And the letter doesn't provide any
22 response to the violations for Oracle's failure to
23 supply documents during the compliance review, does
24 it?
25 A I don't see -- see any just skimming

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1 extent you have knowledge that's not based on what
2 an attorney told you or any information from an
3 attorney.
4 THE WITNESS: I really have no knowledge
5 within which to answer that question at all, so...
6 MS. BREMER: Okay. I'd like to mark as
7 Exhibit 133 a document dated January 9th, 2017
8 from Ian Eliasoph to Gary Siniscalco.
9 THE REPORTER: Exhibit 133.
10 (Exhibit 133 marked for identification.)
11 THE WITNESS: Thank you very much.
12 BY MS. BREMER:
13 Q Did Oracle receive a copy of a -- this
14 January 9th, 2017 letter on or about that date?
15 A I believe so, but I -- I can't swear to
16 it. I'm sure -- there's no reason why they wouldn't
17 share it.
18 Q At the bottom of the first page of the
19 letter, it says:
20 "Before filing the complaint, we would
21 like to offer you final opportunity to
22 resolve Oracle's violations without the
23 time and expense of litigation."
24 Did Oracle provide any offer to resolve
25 the violations after receiving the January 9th,

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1 2017 letter and before the enforcement action was
2 filed?
3 **A** No, not to my knowledge.
4 **MS. BREMER:** I would like to mark as
5 Exhibit 134 a document dated January 17th, 2017
6 from Gary Siniscalco to Ian Eliasoph.
7 **THE WITNESS:** I do -- I do want to say I
8 remember him saying that he had a conversation, but
9 I don't know what happened. And again, I -- when it
10 got to this point, I was pretty much out of...
11 **MR. PARKER:** I don't want you to -- if he
12 in that statement is Gary Siniscalco, I don't want
13 you to discuss --
14 **THE WITNESS:** Okay.
15 **MR. PARKER:** -- what Gary told and talked
16 to you about.
17 **THE WITNESS:** Okay, sorry.
18 **THE REPORTER:** Exhibit 134.
19 (Exhibit 134 marked for identification.)
20 **THE WITNESS:** Thank you.
21 **BY MS. BREMER:**
22 **Q** Is this a true and correct copy of the
23 letter that Gary Siniscalco sent to Ian Eliasoph on
24 or about January 17th, 2017?
25 **A** It appears to be.

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1 **Q** In the second-to-last paragraph, it says:
2 "It's no secret that Oracle's CEO is a
3 member of the incoming administration's
4 transition team."
5 **A** Uh-huh.
6 **Q** Who -- who was he referencing?
7 **A** Safra Catz.
8 **Q** And when did Safra Catz become a member
9 of the incoming administration's transition team?
10 **MR. PARKER:** Outside the scope. Lacks
11 foundation. Calls for speculation.
12 **THE WITNESS:** I don't remember the exact
13 dates. I know it was before he took office on -- on
14 January 20th, but I don't know these dates.
15 **BY MS. BREMER:**
16 **Q** Was Oracle suggesting that OFCCP should
17 take into consideration its CEO's role in the Trump
18 administration in a decision whether to file an
19 enforcement action?
20 **MR. PARKER:** Calls for speculation.
21 Outside the scope. Lacks foundation. Document
22 speaks for itself.
23 **THE WITNESS:** I didn't write the
24 document. I can't attest to anybody's intent in
25 this, but I -- I would not think so, but...

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1 **Q** This letter does not make any offer to
2 resolve the violations, correct?
3 **MR. PARKER:** Letter speaks for itself.
4 **BY MS. BREMER:**
5 **Q** Did you respond?
6 **A** Not yet.
7 **Q** Okay.
8 **A** I was -- I was -- I was -- I was
9 rereading it, yeah. I will skim.
10 Gary was asking for more information from
11 the OFCCP on this, yeah.
12 **Q** And -- and it didn't -- Oracle was not
13 making any counteroffer?
14 **MR. PARKER:** Document speaks for itself.
15 **THE WITNESS:** Yeah. I mean, it -- from
16 reading this document, he's -- he's asked if you
17 could provide Oracle with specific and appropriate
18 set of proposed monetary remedies and other
19 provisions that would reasonably and -- and in good
20 faith allow Oracle to asses the agency's
21 conciliation demand.
22 So he was asking for more information
23 within which to discuss everything with -- with
24 OFCCP.
25 **BY MS. BREMER:**

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1 It doesn't -- it doesn't indicate that
2 that's what they were -- and when -- it goes further
3 into the middle of that. It explains something
4 different.
5 **BY MS. BREMER:**
6 **Q** What do you mean "something different"?
7 **A** Well, it says:
8 "To the extent the timing here is
9 motivated in whole or in part to
10 advantage the outgoing democratic
11 administration or disadvantage the
12 incoming administration, such
13 motivations would be plainly -- would
14 plainly be inappropriate."
15 So he's -- I think he's talking about the
16 move, to move on this so quickly.
17 **Q** And this -- this Show Cause Notice was
18 issued on June 8th, 2016, correct?
19 **A** Which -- which document are you talking
20 about again? And I can -- I can look at the date
21 and...
22 **Q** Exhibit 130.
23 **A** Thank you.
24 **MR. PARKER:** Document speaks for itself,
25 I think.

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1 THE WITNESS: Yeah, that's -- I mean,
2 whatever -- whatever it says. All I can do is relay
3 is information to you that I'm going to read off the
4 document.
5 MS. BREMER: Okay. Let's -- let's mark
6 as Exhibit 135 an e-mail from Ian Eliasoph to Erin
7 Connell dated January 17th, 2017.
8 THE REPORTER: Exhibit 135.
9 (Exhibit 135 marked for identification.)
10 A Thank you.
11 Q Did Oracle receive a copy of this e-mail
12 from Ian Eliasoph on or about January 17th, 2017?
13 A I don't have this in my records, but
14 I'm -- I'm sure that --
15 MR. PARKER: I'm sorry. Then that --
16 that would be the end, because it would otherwise --
17 THE WITNESS: Okay.
18 MR. PARKER: -- be a communication.
19 THE WITNESS: Okay.
20 MS. BREMER: Let's -- let's take a break.
21 THE WITNESS: Okay, and how much more
22 time?
23 THE VIDEOGRAPHER: This marks the end of
24 Volume I, Media No. 7. The time now is 5:24 p.m.,
25 and we're off record.

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1 about -- or Janette responds, and she said that:
2 "We're not willing to provide more
3 information at this time."
4 That -- that related to the -- to the
5 hiring and recruiting violations; is that right?
6 A I -- it's in that section. I can't say
7 for sure, but it -- it -- it looks like it could be.
8 Again, I don't remember the meeting. I was so busy
9 trying to get all the words down that that's what my
10 focus was. So...
11 MR. PARKER: You're going to get a better
12 answer. Can you read the entire document before you
13 start answering that question.
14 THE WITNESS: Sure.
15 BY MS. BREMER:
16 Q And it looks --
17 MR. PARKER: Because I think the context
18 may make a difference to you.
19 MS. BREMER: Okay. Let's -- let's go off
20 the record to read the document, and then we can go
21 back on.
22 THE VIDEOGRAPHER: This marks the end of
23 volume I, Media No. 8. Our time now is 5:40 p.m.,
24 and we're going off record.
25 (Off record.)

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1 (Recess.)
2 THE VIDEOGRAPHER: This marks the
3 beginning of Volume I, Media No. 8. Our time now is
4 5:37 p.m., we're on record.
5 BY MS. BREMER:
6 Q Okay. I want to turn back to
7 Exhibit 131.
8 A Okay.
9 Q Okay. So if you look at the first page
10 of 131, there is -- about halfway down the page,
11 there's a one line after Janette. It says:
12 "Let's start with the first one
13 recruiting."
14 Do you see that?
15 A Yes.
16 Q Okay. So after that, the notes reflect
17 Gary asking the question:
18 "Please explain what violation is."
19 Do you see that?
20 A Yes.
21 Q And he then asks again:
22 "Please explain a little bit further."
23 Do you see?
24 A Yes.
25 Q And then there is some discussion

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1 THE VIDEOGRAPHER: This marks the
2 beginning of Volume I, Media No. 9. The time now is
3 5:41 p.m., and we're on record.
4 BY MS. BREMER:
5 Q Okay. So I was asking the Janette Wipper
6 statement that we're not willing to provide more
7 information until you give us more information and
8 provide actual interest in conciliating this matter
9 was in the context of the recruiting and hiring
10 claims; is that right?
11 A Yes.
12 Q Okay. And was -- earlier in your
13 deposition, you said that OFCCP would take the
14 position -- or was taking the position that it
15 wouldn't share information.
16 Was -- did OFCCP take that position with
17 respect to the compensation violations?
18 MR. PARKER: Misstates the testimony.
19 THE WITNESS: What I stated was, this is
20 in this section that is marked in the notes
21 "Hiring." However, in reading this -- and I've read
22 this now three times this -- at this point -- I
23 cannot say with certainty that this only pertained
24 to hiring.
25 BY MS. BREMER:

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1 Q Okay. And are you aware of any statement
2 made by OFCCP that it would not provide or share
3 information regarding the compensation violations?
4 A I know Gary was trying to get further
5 analysis on this with regard to the compensation
6 violations.
7 Q And -- and how do you know that?
8 A And just -- well, I can't -- I can't
9 discuss -- actually, I can't -- I can't bring that
10 up -- up into this because it would be --
11 MR. PARKER: You can discuss it to the
12 extent it's in any of the letter --
13 THE WITNESS: Yes.
14 MR. PARKER: -- or in the documents
15 you're looking at.
16 THE WITNESS: Yes. Okay.
17 MR. PARKER: The objection is the
18 documents speak for themselves.
19 THE WITNESS: In some of the letters --
20 not in this document, but in some of the letters
21 that we went through, there was some discussion --
22 and I don't, you know, know which paragraph and
23 which document -- over trying to understand a little
24 bit more about the analysis.
25 BY MS. BREMER:

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1 going back to 131.
2 A Okay. You're fine. You're fine.
3 Q Looking at Page 4, in the -- in the
4 middle of the page, you testified about the sentence
5 that Gary is reflected as saying:
6 "When a focal review is done, the
7 question is looked at as far as how
8 people look in compensation compared to
9 their comparators."
10 And -- and you provided some testimony
11 about during the focal review, managers looking at
12 employees to make sure there's no discrimination.
13 Do you remember that?
14 A Yes.
15 Q What did -- what did managers do during
16 the focal review to ensure no discrimination?
17 MR. PARKER: Beyond the scope. Vague as
18 to time. Compound.
19 THE WITNESS: Managers were instructed
20 not to discriminate when it came to pay and to make
21 sure that people were paid with regard to their
22 relevant skills for the job and their relevant work
23 experience --
24 BY MS. BREMER:
25 Q And this --

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1 Q Okay. So --
2 A And do that would be the only...
3 Q I was trying to clarify your prior
4 testimony where you specifically talked about the
5 October 6th meeting --
6 A Okay.
7 Q -- and had indicated that OFCCP -- and
8 I'm paraphrasing here --
9 A Right.
10 Q -- would not share -- share data.
11 And what I just want to make sure is
12 that -- or clarify is that you were referencing the
13 statement by Janette at the bottom of the first page
14 of the notes which is Exhibit 131?
15 A Yes.
16 Q Okay. And then looking back at
17 Exhibit 135, are you aware of any response that
18 Oracle made to this e-mail?
19 MR. PARKER: If -- if you only learned of
20 any response through counsel, then you can only
21 answer yes or no.
22 THE WITNESS: I'm not aware of -- of any
23 response.
24 BY MS. BREMER:
25 Q Okay. I'm sorry to do this, but now I'm

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1 A -- and -- and -- and performance.
2 Q And this -- you testified about that in
3 your prior deposition. Is -- is that what you're
4 referring to?
5 A Well, I -- it's the same answer, yes.
6 Q Right.
7 And the managers who are conducting focal
8 reviews didn't have information about the race and
9 gender of the employees in the data that they were
10 reviewing for the focal review; is that right?
11 MR. PARKER: Beyond the scope.
12 THE WITNESS: They were --
13 MR. PARKER: I believe it's been asked
14 and answered.
15 But go ahead.
16 THE WITNESS: In the focal review, they
17 are expected to review their employees without
18 regard to race or gender and make sure that there's
19 no discrimination in that employees are paid
20 according to the quality of their work, their
21 relevant work experience, relevant education, and --
22 and factors like that.
23 BY MS. BREMER:
24 Q And was there any documentation of any
25 analysis that was done by managers during the focal

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1 review?
2 MR. PARKER: Beyond the scope. Vague as
3 to time.
4 THE WITNESS: During which time frame?
5 Are you talking before or after the NOV?
6 BY MS. BREMER:
7 Q Before the NOV.
8 MR. PARKER: Same objections.
9 THE WITNESS: There was -- there was an
10 example that was provided to OFCCP that was taken
11 out of the compensation workbench by Lisa Gordon,
12 and it -- I believe it -- it was either sent to Hoan
13 or Hea Jung Atkins, and it -- it had the
14 compensation workbench. It showed how jobs were --
15 you know, they worked together. It showed each
16 piece of a focal review for a manager. And the
17 manager's name that she used was Fang, F-A-N-G. And
18 so that -- that part of it was provided.
19 In addition to that, there was an
20 example, and I believe it -- I believe the date of
21 the letter was June 2nd, 2015, in which we describe
22 the process that people go through to ensure that,
23 you know, compensation is looked at and evaluated at
24 Oracle.
25 BY MS. BREMER:

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1 MR. PARKER: Shauna --
2 THE WITNESS: Oh, I'm sorry.
3 MR. PARKER: -- the only reason you know
4 that -- you can't disclose attorney-client
5 communications. You can disclose what you know,
6 what you don't know from attorneys.
7 THE WITNESS: Okay.
8 MR. PARKER: So I'll move to strike. I
9 don't --
10 THE WITNESS: Okay.
11 MR. PARKER: -- think you intended to do
12 that.
13 THE WITNESS: No I didn't.
14 MR. PARKER: But --
15 THE WITNESS: Okay.
16 MR. PARKER: -- that's not what you're
17 supposed to do.
18 THE WITNESS: Okay.
19 MR. PARKER: Okay?
20 THE WITNESS: Sorry. Sorry.
21 BY MS. BREMER:
22 Q So you don't know one way or the other
23 without --
24 A Without violating what -- what he just --
25 attorney-client privilege.

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1 Q Okay. So the work- -- the workbench
2 document that you're talking about, is that like a
3 screenshot from the -- from the focal review?
4 A Yes.
5 Q Or that's a screenshot of information
6 that the manager would have available when
7 conducting the focal review?
8 A No. It was actually the -- she gave an
9 example of -- of -- of it -- of a manager's work
10 group, and it was -- it was enable -- it was labeled
11 Fang. And she gave an example of these different
12 screenshots which I in turn sent to OFCCP.
13 And it was -- it was -- this is for -- it
14 was for this one manager to show what happened as
15 far as the focal review in this workbench.
16 Q Okay. I think you testified that
17 there -- that OFCC -- that Oracle provided --
18 ultimately provided the 2013 compensation snapshot
19 to OFCCP; is that right?
20 MR. PARKER: Misstates the testimony.
21 THE WITNESS: I believe counsel provided
22 that after the NOV.
23 BY MS. BREMER:
24 Q But you don't know for a fact?
25 A I do not --

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1 MS. BREMER: Okay. I'm going to mark as
2 Exhibit 136 a document that is 41 C.F.R. Section
3 60-2.10.
4 THE REPORTER: Exhibit 136.
5 (Exhibit 136 marked for identification.)
6 THE WITNESS: Thank you.
7 BY MS. BREMER:
8 Q If you look at 60-2.10, Subsection C, do
9 you see that? It says:
10 "Documentation. Contractors must
11 maintain and make available to OFCCP
12 documentation of their compliance with
13 Sections 60-2.11 through 60-2.17?"
14 A Yes.
15 Q What did Oracle do to maintain
16 documentation of compliance with Section 60-2.17C?
17 MR. PARKER: Do you have -- you have to
18 have a -- sorry, she can't do that without the regs
19 in front of her.
20 MS. BREMER: I just gave her the regs.
21 THE WITNESS: Yeah.
22 MR. PARKER: 60-2.11C?
23 THE WITNESS: It's not C. It's just
24 2.11.
25 MR. PARKER: Yeah.

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1 THE WITNESS: And then it --
2 MR. PARKER: A, B. I know for a fact it
3 goes down to C. So this is not the entirety of the
4 regs.
5 MR. GARCIA: It's the entirety of the
6 regs for 2.10.
7 MR. PARKER: That wasn't the question.
8 THE WITNESS: She brought up C.
9 MS. BREMER: Yeah.
10 THE WITNESS: There was no C on this.
11 There's documentation --
12 (Simultaneous cross-talking.)
13 MR. PARKER: The objection is this. This
14 refers to -- so let me make sure I understand.
15 So 60-2.10C, then itself refers to
16 60-2.11, correct, through 60-2.17, correct? And
17 this -- Ms. Harries-Holmes [sic] does not have the
18 entirety of 60-2.11 through 60-2.17, and that's the
19 question posed.
20 MS. BREMER: Okay. I'm ask --
21 MR. PARKER: And she cannot answer it
22 without the regs in front of her.
23 MS. BREMER: That actually was not the
24 question posed.
25 And I will give you -- I will show you

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1 of the reports, applicants and hires, is maintained
2 in Taleo, and it -- the work that works directly
3 with that report is our -- it's our HRIS department,
4 so it's -- it's a little different.
5 THE REPORTER: The system is called Leo?
6 THE WITNESS: Taleo, T-A-L-E-O. Yeah.
7 THE REPORTER: Thank you.
8 THE WITNESS: You're welcome.
9 BY MS. BREMER:
10 Q Okay. And specifically -- okay. So
11 that's your affirmative -- you're talking about your
12 affirmative action plan.
13 A Those are -- you asked -- you asked where
14 the records were maintained and how they were -- so
15 I was explaining that to you, and that's uploaded
16 into the -- the software. And the report are
17 created for our affirmative action plan.
18 Q Okay. And then specifically with respect
19 to looking at the requirements of Section 60-2.7
20 where it talks about the compensation analysis --
21 A I don't see 2.7 on here. I see --
22 Q Two --
23 MR. GARCIA: Two point 17.
24 BY MS. BREMER:
25 Q -- 17.

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1 Exhibit 34 which was previously marked in your
2 deposition as Exhibit No. 34 --
3 THE WITNESS: Okay.
4 MS. BREMER: -- which is Section 60-2.17
5 which is my question.
6 (Exhibit 34 previously marked for identification.)
7 A Are you talking about Subpart C?
8 Q Okay. So my question was with respect to
9 60_2.10 Subpart C, and then I was asking
10 specifically about maintaining documents regarding
11 Section 60-2.17 which I've now handed you.
12 A Okay. And do you want to know where I
13 maintain them or in what format or...
14 Q Okay. Let's start with what format.
15 A We purchase licenses for affirmative
16 action software from a company -- it's now called
17 Affirmity. It used to be PeopleFluent -- and it
18 runs our affirmative action reports. In order to
19 create those reports, we pull some different -- we
20 run some different reports that provide a -- a text
21 file that we convert to Excel.
22 And two of the reports -- well, all of
23 the reports at the time that this audit was
24 submitted were maintained -- it was -- in our
25 Criterion system that was through OAL. And now one

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1 A One seven, okay.
2 Q And Subsection B talks about the in-depth
3 analysis of the total employment processes.
4 A Yes.
5 Q And then Subpart C talkies about the
6 compensation systems.
7 Where is that -- where are those analyses
8 kept by OF -- by Oracle?
9 MR. PARKER: Compound.
10 THE WITNESS: Are you talking about for
11 the compensation analysis?
12 BY MS. BREMER:
13 Q Yes.
14 A You're talking about the one that we do
15 to satisfy these regs, not --
16 Q Right.
17 A Not the attorney privileged one?
18 Q Right.
19 A Okay. That's in -- at the time of this
20 it -- those analyses were maintained just what I
21 described, that we sent the example on for
22 supervisor Fang in the compensation workbench.
23 And also, I want to add, that's for the
24 focal. In addition to that, the starting pay is
25 evaluated on -- there's a workflow that comes

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1 around. When -- when someone is going to be hired
2 at Oracle, they take a look at -- and this is
3 another piece of it. They take a look at the
4 workflow, and -- and -- and -- and what the -- the
5 person's skills and relevant work experience
6 compared to the people in their work group that they
7 are hiring for.
8 And they -- they -- they make sure that
9 the person is paid in an equitable manner with
10 regard to what they're bringing to the job as far as
11 experience and education, skills, and -- and that
12 type of thing. And that's on -- that's on the
13 workflow, so that's actually the first step in the
14 evaluation process.
15 Q And you're saying any -- any analysis
16 that was conducted with respect to this section was
17 on the -- on the -- on the workflow with respect to
18 starting pay?
19 MR. PARKER: Misstates the testimony.
20 THE WITNESS: Yes, for starting pay, it
21 was on the workflow.
22 BY MS. BREMER:
23 Q Okay. Are you aware of any other
24 analyses and where Oracle kept them that would
25 comply with the requirements of, 60-2.17(A)(C), or

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1 action plans for its headquarters between 2013 and
2 June 2019?
3 A I received the department that does
4 affirmative action, yes.
5 Q And -- and you were designated in the
6 affirmative action plan itself as -- as the person
7 responsible for implementing the affirmative action
8 plan?
9 A Yes.
10 Q And in that -- for that entire time
11 frame?
12 A Yes.
13 MR. PARKER: All right. I think seven
14 hours has run.
15 THE WITNESS: Okay.
16 MS. BREMER: Okay. Thank you.
17 THE WITNESS: Thank you.
18 MR. GARCIA: Thank you, all.
19 (Simultaneous cross-talking.)
20 THE VIDEOGRAPHER: This marks the end of
21 Volume I and concludes the deposition of Shauna
22 Holman-Harries. Time is 6:05 p.m., and we're going
23 off record.
24
25 (TIME NOTED: 6:05 p.m.)

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1 (B)(C)?
2 A Each manager also looks at any kind of
3 bonus, and it -- it also is imported in -- in the --
4 the -- if there's -- if there is a bonus for that
5 particular group. It's also in the compensation
6 workbench or any type -- or any type of additional
7 pay or incentives. It's all -- all recorded there.
8 And the managers are instructed in the
9 training to make sure that people are -- are -- are
10 paid in a nondiscriminatory fashion and that pay is
11 related to their -- their skills and relevant work
12 experience and education and -- and any other factor
13 that's related to the -- that's job related.
14 Q And are you aware of any other -- where
15 Oracle has kept any other compensation analyses that
16 comply with these regulations?
17 A In 2014, no. Now some of the information
18 is kept in the cloud and maintained there. They've,
19 you know, enhanced the different tools.
20 But I do want to stress that each manager
21 is different, and then the types of information that
22 are -- that's recorded in these documents can vary
23 from manager to manager.
24 Q Were you designated as the responsible
25 person for implementing all Oracle's affirmative

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1 I, SHAUNA HOLMAN-HARRIES, do hereby
2 declare under penalty of perjury that I have read
3 the foregoing transcript; that I have made any
4 corrections as appear noted, in ink, initialed by
5 me, or attached hereto; that my testimony as
6 contained herein, as corrected, is true and correct.
7 EXECUTED this _____ day of _____,
8 20____, at _____,
9 (City) (State)
10
11
12
13 _____
14 SHAUNA HOLMAN-HARRIES
15
16
17
18
19
20
21
22
23
24
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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a record
8 of the proceedings was made by me using machine
9 shorthand, which was thereafter transcribed under my
10 direction; further, that the foregoing is a true
11 record of the testimony given.
12 I further certify I am neither financially
13 interested in the action nor a relative or employee
14 of any attorney or party to this action.
15 IN WITNESS WHEREOF, I have this August 5,
16 2019 subscribed my name.

21 _____
22 ASHLEY SOEVYN
23 CSR No. 12019
24
25

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1 ERRATA SHEET
2 30(b)(6) Deposition of: SHAUNA HOLMAN-HARRIES
3 Date taken: AUGUST 1, 2019
4 Case: OFCCP, ETC. VS. ORACLE AMERICA, INC.
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