1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF SAN MATEO

3 ---oOo---

4 RONG JEWETT, SOPHY WANG,)
XIAN MURRAY, ELIZABETH SUE)
5 PETERSEN, MARILYN CLARK, and)
MANJARI KANT, on behalf of)
6 themselves and all others)
similarly situated,)
7)
Plaintiffs,)
8)
vs.) No. 17-CIV-02669
9)
ORACLE AMERICA, INC.,)
10)
Defendant.)
11 _____)

12

13

14

15 CONFIDENTIAL, PURSUANT TO PROTECTIVE ORDER

16 VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.

17 BY: CHAD WAYNE KIDDER

18 October 23, 2018

19

20 Taken before JANE GROSSMAN

21 CSR No. 5225

22

JANE GROSSMAN REPORTING SERVICES
23 Certified Shorthand Reporters
1939 Harrison Street, Suite 460
24 Oakland, California 94612
510.444.4500
25 www.grossmanreporting.com

Exhibit P-20

1 I N D E X

2 VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.

3 BY: CHAD WAYNE KIDDER

4 TUESDAY, OCTOBER 23, 2018

5 PAGE

6 PROCEEDINGS 8

7 EXAMINATION BY: MR. MULLAN 9

8 MS. PERRY 63

9 ---oOo---

10 E X H I B I T S

11 DEPOSITION EXHIBITS MARKED FOR IDENTIFICATION

12 * Document designated "CONFIDENTIAL"

13 EXHIBIT NO. DESCRIPTION PAGE

14 Exhibit 74 * Multipage document entitled "Compensation Collection 45
15 Tool User Manual"
16 (ORACLE_JEWETT_00030997 - ORACLE_JEWETT_00031006)

17 Exhibit 75 * Two-page document entitled "Offer Details" 58
18 (ORACLE_JEWETT_00032285 - ORACLE_JEWETT_00032286)

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1 PREVIOUSLY MARKED EXHIBITS

2 REFERRED TO IN THIS TRANSCRIPT

3 * Document designated "CONFIDENTIAL"

EXHIBIT NO.	DESCRIPTION	PAGE
Exhibit 27	Multipage document entitled "New Employee Paperwork, for Xiang Wang, dated as "Start Date" 1-Oct (sic), with handwritten entries (ORACLE_JEWETT_00000164 - ORACLE_JEWETT_00000199)	28
Exhibit 28	Multipage document entitled "New Employee Paperwork," for Rong Yang, dated as "Start Date" 4/2/2012, with handwritten entries (ORACLE_JEWETT_00000101 - ORACLE_JEWETT_00000146)	28
Exhibit 57 *	Three-page document entitled "US PAY EQUITY FAQ FOR MANAGERS AND HR, Updated January 8, 2018" (ORACLE_JEWETT_00006674 - ORACLE_JEWETT_00006676)	32
Exhibit 65	Three-page document entitled "PLAINTIFFS' SUPPLEMENTAL AMENDED NOTICE OF DEPOSITION OF THE PERSON MOST KNOWLEDGEABLE AT DEFENDANT ORACLE AMERICA, INC. [REGARDING PRIOR PAY]" (No Bates numbers)	12
Exhibit 66 *	One-page e-mail dated 11/8/2017, addressed to Claudia Funie, from recruiting-announcements@oracle.com, "Subject: Compensation Collection Tool Changes" (ORACLE_JEWETT_00031007)	40

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1 PREVIOUSLY MARKED EXHIBITS

2 REFERRED TO IN THIS TRANSCRIPT

3 * Document designated "CONFIDENTIAL"

EXHIBIT NO.	DESCRIPTION	PAGE
Exhibit 67 *	Multipage PowerPoint with the heading, "ORACLE, Recruit & Hire Guidance, Role Checklist for a Successful Hire: New US Legislation...October 2017" (ORACLE_JEWETT_00031017 - ORACLE_JEWETT_00031030)	55
Exhibit 68	Multipage document with the heading on the first page "Opening a Vacancy" (labeled on the first page -00030956; no numbers on subsequent pages)	19
Exhibit 70	Multipage document with the heading "Oracle Talent Advisory, Recruit & Hire at Oracle...," copyright 2017 (labeled on the first page -00030994; no numbers on subsequent pages)	24
Exhibit 72 *	Three-page e-mail chain, the top-most of which is dated Friday, October 27, 2017, addressed to kredwar_directs_ww, from Lynne Carrelli, "Subject: Manager Impact: Changes to US Hiring Process Effective October 31, 2017 (ORACLE_JEWETT_00061989 - ORACLE_JEWETT_00061991)	48
Exhibit 73 *	Multipage document with the heading on the first two pages "ORACLE," "HR Learning Session, US Pay Equity Law and Salary History Bans," dated October 18 - 19, 2017 (ORACLE_JEWETT_00061992 - ORACLE_JEWETT_00062011)	52

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1 Proceedings Commenced: 9:10 a.m.
2 RECESSES
3 9:26 a.m. until 9:38 a.m.
4 10:06 a.m. until 10:26 a.m.
5 10:53 a.m. until 11:01 a.m.
6 Proceedings Concluded: 11:08 a.m.
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1 VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.
2 BY: CHAD WAYNE KIDDER
3
4 BE IT REMEMBERED that, pursuant to Notice of
5 Taking Videotaped Deposition, and on Tuesday, October
6 23, 2018, commencing at the hour of 9:10 a.m., at the
7 LAW OFFICES OF ALTSHULER BERZON LLP, 177 Post Street,
8 Suite 300, San Francisco, California 94108, before me,
9 JANE GROSSMAN, a Certified Shorthand Reporter of the
10 State of California, personally appeared
11 CHAD WAYNE KIDDER,
12 produced as the person most knowledgeable for Oracle
13 America, Inc., who, being by me first duly sworn, was
14 thereupon examined as a witness in said cause.
15 ---oOo---
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25

1 A P P E A R A N C E S

2 FOR PLAINTIFFS RONG JEWETT, SOPHY WANG, XIAN MURRAY,
3 ELIZABETH SUE PETERSEN, MARILYN CLARK, and MANJARI KANT,
4 on behalf of themselves and all others similarly
5 situated:

6 RUDY, EXELROD, ZIEFF & LOWE, LLP
351 California Street, Suite 700
7 San Francisco, California 94104
415.434.9800
8 By: JOHN T. MULLAN, Attorney at Law
jtm@rezlaw.com
9 and
ALANA REYNOLDS, Litigation Assistant
10

11 FOR PLAINTIFFS RONG JEWETT, SOPHY WANG, XIAN MURRAY,
12 ELIZABETH SUE PETERSEN, MARILYN CLARK, and MANJARI KANT,
13 on behalf of themselves and all others similarly
14 situated:

15 ALTSHULER BERZON LLP
177 Post Street, Suite 300
16 San Francisco, California 94108
415.421.7151
17 By: JAMES M. FINBERG, Attorney at Law
jfinberg@altshulerberzon.com
18

19 FOR DEFENDANT ORACLE AMERICA, INC.:

20 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
21 Menlo Park, California 94025-1015
650.614.7350
22 By: JESSICA R. PERRY, Attorney at Law
jperry@orrick.com
23

24 ALSO PRESENT: JOSHUA HEADRICK, Videographer

25 ---oOo---

1 TUESDAY, OCTOBER 23, 2018 9:10 A.M.
2 P R O C E E D I N G S
3 Here begins Video No. 1, Volume No. I, of 09:10:04
4 the deposition of PMK Oracle America, Inc., 09:10:08
5 Chad Kidder, in the matter of Jewett, et al., versus 09:10:13
6 Oracle America, Inc., venued in the Superior Court 09:10:15
7 of California, County of San Mateo, Case No. 09:10:21
8 17-CIV-02669. 09:10:25
9 Today's date is October 23rd, 2018, and 09:10:31
10 the time on the video monitor is 9:10 a.m. 09:10:34
11 The video operator today is Joshua 09:10:40
12 Headrick, representing Jane Grossman Reporting 09:10:42
13 Services; telephone number (510) 444-4500. 09:10:44
14 This video deposition is taking place at 09:10:49
15 177 Post Street, Suite 300, San Francisco, 09:10:53
16 California 94108, and was noticed by John Mullan. 09:10:57
17 Counsel, please voice identify yourselves 09:11:03
18 and state whom you represent. 09:11:05
19 MR. MULLAN: John Mullan of Rudy, Exelrod, 09:11:08
20 Zieff & Lowe on behalf of Plaintiffs and the 09:11:09
21 proposed class. 09:11:12
22 MR. FINBERG: Jim Finberg from Altshuler 09:11:14
23 Berzon for Plaintiffs and the proposed class. 09:11:17
24 And I'm here with a litigation associate 09:11:23
25 from my office, Alana Reynolds. 09:11:26

1 MS. PERRY: Jessica Perry for Defendant 09:11:29
2 Oracle. 09:11:32
3 THE VIDEOGRAPHER: The court reporter is 09:11:34
4 Jane Grossman, representing Jane Grossman Reporting 09:11:34
5 Services. 09:11:36
6 Would the reporter please administer the 09:11:38
7 oath? 09:11:40
8 ---oOo--- 09:11:40
9 CHAD WAYNE KIDDER, 09:11:40
10 having been sworn as a witness by the 09:11:40
11 Certified Shorthand Reporter, 09:11:41
12 testified as follows: 09:11:41
13 ---oOo--- 09:11:41
14 EXAMINATION BY MR. MULLAN 09:11:41
15 MR. MULLAN: Q. Good morning, Mr. Kidder. 09:11:52
16 We met a few moments ago off the record, 09:11:53
17 but can you state your full name for the record, 09:11:55
18 please? 09:11:57
19 A. Chad Wayne Kidder. 09:12:00
20 Q. Mr. Kidder, have you been deposed before? 09:12:01
21 A. No. 09:12:04
22 Q. Let me just go through a few of the ground 09:12:05
23 rules. I know your counsel has probably gone 09:12:07
24 through some, but for the record we'll review them. 09:12:11
25 THE REPORTER: Can I have one second, 09:12:11

1 please? 09:12:11
2 (Discussion off the record.) 09:12:11
3 MR. MULLAN: Q. So you understand that 09:12:23
4 you're under oath today, and even though we're in an 09:12:25
5 informal setting, everything that you say here today 09:12:29
6 is subject to the penalty of perjury? 09:12:31
7 A. Yes. 09:12:33
8 THE REPORTER: I'm sorry. I need to go 09:12:40
9 off the record a second. 09:12:42
10 THE VIDEOGRAPHER: Going off the record, 09:13:13
11 the time is 9:12 a.m. 09:13:13
12 (Discussion off the record.) 09:13:16
13 THE VIDEOGRAPHER: Back on the record. 09:13:26
14 The time is 9:13 a.m. 09:13:27
15 MR. MULLAN: Q. The court reporter here 09:13:29
16 today is taking down everything that we say on the 09:13:32
17 record. 09:13:35
18 And in order for her to be able to do that 09:13:36
19 clearly, it's important that you and I don't speak 09:13:38
20 over each other. 09:13:41
21 So I've asked to -- that you let me finish 09:13:42
22 my question before you jump in with your response. 09:13:47
23 And I will, in turn, let you finish your response 09:13:49
24 before I move on to the next question. 09:13:52
25 Is that fair? 09:13:54

1 A. That's fair. 09:13:55
2 Q. And similarly it's important that we 09:13:56
3 respond verbally to questions. So in everyday 09:13:59
4 conversation, we typically nod our heads or shake 09:14:03
5 our heads. In this case, we need audible responses. 09:14:06
6 Do you understand that? 09:14:09
7 A. I do. 09:14:10
8 Q. I will probably ask you some questions 09:14:11
9 from time to time that your counsel will make an 09:14:14
10 objection to. 09:14:16
11 Unless your counsel instructs you not to 09:14:18
12 answer, you're still required to give me a response. 09:14:21
13 Do you understand that? 09:14:24
14 A. I do. 09:14:25
15 Q. If something is not clear to you, just let 09:14:25
16 me know that, and I'll do my best to rephrase that 09:14:27
17 in a manner that makes more sense to you. 09:14:30
18 Is that fair? 09:14:33
19 A. It is. 09:14:34
20 Q. Mr. Kidder, do you understand that you are 09:14:35
21 testifying here today for Oracle as its designee 09:14:37
22 with respect to certain topics? 09:14:40
23 A. I do. 09:14:49
24 Q. I'm going to show you what's previously 09:14:49
25 been marked as Exhibit 65. 09:14:51

1 (Previously marked Deposition Exhibit 65 09:14:54
2 was referenced herein.) 09:14:59
3 MR. MULLAN: Q. Mr. Kidder, have you seen 09:15:01
4 this document before? 09:15:02
5 A. I have. 09:15:03
6 Q. And if you look to page 2 of this 09:15:04
7 document, which is the deposition notice, you'll 09:15:08
8 see the topic described as Topic 26. 09:15:12
9 Do you see that? 09:15:16
10 A. Yes. 09:15:17
11 Q. Do you understand that you are here today 09:15:18
12 testifying as to Topic 26? 09:15:20
13 A. Yes, I do. 09:15:23
14 MS. PERRY: I am just going to object on 09:15:23
15 the basis that Oracle served objections to this 09:15:25
16 deposition notice, and Mr. Kidder is being produced 09:15:29
17 here today to testify about Topic 26 as reflected in 09:15:32
18 those objections. 09:15:37
19 MR. MULLAN: Q. Mr. Kidder, what is your 09:15:40
20 current job title? 09:15:41
21 A. I'm the director of Talent Advisory, North 09:15:43
22 America Product Development, all except Oracle Cloud 09:15:46
23 Infrastructure. 09:15:52
24 Q. And how long have you held that position? 09:16:05
25 A. It's approximately two years and seven 09:16:07

1 months. 09:16:10
2 Q. Have you held other positions at Oracle? 09:16:19
3 A. Yes, I have. 09:16:21
4 Q. Maybe, if you can, just go through your 09:16:23
5 job history at Oracle. 09:16:25
6 MS. PERRY: Object. Vague; overbroad. 09:16:28
7 Go ahead. 09:16:29
8 THE WITNESS: Prior to -- prior to being a 09:16:30
9 director, I was a senior manager in a comparable 09:16:32
10 role. I did that for approximately a year and three 09:16:34
11 months. 09:16:38
12 Prior to that, I was a recruiting manager 09:16:38
13 for approximately two years and four months. 09:16:41
14 And prior to that, I was a -- an executive 09:16:44
15 recruiter for approximately seven months. 09:16:48
16 Prior to that, I was an interim recruiting 09:16:50
17 manager for approximately seven months. 09:16:53
18 Prior to that, I was a senior recruiter 09:16:54
19 for approximately -- 09:16:55
20 (Clarification requested by the reporter.) 09:16:59
21 THE WITNESS: Prior to that, I was a 09:16:59
22 senior recruiter for approximately four years and 09:17:01
23 seven months. 09:17:04
24 MR. MULLAN: Q. I could probably do the 09:17:05
25 math, but, if you can, tell me when you first began 09:17:08

1 working for Oracle. 09:17:11
2 A. It was at the end of May 2007. 09:17:12
3 Q. Can you tell us a little bit about your 09:17:23
4 educational background? 09:17:24
5 A. I have a bachelor of arts in 09:17:26
6 communications, and I have an MBA. 09:17:29
7 Q. Okay. Going back to your current 09:17:31
8 position, director of Talent Advisory North America, 09:17:46
9 can you describe your job responsibilities in that 09:17:50
10 time -- in that position? 09:17:52
11 A. Yes. So I'm responsible for managing the 09:17:54
12 recruiting team for U.S. and Canada, for filling 09:17:58
13 open positions within the company directly related 09:18:03
14 to product development, in other words, software 09:18:06
15 development. 09:18:12
16 Q. So do you have any responsibility over the 09:18:19
17 Oracle functions Support or Global IT? 09:18:21
18 A. No, I do not. 09:18:25
19 Q. All right. Do you know if there are 09:18:26
20 people, who have a similar job title and role for 09:18:40
21 you, who oversee similar functions to you in those 09:18:43
22 functions? 09:18:47
23 MS. PERRY: Objection. Vague and 09:18:48
24 ambiguous. 09:18:49
25 You can go ahead and answer. 09:18:52

1 THE WITNESS: Yes, there are people who 09:18:54
2 manage those teams as well -- recruiting teams. 09:18:57
3 MR. MULLAN: Q. And what are their names? 09:19:04
4 A. That would be Jeff Glassberg. 09:19:05
5 Q. Does Mr. Glassberg hold that position with 09:19:15
6 regard to both Support and Global IT? 09:19:18
7 A. I'm uncertain as to what part of Global IT 09:19:26
8 he might cover. 09:19:29
9 Q. But he covers Support? 09:19:31
10 A. He does cover Support. 09:19:32
11 Q. Do you know of any other people who hold a 09:19:41
12 similar position with regard to Support or Global 09:19:44
13 IT? 09:19:45
14 A. I do not. 09:19:46
15 MS. PERRY: Object to form. Vague and 09:19:47
16 ambiguous. 09:19:48
17 MR. MULLAN: Q. All right. Do you have 09:19:50
18 individuals who report directly to you? 09:19:57
19 A. Yes. 09:19:58
20 Q. How many? 09:19:59
21 A. At present, 16. 09:20:00
22 Q. I don't need to know their names, but can 09:20:05
23 you tell me their job titles? 09:20:07
24 A. I have senior recruiters as senior 09:20:11
25 principal recruiters -- allow me to rephrase -- 09:20:14

1 senior talent advisors and senior principal talent 09:20:19
2 advisors. 09:20:24
3 Q. What is the difference between a recruiter 09:20:32
4 and a talent advisor? 09:20:34
5 A. There is no difference. It's an internal 09:20:36
6 term. 09:20:39
7 Q. How would you describe the essential 09:20:39
8 functions of a recruiter's position? 09:20:45
9 MS. PERRY: Object to form. Vague and 09:20:47
10 ambiguous; also to the extent it calls for a legal 09:20:48
11 conclusion. 09:20:50
12 You can go ahead and testify as to their 09:20:51
13 job duties. 09:20:53
14 THE WITNESS: So a recruiter at Oracle is 09:20:54
15 responsible for gathering the job requirements for a 09:20:57
16 particular open position; engaging with the hiring 09:21:01
17 manager for that position; determining various types 09:21:05
18 of technical requirements; going out to the 09:21:11
19 marketplace to contact candidates; prescreening 09:21:14
20 those candidates; submitting those candidates to 09:21:18
21 said hiring manager; and then assisting with any 09:21:24
22 further steps necessary in the process. 09:21:27
23 MR. MULLAN: Q. And who do you report to? 09:21:31
24 A. Colleen Varana. 09:21:38
25 Q. And what is her position? 09:21:42

1 A. Senior director, North America Talent 09:21:44
2 Advisory, Product Development, Legal, F and A. 09:21:47
3 (Clarification requested by the reporter.) 09:22:01
4 THE WITNESS: Finance and accounting. 09:22:01
5 MR. MULLAN: Q. Who was your predecessor 09:22:11
6 in your current role? 09:22:14
7 MS. PERRY: Object. Vague and ambiguous; 09:22:17
8 lacks foundation. 09:22:18
9 THE WITNESS: Shane Driggers. 09:22:20
10 MR. MULLAN: Q. And to the extent you 09:22:23
11 know, did Mr. Driggers have the same job 09:22:31
12 responsibilities as you currently have? 09:22:34
13 MS. PERRY: Object to form. Vague; 09:22:36
14 ambiguous; overbroad; lacks foundation; calls for 09:22:37
15 speculation. 09:22:40
16 MR. MULLAN: Q. You can answer. 09:22:47
17 A. Yes, it was comparable. 09:22:48
18 Q. And how long did Mr. Driggers hold that 09:22:49
19 position? 09:22:52
20 MS. PERRY: Object to form. Vague; 09:22:53
21 ambiguous; overbroad; lacks foundation; calls for 09:22:54
22 speculation. 09:22:56
23 THE WITNESS: I'm uncertain as to the 09:23:00
24 dates. 09:23:02
25 MR. MULLAN: Q. Do you know if it 09:23:07

1 extended back further than June of 2013? 09:23:08
2 A. Yes, it did. 09:23:11
3 Q. And what position is Mr. Driggers in now, 09:23:18
4 if he's still at Oracle? 09:23:21
5 MS. PERRY: Calls for speculation. 09:23:23
6 Go ahead. 09:23:24
7 THE WITNESS: He has left the company. 09:23:24
8 MR. MULLAN: Q. So I don't want to ask 09:23:29
9 you about what you discussed with your counsel. 09:23:32
10 But can you tell me what you did to 09:23:34
11 prepare for your deposition today? 09:23:36
12 A. We reviewed this form, as well as some 09:23:38
13 others. 09:23:41
14 Q. You mean other documents? 09:23:50
15 A. Yes. 09:23:51
16 Q. Do you know which documents? 09:23:52
17 A. There were some e-mails that I believe 09:23:53
18 both parties have that we reviewed. 09:23:56
19 Q. When you say "we," who are you referring 09:24:08
20 to? 09:24:10
21 A. Myself and my counsel. 09:24:10
22 Q. And how long did you meet with your 09:24:15
23 counsel? 09:24:16
24 A. It was approximately three hours. 09:24:17
25 Q. And when was that? 09:24:20

1 A. Yesterday. 09:24:22
2 Q. Mr. Kidder, I'm going to give you what's 09:24:50
3 been previously marked as Exhibit 68. 09:24:53
4 (Previously marked Deposition Exhibit 68 09:24:55
5 was referenced herein.) 09:24:55
6 MR. MULLAN: Q. Just take as long as you 09:24:55
7 need to review that document. 09:24:56
8 MS. PERRY: I want you to review the whole 09:25:04
9 thing. 09:25:06
10 THE WITNESS: I'm sorry? 09:25:06
11 MS. PERRY: I want you to take the time to 09:25:08
12 review the whole thing. 09:25:09
13 MR. MULLAN: Q. And I can tell you that 09:25:11
14 I'm -- my questions are going to focus on the pages 09:25:11
15 beginning on page 9 -- it's actually page 8. 09:25:21
16 (Discussion off the stenographic record.) 09:26:11
17 THE VIDEOGRAPHER: Going off the record, 09:26:26
18 the time is 9:26. 09:26:26
19 (Recess taken: 9:26 a.m. until 9:38 a.m.) 09:26:28
20 THE VIDEOGRAPHER: Back on the record, the 09:26:28
21 time is 9:38 a.m. 09:38:04
22 MR. MULLAN: Q. Mr. Kidder, are you 09:38:09
23 familiar with Oracle's iRecruitment Job Offer Form? 09:38:10
24 A. Yes, I am. 09:38:16
25 Q. The document that you were just handed, 09:38:19

1 Exhibit 68, if you flip to page 9, beginning on that 09:38:21
2 page, is that screenshots of the iRecruitment Offer 09:38:32
3 Form? 09:38:34
4 A. Yes. 09:38:37
5 MS. PERRY: Object to form. Vague and 09:38:38
6 ambiguous as to time. 09:38:39
7 THE WITNESS: Yes, it is. 09:38:42
8 MR. MULLAN: Q. Your counsel raises a 09:38:43
9 good point. 09:38:44
10 Is this the existing Oracle iRecruitment 09:38:47
11 Offer Form? 09:38:49
12 And I just note that if you look at the 09:38:55
13 bottom of the screenshots, you'll see it says 09:38:57
14 "Copyright...2014," if that helps refresh your 09:38:59
15 recollection. 09:39:03
16 A. This form is a dated one. 09:39:05
17 Q. Do you know when this form was in effect? 09:39:08
18 A. I do not. 09:39:11
19 Q. Does Talent Acquisition use the -- the 09:39:17
20 iRecruitment form? 09:39:19
21 A. No, Talent Acquisition does not use the 09:39:24
22 iRecruitment form. 09:39:29
23 Q. Do you know who does use it? 09:39:31
24 A. Typically, it would be used by hiring 09:39:32
25 managers. 09:39:35

1 Q. But you've seen this form before? 09:39:35
2 A. Yes. 09:39:37
3 Q. If you flip to internal page 12, I just 09:39:39
4 want to focus you on the upper-right corner. 09:39:49
5 A. Okay. 09:39:56
6 Q. You'll see the second field on, it asks 09:39:57
7 for "Candidate's Current Salary/ATV." 09:40:00
8 Do you see that? 09:40:04
9 A. Yes. 09:40:05
10 Q. Firstly, do you know what "ATV" stands 09:40:06
11 for? 09:40:09
12 A. No, I do not. 09:40:13
13 Q. So is this asking for a job offer 09:40:14
14 candidate's prior salary at the company they're 09:40:17
15 coming from? 09:40:21
16 MS. PERRY: Object to form. Vague; 09:40:23
17 ambiguous; overbroad. 09:40:24
18 THE WITNESS: It appears to be, yes. 09:40:30
19 MR. MULLAN: Q. Does this refresh your 09:40:33
20 recollection in any way as to when this form was in 09:40:34
21 effect? 09:40:37
22 A. Yes, it does. 09:40:40
23 Q. And how so? 09:40:42
24 A. There was a time when this was a field 09:40:44
25 within the iRecruitment offer template. 09:40:47

1 Q. Do you know when it stopped being a field 09:40:55
2 within the iRecruitment offer template? 09:40:58
3 A. Approximately fall of 2017. 09:41:01
4 Q. Was this form completed by the hiring 09:41:07
5 manager? 09:41:09
6 MS. PERRY: Object to form. Vague; 09:41:10
7 ambiguous; overbroad; calls for speculation. 09:41:12
8 Go ahead. 09:41:14
9 THE WITNESS: Yes, it was. 09:41:15
10 MR. MULLAN: Q. So in this field the 09:41:17
11 hiring manager would enter the candidate's prior 09:41:19
12 salary? 09:41:22
13 MS. PERRY: Object to form. Vague; 09:41:23
14 ambiguous; overbroad; lacks foundation; calls for 09:41:25
15 speculation. 09:41:27
16 THE WITNESS: I would not be able to speak 09:41:28
17 intelligently on what each hiring manager entered 09:41:30
18 into that field. 09:41:34
19 MR. MULLAN: Q. But that's what is 09:41:35
20 supposed to be entered into that field; correct? 09:41:36
21 MS. PERRY: Object to form. Vague; 09:41:39
22 ambiguous; overbroad. 09:41:40
23 THE WITNESS: That's -- that appears to be 09:41:41
24 the case. 09:41:42
25 MR. MULLAN: Q. Do you know when the 09:41:44

1 field first appeared in the iRecruitment job offer 09:41:57
2 form? 09:42:00
3 A. No, I do not. 09:42:01
4 Q. And if you flip to page -- internal 09:42:27
5 page 15 in the iRecruitment Offer Form, you'll see 09:42:30
6 again there's a field for "Candidate's Current 09:42:37
7 Salary/ATV." 09:42:41
8 Do you see that? 09:42:43
9 A. Yes, I do. 09:42:46
10 Q. And, again, that's referring to the 09:42:47
11 candidate's prior pay; is that correct? 09:42:49
12 A. Yes, it -- 09:42:52
13 MS. PERRY: Object to form. Vague; 09:42:53
14 ambiguous; overbroad. 09:42:55
15 Go ahead. 09:42:56
16 THE WITNESS: Yes, presumably so. 09:42:58
17 MR. MULLAN: Q. So this form indicates 09:43:05
18 that at least from 2014 through the fall of 2017, I 09:43:08
19 believe you said, prior pay information was 09:43:13
20 collected in the iRecruitment Job Offer Form; is 09:43:16
21 that correct? 09:43:18
22 MS. PERRY: Object to form. Vague; 09:43:19
23 ambiguous; overbroad; lacks foundation. 09:43:21
24 THE WITNESS: Again, I would not be able 09:43:24
25 to speak intelligently on data that was collected 09:43:25

1 into these forms as I do not use them myself, nor 09:43:29
2 does my recruiting team. 09:43:32
3 MR. MULLAN: Q. But you agree that the -- 09:43:34
4 there was a field for -- to collect that information 09:43:36
5 in the form; correct? 09:43:38
6 MS. PERRY: Object to form. Vague; 09:43:40
7 ambiguous; overbroad. 09:43:42
8 THE WITNESS: I agree there is a field 09:43:43
9 there, yes. 09:43:45
10 MR. MULLAN: Q. If you know, the 09:43:46
11 information inputted into the iRecruitment form was 09:43:52
12 retained by Oracle; is that correct? 09:43:55
13 MS. PERRY: Object to form. Vague; 09:43:58
14 ambiguous; overbroad; also, to the extent it is 09:43:59
15 beyond the scope. 09:44:01
16 If you have personal knowledge of that, 09:44:02
17 you can testify to it. 09:44:04
18 THE WITNESS: I do not have personal 09:44:06
19 knowledge of that. 09:44:07
20 MR. MULLAN: Q. I'll give you what has 09:44:28
21 been previously marked as Exhibit 70. 09:44:29
22 (Previously marked Deposition Exhibit 70 09:44:32
23 was referenced herein.) 09:44:32
24 MR. MULLAN: Q. Take as much time as you 09:44:33
25 need to review that document. 09:44:39

1 A. Okay. I've had enough time to review. 09:45:44
2 Q. Do you recognize what's been marked as 09:45:47
3 Exhibit 70? 09:45:50
4 A. Yes, I do. 09:45:51
5 Q. And what is it? 09:45:52
6 A. It's a training document on how to create 09:45:53
7 an offer in iRecruitment. 09:45:56
8 Q. Did you have any role in creating this 09:45:59
9 document? 09:46:02
10 A. No, I did not. 09:46:02
11 Q. Was it developed by the Talent Advisory 09:46:04
12 Team? 09:46:05
13 A. I'm uncertain as to who actually developed 09:46:10
14 it. 09:46:13
15 Q. If you flip to internal page 11 in 09:46:21
16 Exhibit 70, you'll see it says at the top of the 09:46:24
17 page "Information required for all offers submitted 09:46:32
18 for review." 09:46:36
19 Do you see that? 09:46:38
20 A. Yes, I do. 09:46:39
21 Q. And then it lists a number of items below 09:46:40
22 that. 09:46:42
23 Do you see that? 09:46:43
24 A. Yes, I do. 09:46:44
25 Q. And about six items down, it states, 09:46:45

1 "Current base salary and OTE." 09:46:47
2 Do you see that? 09:46:50
3 A. Yes, I do. 09:46:51
4 Q. Firstly, what is "OTE"? 09:46:52
5 A. On-target earnings. 09:46:55
6 Q. And what is that? 09:46:57
7 A. On-target earnings are typically what an 09:47:00
8 employee would assume they would make in the course 09:47:06
9 of a year with all forms of compensation included. 09:47:08
10 Q. So here where it says, "Current base 09:47:13
11 salary and OTE," that's referring to a job 09:47:16
12 candidate's prior compensation; is that correct? 09:47:20
13 MS. PERRY: Object to form. Vague; 09:47:25
14 ambiguous; overbroad. 09:47:26
15 THE WITNESS: It appears to be, yes. 09:47:27
16 MR. MULLAN: Q. So this information was 09:47:29
17 required for all offers apparently. 09:47:43
18 Do you see that? 09:47:44
19 MS. PERRY: Object to form. Vague; 09:47:45
20 ambiguous; lacks foundation; overbroad. 09:47:47
21 THE WITNESS: This information was 09:47:57
22 required for every field within the iRecruitment 09:47:58
23 system. 09:48:01
24 MR. MULLAN: Q. It states that it's 09:48:05
25 required for all offers submitted for review. 09:48:06

1 Is that different than the iRecruitment 09:48:08
2 system? 09:48:10
3 A. They would be comparable. 09:48:11
4 Q. So what it means, it's "required for all 09:48:14
5 offers submitted for review" -- why was it required 09:48:17
6 for all offers submitted for review? 09:48:20
7 MS. PERRY: Object to form. Vague; 09:48:24
8 ambiguous; overbroad; also to the extent it 09:48:25
9 misstates testimony. 09:48:27
10 Go ahead. 09:48:28
11 THE WITNESS: I would not have that 09:48:29
12 information as to why it was required for all offers 09:48:31
13 submitted for review. 09:48:34
14 MR. MULLAN: Q. Do you know who required 09:48:36
15 it? 09:48:38
16 A. No, I do not. 09:48:38
17 Q. Was it required to -- in part, to help 09:48:39
18 determine initial pay for the job applicant? 09:48:41
19 MS. PERRY: Object to form. Vague; 09:48:44
20 ambiguous; overbroad; also to the extent it calls 09:48:45
21 for speculation. 09:48:48
22 Go ahead. 09:48:49
23 THE WITNESS: Not that I'm aware of. 09:48:52
24 MR. MULLAN: Q. You -- you just don't 09:48:57
25 know, or you -- you say it's not required for that 09:48:57

1 purpose? 09:49:00
2 A. I do not know. 09:49:01
3 Q. And it's your understanding that it's not 09:49:08
4 currently required; is that correct? 09:49:10
5 A. Yes, that is my understanding. 09:49:12
6 Q. I'll hand you what has been marked -- 09:49:35
7 previously marked as Exhibit 27. 09:49:40
8 (Previously marked Deposition Exhibit 27 09:49:43
9 was referenced herein.) 09:49:43
10 MR. MULLAN: Q. I'm also going to give
11 you what's been previously marked as Exhibit 28. 09:49:44
12 (Previously marked Deposition Exhibit 28 09:49:47
13 was referenced herein.) 09:49:48
14 MR. MULLAN: Q. And I'd ask you to flip 09:49:48
15 to page -- internal page -170 of Exhibit 27. 09:50:06
16 A. Could you please repeat the page number? 09:50:14
17 Q. -170, and page -115 of Exhibit 28. You'll 09:50:17
18 see they're similar documents. 09:50:42
19 A. Okay. 09:50:45
20 Q. My question to you is, these documents are 09:51:00
21 both titled "Candidate Offer Information." 09:51:04
22 Are you familiar with these types of 09:51:07
23 documents? 09:51:09
24 A. No, I am not. 09:51:10
25 Q. Do you know if this page was generated 09:51:11

1 using the information inputted into the iRecruitment 09:51:15
2 forms? 09:51:18
3 MS. PERRY: Object to form. Vague; 09:51:21
4 ambiguous; overbroad; also, to the extent it calls 09:51:22
5 for speculation. 09:51:25
6 Go ahead. 09:51:26
7 THE WITNESS: I do not know where these 09:51:27
8 were generated from. 09:51:28
9 MR. MULLAN: Q. If you look down under 09:51:29
10 the heading -- subheading "Terms and Conditions" in 09:51:31
11 both documents, you will see there's a field that 09:51:34
12 states: 09:51:40
13 "Candidate's previous employer and 09:51:40
14 compensation information (Mandatory)..." 09:51:42
15 Do you see that? 09:51:47
16 A. Yes, I do. 09:51:48
17 Q. Do you know if that's where prior 09:51:50
18 compensation information was entered into the 09:51:53
19 Candidate Offer Information Form? 09:51:55
20 MS. PERRY: Object to form. Vague; 09:51:58
21 ambiguous; overbroad; also lacks foundation; and 09:52:00
22 calls for speculation. 09:52:03
23 THE WITNESS: Again, I do not know where 09:52:09
24 this was generated from. 09:52:11
25 MR. MULLAN: Q. Do you know why Oracle 09:52:13

1 sought prior compensation information? 09:52:19
2 MS. PERRY: Object to form. Vague; 09:52:21
3 ambiguous; overbroad. 09:52:22
4 THE WITNESS: Based on my own experience, 09:52:27
5 it was to determine if a hiring manager had the 09:52:28
6 necessary budget in which to pay a candidate. 09:52:34
7 MR. MULLAN: Q. And that's because prior 09:52:38
8 compensation was a factor in setting initial 09:52:40
9 compensation? 09:52:43
10 MS. PERRY: Object to form. Vague; 09:52:44
11 ambiguous; overbroad; lacks foundation; calls for 09:52:45
12 speculation. 09:52:48
13 Go ahead. 09:52:48
14 THE WITNESS: I wouldn't be able to answer 09:52:49
15 that on behalf of any hiring managers. 09:52:51
16 MR. MULLAN: Q. So just so I understand, 09:52:54
17 you -- your understanding is that prior compensation 09:52:55
18 was collected in order to -- for the hiring manager 09:52:57
19 to determine whether they had the budget to make an 09:53:01
20 offer to that candidate; is that correct? 09:53:04
21 MS. PERRY: Object to form. Vague; 09:53:06
22 ambiguous; overbroad; misstates testimony. 09:53:07
23 Go ahead. 09:53:10
24 THE WITNESS: It is my understanding that 09:53:12
25 is one of the reasons why. 09:53:14

1 MR. MULLAN: Q. Okay. And so prior 09:53:18
2 compensation was related to a hiring manager's 09:53:24
3 budget in what way? 09:53:27
4 A. I wouldn't be able to speak intelligently 09:53:28
5 on the budgets of hiring managers at Oracle. 09:53:30
6 Q. Okay. But you just said that it was 09:53:33
7 related to their budgets, the collecting of that 09:53:35
8 information. 09:53:39
9 So I'm just trying to understand why it 09:53:39
10 was related to the budget. 09:53:41
11 A. So, presumably, if a candidate was paid 09:53:45
12 more than what a hiring manager could afford, they 09:53:49
13 would likely not be able to hire them. 09:53:53
14 Q. And that's because prior compensation was 09:53:56
15 a factor in what the initial compensation would be 09:54:00
16 for that candidate; correct? 09:54:02
17 MS. PERRY: Object to form. Vague; 09:54:04
18 ambiguous; overbroad; lacks foundation; calls for 09:54:05
19 speculation. 09:54:07
20 THE WITNESS: Again, that's a bit 09:54:09
21 speculative. 09:54:10
22 MR. MULLAN: Q. Well, what other reason 09:54:14
23 would it be related to the hiring manager's budget? 09:54:14
24 MS. PERRY: Same objections. 09:54:19
25 THE WITNESS: I wouldn't be able to answer 09:54:20

1 that intelligently. 09:54:22
2 MR. MULLAN: Q. Do you know if this 09:54:33
3 particular form, the Candidate Offer Information 09:54:33
4 Form, was filled out by the hiring manager? 09:54:36
5 MS. PERRY: Object to form. Vague; 09:54:42
6 ambiguous; overbroad; lacks foundation; calls for 09:54:42
7 speculation. 09:54:46
8 Go ahead. 09:54:47
9 THE WITNESS: No, I do not know. 09:54:47
10 MR. MULLAN: Q. When you were a 09:55:02
11 recruiter, did you complete Candidate Offer 09:55:02
12 Information Forms? 09:55:08
13 A. No, I did not. 09:55:11
14 Q. Did you complete iRecruitment Job Offer 09:55:14
15 Forms? 09:55:17
16 A. No, I did not. 09:55:17
17 Q. I'm going to hand you what's been 09:55:57
18 previously marked as Exhibit 57. 09:55:59
19 (Previously marked Deposition Exhibit 57 09:56:03
20 was referenced herein.) 09:56:03
21 MR. MULLAN: Q. And take as much time as 09:56:08
22 you need to review that document, Mr. Kidder. 09:56:09
23 A. Okay. 09:57:15
24 Q. Firstly, let me ask you, have you seen 09:57:16
25 this document before? 09:57:18

1 A. Yes, I have. 09:57:19
2 Q. And what is it? 09:57:19
3 A. It is an e-mail regarding pay equity FAQ 09:57:21
4 and company policy. 09:57:27
5 Q. And what is the subject matter of the 09:57:32
6 document? 09:57:34
7 A. The subject matter is regarding candidate 09:57:35
8 prior salary history. 09:57:39
9 Q. Okay. And it states in the top left-hand 09:57:41
10 corner, "Effective October 31, 2017..." 09:57:44
11 Do you see that? 09:57:49
12 A. Yes, I do. 09:57:50
13 Q. Is this referring to what you mentioned 09:57:51
14 earlier as changes in the fall of 2017 pertaining to 09:57:53
15 collecting prior compensation information? 09:57:57
16 A. Yes, it does. 09:58:00
17 Q. And what were the changes that went into 09:58:05
18 effect in October 2017? 09:58:06
19 A. In October 2017 no one within the company 09:58:10
20 was to ask any candidate for employment about their 09:58:13
21 current or prior salary history information. 09:58:17
22 Q. And you'll see in the first column on that 09:58:33
23 page underneath the heading "Introduction," it 09:58:38
24 states: 09:58:41
25 "As you may be aware, several US states 09:58:41

1 and local municipalities recently passed 09:58:45
2 equal pay laws that aim to prevent gender 09:58:48
3 discrimination and salary inequity by 09:58:52
4 banning questions regarding salary history 09:58:54
5 during the hiring process." 09:59:00
6 Do you see that? 09:59:02
7 A. Yes, I do. 09:59:03
8 Q. And then dropping down to the next 09:59:12
9 paragraph, the second sentence, it states: 09:59:16
10 "To ensure Oracle is compliant with these 09:59:17
11 laws, Oracle removed the current salary 09:59:20
12 field from the iRecruitment Job Offer 09:59:24
13 Form; and will prohibit questions 09:59:26
14 regarding salary history during the hiring 09:59:29
15 process for all US locations effective 09:59:32
16 October 31, 2017." 09:59:35
17 Do you see that? 09:59:38
18 A. Yes, I do. 09:59:39
19 Q. And so that's your understanding of when 09:59:40
20 these changes went into effect; is that correct? 09:59:41
21 A. Yes, it is. 09:59:44
22 Q. So is it fair to say that prior to 09:59:57
23 October 31, 2017, Oracle collected salary 09:59:59
24 information from applicants for positions at Oracle? 10:00:04
25 MS. PERRY: Object to form. Vague; 10:00:09

1 ambiguous; overbroad; lacks foundation; calls for 10:00:10
2 speculation. 10:00:13
3 THE WITNESS: Prior to October 31st, 10:00:17
4 2017, Oracle employees were permitted to ask these 10:00:19
5 questions. 10:00:24
6 MR. MULLAN: Q. So going again to that 10:00:29
7 first paragraph under "Introduction," you see -- you 10:00:30
8 see where it states: 10:00:44
9 "The belief is that by shifting the focus 10:00:45
10 of pay conversations away from salary 10:00:47
11 history, companies will begin to close any 10:00:50
12 existing gender wage gaps"? 10:00:53
13 Do you see that? 10:00:55
14 A. Yes, I do. 10:00:56
15 Q. And if you look at the right-hand column, 10:00:57
16 the second question, which is, "What is the purpose 10:01:02
17 of this new legislation?" -- 10:01:07
18 Do you see that? 10:01:09
19 A. Yes, I do. 10:01:10
20 Q. -- you'll see in the answer, it states: 10:01:11
21 "Seeking salary history from job 10:01:13
22 applicants and relying on the current or 10:01:16
23 the past salaries may contribute to the 10:01:18
24 gender wage gap by perpetuating wage 10:01:21
25 inequalities." 10:01:27

1 Do you see that? 10:01:28
2 A. Yes. 10:01:29
3 Q. So is this your understanding as to the 10:01:29
4 reason why Oracle prohibited the collection of 10:01:30
5 salary history from job applicants beginning -- 10:01:30
6 (Clarification requested by the reporter.) 10:01:35
7 MR. MULLAN: Q. Is this your 10:01:36
8 understanding of at least one reason why Oracle 10:01:37
9 prohibited the collection of salary history from job 10:01:40
10 applicants beginning in October 2017? 10:01:44
11 MS. PERRY: Object to form. Vague; 10:01:47
12 ambiguous; overbroad; lacks foundation; calls for 10:01:48
13 speculation; beyond the scope of the noticed 10:01:52
14 deposition topic; and also to the extent it 10:01:55
15 misstates the document in that the answer is 10:01:58
16 reiterating what the stated purpose of new 10:02:00
17 legislation is. 10:02:03
18 You can go ahead and answer, if you 10:02:04
19 understand the question. 10:02:05
20 THE WITNESS: I -- I can only answer as to 10:02:06
21 what this document says is the reasoning for the 10:02:09
22 change. 10:02:12
23 MR. MULLAN: Q. And that's the reason it 10:02:15
24 states; correct? 10:02:16
25 MS. PERRY: Object to form. Lacks 10:02:18

1 foundation; misstates the document. 10:02:19
2 THE WITNESS: It -- it appears to, yes. 10:02:22
3 MR. MULLAN: Q. And again prior to 10:02:24
4 October 2017, the iRecruitment Form contained a 10:02:25
5 field for collecting the salary history of job 10:02:29
6 applicants; correct? 10:02:31
7 MS. PERRY: Object to form. Vague; 10:02:32
8 ambiguous; overbroad; asked and answered. 10:02:33
9 THE WITNESS: Yes, it did. 10:02:38
10 MR. MULLAN: Q. Did you attend any 10:02:42
11 training sessions regarding these October 2017 10:02:43
12 changes? 10:02:46
13 A. No, I did not. 10:02:49
14 E-mails were sent out, and we did discuss 10:02:50
15 these things verbally. 10:02:54
16 Q. Who -- who is "we" in your response? 10:03:01
17 A. This would be the Oracle Recruiting 10:03:03
18 Management Team. 10:03:04
19 Q. And who's included in the Oracle 10:03:07
20 Recruiting Management Team? 10:03:09
21 A. That would be myself, Colleen Varana, 10:03:10
22 Amanda Gill, Lucas Jaramillo, Jessica Lloyd, 10:03:13
23 Shayne Libby, Marianna Gurovich, and Greg Freed. 10:03:21
24 Q. Okay. Who is Amanda Gill? 10:03:38
25 A. Amanda Gill is my boss's boss. 10:03:41

1 Q. And what is her job title? 10:03:45
2 A. She is the vice president of Talent 10:03:47
3 Advisory, North America. 10:03:50
4 Q. And who is Lucas Jaramillo? 10:03:57
5 A. Lucas Jaramillo is the senior manager, 10:03:59
6 Talent Advisory, Oracle Cloud Infrastructure. 10:04:03
7 Q. And Jessica Lloyd? 10:04:14
8 A. Jessica Lloyd is the director, Talent 10:04:16
9 Advisory Sales. 10:04:20
10 Q. And Shayne Libby? 10:04:26
11 A. Shayne Libby is the senior manager, Talent 10:04:29
12 Advisory Sales. 10:04:31
13 Q. I believe you said Marianna Gurovich. 10:04:38
14 A. Yes, Gurovich. She is the senior manager, 10:04:41
15 Oracle Talent Advisory, Sales and Global Business 10:04:44
16 Unit. 10:04:49
17 Q. And lastly I believe you said Greg Freed. 10:04:52
18 A. Yes. Greg Freed is the senior manager, 10:04:55
19 Oracle Talent Advisory Net Suite. 10:04:58
20 Q. And what did you discuss in these 10:05:02
21 conversations with this group? 10:05:12
22 A. So -- 10:05:15
23 MS. PERRY: Object to form. Vague; 10:05:16
24 ambiguous; overbroad. 10:05:17
25 Go ahead. 10:05:19

1 THE WITNESS: -- within the meetings, we 10:05:19
2 discussed that no one within the company was to 10:05:21
3 continue to ask prior salary information or history. 10:05:24
4 MR. MULLAN: Q. Did you discuss how you 10:05:30
5 were going to get that message out to everybody who 10:05:32
6 needed to know? 10:05:35
7 A. Yes, we did. 10:05:36
8 Q. And what did you decide to do to get that 10:05:41
9 message out? 10:05:43
10 A. We followed up with these e-mails that 10:05:44
11 were sent out regarding the subject. 10:05:46
12 Additionally, we discussed them on staff 10:05:49
13 calls with our recruiting teams. 10:05:51
14 Q. Were there training sessions for the 10:06:01
15 recruiting teams? 10:06:03
16 MS. PERRY: Object to form. Vague; 10:06:05
17 ambiguous. 10:06:07
18 THE WITNESS: I don't recall a formal 10:06:09
19 training session. 10:06:10
20 MR. MULLAN: Okay. Why don't we take a -- 10:06:14
21 ten minutes here? 10:06:16
22 MS. PERRY: Okay. 10:06:18
23 THE VIDEOGRAPHER: Going off the record, 10:06:19
24 the time is 10:06 a.m. 10:06:20
25 (Recess taken: 10:06 a.m. until 10:26 a.m.) 10:06:29

1 THE VIDEOGRAPHER: Back on the record. 10:06:29
2 The time is 10:26 a.m. 10:26:40
3 MR. MULLAN: Q. Mr. Kidder, I'm going to 10:26:44
4 hand you what's been previously marked as 10:26:45
5 Exhibit 66. 10:26:47
6 A. Okay. 10:26:48
7 (Previously marked Deposition Exhibit 66 10:26:49
8 was referenced herein.) 10:26:49
9 MR. MULLAN: Q. Take as much time as you 10:26:51
10 need to review that document. 10:26:52
11 A. Okay. 10:27:12
12 Q. Do you recognize this document? 10:27:13
13 A. I -- I do not. 10:27:20
14 Q. In the header of the e-mail -- it 10:27:24
15 appears to be an e-mail -- from recruiting- 10:27:27
16 announcements@oracle.com to Claudia Funie, it 10:27:29
17 states, "Compensation Collection Tool Changes." 10:27:34
18 Do you see that? 10:27:37
19 A. Yes, I do. 10:27:38
20 Q. Dated November 8th, 2017; correct? 10:27:39
21 A. Yes. 10:27:43
22 Q. What is the "Compensation Collection 10:27:45
23 Tool"? 10:27:46
24 A. The Compensation Collection Tool is a 10:27:49
25 portal used by recruiters to collect certain types 10:27:53

1 of compensation information in order to gain some 10:27:59
2 market knowledge as to what various types of 10:28:04
3 positions are paying out in the marketplace and 10:28:07
4 what candidates are asking for in order to be 10:28:12
5 employed. 10:28:15
6 Q. So when you say "collect this 10:28:16
7 information," are you referring to collecting the 10:28:19
8 information from candidates for Oracle positions? 10:28:22
9 A. Yes, that would be correct. 10:28:26
10 Q. Do you use -- use this tool? 10:28:32
11 A. I do not. 10:28:34
12 Q. Do people within Talent Advisory use this 10:28:35
13 tool? 10:28:37
14 A. They do. 10:28:38
15 Q. Do they hire -- did they use it in the 10:28:40
16 hiring process? 10:28:42
17 MS. PERRY: Object to form. Vague; 10:28:45
18 ambiguous; overbroad. 10:28:46
19 THE WITNESS: I wouldn't be able to speak 10:28:48
20 intelligently on that. 10:28:50
21 MR. MULLAN: Q. But it's -- it's used to 10:28:55
22 collect information from Oracle job applicants; 10:28:57
23 correct? 10:29:00
24 A. Yes, Oracle job applicants and prospective 10:29:04
25 applicants. 10:29:08

1 Q. What's the difference between a job 10:29:09
2 applicant and a prospective applicant? 10:29:11
3 A. So a prospective applicant is a person 10:29:13
4 that a recruiter might be speaking to who has not 10:29:18
5 formally applied or been considered for a position 10:29:20
6 with the company. 10:29:23
7 And an applicant is someone who has 10:29:25
8 formally applied and is now into the interview 10:29:27
9 pipeline. 10:29:31
10 Q. Okay. So in this e-mail announcement 10:29:33
11 around the fall of 2017, specifically November 8th, 10:29:34
12 2017, it states: 10:29:39
13 "All compensation fields such as: Base 10:29:45
14 Salary, Hourly Wage, Annual ATV/Bonus will 10:29:50
15 no longer be mandatory, in order to comply 10:29:56
16 with the latest changes in the US work 10:30:00
17 legislation." 10:30:05
18 Do you see that? 10:30:06
19 A. Yes, I see the verbiage. 10:30:07
20 Q. And do you agree that it was no longer 10:30:13
21 mandatory to collect that information after 10:30:15
22 November 8th, 2017? 10:30:17
23 MS. PERRY: Object to form. Vague; 10:30:20
24 ambiguous; overbroad; lacks foundation. 10:30:20
25 THE WITNESS: I see -- I see the verbiage. 10:30:31

1 However, in the Compensation Tool, in 10:30:32
2 order to enter a record, base salary, hourly wage, 10:30:34
3 annual ATV, and bonus were not necessary. 10:30:38
4 MR. MULLAN: Q. They were not necessary 10:30:44
5 in the Compensation Collection Tool; is that 10:30:45
6 correct? 10:30:47
7 A. That is correct. 10:30:48
8 Q. So this is not correct when it says it's 10:30:49
9 no longer mandatory? 10:30:52
10 MS. PERRY: Object to form. Vague and 10:30:54
11 ambiguous. 10:30:57
12 THE WITNESS: Again, I -- I do not use the 10:30:57
13 Compensation Tool myself. 10:30:59
14 I would have to rely on what my 10:31:00
15 recruiters have relayed back to me, which is that 10:31:02
16 a record can be created with -- prior to -- prior 10:31:05
17 to November 8th, 2017, a record could be created 10:31:12
18 with a candidate's requested compensation and some 10:31:15
19 other details. 10:31:21
20 Current compensation was not necessary as 10:31:23
21 far as I'm aware. 10:31:27
22 MR. MULLAN: Q. But you agree that's what 10:31:30
23 this states, that it was mandatory? 10:31:31
24 MS. PERRY: Object to form. The document 10:31:34
25 speaks for itself. 10:31:35

1 THE WITNESS: I can see the verbiage here. 10:31:41
2 However, again, it -- it doesn't 10:31:45
3 necessarily reflect on what was relayed back to me 10:31:47
4 by people who use the tool daily. 10:31:50
5 MR. MULLAN: Q. Is that possibly because 10:31:54
6 you don't understand how the tool was used, or it's 10:31:55
7 your understanding that it was not mandatory? 10:31:58
8 I'm just trying to understand. 10:32:00
9 MS. PERRY: Object to form; also, to the 10:32:02
10 extent it's argumentative. 10:32:03
11 Go ahead. 10:32:05
12 THE WITNESS: My understanding of the 10:32:07
13 Compensation Tool was that the base salary, hourly 10:32:08
14 wage, annual ATV, and bonus were not mandatory in 10:32:11
15 order to comply -- in order to create a record. I'm 10:32:14
16 sorry. 10:32:18
17 MR. MULLAN: Q. Okay. So that -- which 10:32:19
18 contradicts what it states in this e-mail; correct? 10:32:21
19 MS. PERRY: Object to form. The document 10:32:24
20 speaks for itself and asked and answered. 10:32:25
21 THE WITNESS: Yes, I would say the 10:32:35
22 document does speak for itself in this case. 10:32:36
23 MR. MULLAN: Q. That's not my question. 10:32:39
24 My question is that your position 10:32:40
25 contradicts what it states in this e-mail, that it 10:32:43

1 was -- it was mandatory in the compensation fields 10:32:46
2 of the Compensation Collection Tool to collect base 10:32:48
3 salary, hourly wage, annual ATV/bonus. 10:32:51
4 MS. PERRY: Object to form. 10:32:57
5 That's not what the document states. 10:32:57
6 Misstates the document; lacks foundation; 10:32:59
7 calls for speculation; argumentative; and asked and 10:33:00
8 answered. 10:33:03
9 THE WITNESS: So based on the information 10:33:15
10 I was provided by my recruiting team, the 10:33:16
11 information listed here -- base salary, hourly 10:33:20
12 wage, annual ATV/bonus -- were not mandatory in 10:33:22
13 order to create a record within the Compensation 10:33:31
14 Tool. 10:33:33
15 MR. MULLAN: Go ahead and mark this for -- 10:33:39
16 as an exhibit. 10:33:41
17 (Deposition Exhibit 74 was marked for 10:33:41
18 identification.) 10:33:42
19 THE REPORTER: This is 74. 10:33:53
20 MR. MULLAN: Q. Please take as much time 10:33:58
21 as you need to review what's been marked as Exhibit 10:33:59
22 No. 74. 10:34:02
23 A. Okay. 10:34:03
24 Q. Okay. Mr. Kidder, do you recognize what's 10:35:26
25 been marked as Exhibit 74? 10:35:28

1 A. I do. 10:35:30
2 Q. And what is it? 10:35:31
3 A. It is the User Manual for the Compensation 10:35:32
4 Collection Tool. 10:35:34
5 Q. And that's the tool that was referred to 10:35:36
6 in the previous exhibit, Exhibit 66; is that 10:35:39
7 correct? 10:35:42
8 A. Yes, that's correct. 10:35:43
9 Q. And if you flip to page -31001, you'll see 10:35:50
10 at the top of the page a subheading, "2.1 Form Field 10:36:04
11 explanations." 10:36:09
12 Do you see that? 10:36:10
13 A. I do. 10:36:11
14 Q. Do you know what that's referring to? 10:36:11
15 A. Yes. That refers to what needs to go into 10:36:13
16 the field within the Compensation Tool. 10:36:16
17 Q. Okay. And if you scroll down about a 10:36:19
18 third of the way down the page, you'll see an entry 10:36:24
19 called "Base Salary." 10:36:27
20 Do you see that? 10:36:31
21 A. I do. 10:36:31
22 Q. Is that referring to a candidate's current 10:36:32
23 base salary? 10:36:35
24 A. It would have referred to a candidate's 10:36:38
25 base salary. 10:36:40

1 Q. Their current base salary? 10:36:43
2 A. Yes. 10:36:45
3 Q. And, again, underneath that, "Hourly 10:36:48
4 Wage," would that refer to a candidate's current 10:36:51
5 hourly wage? 10:36:54
6 A. Yes. 10:36:59
7 Q. And, again, underneath that, "Annual 10:37:01
8 ATV/Bonus," does that refer to the candidate's 10:37:05
9 current ATV/bonus? 10:37:09
10 A. By "current," are we referring to 10:37:14
11 pre-October 2017? 10:37:17
12 Q. Yes, let's -- we assume that this changed 10:37:21
13 after October 2017. But correct me if I'm wrong. 10:37:24
14 A. You are correct. 10:37:27
15 And, yes, to your first question. 10:37:29
16 Q. And underneath that, "OTE" -- I know you 10:37:32
17 clarified what OTE is -- OTE is earlier. 10:37:35
18 A. Yeah. 10:37:40
19 Q. Is that referring to a candidate's current 10:37:40
20 on-target earnings? 10:37:42
21 A. Yes. 10:37:43
22 Q. And so these are fields within the 10:37:45
23 Compensation Collection Tool; is that correct? 10:37:51
24 A. They were fields within the Compensation 10:37:52
25 Tool. 10:37:55

1 Q. Prior to October 2017? 10:37:55
2 A. Yes. 10:37:57
3 Q. Do you know how long they were fields in 10:37:59
4 the Compensation Collection Tool? 10:38:01
5 A. I do not. 10:38:05
6 Q. Do they go back at least to 2013? 10:38:07
7 A. No. The Compensation Tool came about past 10:38:11
8 2013, but I would not be able to tell you the exact 10:38:20
9 date. 10:38:23
10 Q. Do you know if these fields were in the 10:38:24
11 Compensation Tool when it was initiated, whenever it 10:38:26
12 was, sometime after 2013? 10:38:28
13 A. I'm uncertain as to that. I believe that 10:38:32
14 was the case. 10:38:34
15 Q. Okay. I'm going to hand you what has been 10:38:35
16 previously marked as Exhibit 72. 10:38:57
17 (Previously marked Deposition Exhibit 72 10:39:00
18 was referenced herein.) 10:39:00
19 MR. MULLAN: Q. And take as much time as 10:39:05
20 you need to review that document. Just let me know 10:39:06
21 when you're ready. 10:39:09
22 A. Okay. 10:39:39
23 Q. Okay. Have you seen this document before? 10:39:41
24 A. Yes, I have. 10:39:44
25 Q. And what is it? 10:39:46

1 A. So it is a change to U.S. hiring process 10:39:47
2 that was sent out to everyone within the Human 10:39:51
3 Resources Department and eventually all U.S. 10:39:55
4 managers. 10:39:58
5 Q. And it's dated October 27th, 2017. Do you 10:40:00
6 see that? 10:40:03
7 A. I do. 10:40:03
8 Q. And so the change it's referring to is the 10:40:04
9 change in what exactly? 10:40:07
10 A. There are a few changes noted here, one 10:40:19
11 of which was that the -- the current salary field 10:40:21
12 within the iRecruitment Form was removed and, 10:40:24
13 additionally, managers and other -- acting as 10:40:26
14 agents of the company, including talent advisors 10:40:29
15 or recruiters, are to discontinue asking any 10:40:32
16 information about current compensation at that 10:40:35
17 time. 10:40:39
18 Q. Okay. And at the very start of the 10:40:40
19 deposition, you mentioned reviewing some e-mails in 10:40:42
20 preparation for the deposition. 10:40:46
21 Is this one of the e-mails you were 10:40:48
22 referring to? 10:40:49
23 A. I'm uncertain if we reviewed this one or 10:40:59
24 not. 10:41:02
25 Q. To the best of your recollection, can you 10:41:03

1 describe the e-mails you reviewed in preparation for 10:41:05
2 this deposition? 10:41:07
3 A. We reviewed the deposition form itself, as 10:41:08
4 well as screenshots from iRecruitment and Taleo. 10:41:11
5 Additionally, we reviewed the training 10:41:17
6 slide decks that are sent out to hiring managers. 10:41:20
7 Q. Any -- any other e-mails? 10:41:25
8 A. I believe we reviewed the e-mails that 10:41:28
9 went out regarding the changes to verbiage allowed, 10:41:32
10 such as Exhibit 57. 10:41:38
11 Q. Okay. You mentioned Taleo. 10:41:47
12 What -- what is Taleo? 10:41:48
13 A. Taleo is a -- is a tool through which a 10:41:50
14 candidate can apply for a job at Oracle. Jobs are 10:41:55
15 posted there, within Taleo. And it's a candidate -- 10:41:58
16 it's an applicant tracking system used and owned by 10:42:03
17 Oracle. 10:42:07
18 Q. So it's completed by the applicant him- or 10:42:07
19 herself? 10:42:11
20 A. Yes, it's completed by the applicant. 10:42:11
21 And then there are steps in -- which a 10:42:13
22 talent advisor or a manager can take as well. 10:42:17
23 Q. Prior to October 2017, did that document, 10:42:20
24 Taleo, contain a field for current salary for the 10:42:24
25 applicant? 10:42:28

1 MS. PERRY: Object to form. Vague; 10:42:29
2 ambiguous; overbroad; also to the extent it 10:42:30
3 misstates testimony. 10:42:33
4 Go ahead. 10:42:34
5 THE WITNESS: I'm not aware that Taleo had 10:42:35
6 that form. 10:42:38
7 (Clarification requested by the reporter.) 10:42:40
8 THE WITNESS: It's T-a-l-e-o. 10:42:40
9 MR. MULLAN: Q. Are you aware one way or 10:42:50
10 the other, or you just don't know? 10:42:51
11 A. I just don't know. 10:42:54
12 Q. If you flip to page 2 of Exhibit 72, 10:42:57
13 you'll see at the top of the page it states: 10:43:03
14 "The legislation applies to anyone acting 10:43:10
15 as an agent of Oracle in the hiring 10:43:13
16 process for external candidates in US 10:43:15
17 locations including: 10:43:17
18 "Talent Advisors/Recruiters." 10:43:18
19 Do you see that? 10:43:21
20 A. Yes, I do. 10:43:22
21 Q. What is your understanding of why talent 10:43:25
22 advisors were included in this announcement? 10:43:28
23 MS. PERRY: Object to form. Vague; 10:43:31
24 ambiguous; also to the extent it calls for 10:43:32
25 speculation. 10:43:34

1 THE WITNESS: I wouldn't be able to speak 10:43:36
2 to exactly why talent advisors or recruiters were 10:43:37
3 included in the bulleted list. 10:43:41
4 However, I do know that talent advisors 10:43:43
5 or recruiters are often speaking directly to 10:43:45
6 candidates, and the subject of compensation would 10:43:49
7 have possibly come up. 10:43:52
8 MR. MULLAN: Q. At the bottom of the page 10:43:59
9 it says under "Questions": 10:44:01
10 "Please work directly with your Talent 10:44:02
11 Advisor and/or your HR Business Partner if 10:44:04
12 you have further questions." 10:44:08
13 Do you see that? 10:44:10
14 A. I do. 10:44:11
15 Q. Did anyone reach out to you with further 10:44:14
16 questions about this announcement? 10:44:18
17 A. I don't believe so. 10:44:24
18 This information is pretty clear. 10:44:26
19 Q. I'm handing you what's been marked as 10:44:46
20 Exhibit 73 -- previously marked as Exhibit 73. 10:44:49
21 (Previously marked Deposition Exhibit 73 10:44:52
22 was referenced herein.) 10:44:52
23 MR. MULLAN: Q. And just let me know when 10:44:53
24 you're ready. 10:44:59
25 A. Okay. 10:45:58

1 Q. So, firstly, do you recognize the document 10:46:00
2 that's been marked as Exhibit 73? 10:46:02
3 A. I do. 10:46:05
4 Q. And what is it? 10:46:06
5 A. In this was a slide deck from a training 10:46:08
6 session regarding pay equity laws. 10:46:10
7 Q. And specifically the pay equity laws that 10:46:15
8 we've been discussing all morning and the changes in 10:46:17
9 policies as a result of those pay equity laws, 10:46:22
10 beginning in October of 2017; is that correct? 10:46:25
11 MS. PERRY: Object to form. Vague; 10:46:28
12 ambiguous; also to the extent it lacks foundation 10:46:29
13 and misstates prior testimony. 10:46:34
14 Go ahead. 10:46:35
15 THE WITNESS: I recognize that this is the 10:46:36
16 subject we're discussing today. 10:46:37
17 MR. MULLAN: Q. Did you have a role in 10:46:39
18 creating this document? 10:46:40
19 A. No, I did not. 10:46:43
20 Q. And who received this training? 10:46:48
21 A. This would have gone out to -- let me back 10:46:50
22 up. 10:46:55
23 I wouldn't be able to tell you 10:46:55
24 intelligently of everyone who received it, though 10:46:57
25 anyone within the Human Resources umbrella would 10:47:00

1 have, including talent advisor, and any hiring 10:47:03
2 manager would have received it as well. 10:47:07
3 Q. Okay. And it is a PowerPoint 10:47:11
4 presentation; is that right? 10:47:13
5 A. Yes, that's correct. 10:47:15
6 Q. Okay. And how were these trainings 10:47:16
7 conducted? Were they through webinar-type things, 10:47:19
8 or were they in person? 10:47:22
9 A. These would be done through a Webex or a 10:47:24
10 Zoom webinar. 10:47:27
11 Q. Okay. And if you flip to page -- internal 10:47:28
12 page 9 (sic) of that presentation, you'll see a 10:47:33
13 slide with the heading "Reframing the Candidate 10:47:38
14 Salary Question." 10:47:42
15 Do you see that? 10:47:44
16 MS. PERRY: I'm sorry. Where are you? 10:47:54
17 MR. MULLAN: Q. I'm sorry. Page 10. 10:47:56
18 A. Yes, I do see it. 10:47:58
19 Q. And it's two columns. The column on the 10:48:00
20 left says, "What you used to say," and the column on 10:48:02
21 the right says, "What you can say now." 10:48:05
22 And under "What you used to say," it 10:48:08
23 states, "What is your current salary?" 10:48:10
24 Do you see that? 10:48:13
25 A. I do. 10:48:14

1 Q. So, again, prior to these changes in 10:48:19
2 October 2017, candidates were asked about their 10:48:22
3 current salary; is that correct? 10:48:28
4 MS. PERRY: Object to form. Vague; 10:48:30
5 ambiguous; overbroad; lacks foundation. 10:48:31
6 THE WITNESS: With the amount of hiring 10:48:35
7 that Oracle does and the number of hiring managers 10:48:36
8 and open positions, I would not be able to speak 10:48:39
9 intelligently on what each person was asked. 10:48:41
10 MR. MULLAN: Q. And was this around the 10:48:45
11 time that the prior compensation field was removed 10:48:59
12 in the iRecruitment Form? 10:49:02
13 MS. PERRY: Object to form. Vague and 10:49:06
14 ambiguous. 10:49:07
15 THE WITNESS: I wouldn't be able to answer 10:49:15
16 that clearly. I would say yes. 10:49:16
17 MR. MULLAN: Q. I am going to hand you 10:49:38
18 what's been previously marked as Exhibit 67. 10:49:39
19 (Previously marked Deposition Exhibit 67 10:49:42
20 was referenced herein.) 10:49:43
21 MS. PERRY: Thanks. 10:49:44
22 MR. MULLAN: Q. Just let me know when 10:49:50
23 you're ready. 10:49:51
24 A. Okay. 10:50:32
25 Q. Okay. Do you recognize what's been marked 10:50:34

1 as Exhibit 67? 10:50:36
2 A. I do. 10:50:37
3 Q. I understand it's similar to the prior 10:50:38
4 doc- -- exhibit we just looked at. 10:50:41
5 But can you tell me what this document 10:50:43
6 is? 10:50:45
7 A. It's a training document provided to 10:50:46
8 hiring managers on how to manage the relationship 10:50:49
9 with their human resources business partner and 10:50:52
10 their Oracle talent advisor during the recruiting 10:50:55
11 and hiring process. 10:50:58
12 Q. So it's specifically directed at hiring 10:50:59
13 managers? 10:51:02
14 A. Yes, that's correct. 10:51:03
15 Q. And it dates from around the same time 10:51:05
16 period, October 2017; is that correct? 10:51:08
17 A. It -- 10:51:12
18 Q. And if you look at page 2 of the document, 10:51:15
19 that might refresh your recollection. 10:51:17
20 A. Yes, it does. 10:51:19
21 Q. Did you have a role in creating this 10:51:20
22 document? 10:51:22
23 A. No, I did not. 10:51:23
24 Q. And similar to the prior exhibit, if you 10:51:25
25 flip to page -31024, you'll see a slide with the 10:51:27

1 heading (as read), "Candidate Salary Questions - 10:51:40
2 What You Can and Can't Say." 10:51:43
3 Do you see that? 10:51:45
4 A. I do. 10:51:46
5 Q. Firstly, who is the "you" it's referring 10:51:49
6 to here? Is that the hiring manager? 10:51:51
7 A. This would be anyone that this was 10:51:54
8 directed to, which would be a hiring manager, a 10:51:56
9 talent advisor, or a human resources business 10:51:59
10 partner. 10:52:01
11 Q. And so, again, it's saying under -- 10:52:05
12 under the column, "What you used to say," "What is 10:52:07
13 your current salary?" 10:52:10
14 Do you see that? 10:52:11
15 A. I do. 10:52:12
16 Q. So it's telling them that they can no 10:52:13
17 longer say that; is that correct? 10:52:15
18 MS. PERRY: Object to form. Vague; 10:52:17
19 ambiguous; overbroad. 10:52:18
20 Go ahead. 10:52:20
21 THE WITNESS: Yeah, it appears to be 10:52:22
22 saying that. 10:52:23
23 MR. MULLAN: Q. Is it your understanding 10:52:24
24 that following the changes in October 2017, talent 10:52:25
25 advisors no longer ask about current salary? 10:52:29

1 A. At this point, following the change in 10:52:37
2 legislation and company policy, talent advisors no 10:52:39
3 longer ask about salary -- current salary. 10:52:43
4 MR. MULLAN: Okay. Let's go off the 10:52:48
5 record for a few minutes. 10:52:49
6 THE VIDEOGRAPHER: Going off the record, 10:52:51
7 the time is 10:53 a.m. 10:52:52
8 (Recess taken: 10:53 a.m. until 11:01 a.m.) 10:52:55
9 THE VIDEOGRAPHER: Back on the record, the 11:01:13
10 time is 11:01 a.m. 11:01:14
11 MR. MULLAN: Mark this as an exhibit. 11:01:18
12 (Deposition Exhibit 75 was marked for 11:01:19
13 identification.) 11:01:19
14 MS. PERRY: Is this 75? 11:01:36
15 MR. FINBERG: 75. 11:01:38
16 MR. MULLAN: Q. Mr. Kidder, you just have 11:01:46
17 been handed what's been marked as Exhibit 75. 11:01:47
18 Just take a moment to look at that 11:01:50
19 document, and let me know when you're ready. 11:01:53
20 A. Okay. One moment, please. 11:01:55
21 Okay. 11:02:43
22 Q. Do you recognize what's been marked as 11:02:45
23 Exhibit 75? 11:02:46
24 A. I do. 11:02:49
25 Q. And what is it? 11:02:51

1 A. Well, it appears to be offer details, 11:02:54
2 though I'm going to confess I'm not sure where it 11:02:58
3 was pulled out of. 11:03:01
4 Q. Is this a -- an example of a New Hire 11:03:03
5 Justification Form? 11:03:06
6 A. It appears to be, yes. 11:03:09
7 Q. Okay. And under "Offer Details," you'll 11:03:11
8 see it contains information: 11:03:17
9 "Candidates current Company's name." 11:03:20
10 And underneath that (as read): 11:03:25
11 "Candidates current salary/local currency 11:03:27
12 and US dollars." 11:03:33
13 Do you see that? 11:03:34
14 A. I do. 11:03:35
15 Q. So the New Hire Justification Forms at 11:03:36
16 least prior to October 2017 contained a field for 11:03:39
17 current salary information; is that fair to say? 11:03:46
18 A. Yes, it is fair to say. 11:03:50
19 Q. Do you know when that changed? 11:03:51
20 A. I believe it changed permanently around 11:03:57
21 the time of the -- the new company policy in October 11:04:00
22 of '17. 11:04:04
23 Q. And was that field contained in the New 11:04:06
24 Hire Justification Form going back as far as 2013? 11:04:09
25 A. Yes, I believe it was. 11:04:15

1 Q. And was that field mandatory? 11:04:17
2 MS. PERRY: Object to form. Vague; 11:04:21
3 ambiguous; overbroad. 11:04:22
4 THE WITNESS: The -- information had to be 11:04:26
5 entered in that field in order for the hiring 11:04:28
6 manager to continue. 11:04:30
7 But the candidate's salary was not 11:04:31
8 necessary to be included into that field. 11:04:35
9 The hiring manager could enter a zero if 11:04:37
10 they needed to. 11:04:39
11 MR. MULLAN: Q. Did you ever complete 11:04:42
12 these particular forms? 11:04:46
13 A. I've completed a few when I had to hire 11:04:48
14 people for my own team. 11:04:51
15 Q. Did you ever enter zero for current -- 11:04:54
16 candidate's current salary? 11:04:55
17 A. I personally did not. 11:04:59
18 Q. So you entered the candidate's current 11:05:00
19 salary when you completed the forms? 11:05:04
20 A. I did. 11:05:06
21 Q. In what circumstances would somebody put a 11:05:09
22 zero into that field? 11:05:11
23 MS. PERRY: Object to form. Vague; 11:05:14
24 ambiguous; overbroad. 11:05:15
25 Go ahead. 11:05:17

1 THE WITNESS: Well, I wouldn't be able to 11:05:17
2 speak intelligently on every manager entering every 11:05:19
3 field in every form. 11:05:22
4 However, many candidates refused to 11:05:24
5 disclose current compensation and -- simply as a 11:05:27
6 negotiating or bargaining tool, in which case a 11:05:31
7 manager might have to proceed without it. And from 11:05:34
8 what I have been told, many did. 11:05:37
9 MR. MULLAN: Q. But you've not seen any 11:05:42
10 specific examples of New Hire Justification Forms 11:05:44
11 with a zero entered in that field? 11:05:47
12 A. No, but I would not be privy to that 11:05:49
13 either. 11:05:52
14 (Sotto voce discussion.) 11:05:52
15 MR. MULLAN: Q. If you drop down a 11:06:07
16 couple of lines, you'll see the salary offer 11:06:08
17 information. 11:06:11
18 Do you see that? 11:06:12
19 A. Yes, I do. 11:06:13
20 Q. And it's a percentage increase over the 11:06:13
21 current salary of five percent. 11:06:15
22 Do you see that? 11:06:18
23 A. Yes, I do. 11:06:19
24 Q. So in this example, the candidate's 11:06:20
25 current salary played a role in the offer to that 11:06:26

1 candidate; is that correct? 11:06:30
2 MS. PERRY: Objection. Vague; ambiguous; 11:06:31
3 overbroad; calls for speculation; lacks foundation. 11:06:33
4 THE WITNESS: The hiring manager is a 11:06:38
5 person named Juan Valle, who I do not know, nor 11:06:41
6 could I speculate on how Juan came up with five 11:06:45
7 percent. 11:06:48
8 MR. MULLAN: Q. Okay. But in this case, 11:06:48
9 the candidate was offered five percent over the 11:06:49
10 current salary; is that fair to say? 11:06:52
11 MS. PERRY: Object to form. The document 11:06:54
12 speaks for itself. 11:06:55
13 THE WITNESS: I would have to agree with 11:06:57
14 counsel. The document does speak for itself. 11:06:58
15 MR. MULLAN: Q. Is it fair to say that 11:07:01
16 the proposed salary of 81.9 thousand is five percent 11:07:03
17 over 78K, the candidate's then current salary? 11:07:07
18 MS. PERRY: Object to form. 11:07:11
19 Also, to the extent it's asking you to do 11:07:12
20 a math computation on the fly, if you can, go ahead. 11:07:15
21 THE WITNESS: Assuming my math is correct, 11:07:19
22 I would say that five percent seems accurate. 11:07:20
23 MR. MULLAN: Q. Okay. I have no further 11:07:23
24 questions. 11:07:24
25 Thank you very much for your time. 11:07:24

1 THE WITNESS: Thank you very much. 11:07:27
2 THE REPORTER: Counsel? 11:07:31
3 ---oOo--- 11:07:31
4 EXAMINATION BY MS. PERRY 11:07:31
5 MS. PERRY: Q. Do you see the last page 11:07:32
6 of the document? 11:07:34
7 A. I do. 11:07:35
8 Q. Do you see in the last line where the 11:07:36
9 justification states that the candidate's 11:07:38
10 background, interview performance, combined with 11:07:45
11 her technical experience, warrants a proposed base 11:07:48
12 compensation of 83K? 11:07:52
13 A. Yes, I do. 11:07:54
14 Q. Okay. Do you know whether this candidate 11:07:55
15 was actually offered 83K or was offered 81.9 11:07:57
16 thousand as laid out in the proposed base salary 11:08:03
17 field on the first page of the document? 11:08:07
18 A. No, I would not be able to answer that. 11:08:11
19 MS. PERRY: Okay. Thank you. 11:08:13
20 THE REPORTER: Off the record? 11:08:16
21 MR. MULLAN: Off the record. 11:08:18
22 THE VIDEOGRAPHER: This concludes today's 11:08:19
23 proceedings. 11:08:20
24 The number of media used is one. 11:08:21
25 We are off the record. 11:08:23

1 The original videos will be retained by 11:08:24
2 Jane Grossman Reporting Services. 11:08:27
3 (Whereupon, the proceedings were concluded
4 at 11:08 a.m.)
5 ---oOo---
6 I declare under penalty of perjury that
7 the foregoing is true and correct. Subscribed at
8 _____, California, this ____ day
9 of _____,_____.
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13 _____
14 CHAD WAYNE KIDDER
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