UNITED STATES DEPARTMENT OF LABOR

OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:	)	
	)	
OFFICE OF FEDERAL CONTRACT	)	Case No. 2017-OFC-00006
COMPLIANCE PROGRAMS,	)	
U.S. DEPARTMENT OF LABOR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
ORACLE AMERICA, INC.,	)	
	)	
Defendant.	)	
	)	

VOLUME VI

Friday,
December 13, 2019

Office of OALJ
90 Seventh Street
San Francisco, CA

The above-entitled matter came on for hearing, pursuant to notice, at 9:00 o'clock a.m.

BEFORE: THE HONORABLE RICHARD M. CLARK,
Administrative Law Judge

APPEARANCES:

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I N D E X

PROCEEDINGS:	PAGE:
Friday, December 13, 2019	1276

WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS	ALJ
Carolyn Balkenhol	1285	1304	1335		
Victoria Thrasher	1341	1375	1386	1388	
Campbell Webb	1390	1414			
Balaji Bashyam	1431	1446			
Juan Loaiza	1464	1482			
Know Adjei	1498	1518	1524		
Janet Chan	1526	1554	1569		

EXHIBITS:	IDENTIFIED	RECEIVED	REJECTED	WITHDRAWN
JOINT				
(None identified, nor received.)				
PLAINTIFF				
(None identified, nor received.)				
DEFENDANT				
88	1364	1364		
89	1370	1370		
ADMINISTRATIVE LAW JUDGE				
(None identified, nor received.)				

P R O C E E D I N G S

1 (9:00 o'clock a.m.)

2 JUDGE CLARK: Okay. We will be on the record.

3 Good morning. We are on the record in the matter

4 of OFCCP versus Oracle America, Incorporated, OALJ Case

5 Number 2017-OFC-00006. Today is December 13th, 2019, it's

6 day six of our hearing. All parties are present.

7 Off the record, just before we started, we talked

8 about our witness schedule today.

9 Ms. Bremer, would you care to be heard any further

10 regarding the witnesses? You had indicated you might want to

11 put something on the record about Ms. Waggoner? You don't

12 have to.

13 MS. BREMER: Yes. I'll go ahead and put that on

14 the record.

15 JUDGE CLARK: Okay.

16 MS. BREMER: In light of the comments by the Court

17 yesterday, we met, our team conferred immediately after the

18 hearing and we decided that we do not need additional cross

19 of Ms. Waggoner, in light of the extensive deposition

20 testimony that we've designated in this case.

21 JUDGE CLARK: Thank you, Ms. Bremer.

22 I want to make it clear, I know yesterday I was a

23 little sharp with counsel, but that is in no way saying that

24 you cannot call Ms. Waggoner, you cannot fully examine her.

1 So, if you need to put her on the stand, you're welcome to do
2 that.
3 MS. BREMER: Okay. Thank you, Your Honor. And we
4 understand that Oracle is waiving redirect, is that right?
5 MS. CONNELL: Yeah. We don't have any redirect for
6 Ms. Waggoner.
7 JUDGE CLARK: Okay. Thank you.
8 Anything else, Ms. Bremer?
9 MS. BREMER: No, Your Honor.
10 JUDGE CLARK: Anything from Oracle before we get
11 started, Ms. Connell?
12 MS. CONNELL: No, Your Honor.
13 JUDGE CLARK: Okay. So, I just want to turn to the
14 pending Rule 52 motion. Yesterday, OFCCP concluded their
15 case in chief, December 12th, which is yesterday. After they
16 rested their case, Oracle make an oral motion, under Federal
17 Rule of Civil Procedure 52(c) for a judgment on partial
18 findings in its favor on all issues identified for hearing.
19 The parties were given an opportunity to address that motion
20 yesterday during the hearing and they argued the motion.
21 Rule 52(c) applies in bench trials and permits a
22 fact finder to resolve factual disputes, draw inferences
23 against the non-moving party, and make findings in accordance
24 with the Judge's own view of the evidence. The language in
25 Rule 52(c) is discretionary. It specifically provides that,

1 quote:
2 "The Court may, however, decline to render any
3 judgment until the close of the
4 evidence."
5 End quote.
6 And that is what I will do here, decline to render
7 any judgment until the close of the evidence. Thus, the
8 motion is denied.
9 A short written order will follow and should be
10 issued later this morning.
11 Are there any other matters we need to take up
12 before we begin testimony this morning, Ms. Bremer?
13 MS. BREMER: There's one other issue that I guess
14 I'm confused about. I received supplemental counter
15 designations of deposition testimony. Has that been filed?
16 JUDGE CLARK: I have not received anything.
17 MS. CONNELL: We served it on you this morning and
18 are filing it today. I don't know if it has been filed, but
19 our intention is to file it today.
20 MS. BREMER: Okay. We just received notice that
21 Oracle intends to designate additional deposition testimony
22 and we would object to that. The parties agreed that they
23 would designate deposition testimony the day -- I think it
24 was the day after all the pretrial submissions were due, and
25 the counter designations the parties agreed would be

1 exchanged on December 12th. Oracle has taken the view -- I
2 mean December 2nd -- December 2nd was when counter
3 designations were to be exchanged. And Oracle took the
4 position, in an e-mail to us, that deposition testimony and
5 designations needed to be exchanged in advance of trial.
6 They said that, quote:
7 "It is required by 29 CFR Section 18.803(a)30,
8 permitting deposition testimony as an
9 exception to the hearsay rule provided
10 that there's notice that a party intends
11 to offer such testimony and testimony has
12 been served on the adverse party
13 sufficiently in advance of the hearing,
14 to provide the adverse party with a fair
15 opportunity to prepare or to object or
16 meet it."
17 The additional testimony that they're providing is,
18 obviously, not in advance of trial, at all, and not in
19 accordance with the parties' agreement that deposition
20 testimony be exchanged on December 2nd. So, we object.
21 JUDGE CLARK: Thank you, Ms. Bremer.
22 Ms. Connell?
23 MS. CONNELL: Yeah. I will address this, Your
24 Honor. One of the deposition witnesses that OFCCP designated
25 is Joyce Westerdahl. In light of the testimony from Ms.

1 Hanson Garcia, we didn't know -- Dr. Hanson Garcia -- we
2 didn't know what she was going to say because, you know, she
3 hadn't said it yet and we were not given the opportunity to
4 depose her, so we couldn't know what her testimony as going
5 to be. She, obviously, testified regarding an alleged
6 comment that Ms. Westerdahl made. In her deposition, Ms.
7 Westerdahl was asked about that comment, she adamantly denied
8 making it. And in light of Ms. Hanson Garcia's testimony we,
9 respectfully, would like to supplement the counter
10 designations that we made of Ms. Westerdahl, to address that
11 particular comment. That's what the supplemental designation
12 includes.
13 JUDGE CLARK: And, approximately, how many pages is
14 the supplemental document?
15 MS. CONNELL: I believe it's --
16 MR. PARKER: -- it's --
17 MS. CONNELL: -- it's a little bit longer than
18 that, it's --
19 JUDGE CLARK: So, just like a question and answer,
20 basically?
21 MS. CONNELL: Yeah. It's more than the one
22 question and answer, because it's sort of context, but do you
23 have it -- can you tell me --
24 JUDGE CLARK: Okay. I get the idea. So, it's not
25 even a full page, understood.

1 MS. CONNELL: That's correct.
2 JUDGE CLARK: And it's to basically rebut the
3 testimony --
4 MS. CONNELL: That's correct.
5 JUDGE CLARK: Okay.
6 MS. BREMER: I do have something further to say
7 about that.
8 JUDGE CLARK: Go ahead, Ms. Bremer.
9 MS. BREMER: One, there was a misrepresentation --
10 I think the deposition testimony is being misrepresented as
11 to its content. But they -- Oracle knew well in advance of
12 the hearing that the statement had been made. It was in the
13 declaration of Ms. Hanson Garcia that was submitted in
14 opposition or with the summary judgment motions. And she was
15 listed on the witness list in November, so Oracle was on
16 notice that the statement had been made and that she would be
17 appearing at the trial.
18 This Court has, you know, rigidly applied the
19 deadlines with respect to expert submissions and OFCCP
20 believes it would be inappropriate to permit this MS. BREMER:
21 testimony to be entered at this very late date, after Ms.
22 Hanson Garcia has already testified.
23 JUDGE CLARK: Okay.
24 Anything further?
25 MS. CONNELL: Yes, Your Honor. I would just make

1 the point that, first of all, there's no Court deadline that
2 governs this, so I think it's different than expert
3 disclosures. Number two, until Dr. Hanson Garcia took the
4 stand, we couldn't know what she was going to testify to.
5 She did not testify to everything that is in her declaration.
6 She did testify to that comment, and so we, you know, would
7 respectfully ask that we be permitted to submit this one
8 narrow designation to rebut that testimony.
9 JUDGE CLARK: Okay. Anything further, Ms. Bremer?
10 MS. BREMER: In addition, we would point out that
11 Ms. Hanson Garcia testified over a week ago, as well.
12 JUDGE CLARK: Okay.
13 MS. BREMER: And that that statement was made in
14 her declaration, clearly.
15 JUDGE CLARK: Understood. So, I have not seen this
16 motion, so if you're actually filing something in writing I
17 should probably defer ruling until I have a chance to read
18 your motion. Did I understand you're actually filing
19 something?
20 MS. CONNELL: It's not a motion, Your Honor. It's
21 a supplemental designation. It does not include any
22 argument, it's just the designation itself.
23 JUDGE CLARK: Okay. And I understand Ms.
24 Westerdahl is not testifying here today.
25 MS. CONNELL: That's correct.

1 JUDGE CLARK: In this hearing, I should say.
2 MS. CONNELL: That is correct, she is not
3 testifying live.
4 JUDGE CLARK: Okay.
5 I understand your argument, Ms. Bremer, I'm going
6 to overrule the objection and allow them to supplement that
7 brief portion that they've described, regarding the testimony
8 of Ms. Westerdahl.
9 Anything else, Ms. Bremer?
10 MS. BREMER: No, Your Honor.
11 JUDGE CLARK: Anything else, Ms. Connell?
12 MS. CONNELL: No, Your Honor.
13 JUDGE CLARK: Okay. So, we are about to start
14 testimony again. When we broke yesterday we were in the
15 middle of the cross-examination of Ms. Waggoner. Based upon
16 the representations this morning, we have concluded her
17 testimony. Her testimony will stand. There's no further
18 cross-examination requested by OFCCP, and Oracle is not
19 choosing to redirect Ms. Waggoner. So, her testimony is
20 concluded. I'll accept it for all purposes. She is excused
21 as a witness in this matter.
22 (Witness excused.)
23 JUDGE CLARK: You may call your next witness.
24 MS. CONNELL: Thank you, Your Honor. Oracle calls
25 Carolyn Balkenhol as our next witness.

1

2 JUDGE CLARK: Good morning, step right up here.
3 Raise your right hand.
4 Whereupon,
5 CAROLYN BALKENHOL
6 having been first duly sworn by the Administrative Law Judge,
7 was examined and testified as follows:
8 JUDGE CLARK: Have a seat, please. Good morning,
9 again. And if you would state your name and spell it for our
10 record, please?
11 THE WITNESS: My name is Carolyn Balkenhol,
12 C-a-r-o-l-y-n, the last name is Balkenhol, B-a-l-k-e-n-h-o-l.
13 JUDGE CLARK: Okay. It's Balkenhol?
14 THE WITNESS: Balkenhol.
15 JUDGE CLARK: Ms. Balkenhol, we're recording
16 everything that's said here, so I need you to keep your voice
17 up so everybody can hear you. And let the lawyers ask a
18 complete question and they'll let you make a complete answer,
19 because we can't record two people at once.
20 THE WITNESS: Yes, sir.
21 JUDGE CLARK: Okay. And we're having some issues
22 with it was too hot yesterday, it's too cold this morning,
23 but we have the blower on, so if you could do your best to
24 get as close to that microphone as you can, so that everybody
25 in the courtroom can hear you.

1 THE WITNESS: Okay.
2 JUDGE CLARK: It's that -- it should amplify it for
3 you.
4 THE WITNESS: Is that okay?
5 JUDGE CLARK: That's much better. If somebody
6 makes an objection and you're in the middle of an answer,
7 just stop talking and I'll let you know whether you can
8 answer the question or not, okay?
9 THE WITNESS: Okay.
10 JUDGE CLARK: And if they make an objection before
11 you give your answer, just wait until I tell you whether you
12 can answer the question.
13 THE WITNESS: Okay.
14 JUDGE CLARK: I think that -- if you don't you
15 understand something, let me know and I'll have them rephrase
16 it for you.
17 THE WITNESS: Okay.
18 JUDGE CLARK: All right.
19 THE WITNESS: Thank you.
20 JUDGE CLARK: Ms. Connell, your witness.
21 MS. CONNELL: Thank you.
22 DIRECT EXAMINATION
23 BY MS. CONNELL:
24 Q Good morning, Ms. Balkenhol.
25 A Good morning.

1 Q Can you please tell us what race and gender you
2 identify as?
3 A I am white, woman.
4 Q And are you a current employee of Oracle?
5 A I am.
6 Q How long have you been with Oracle?
7 A Twenty-five years.
8 Q Can you briefly describe your educational
9 background?
10 A I have a Bachelor of Science in Mechanical
11 Engineering from Stanford University.
12 Q What is your current role with Oracle?
13 A It's actually a little hard to hear you.
14 Q I'm sorry. I'll speak closer to the mic.
15 A Thank you.
16 JUDGE CLARK: Ms. Connell, I'm just going to say,
17 let's just take a quick break. I'm going to go back and
18 double-check that they -- they should have been able to shut
19 this off faster, so let me just check in.
20 MS. CONNELL: Okay.
21 JUDGE CLARK: We'll be off the record just
22 temporarily and I'll be right back.
23 MS. CONNELL: Okay. Thank you.
24 (Off the record at 9:16 o'clock a.m.)
25 JUDGE CLARK: Back on the record.

1 Ms. Connell, you may go ahead.
2 MS. CONNELL: Okay.
3 BY MS. CONNELL:
4 Q Ms. Balkenhol, what is your current role at Oracle?
5 A Business planning director.
6 Q And how long have you held that role?
7 A Nine years.
8 Q Can you briefly describe your job duties?
9 A Primarily reviewing transactions, HR, purchase
10 requisitions, things of that nature, that require approval
11 from our most senior executives.
12 Q And which senior executives are you referring to?
13 A Larry Ellison and Safra Catz.
14 Q Have your job duties changed significantly since
15 the time you've held your current role?
16 A No.
17 Q Are your job responsibilities global in scope?
18 A They are.
19 Q Do your job responsibilities include reviewing,
20 summarizing and approving transactions for employees at
21 Redwood Shores, Oracle's Redwood Shores location?
22 A Yes. Global, so everywhere.
23 Q Do you currently have any direct reports?
24 A I do.
25 Q How many?

1 A Two.
2 Q What are their names?
3 A Yvonne Sieber and Lynn Taylor.
4 Q What are their job titles?
5 A Business analyst 4.
6 JUDGE CLARK: And would you spell the first name?
7 THE WITNESS: Sieber -- her first name is
8 Y-v-o-n-n-e, and her last name is S-i-e-b-e-r.
9 JUDGE CLARK: Thank you.
10 THE WITNESS: And Lynn Taylor is no "e" at the end
11 of Lynn.
12 JUDGE CLARK: Thank you.
13 BY MS. CONNELL:
14 Q And can you briefly describe their job
15 responsibilities?
16 A Basically parallels mine.
17 Q You supervise them?
18 A Yes.
19 Q Okay. Have you had any other direct reports since
20 2013?
21 A No.
22 Q You mentioned that part of your responsibilities
23 include -- I think you made reference to HR transactions on
24 behalf of the senior executives. Can you elaborate on what
25 you mean, specifically, with respect to HR transactions?

1 A The transactions that require Larry or Safra's
2 approval. They could be offer letters or transfers, internal
3 or international transfers, off cycle promotions, stock
4 grants, bonuses, things of that nature.
5 Q Okay. Let's first talk about -- I think you said
6 offer letters?
7 A Yes.
8 Q What, specifically, do you review with respect to
9 offers?
10 A We do a very high level review. I call it a sanity
11 check, just making sure that there are no gross errors in
12 what has been submitted. We generally will do a check, look
13 at the resume to see if the experience level matches,
14 roughly, what the job level is for the job. And also we look
15 at the compensation range to see if it's wildly out of scope
16 there.
17 Q Okay. Just to -- before following up on some of
18 your testimony there, you mentioned resumes, that's something
19 that you look at?
20 A Yes.
21 Q Are you looking at -- like what is it that you're
22 reviewing?
23 A Again, I generally will, first of all, does the
24 resume exist, it needs to be attached. And we generally look
25 at how many years of experience a person has and whether that

1 matches the job level they're proposed.
2 Q Does the information come to you through a computer
3 system?
4 A Yes.
5 Q Can you describe how that works, mechanically?
6 A Yes. So, we have a Workflow system, so the hiring
7 manager or the manager proposing a transaction submits it on
8 their end, and it follows an approval cycle up to whatever
9 the highest level approval needed is. So, we have, at this
10 point, a queue that flows Safra's and Larry's approvals into
11 one transactional queue, and we then review through that
12 queue.
13 Q So --
14 A Actually, there are two queues, because there's two
15 different systems.
16 Q Okay. And so if I understand your testimony
17 correctly, if it is a transaction that requires approval by
18 Mr. Ellison or Ms. Catz, that comes to you?
19 A It comes to a queue, which the three of us review.
20 So, it's not coming to me as Carolyn Balkenhol, it's coming
21 to a queue as the highest level approver.
22 Q Okay. And you made reference to -- does the
23 information that comes to you include starting pay
24 information?
25 A Yes, an offer letter would include proposed

1 starting pay, if there's a sign-on bonus, a stock grant, if
2 it's a sales position a variable component, relocation
3 package.
4 Q Okay. I think you made reference, in your earlier
5 testimony, about a range?
6 A Yes. We have a salary range, which is quite large,
7 by job code and position. And so we look at that, generally,
8 to see if it's falling within the range.
9 Q What happens in instances when it does not fall
10 within the range?
11 A We would generally ask a question, unless that
12 disparity was already addressed in comments from the hiring
13 manager.
14 Q And to whom do you ask the question?
15 A The hiring manager, the submitter of the request.
16 Q And once you ask the question, what happens next in
17 the process?
18 A Generally, they would provide some justification
19 for it, whether the person has more experience or very
20 specific experience in a product, or they're a Ph.D., whose
21 research is really specific to the product they're working
22 on, and they would have identified the reason for it, so it
23 would go on from there.
24 Q When you say "go on from there," what do you mean?
25 A Likely be approved.

1 Q Okay. I think you also made reference to levels?
2 A Yes.
3 Q Can you elaborate on that testimony?
4 A Within our job structure -- I'm not an expert in it
5 -- but within our job structure, for instance, an individual
6 contributor would have IC2, IC3, 4, 5, manager levels
7 something similar. And so if I'm taking a cursory look, for
8 instance, at IC2, I would expect they would not have a lot of
9 experience. Somebody who is an IC3 might have three to five
10 years experience and so on.
11 Q What happens when you come across instances when
12 the experience is not consistent with what you would expect
13 to see?
14 A The same thing. I would see if it's addressed in
15 the justification already, or I might ask the hiring manager
16 why they're proposing something that doesn't seem a fit with
17 the person's experience.
18 Q And what happens once you pose those sorts of
19 questions to the hiring manager?
20 A They respond and we generally put them through.
21 Q Is the process similar to what you described with
22 regard to the salary?
23 A Yes.
24 Q Okay. How often does it happen that you ask these
25 sorts of questions?

1 A Not very often.
2 Q Do you ever reject an offer?
3 A Almost never.
4 Q Can you think of specific instances when you have
5 rejected an offer?
6 A No.
7 Q How long do your reviews typically take?
8 A We generally try to get things turned around in 24
9 hours.
10 Q And how many transactions -- not just offers, but
11 how many HR transactions come across the queue that you've
12 described in a 24-hour period, an estimate?
13 A Hundreds.
14 Q From your perspective, who is the primary decision
15 maker with regards to the offer that's being put forth for
16 you to review?
17 A The hiring manager.
18 Q And why do you say that?
19 A The hiring manager is the person who submits the
20 data, first of all. They're the person -- they're the people
21 who are in contact with the candidates, they have reviewed
22 the resumes, interviewed the various candidates, and they
23 have the best understanding of that person's skills and
24 experience and how that matches the requirements for the
25 specific job within that person's organization, the product,

1 whether it's sustaining engineering or new product
2 development, things like that.
3 Q Okay. I think you also mentioned transfers as a
4 type of transaction you review. Can you elaborate on what
5 you meant by that?
6 A Internally, somebody who is in one position in the
7 company may choose to interview for another position, an open
8 position in the company, and that would be considered a
9 transfer, an internal transfer.
10 Q Is the process for reviewing transfers the same as
11 the process you described for offers?
12 A It's not identical. It wouldn't, necessarily, have
13 a resume, but it's -- we perform a similar kind of review.
14 Q Is this -- you referenced the sanity check review?
15 A Yes.
16 Q Is that the same type of review?
17 A Yes, exactly.
18 Q Are internal transfers accompanied by pay changes?
19 A Sometimes. Theoretically, if you're moving
20 laterally, if you're moving from one position to what would
21 seem to be an identical position in another organization, we
22 try -- I try to make sure that they're moving laterally, so
23 that we don't have people pouching from other organizations.
24 So, I want to try to hire the best person and I offer to pay
25 them more than you're paying them in your organization.

1 Q I think you answered "sometimes," so sometimes
2 they --
3 A Yes.
4 Q Okay. Do you -- how often is it that you ask
5 questions with regard to transfer transactions?
6 A Not very often.
7 Q And do you ever reject transfer transactions?
8 A Not that I can think of.
9 Q Okay. From your perspective, who is the primary
10 decision maker with regard to these sorts of transfer
11 decisions?
12 MS. BREMER: Objection, just lack of foundation, to
13 the extent that she's testifying about things that other
14 people know.
15 JUDGE CLARK: Overruled.
16 You can answer the question.
17 THE WITNESS: The hiring manager. Again, it's the
18 hiring manager who puts the whole thing together, so that's
19 where the data comes from, so.
20 BY MS. CONNELL:
21 Q I believe you also mentioned promotions?
22 A Yes.
23 Q Can you elaborate on what you were referring to
24 with regard to promotions?
25 A Again, if there is not an annual kind of promotion,

1 but an off cycle promotion in the middle of the year, the
2 proposing manager would put that again in the system. And if
3 it requires Safra or Larry's approval it would come up
4 through the system for our review.
5 Q Is the process the same for promotions, as you've
6 described for offers and transfers?
7 A Yes, it is.
8 Q Okay. And similarly, so your scope of review is
9 the same?
10 A Yes.
11 Q How often do you ask questions regarding promotion
12 transactions?
13 A Not very often.
14 Q Do you ever reject promotion transactions?
15 A Not that I can recall.
16 Q From your perspective, who is the primary decision
17 maker with regard to promotion decisions?
18 MS. BREMER: Objection, lack of foundation.
19 JUDGE CLARK: Overruled.
20 You can answer that question.
21 THE WITNESS: Again, the person's direct manager at
22 that point, is the person who puts in the data and makes the
23 request.
24 BY MS. CONNELL:
25 Q When you review the HR transactions you've

1 described, do you consider the race or gender of the
2 individual involved?
3 A No. And that data isn't even available in the
4 system that we review.
5 Q Do you review equity grants?
6 A Yes, out of cycle, again out of cycle, or with
7 initial offers.
8 Q Okay. Just for clarity, you say "out of cycle,"
9 we've heard testimony in this case regarding annual
10 compensation programs like Focal, Bonus, Budget?
11 A Yes.
12 Q Do you play any role with regard to those sorts of
13 annual compensation programs when they occur?
14 A No. That's handled by somebody else.
15 Q Okay. Going back to equity awards, can you
16 describe the process for your review of equity awards?
17 A It's slightly different than with the others.
18 Anything that has equity our board guidelines are that Safra
19 or Larry, they have to explicitly approve those. So, I'm not
20 -- with the exception of new college hires, where there is a
21 preapproved package based on degree and the role they're
22 going into, I then summarize the request for Safra or Larry
23 to review and they then respond in e-mail and I would put it
24 through.
25 Q Okay. Just to break that down a little bit. So,

1 what type of information do you include in your summary?
2 A Very consistent, I include the stating pay, the
3 RSUs, any kind of variable, sign-on, relocation, car plan if
4 they have it, the degree or educational background and,
5 generally, their experience up to that date.
6 Q Do you include any race or gender information in
7 your summaries?
8 A No. And again, I don't even have access to that.
9 Q Do you -- before passing the summary -- if I
10 understand you, then you would pass those summaries along to
11 Ms. Catz and Mr. Ellison?
12 A Yes, I e-mail them.
13 Q Okay. So, before doing that, do you, yourself,
14 ever ask questions regarding equity grants?
15 A On occasion.
16 Q And in what sorts of instances might you ask
17 questions?
18 A We recently shifted to RSUs from options, so it's a
19 different scale. So, for awhile they would pick the wrong
20 one and it seemed out of scale. Again, with equity, it's
21 most often that I think maybe they have the numbers wrong, it
22 doesn't seem to match up with the whole package.
23 Q And how often is it that you ask questions
24 regarding equity grants?
25 A Not very often.

1 Q Do you, personally, ever reject equity grants?
2 A No.
3 Q Okay. So, once you pass the summaries onto Ms.
4 Catz or Mr. Ellison, what happens next in the process?
5 A They respond via e-mail, and then I would go
6 through and put them through in the system, and
7 simultaneously send an e-mail to Stock Services, to make sure
8 that we have the legal loop.
9 Q Okay. Does Ms. Catz or Mr. Ellison ever ask
10 questions regarding the summaries you've provided?
11 A I can't think of anytime that they've asked
12 questions about them.
13 Q Have they ever rejected a proposal that you've
14 passed along to them -- strike that.
15 Have they ever rejected a summary that you've
16 passed on to them for their review?
17 MS. BREMER: Objection, vague and ambiguous.
18 JUDGE CLARK: Overruled.
19 You can answer the question.
20 THE WITNESS: I can't -- I've been doing it a long
21 time, so I wouldn't say never, but I can't think of anytime
22 that they have.
23 BY MS. CONNELL:
24 Q And how many of these equity summaries -- well,
25 strike that.

1 How many equity awards do you review in a day?
2 A It all flows in together, so it's within that
3 hundreds and it's highly variable. Some days there could be
4 a few and some days there could be 50.
5 Q And how long does it typically take to get a
6 response from Ms. Catz or Mr. Ellison, once you've provided
7 them with the summaries?
8 A That one is highly variable, also. It could be
9 almost immediate and it could be a week or two.
10 Q From your perspective, who are the primary decision
11 makers with regard to the equity awards that you've testified
12 about?
13 MS. BREMER: Objection, lack of foundation.
14 JUDGE CLARK: Overruled.
15 You can answer that question.
16 THE WITNESS: Again, the hiring manager indicates
17 the offers or the proposing manager who is suggesting a
18 retention grant or something like that.
19 BY MS. CONNELL:
20 Q You mentioned earlier that you've worked at
21 Oracle, I think you said for 25 years, is that correct?
22 A Yes.
23 Q And how long have you known Ms. Catz?
24 A Since before she joined Oracle, so most of it, 23
25 years, something like that.

1 Q And how long have you known Mr. Ellison?
2 A The whole time, since 1992.
3 Q Have you ever heard Ms. Catz make any derogatory
4 comments about women?
5 A No.
6 Q Have you ever heard Ms. Catz make any derogatory
7 comments about a person's race?
8 A No.
9 Q Have you ever heard Mr. Ellison make any derogatory
10 comments about women?
11 A No.
12 Q Have you ever heard Mr. Ellison make any derogatory
13 comments based on a person's race?
14 A No.
15 Q Do you have any reason to believe that Ms. Catz
16 would intentionally discriminate on the basis of race or
17 gender?
18 MS. BREMER: Objection, calls for a legal
19 conclusion.
20 JUDGE CLARK: Overruled.
21 You can answer the question.
22 THE WITNESS: No.
23 MS. CONNELL: Now I've lost my question.
24 BY MS. CONNELL:
25 Q I'm not sure if I just asked you about Ms. Catz?

1 A You did.
2 Q Do you have any reason to believe that Mr. Ellison
3 would intentionally discriminate against women or individuals
4 on the basis of race?
5 A No.
6 Q Do you know Joyce Westerdahl?
7 A Yes.
8 Q How long have you known her?
9 A We started roughly, again, the whole time I've been
10 there, since mid '90s, probably.
11 Q Have you ever heard Ms. Westerdahl make any
12 derogatory comments about women?
13 A No.
14 Q Have you ever heard Ms. Westerdahl make any
15 derogatory comments on the basis of race?
16 A No.
17 Q Do you have any reason to believe that Ms.
18 Westerdahl would intentionally discriminate against women or
19 employees on the basis of their race?
20 A No.
21 Q Based on your own experience, do you believe the
22 culture at Oracle is supportive of women?
23 A Absolutely.
24 Q Why do you say that?
25 A Well, we have a female CEO, we have a head of HR is

1 a woman, our general counsel is a woman, our head of
2 Litigation is a woman. We're very encouraged, we have a
3 whole leadership program. And I have always felt like every
4 opportunity is available to me if I wanted it.
5 Q You anticipated my next question. Have you ever
6 personally felt that you've been treated differently or
7 disadvantaged because of your gender?
8 A No.
9 Q Have you taken training at Oracle that covers
10 non-discrimination?
11 A Yes.
12 Q Have you taken training at Oracle that covers --
13 strike that.
14 Have you taken Affirmative Action training at
15 Oracle?
16 A Yes.
17 Q Have you taken Oracle's Code of Conduct training?
18 A Yes.
19 Q Have these trainings covered the -- strike that.
20 Has the non-discrimination training included the
21 concept of non-discrimination with respect to compensation?
22 A Yes. It all covers all of employment, so it covers
23 compensation and all the other ways that we need to be
24 compliant.
25 Q And is this training mandatory?

1 A Yes.
2 Q Does Ms. Westerdahl participate, at all, in the
3 review process that you've described in your duties?
4 A No. In mine -- no.
5 MS. CONNELL: I have no further questions.
6 JUDGE CLARK: Ms. Bremer, who's got cross? I guess
7 it would be -- go ahead.
8 MS. BREMER: I do, Your Honor.
9 CROSS-EXAMINATION
10 BY MS. BREMER:
11 Q Do you report to Jennifer -- do you report to
12 Jennifer Burke?
13 A I do not.
14 Q Do you report directly to Safra Catz?
15 A No.
16 Q Who do you report to?
17 A Rich Allison.
18 Q And does he report to -- who does he report to?
19 A Safra.
20 Q and what is your global career level?
21 A I think I'm an M4. Sorry, it's not a thing I pay a
22 lot of attention to.
23 Q I'd like to draw your attention to Exhibit J-11.
24 Do you know what the Global Approval Matrix is?
25 A I know what it is, yes.

1 Q Have you seen it before?
2 A No, I actually don't think I have ever looked at
3 it.
4 Q How did you -- okay. So, let's look at the tab for
5 "Rules"?
6 A I'm sorry -- it's hard for me to hear you.
7 Q I'm sorry. Let's look at the tab for "Rules," on
8 this document and if you look where it says: "Notes," it
9 says:
10 "Carolyn Balkenhol and Safra Catz have proxy
11 approval authority for LJE."
12 Does "LJE" refer to Larry Ellison?
13 A I assume so, but again, this is not my document,
14 it's not a document that I use.
15 Q Do you understand that you have proxy authority for
16 Larry Ellison?
17 MS. CONNELL: Objection, vague.
18 BY MS. BREMER:
19 Q With respect to the Workflows that you've testified
20 about in your direct testimony?
21 A Yes. Within our automated systems, that's the
22 nature of it, is that that's why there is an approval
23 account, because we have access as proxy for their approvals.
24 Q And are there categories of approvals for which you
25 do not have proxy authority?

1 MS. CONNELL: Objection, calls for speculation.
2 JUDGE CLARK: Overruled. If you know?
3 THE WITNESS: Well, I mean we're not talking about
4 this document, right, because I don't -- are you attaching it
5 to this document or are you just asking me --
6 MS. BREMER: No.
7 THE WITNESS: -- a general question? Sorry, this
8 is kind of distracting me, because I'm not familiar with
9 this.
10 JUDGE CLARK: I understand.
11 Rephrase your question, Ms. Bremer.
12 MS. BREMER: Okay.
13 BY MS. BREMER:
14 Q Could you look at Rule 17, please, on the document?
15 A I --
16 JUDGE CLARK: So, they're going to find it for you.
17 They'll tell you where it is.
18 THE WITNESS: Yeah.
19 MS. BREMER: Okay.
20 BY MS. BREMER:
21 Q If you look at Rule 17, it says over 100,000 shares
22 the process is handled offline by Joyce Westerdahl's office
23 and Legal, Corp Comp Committee approval will be required. In
24 2014, did Larry Ellison, himself, have to review or approve
25 100,000 shares that would be offered to a person at Oracle?

1 A I don't know. That's where the approval matrix
2 dictates what happens, I don't decide that. And I take what
3 comes up to me, so you'd have to look at the 2014 matrix,
4 approval matrix, and confirm with somebody who is responsible
5 for it, that that's the case.
6 Q Okay. This the 2014 approval --
7 A Again, I could read it and see what it says there.
8 JUDGE CLARK: Ms. Balkenhol, I appreciate that.
9 Let's just let her ask her question.
10 THE WITNESS: Okay. I'm sorry.
11 JUDGE CLARK: And would you either move the
12 microphone a little closer or slide in just a little bit
13 more.
14 THE WITNESS: Okay. Thanks.
15 JUDGE CLARK: Okay.
16 BY MS. BREMER:
17 Q And you understand that you apply the rules set
18 forth in the Global Approval Matrix?
19 A Yes.
20 Q That that indicates what authority that you have in
21 terms of approvals?
22 A Yes.
23 Q Okay. So, is it your understanding, in 2014, that
24 -- did you have approval authority for stock transfers of
25 under 100,000 shares?

1 A I have never had approval for any of that. I have
2 the authorization to summarize for Larry and Safra's
3 approval, and in 2014 it may have been different people, Mark
4 was also here. And then upon their providing their written
5 approval, to then make the actual approval within our
6 automated systems. So, it's slightly different.
7 Q Okay. If you look at Rule 20, Rule 20 says:
8 "Oracle's College Recruiting Organization, under
9 Larry Lynn, uses the candidate offers
10 application to submit offer requests for
11 approval. Oracle Workflow is utilized to
12 route the transactions to LJE for
13 approval."
14 Again, is it your understanding that LJE refers to
15 Larry Ellison?
16 A Yes, that is my assumption.
17 Q And it says:
18 "The recruiting and offer process is owned and
19 managed by the College Recruiting
20 Organization in conjunction with AIT, who
21 maintains the candidate offers,
22 application in Workflow."
23 What is "AIT"?
24 A I think that was Apps IT, which at the time had a
25 slightly different process for these offers.

1 Q Okay. And if you look at -- if you go down to Rule
2 31, please, it says:
3 "LJE approved 4,000 shares and 15,000 sign-on
4 for all future grad offers for Larry
5 Lynn's organization."
6 Is that a rule that you applied with respect to the
7 College Recruiting Workflow in 2014?
8 A It does not sound right to me that that specific --
9 at that time, in 2014, that doesn't sound right to me. But
10 I'd have to go back and look at my records to see what was
11 approved at that time.
12 Q Okay.
13 MS. BREMER: Let's pull up P-490, please?
14 JUDGE CLARK: Can you say it again, please?
15 MS. BREMER: P-490.
16 JUDGE CLARK: Thank you.
17 BY MS. BREMER:
18 Q If you look at this is an e-mail chain between you
19 and Lawrence Lynn, do you see that?
20 A Yes.
21 Q From November 14th through the 16th of 2013?
22 A I'm sorry. Should I read it first or should I --
23 Q I'll ask you questions about it, but do you see
24 that it's from November 14th, 2013 through November 16th,
25 2013?

1 A That's how it appears to me, yes.
2 Q And who is Lawrence Lynn?
3 A At the time he was the head of College Recruiting
4 for Development.
5 Q And does he go by Larry Lynn?
6 A Yes.
7 Q Okay. The first e-mail says, the subject to you
8 is:
9 "As Chantal has probably told you, LJE has set
10 the new grad offers at 4,000 shares and
11 15,000 sign-on."
12 Do you see that?
13 A Yes.
14 Q And who is Chantal?
15 A She worked for Larry Lynn.
16 Q Okay. And LJE, again, refers to Larry Ellison?
17 A I assume so.
18 Q Did you understand that Larry Ellison was the one
19 who would be the one who would set the amount of offers to be
20 given to college graduates?
21 A Yes. He would approve the standard package offered
22 to Development new college grads.
23 Q And did Oracle's HR Department also approve
24 packages or specific offers to college grads?
25 MS. CONNELL: Objection, calls for speculation.

1 JUDGE CLARK: Overruled.
2 If you know, you can answer that question.
3 THE WITNESS: I'm not sure what you mean.
4 BY MS. BREMER:
5 Q Let me ask one more question. So, the pay that --
6 if you look at the bottom of this e-mail, Larry Lynn asks you
7 if the compensation Larry Ellison had set for college hires
8 should be given to grads who had already accepted their
9 offers, right?
10 A Yes. That's what it says.
11 Q And you spoke to Safra Catz about who should
12 receive the stock and bonuses, before responding?
13 A Yes, that's what it says.
14 Q And would that be the typical process if someone
15 asks you a question about the application of an offer package
16 for college hires, you'd discuss that with Safra Catz?
17 A No. This is a totally different thing. So, this
18 is in November. The new college -- college recruiting
19 generally starts in August and September. So, what -- I
20 don't recall this, specifically, but what's happening here is
21 that they had already decided on what the package was for the
22 year, so that's for the entire class of -- let's see, this is
23 2013 -- so it would have been the whole class of 2014, would
24 have had a standard package with base pay, options and
25 sign-on.

1 What Larry Lynn is saying here is, he's in
2 November, he must be having a hard time getting all of his --
3 getting the recruits he needs. So, he has gone to Larry and
4 said I need to up it, up the package, midway through. And
5 then he's just saying now we've got some who have what was
6 approved and some who we're going to go higher, and we can't
7 do that, we don't do that. So, we're going to go back and
8 adjust those who have already received their offers, so that
9 we now, the standard package for the class of 2014, is going
10 to be this adjusted one. So, this is atypical.
11 Generally, the compensation package for college
12 hires is set, again, before the recruiters are on college
13 campuses for their hiring fairs and all that, in August and
14 September. So, this is atypical.
15 Q Okay. So, the timing of this was atypical, right?
16 MS. CONNELL: Objection, misstates testimony.
17 THE WITNESS: Well, it's mid-season, they've
18 already -- I mean --
19 JUDGE CLARK: Overruled.
20 THE WITNESS: Oh.
21 JUDGE CLARK: I haven't -- did you give your
22 answer?
23 THE WITNESS: You know, at this point he's saying
24 it's going to cost them this much, so they've already hired a
25 lot of people, as you can see. So, it's mid season.

1 MS. BREMER: Okay.
2 BY MS. BREMER:
3 Q So, you said that they had already decided on a
4 compensation package for college hires. When you said
5 "they," you mean the CEOs, correct?
6 A No. The process for college hires, historically,
7 was that the recruiters on campus would propose a package,
8 then Larry Ellison would, you know, I would confirm with him
9 that that package was okay for him or, you know, had a little
10 variability, but generally a standard package. So, that
11 wasn't -- didn't have anything to do with Safra, I don't
12 think. And in 2014, I think Larry might have been CEO, I
13 don't remember.
14 Q Okay. So, it was Larry, okay. And then you said
15 there was an adjustment -- okay.
16 Do you know what the Finance Spending Approval
17 Limits Matrix is?
18 A I know there are approval matrixes for, you know,
19 for all of our approvals. There are signing authority for
20 different approvals. But I'm not familiar with the
21 particulars of any of the documents.
22 Q Okay. You indicated that when you review
23 compensation offers, you look at applicants' resumes, right?
24 A Yes.
25 Q And if they are a rehire, you look to see why they

1 left Oracle?
2 MS. CONNELL: Objection, misstates prior testimony.
3 JUDGE CLARK: Overruled.
4 You can answer the question.
5 THE WITNESS: Sometimes.
6 BY MS. BREMER:
7 Q And Oracle has rules about offers it will give to
8 rehires, correct?
9 JUDGE CLARK: Say it again, you said rules about
10 what?
11 MS. BREMER: About the offers that it will give to
12 rehires.
13 MS. CONNELL: Objection, lacks foundation.
14 JUDGE CLARK: Overruled.
15 THE WITNESS: I'm not sure I understand your
16 question.
17 BY MS. BREMER:
18 Q So, for example, there's a general rule or policy,
19 or procedure that Oracle had that rehires within a 12-month
20 period may not be hired back at a rate that's higher than
21 their previously salary, right?
22 A I don't know that there was such a policy.
23 Q Is that something that you looked at when you were
24 reviewing offers, did you look to see when they had been --
25 how long ago they had left Oracle?

1 A For rehire offers, which they're a subset of the
2 bulk of offers, yes, I might look at how recently they had
3 left Oracle.
4 Q And when you're reviewing compensation offers for
5 the Office of the CEO, did you look at current -- did you
6 ever look at current salary?
7 A Sometimes.
8 Q Did you frequently look at the current salary?
9 A Sometimes. I don't know that I would say
10 frequently.
11 Q Okay. Let's look at D0-310. Okay. You testified
12 about the Workflow system, right?
13 A Yes.
14 Q So, we've received certain data from Oracle and so
15 -- including data from that system, the user interface may
16 look different from what you're used to, but I'm going to ask
17 you some questions about actual -- the data that we received.
18 Do you know, in the Workflow, if your approvers are
19 indicating by Board of Directors?
20 A I think you're asking is that how my team and I are
21 referred to?
22 Q Yes.
23 MS. CONNELL: Calls for speculation.
24 JUDGE CLARK: Overruled.
25 You can answer that question.

1 THE WITNESS: So, I think what you're trying to get
2 -- when Larry was the top of the hierarchy, the approvals
3 flowed up through him, and they went by organization. But I
4 think it was when Safra and Mark no longer reported to Larry,
5 and we were reviewing for all three of them, there needed to
6 be some overarching place for those approvals to go, so, we
7 referred to it as the Board of Directors. So, it isn't
8 really the Board of Directors, it really is just the highest
9 level where those all three could flow into for us to review
10 in one queue.
11 BY MS. BREMER:
12 Q So, it refers to the highest level of approvals,
13 right?
14 A Technically -- well, I don't know technically --
15 it's like the pot that all three of those could go into,
16 because otherwise we'd have to go to a Larry queue and a
17 Safra queue and a Mark queue, so the highest level approver
18 is actually now Larry and Safra, so this is just a place to
19 hold the requests for their approval.
20 Q Okay. And when you indicated that you can ask
21 questions to -- when you're conducting approvals, right?
22 A Yes.
23 Q And when you -- is it your practice to put your --
24 to indicate that you're the one asking the question or making
25 the comment by putting "Carolyn," at the end?

1 A Generally, when we ask questions we include our
2 names, yes.
3 Q Okay. Let's look at line -- okay -- so the data,
4 as we received it, has a vacancy ID, does that refer to the
5 requisition number, basically?
6 A I have no idea.
7 Q Okay. If you look at line 3, it says -- or
8 "Sequence," under "Sequence" it says: "3," and then --
9 A So, there are two that are highlighted right here.
10 Do you want me looking at the second highlighted line or
11 row?
12 Q Yes.
13 A Okay.
14 Q Okay. We're highlighting this entire vacancy ID
15 number. And if you look -- at the numbers here, on the
16 third, "Sequence 3," there's a submission by Jerry Aguirre --
17 I'm pronouncing that incorrectly, I'm sorry -- it indicates:
18 "Detailed Business Justification for Hiring."
19 A So, these are all on the same transaction.
20 Q Yes.
21 A But they're all out of order. So, you're looking
22 at something -- that 14 November -- the stuff down -- these
23 are not in chronological order, right.
24 Q Okay.
25 A The submission appears, to me, to be the very

1 bottom one on October 29th. And then it would go up to where
2 you're saying, and then it reads down through the 22nd of
3 November, and then up to the 7th of December at the top
4 right.
5 Q Okay. Well, let's look at the "Sequence 8," which
6 it says: "November 17th, 2016," and under "Action" it says:
7 "Question: What is the person's base salary? Thanks.
8 Carolyn."
9 Is that a comment that you would have made?
10 A Well, here's the issue I have with this, even when
11 people ask me questions now I need to see the whole thing,
12 because I can't see -- I can see little pieces of it here,
13 out of order, but I can't see what the data is, I can't see
14 what information is there, what information is missing. So,
15 I don't really know what's happening, unless I can see the
16 whole picture.
17 Q Okay. But you have no reason to dispute that you
18 indicated what is the person's -- that you asked the
19 question: "What is the person's base salary?"
20 A I have no reason to dispute, yes, it appears that I
21 asked the question: "What is the person's current base
22 salary?"
23 Q Okay. And then under --
24 A Can you scooch it over, so I can see the whole
25 thing? I can't -- the numbers over there are not helpful to

1 me. I still can't see the whole thing. Can you wrap the
2 text, so I can actually read all of it?
3 Can I ask one more favor? Can you put it in
4 chronological order, so I can actually read it in the way --
5 Q Well, I think that's not going to be possible --
6 A Okay.
7 Q -- because we'd end up putting the whole document
8 in.
9 A Okay. Then I need to see the very first thing,
10 first, before I go to the middle of it.
11 JUDGE CLARK: So, Ms. Balkenhol, I appreciate --
12 MS. BREMER: No, I'm not --
13 JUDGE CLARK: -- let Ms. Bremer ask her question.
14 THE WITNESS: Okay.
15 BY MS. BREMER:
16 Q Okay. Sequence 9, it says his salary details are
17 base $155,000.00, 287 -- there's information about bonus,
18 RSUs, et cetera. So, in response to the question there was
19 an answer, correct?
20 A It appears so, yeah. It appears so, yes.
21 Q Okay. And then Sequence 10, there's another
22 question from you, correct:
23 "Is this the person who is getting an additional
24 30,000 per year in RSUs? Is that the
25 total over four years? Thanks.

1 Carolyn."
2 That's you, right?
3 A Yes, it appears to be.
4 Q Okay. And then looking at the Sequence 12, it says
5 -- you stated that the compensation offer made no sense to
6 you, right?
7 A I'm sorry?
8 Q Then in response to that --
9 JUDGE CLARK: So, she didn't answer that question.
10 She didn't agree with what you said, so.
11 THE WITNESS: I didn't hear what you said. I'm
12 sorry. I'm trying to figure out whether I should -- if
13 you're going to ask me a question about it, I kind of have to
14 read it to know what it is, and then -- or I need to be able
15 to read it before I answer the question, or hear the
16 question.
17 BY MS. BREMER:
18 Q I'd like you to look at 12?
19 A Okay.
20 Q So, it says:
21 "So, you're adding the person's bonus into the
22 base to get the proposed salary, and
23 instead of 10K per year in RSUs, you're
24 proposing 40K a year, that makes no sense
25 to me. Thanks. Carolyn."

1 So, that was your question, again, in response to
2 the answer, correct?
3 A I assume so, yes.
4 Q Okay. And then if we look at 13, Sequence 13,
5 there's another response by the person who submitted this,
6 and there's a justification, correct, for the amount offered?
7 MS. CONNELL: Just for the record, you can't see
8 the entire field on the screen.
9 THE WITNESS: Yeah, and I -- it's hard for me -- is
10 there any way for me to see the whole thing? Like I'm
11 getting a little tiny bit at a time, and it's very hard to
12 look at it and understand what happened. I've seen tens of
13 thousands of these, so that -- so his current salary details.
14 MS. BREMER: Okay. We're looking at 13. Maybe put
15 the cursor up here and it will --
16 THE WITNESS: Yeah. Well, okay. So, I'm not
17 familiar with this one, obviously, specifically, but yes,
18 clearly I've responded to things in there. I've asked
19 questions and he's responded -- he or she has responded, and
20 I have responded. Is that the question? And I think if you
21 go down further, it's also approved, right.
22 BY MS. BREMER:
23 Q Look at line 14. So, then in line 14 it says:
24 "Reduce the RSUs, you can't offer 20K base plus
25 4K RSUs and suggest that our RSUs are the

1 equivalent of a startup's RSUs. Thanks.
2 Carolyn."
3 So, you ask for a reduction in the RSUs, correct?
4 A I certainly appear to have.
5 Q And the action is returned for correction. Is that
6 something that you can do in the Workflow system?
7 A Yes.
8 Q Okay. And now if you look at Sequence 15, it says
9 -- the action is: "Resubmit," and it says:
10 "Hi Carolyn. Based on the feedback, I
11 renegotiated the offer with the candidate
12 and he accepted a reduced offer."
13 Do you see that?
14 A The base salary wasn't reduced, right -- if you go
15 up?
16 Q That was not my question.
17 JUDGE CLARK: So, what is your question? Ask your
18 question again.
19 BY MS. BREMER:
20 Q I asked if -- based on -- it says:
21 "Based on your feedback, I renegotiated the
22 offer with the candidate and he accepted
23 a reduced offer."
24 Correct?
25 A He accepted a reduced offer, but the salary was

1 unchanged. It appears to me that the only thing that was
2 reduced was the RSU grant.
3 Q Okay.
4 A The base salary was already an increase of
5 $20,000.00 per year.
6 Q Okay. We're going to move on to Vacancy 2679744.
7 Okay. And if you look at Sequence 7 -- 15 -- it says --
8 A Can I have one minute just to try to sort out
9 what's here?
10 MS. CONNELL: Is there any way that you could also
11 adjust it, so we can see the entire "Comments" section?
12 THE WITNESS: Well, is this all one req? Because
13 it's from 2014 to 2015, and then there's another chunk in
14 2014 and 2017 and 2018, so I'm kind of confused by that.
15 MS. BREMER: Okay. Well, I'm drawing your
16 attention to the Sequence 15 and 16, and 17, which are all
17 November 26th, 2014.
18 BY MS. BREMER:
19 Q At 12:45 o'clock, there's a question from Board of
20 Directors, Oracle. It says: "Are you okay with this? Isn't
21 that high for a master's? Thanks. Carolyn."
22 And then -- do you see that?
23 A Yes.
24 Q Okay. And then Sequence 16 is from Lawrence Lynn,
25 he's in College Recruiting, correct?

1 A He was, yes.
2 Q He was a VP of College Recruiting?
3 A I don't know what his title was or his level.
4 Q And did you know that he reported directly to Larry
5 Ellison?
6 A Yes.
7 Q Okay. And the answer was:
8 "No, another offer processed outside College
9 Recruiting, HR should catch these, we
10 need to put a stop to these. Larry."
11 MS. CONNELL: Objection, hearsay.
12 JUDGE CLARK: Overruled.
13 BY MS. BREMER:
14 Q And then in line 17, this is your response, right:
15 "You need to work with Larry Lynn and College on these
16 offers. Thanks. Carolyn."
17 A Yes.
18 Q And then you returned this requisition for
19 correction, right?
20 A It looks like I did.
21 Q Okay. Let's look at 3472192. And with this one,
22 I'm focusing on Sequence 12 and 13. Is this right?
23 A I don't see a 13.
24 Q Okay. Let's move on to D-309. Okay. Looking at
25 3607694, and if you look at Sequence 1, there's an action:

1 "Submit," that's when the original -- or when someone submits
2 the request into the Workflow, is that right?
3 A I assume so. I can't see the comments, again.
4 Q Okay. Let's scoot it over, just so we can see the
5 sequence -- oops, a little too far -- okay. So, there's a
6 justification with the submission, correct?
7 A It's truncated, but yes, I can see that there is
8 text there.
9 Q Okay. And then if we look at for Board of
10 Directors, Oracle, there's a question:
11 "What was this person making in the U.S., before
12 transferring to India? I'd like to see
13 salary and performance history for the
14 person."
15 Can we move it over a little bit?
16 "Thanks. Carolyn."
17 Do you see that?
18 A I do.
19 Q And that's a question that you made in the
20 Workflow?
21 A I assume so, but I believe even know what was being
22 requested here.
23 Q Okay. The next line below is the answer, correct,
24 to your question for salary and performance history?
25 A It appears to be.

1 Q Okay. And the answer indicates the amount of
2 salary before this person left for ID
3 C, in 2015. Do you understand IDC to be Oracle India?
4 A I think the acronym is India Development Center.
5 Q Okay. So, that's yes?
6 A Yes.
7 Q And it also indicates, in the answer, the person's
8 performance rating, correct?
9 A It does.
10 Q Okay. Let's look at Vacancy 3779604. Okay. The
11 first sequence here is from the Board of Directors, Oracle.
12 It's a question that --
13 A That's not the first, right.
14 Q Okay. I'm just saying how it's labeled here.
15 A Okay.
16 Q On September 5th, 2018:
17 "I don't understand why you give this person
18 such a huge increase and a sign-on bonus.
19 Thanks. Carolyn."
20 Is that a comment or a question that you asked?
21 A Can I ask a question? Am I supposed to be
22 understanding what I'm doing here or just answering about
23 what I'm reading in the --
24 JUDGE CLARK: You should just answer the question
25 that's asked of you. So, she hasn't asked for a detail if

1 you remember this transaction, she's just asking --
2 THE WITNESS: Okay. So, yes --
3 JUDGE CLARK: -- if that's something you might have
4 said.
5 THE WITNESS: -- it does say: "I don't understand
6 why you gave this person such a huge increase and a sign-on
7 bonus."
8 BY MS. BREMER:
9 Q Okay. And then in the next line there's an answer,
10 and it says: "When D" -- I'm going to use "D" instead of the
11 person's name.
12 "When D left Oracle, he moved into a management
13 role at his new company. It was
14 communicated to me that he received a
15 significant salary increase when leaving
16 Oracle. D felt strongly" --
17 JUDGE CLARK: Did you say the feature is called
18 "Wrap Text," is that wrapped?
19 THE WITNESS: It's not wrapped.
20 JUDGE CLARK: If you'd wrap the text, that might
21 make it easier.
22 THE WITNESS: They're also not in chronological
23 order.
24 JUDGE CLARK: I see that, as well.
25 BY MS. BREMER:

1 Q "D felt strongly that in the Bay Area market he's
2 worth $200,000 K, which is" --
3 A Okay.
4 JUDGE CLARK: So, Ms. Bremer, maybe you just have a
5 question about that, because we can read the text, more or
6 less.
7 MS. BREMER: Okay.
8 BY MS. BREMER:
9 Q Anyway, he provided -- there was a justification
10 provided for your question as to why you'd give this person
11 such a huge increase and a sign-in bonus, correct?
12 A Yes. I asked a question and they gave an answer.
13 Q Okay. And that answer was -- well, I'll leave it.
14 And the reply, by you, is: "Please, remove the
15 sign-on bonus and this will be approved." Correct?
16 A Yes, that's what I say there.
17 Q And can you see what the action is associated with
18 that? And then you returned the offer for correction,
19 correct?
20 A Yes, it appears that way.
21 Q Okay. Let's look at --
22 A Actually -- sorry. You just asked -- I returned
23 the offer. Again, I don't know what the transaction is here,
24 because it doesn't say that. But my guess is it's not an
25 offer, it's actually a transfer.

1 Q Okay.
2 A Which is why this sign-on would be shocking for a
3 current employee.
4 Q You returned the transaction for correction,
5 correct?
6 A Yes. But when I'm answering these questions, I
7 can't tell what the transaction is in here.
8 Q Okay. Let's look at 3695598. And Id like to draw
9 your attention to Sequence 2, under Board of Directors,
10 Oracle, and the comment: "Have you spoken with the previous
11 managers to understand why this person was on the RIF list?"
12 What's the RIF list?
13 A Reduction In Force.
14 Q Okay. And is the Reduction In Force list something
15 that you review when approving the Workflow?
16 A No.
17 Q It says: "Why would we rehire someone we just let
18 go? Thanks. Carolyn." Correct?
19 A Yes.
20 Q Okay. And then the answer is provided under
21 Sequence 3. And then Sequence 4 you asked another question:
22 "Why did the person wait so long to restart? Thanks.
23 Carolyn." Correct?
24 A Yes.
25 Q Okay. Let's look at P-191, and I'm drawing your

1 attention to transaction history ID 7187876. And if you look
2 right in the middle of this, it says: "Dive and Save approved
3 by Steve and Thomas, approval attached." Do you see that?
4 A Yes, I see that text.
5 Q When you received "Dive and Save" requests, would
6 you receive approvals that are -- that were outside the
7 Workflow system, for example, e-mails?
8 A Sorry, can you go back to the beginning question?
9 Would I receive them outside of the automated system, is
10 that?
11 Q Yes.
12 A On occasion.
13 Q And I haven't walked you through these, but I've
14 seen other references to preapprovals by Thomas Kurian. Did
15 Thomas Kurian have a practice of making approvals before
16 information was entered into the Workflow system?
17 MS. CONNELL: Objection, calls for speculation.
18 JUDGE CLARK: Lay a little foundation on how she
19 might know that.
20 BY MS. BREMER:
21 Q As you were making approvals, did you ever see
22 references to preapprovals by Thomas Kurian?
23 A You mean like in a document like this, where it
24 would say preapproved by Thomas?
25 Q Exactly.

1 A Yes.
2 Q Okay. And what did you understand that to mean,
3 did you understand that to mean that it had been approved by
4 Thomas Kurian before the transaction was entered into the
5 Workflow system for approval?
6 A I would never pay attention to that, because I look
7 for the actual approvals.
8 Q So, if it said -- so, if there was a comment
9 indicating that there was preapproval by Thomas Kurian, you
10 wouldn't pay attention to that, at all?
11 A No. I'd wait to see if he's actually approved it,
12 because people say all sorts of things.
13 Q Okay.
14 MS. BREMER: Let's pull up P-479. And let's look
15 at page --
16 BY MS. BREMER:
17 Q So, if you see at the bottom of this page it's to
18 Carolyn Balkenhol, do you see that?
19 A Yeah -- sorry. I'm trying to look at it, because
20 it's one of four.
21 Q Okay. Well, I'm going to be moving to the second
22 page, but I just wanted you to see that this was an e-mail to
23 you, correct?
24 A Okay. Can I -- yeah -- if I'm going to have to --
25 if you're going to ask a question about it, can I look at it

1 to see what it says or no?
2 JUDGE CLARK: So, not at this point.
3 THE WITNESS: Okay.
4 JUDGE CLARK: Ask your question.
5 THE WITNESS: Okay.
6 JUDGE CLARK: So, you're confirming it's an Exhibit
7 to you.
8 THE WITNESS: It appears to be an e-mail to me,
9 yes.
10 MS. BREMER: Okay.
11 BY MS. BREMER:
12 Q Dated May 23rd, 2013?
13 A Yes.
14 Q With the subject: "Justification for Hiring," and
15 then the name is redacted, "Back to Oracle," correct?
16 A Yes.
17 Q Okay. Could you move to page 2, please? Okay.
18 Then at the bottom of the page there's -- the e-mail is also
19 to you, cc'd to Andrew Mendelsohn, do you see that?
20 A Yes.
21 Q And who is Andrew Mendelsohn?
22 A He is a development manager at Oracle.
23 Q At what level?
24 A I don't know what his current level is.
25 Q Okay. Do you know -- okay.

1 A He's senior.
2 Q Right. And if you look at the bottom of the page,
3 is that a request to hire a candidate prior to submitting the
4 request to -- in the Workflow, correct?
5 A Not exactly. We had a guideline that if somebody
6 has left twice that there's exceptional circumstances for
7 coming back. So, the person is asking, you know, just
8 validating that they could pursue somebody for a third time
9 joining.
10 Q Okay. And that was they were seeking validation of
11 that in e-mail, correct?
12 A Yes.
13 Q Prior to submitting that information into the
14 Workflow system?
15 A Yes.
16 Q Okay. And at the top is your response, you said --
17 at 5:26 o'clock:
18 "What were the conditions of the person's departures? Was
19 the person let go or quit, dissatisfied or...? If the person
20 left twice, what gives you the confidence the person will be
21 worth our investment AGAIN?"
22 That was your question, right?
23 A Yes.
24 Q Okay. And then go back to the first page -- okay,
25 this is good. So, the response to your question is at the

1 top of page 2, correct?
2 A I'm sorry, say again?
3 Q The response to the question that you asked, that I
4 just read --
5 A Yes, yes, was at the top of page 2, right.
6 Q And then you asked another question at the bottom
7 of page 1, correct?
8 "That was one departure. I thought he left
9 twice. This is the kind of thing that
10 bugs me. They leave for greener pastures
11 and want to come back so they can relax
12 and retire here. They don't want to work
13 so hard anymore, so Oracle is the place
14 to come, slack off and not get noticed,
15 so you can just keep getting a paycheck
16 and healthcare coverage."
17 Correct?
18 A But they're questions. So, it's: "So, Oracle is
19 the place to come back and they can relax and retire here?"
20 It's a question.
21 Q Right. So, those were questions that you were
22 asking?
23 A Yes.
24 Q Okay. And you don't know what information -- the
25 information that you have when approving a transaction is

1 generally what you can see in the Workflow, correct?
2 A I'm sorry, you lost me from the beginning to the
3 end of the question. Can you ask it, again, please?
4 Q When you are looking at the Workflow and deciding
5 whether to approve or return a transaction, you don't know
6 what communications the hiring manager has had with his
7 superiors in advance of putting the transaction into the
8 Workflow, correct?
9 A I think the answer is no, I don't know what the
10 hiring manager says to anybody else about anything. If it's
11 not in front of me, I don't have the information.
12 Q Okay. Thank you.
13 MS. BREMER: That's all I have.
14 JUDGE CLARK: Anything further?
15 MS. CONNELL: I do. Just a couple quick questions.
16 It will only take a couple of minutes, I think I can squeeze
17 them in before the morning break, if that's okay.
18 JUDGE CLARK: Okay. That's great.
19 REDIRECT EXAMINATION
20 BY MS. CONNELL:
21 Q Okay. Ms. Balkenhol, you were asked a series of
22 questions by Ms. Bremer regarding entries on a spreadsheet,
23 do you recall that?
24 A Yes.
25 Q Do you recall any of those transactions?

1 MS. BREMER: Objection, leading.
2 JUDGE CLARK: Overruled.
3 You can answer that question.
4 THE WITNESS: Do I recall any of them -- like as --
5 no.
6 BY MS. CONNELL:
7 Q Independent of the document, do you recall them?
8 A No. And it's very frustrating to not have all the
9 information, because I can't --
10 Q I understand that, but my question is do you recall
11 them?
12 A No.
13 Q Thank you. So, essentially, you were just reading
14 the words on the spreadsheet, correct?
15 A Yes, yes.
16 Q Would it have been helpful to you to have the
17 additional details, such as the Workflow itself and the
18 circumstances surrounding those transactions?
19 MS. BREMER: Objection, leading.
20 JUDGE CLARK: Overruled.
21 THE WITNESS: Yes. In order for me -- even in
22 daily work, when somebody asks a question about a
23 transaction, I will not let them just ask me a question over
24 -- well -- they can ask me a question over e-mail, but I
25 can't -- I have to have all the pieces of it there for me to

1 even strike my memory as to what's happened. So, those, I
2 couldn't even tell what the transactions were.
3 BY MS. CONNELL:
4 Q You anticipated my next question. Do you know if
5 those transactions were offers, transfers, rehires,
6 promotions?
7 A I could guess, but it was not obvious to me.
8 Q A couple of the transactions indicated that they
9 were returned for correction. Do you recall seeing that in
10 the data?
11 A Yes.
12 Q How often did that happen, that you would return a
13 transaction for correction?
14 A It doesn't happen that often.
15 Q Since 2013, can you give an estimate?
16 MS. BREMER: Objection, vague.
17 JUDGE CLARK: Overruled.
18 THE WITNESS: It's very hard to estimate, because
19 it's thousands and thousands, and thousands and thousands of
20 things, so I can't quantify it.
21 MS. CONNELL: Okay. Can we pull up -- back up --
22 P-479?
23 BY MS. CONNELL:
24 Q Do you recall this specific instance, independent
25 of the document, do you have a recollection of this?

1 A No.
2 Q If you look at the top of the e-mail, the first
3 entry, does this indicate that you approved this?
4 A No. This is all -- no. I'm just saying put the
5 information in there, because it doesn't appear to them that
6 it's been submitted yet. And so the person is anticipating
7 the questions and so I'm saying these are the kinds of
8 questions, make sure you put it in the transaction. So, when
9 it comes up, that's the information that's there -- why they
10 think the person is worth investing in again.
11 Q And so you don't know, one way or the other,
12 whether this was approved?
13 A No. I don't even know that it was submitted. I
14 don't know anything from this.
15 MS. CONNELL: Okay. I have no further questions.
16 JUDGE CLARK: Ms. Bremer, anything further?
17 MS. BREMER: No, Your Honor.
18 JUDGE CLARK: Ms. Balkenhol, thank you so much for
19 your time today. You are free to go. You are excused as a
20 witness.
21 (Witness excused.)
22 JUDGE CLARK: Let's go ahead and take a 10-minute
23 break and then we'll get started with our next witness.
24 We'll be off the record.
25 (Off the record at 10:38 o'clock a.m.)

1 JUDGE CLARK: Okay. We are back on the record.
2 All parties are present. We have another witness.
3 MS. CONNELL: Yes, Your Honor. Our next witness is
4 Vickie Thrasher.
5 JUDGE CLARK: Is Ms. Thrasher in the courtroom?
6 MS. CONNELL: Can someone bring Vickie in? Thank
7 you.
8 JUDGE CLARK: Mr. Eliasoph, this is your witness?
9 MR. ELIASOPH: Yes, Your Honor.
10 JUDGE CLARK: Okay. And it sounds like they
11 finally kicked it in, so it's turned down. So, hopefully we
12 can all hear better now.
13 MS. CONNELL: Thank you, Your Honor.
14 JUDGE CLARK: Ms. Thrasher, go ahead and come
15 forward. Good morning. You're just going to come right
16 around here and get up on the witness stand there. And
17 before you have a seat, if you'd raise your right hand?
18 Whereupon,
19 VICTORIA THRASHER
20 having been first duly sworn by the Administrative Law Judge,
21 was examined and testified as follows:
22 JUDGE CLARK: Have a seat, please.
23 THE WITNESS: Thank you.
24 JUDGE CLARK: Make yourself comfortable. Okay.
25 THE WITNESS: Okay.

1 JUDGE CLARK: And now would you state your name and
2 then spell it for our record, please?
3 THE WITNESS: My name is Victoria Thrasher,
4 spelled, V-i-c-t-o-r-i-a, T-h-r-a-s-h-e-r.
5 JUDGE CLARK: Okay. Thank you, Ms. Thrasher.
6 So, we're recording everything that's said here, so
7 you need to let the lawyers ask the complete question and
8 then they'll let you give your complete answer, because we
9 can't record two people at once, okay.
10 THE WITNESS: I understand.
11 JUDGE CLARK: If one of the lawyers makes an
12 objection and you're in the middle of an answer, you just
13 stop talking and I'll let you know whether you can finish the
14 answer, okay?
15 THE WITNESS: Okay.
16 JUDGE CLARK: Or if they make an objection before
17 you give an answer, just don't answer the question until I
18 tell you you can, all right?
19 THE WITNESS: Okay.
20 JUDGE CLARK: If you don't understand something one
21 of the lawyers has said, let us know and we'll have them
22 rephrase it for you.
23 THE WITNESS: Okay.
24 JUDGE CLARK: And they've turned down the air
25 conditioner now, so we can hear a little bit better, but move

1 the microphone a little bit closer to you or either move your
2 chair in a little bit more, either way. And we should be
3 good to go.
4 Ms. Connell?
5 MS. CONNELL: Thank you, Your Honor.
6 DIRECT EXAMINATION
7 BY MS. CONNELL:
8 Q Good morning, Ms. Thrasher. Can you please tell us
9 what race and gender you identify as?
10 A I identify as a black female.
11 Q Are you currently employed at Oracle?
12 A Yes.
13 Q And what position do you hold there?
14 A My title is senior vice president of Human
15 Resources Organization and People Capability.
16 Q how long have you been employed at Oracle?
17 A Twenty-three years.
18 Q Have you worked in Human Resources the entire time
19 you've been with Oracle?
20 A Yes.
21 Q Prior to joining Oracle, did you also work in Human
22 Resources?
23 A Yes.
24 Q Have you worked in Human Resources your entire
25 career?

1 A Yes.
2 Q What is your educational background?
3 A I possess a Bachelor of Arts Degree from Michigan
4 State University, with a major in Social Science and a minor
5 in Labor Industrial Relations. And a Master of Arts Degree
6 from St. Francis University in Industrial Relations.
7 Q Can you please give us a brief overview of your job
8 history at Oracle?
9 A I started in the late '90s as an HR consultant,
10 supporting the sales organization in the Midwest. And was
11 promoted through the years as I assumed more responsibility
12 and moved in to management. And as we started acquisitions
13 and the organization became larger, I also assumed
14 responsibility for those new organizations and the personnel
15 that came with it.
16 Q And when did you begin your current role at Oracle?
17 A In January of 2019.
18 Q Can you give us a brief overview of your primary
19 job duties?
20 A I was responsible for looking after the
21 organization -- Talent Development Organization, Top Talent
22 Programs, Diversity Inclusion, Diversity Compliance, the HR
23 Communications and Learning Capabilities.
24 Q I believe you mentioned Diversity and Inclusion, I
25 want to ask you some questions about that. But first, how

1 long have you had oversight for Oracle's Diversity and
2 Inclusion initiatives?
3 A Since June of 2015.
4 Q Can we please -- I want to have you take a look at
5 an exhibit that's in evidence, it's Exhibit D-86. Can you
6 pull that out? Do you recognize this document?
7 A Yes.
8 Q What is it?
9 A It's the cover page of the U.S. Diversity Inclusion
10 Presentation.
11 Q Do you use this presentation in the course of your
12 work at Oracle?
13 A Yes.
14 Q How do you use it?
15 A We use it to educate and also inform managers and
16 employees of the Oracle diversity inclusion strategy.
17 Q Do you know when this document was created?
18 A I'm not sure when it was created.
19 Q Do you still use this document today in your job
20 duties?
21 A Yes.
22 Q And so does it still accurately reflect Oracle's
23 diversity inclusion strategies?
24 A For the most part, yes. It was revised, I believe,
25 in 2015. But many of the components are still the same.

1 Q All right. If we can take a look at the second
2 page of the --
3 MS. CONNELL: Maybe -- Cliff -- yeah, just so you
4 can see the notes.
5 BY MS. CONNELL:
6 Q What does this slide indicate?
7 A This is the Oracle D&I vision, which is an
8 inclusion vision of all dimensions of diversity in addition
9 to primary race, gender, age and gender identity. So, it's
10 an all-inclusive slide.
11 Q Let's take a look at the next slide, Slide 3.
12 A This is who we serve or this is the actual
13 strategy.
14 Q Okay. Can you help us understand what this slide
15 is conveying regarding the strategy?
16 A Sure. So, the quadrants are Workforce, Oracle
17 Leaders, Customer Community, Partners and Stakeholders, and
18 Workplace. And within each one of these quadrants we have
19 strategies, initiatives, and programs to support that. So, I
20 can elaborate on a couple of examples to make it clear.
21 Q Sure. Why don't we go around the four quadrants,
22 starting with Workforce?
23 A All right. I'll start with the employee resource
24 groups, which is a key component to our strategy. These are
25 Oracle employees who have common interests and interest in

1 the way they're organized. And they are -- well, they
2 receive a budget from the company to carry out their
3 objectives and goals for the fiscal year. They also have an
4 executive sponsor and they usually have some organization
5 structure to help them manage the activities.
6 Q Okay. Can you elaborate a little bit more on the
7 strategies specifically with respect to Workforce -- strike
8 that. Can you actually explain what you mean by Workforce as
9 part of the strategy?
10 A Yeah. Workforce are the components, they're
11 employees but they're also programs. So, another example,
12 for instance would be are you in CF Scholars Program? We've
13 been engaged with the UNC Program -- UNCF Program for over 15
14 years, this is a summer internship program from -- which
15 brings in minority students for an eight to 10-week
16 internship. We provide their housing, and at the end of
17 their engagement with us they also receive a $10,000.00
18 scholarship.
19 Q And just for the record, what does UNCF stand for?
20 A United Negro College Fund.
21 Q And it looks like there's a box that you're taking
22 examples from. Does that box correlate with the Workforce?
23 A Yes.
24 Q That's the proper way to read this slide?
25 A Yes.

1 Q Okay. Looking next down at Oracle Leaders, can you
2 elaborate on what this quadrant is articulating?
3 A Yes. So, this particular quadrant is directed at
4 leadership within Oracle and how we engage them in the D&I
5 strategy. Executive Sponsorship, there are several ways to
6 do this. One is they can either be an actual executive
7 sponsor for one of our employee resource groups or they can
8 participate in funding different activities within D&I, or,
9 as an inclusion, matters webinars, we will have an executive
10 actually introduce the seminar before -- or the webinar --
11 before it's launched. And they'll also articulate the
12 importance of D&I for the organization.
13 Q Can you give me some examples of leaders who have
14 been particularly supportive of D&I initiatives?
15 A Yes. Safra Catz, when he was here Thomas Kurian,
16 Don Johnson, Juan Loaiza, those are a few.
17 Q Okay. And then it looks like there's also Customer
18 Community Partners and Stakeholders, can you elaborate on
19 that quadrant?
20 A Yes. This is our outreach outside of Oracle. So,
21 a couple of examples in terms of customers, we have partnered
22 with OWL, which is Oracle Women's Leadership, and conducted
23 or have hosted events at our Oracle Open World, every year.
24 And in addition, we have strategic partnerships where we
25 support non-profit organizations that are in the areas of

1 stem or other D&I space. An example would be our
2 partnership, for instance, with Level Playing Field.
3 Q What is Level Playing Field?
4 A It's an organization here in the Bay Area, where
5 they are tasked with -- I'm trying to put this as succinctly
6 -- they're tasked with really improving the pipeline for
7 minorities in the Stem Field. They host a program during the
8 year, which we provide funding. We also provide some of our
9 employees are involved in their activities, as well as maybe
10 serve as judges if they have contests or certain workshops or
11 projects that they work on.
12 Q Okay. I also see in the box, in the top right-hand
13 corner, "Recruiting and Outreach." What does that refer to?
14 A The D&I team also partners with the staffing
15 organization to reach out to organizations and also schools,
16 in terms of recruiting diverse candidates for the
17 organization.
18 Q And then the final quadrant in the bottom right,
19 Workplace, can you elaborate on that?
20 A Yes. So, this is focused on the internal employee
21 workplace. We send out a diversity newsletter once a month,
22 which is a summary of all the D&I activity, the ERGs, OWL,
23 the activities that have happened the previous month, as well
24 as what's coming up maybe in the next quarter. That goes out
25 monthly to all employees in the U.S. And then once a

1 question we have a global newsletter that goes out to all
2 employees, most employees globally.
3 Q Okay. And the grey box at the bottom of the slide,
4 what does that signify?
5 A These are the drivers or the alcons (phonetic) that
6 we look to and it's part of our selling, part of why D&I is
7 important to the organization. We try to impart to the
8 leadership that, you know, having a robust D&I strategy and
9 executing on it is good for the business.
10 Q Let's look at the next slide, slide four. You made
11 reference earlier to employee resource groups, does this
12 slide accurately reflect the employee resource groups that
13 exist at Oracle?
14 A It goes, with the exception we just launched a new
15 one, called: "Generations," this year.
16 Q And I think you already testified to this, but can
17 you give a little bit more detail on how ERGs operate at
18 Oracle?
19 A Yes. So, they have a structure in place where they
20 have leadership that executive sponsors as well as leadership
21 to help with the carrying out the objectives of that
22 particular ERG. They also receive a budget, I think I've
23 mentioned that before, on an annual basis, to help funding
24 with some of their activities.
25 Q Can you give me an example of some of the

1 activities that ERGs do to foster and encourage diversity and
2 inclusion?
3 A Yes. They make themselves available to be an extra
4 pair of hands sometimes with campus recruitment or other
5 career conference recruitment activities that we hold or are
6 involved in. Some will reach out into the community to do
7 mentoring programs with their local community. Let's see,
8 some other -- that's a couple examples, I guess. Community
9 outreach is important for these groups and so they usually
10 have some type of work in their local community that they're
11 engaging with.
12 Q I do not see an ERG for women, does Oracle have an
13 ERG for women?
14 A It's not technically an ERG, but the Oracle Women's
15 Leadership, or OWL Program could be considered similar to an
16 ERG.
17 Q Why do you say that?
18 A The structure is different in that it is created as
19 a learning and development program, it has corporate ties in
20 2006. Prior to that it was a program that was developed
21 within one of our support line of businesses. And the women
22 would come together, they would network, they would have a
23 programmatic approach in terms of women's leadership, it was
24 geared towards M4 and above or director level and above
25 women. And the knowledge of the program, you know, became

1 aware in other parts of the organization and so in 2006 the
2 corporation decided to corporatize that program and place it
3 under HR.
4 Q Okay. And when you say "corporatize," what do you
5 mean by that?
6 A We put a staff in place to support it, instead of
7 it being part-time work for the support women to manage.
8 Q And does OWL also have a budget, like the ERGs do?
9 A They have a budget, but it's a little different.
10 Q Okay. Going back to this slide, it also references
11 Affinity Groups, what are Affinity Groups?
12 A Affinity Groups are groups of employees that have a
13 common interest. So, they're not ERGs, they don't have the
14 organization structure in place, but they're organized around
15 particular activities, like parents, you know, parents in the
16 organization, or people who like to ski. So, it's more
17 informal.
18 Q Okay. Let's take a look at the next slide. Okay.
19 Can you articulate what this slide is communicating?
20 A Yeah. This is a summary, when we get to this part
21 of the presentation, this is our "ask," what we need from the
22 audience that we're presenting this to. So, we talk to them
23 about imbedding D&I in their existing programs and
24 initiatives. We have resources for them to increase their
25 D&I and cultural competency. And we also list the

1 initiatives are in place where they can also engage with us
2 on.
3 Q Okay. Let's take a look at the next slide. What
4 is this slide indicating?
5 A This is a summary of events that were probably held
6 in 2016, and that we would be asking the leadership to, you
7 know, this is one of the -- this is a listing of some of the
8 organizations or events that we would be sponsoring and would
9 ask for their participation.
10 Q Okay. And as you know, there's events listed here
11 from 2016, so does Oracle participate in similar types of
12 events today?
13 A Yes.
14 Q I do see on here the reference to the: "When She
15 Speaks Leadership Series." Do you know what that is?
16 A Yes. These are short seminars that I think they're
17 -- I don't know a lot about them, but I think they're short
18 webinars that are made available to our employees, and
19 they're on different leadership and career topics.
20 Q All right. Let's move to a new document,
21 Defendant's Exhibit D-92.
22 MS. CONNELL: Maybe if we can look at it
23 side-by-side to see the whole document, please?
24 BY MS. CONNELL:
25 Q Ms. Thrasher, I'm showing you what's been

1 introduced into evidence as Defendant's Exhibit 92. You made
2 reference to "OWL" before. Do you recognize this document?
3 A Yes.
4 Q What is it?
5 A This is the overview of Oracle Women's Leadership
6 Program.
7 Q Okay. And do you use this document in the course
8 of your work at Oracle?
9 A Yes.
10 Q How?
11 A How?
12 A Generally, we'll get a request or we're using for
13 education on what is Oracle doing in D&I or specifically for
14 women. And this gives an overview of the program, its
15 objectives and how leadership can engage.
16 Q The mission statement at the top states:
17 "As a global initiative the Oracle
18 Women's Leadership Mission is to develop,
19 engage and empower current and future
20 generations of Oracle women leaders to
21 foster and inclusive and innovative
22 workforce."
23 Is that still the mission statement for OWL today?
24 A Yes, it is.
25 Q Who is the current -- does OWL have an executive

1 director?
2 A Yes, it does.
3 Q And who is the current executive director of OWL?
4 A Mary Ellen Kassotakis.
5 Q And is she an Oracle employee
6 A She's an Oracle employee. She's one of my direct
7 reports. And I should probably say when I was giving the
8 overview earlier, I should have included OWL is one of my
9 areas of responsibility.
10 Q Okay. All right.
11 JUDGE CLARK: Can you spell Mary Ellen's last name?
12 THE WITNESS: Okay.
13 JUDGE CLARK: Take your best shot at it then.
14 THE WITNESS: It's K-a-s-s-o-t-a-k-i-s. I may not
15 be entirely accurate, but it's close.
16 JUDGE CLARK: It's way better than I would have
17 done. Thank you.
18 BY MS. CONNELL:
19 Q And without reading through the entire document,
20 there's a section for "History and Structure." Does this
21 accurately reflect the "History and Structure" of OWL?
22 A We actually have increased the number -- the
23 structure is still the same, yes, but we've increased the
24 number of communities. And -- yeah -- we've increased the
25 number of communities to, I believe, it's 108 currently --

1 globally.
2 Q Okay. So, from 80 up to 108, is that correct, the
3 change you're indicating?
4 A Yes.
5 Q Okay. Any other changes that you are aware of?
6 A We are in, I think, 50 countries at this point, as
7 well. But this is accurate, the "History and Structure" is
8 still the same.
9 Q All right. And then looking down to the next
10 section: "Oracle's Contribution to" -- "OWL's Contribution to
11 Oracle's Business." And it articulates -- I'm not going to
12 go through all of them, but -- "The Ways That OWL Is Key to
13 Oracle's Business Strategy," is this section of the document
14 still accurate today?
15 A Yes, it is.
16 Q And then at the end there's a section on: "How
17 Oracle Executive Leadership Supports OWL"?
18 A Yes.
19 Q And is this still accurate today?
20 A Yes.
21 Q Can you give some examples of Oracle executive
22 leaders who have been supporters of OWL?
23 A Well, Safra Catz, definitely. She was just a
24 keynote at an event that OWL sponsored for tech women in the
25 Bay Area last month. Chuck Rozwat, Don Johnson -- let's see

1 -- who else -- Beth Boucher, Joyce Westerdahl.
2
3 Q How has Joyce Westerdahl supported OWL?
4 A Well, she's my boss, so the program rolls up in her
5 organization and she's also been a speaker and she's provided
6 funding, as well.
7 Q Okay.
8 MS. CONNELL: Let's take a look at another exhibit,
9 Exhibit D-98. This is another exhibit that is in evidence,
10 marked as Defendant's Exhibit 98, entitled: "Oracle's
11 Commitment to Women." I think this is a two-page document,
12 Cliff, if we could look at it side-by-side, please?
13 BY MS. CONNELL:
14 Q So you recognize this document, Ms. Thrasher?
15 A Yes.
16 Q What is it?
17 A It's our statement or summary of Oracle's
18 Commitment to Women, and the various programs, community
19 partnerships and support, and the giving back of how
20 employees can donate to causes that are in this area and
21 receive a match.
22 Q Do you know when the document was created?
23 A I'm not sure when it was created.
24 Q Okay. Is it a document you still use in your work
25 today?

1 A Yes.
2 Q And do you believe it still accurately reflects the
3 ways in which Oracle's Commitment to Women?
4 A Yes.
5 Q Are there any additions or changes that you know on
6 the document?
7 A Let's see -- in terms of -- well, we have just --
8 we've been involved with an organization which is Leading --
9 Linkage -- Linkage -- which is a professional development
10 organization for women. And we've been engaged with them
11 since 2014. We started sending seven women at the first year
12 to the program. It's gained recognition amongst the
13 population now. Last month we had our highest group go,
14 which was around 72 women.
15 Q Okay. Anything else that comes to mind?
16 A Well, I think to mention the Emerging Leader Summit
17 that we have been offering to women in the organization,
18 globally. So, this is a program created for women in the
19 individual contributor and lower level management. It's a
20 three to four-day workshop for them, where they get
21 assessments on their strengths and development areas. They
22 listen to the strategy of the company, we have speakers from
23 inside Oracle leadership to speak to the group, they have
24 activities, but they also have networking and they go through
25 a round of what they call: "Speed Mentoring." So, this is a

1 program that we launched last year at this time in the JAPAC
2 organization. There's close to 200 to 400 women that attend
3 at any one point in time and we've done this program now in
4 JAPAC, the Americas and also EMEA.
5 Q I want to draw your attention to something you had
6 mentioned earlier. On the first page, down near the bottom,
7 the "Grace Hopper Celebration of Women in Computing"?
8 A Yes.
9 Q What is this?
10 A Okay. Grace Hopper is a conference that brings in
11 close to 20,000 women technologists every year for a week of
12 learning, recruiting. So, we generally have a recruiting
13 booth to talk to the many various women that are in that
14 organization. In addition to that, we have our technical
15 women, those that are interested to submit papers and they
16 can present at that conference. And the Development
17 Organization has been a huge supporter of this conference and
18 our presence there.
19 Q When you say "Development Organization," do you
20 mean Product Development?
21 A Yes.
22 Q So, does Oracle -- do female -- in addition to what
23 you said, already testified to, do female Oracle employees
24 attend this conference?
25 A Yes.

1 Q And does Oracle sponsor their attendance?
2 A Yes.
3 MS. CONNELL: I want to look at another exhibit,
4 Defendant's Exhibit D-94.
5 BY MS. CONNELL:
6 Q Do You recognize this document, Ms. Thrasher?
7 A Yes.
8 Q It's entitled: "Oracle's Commitment to
9 African-Americans." What is this document?
10 A Okay. This is another document that summarizes our
11 activities and programs for African-Americans.
12 Q Do you use this document in the course of your work
13 at Oracle?
14 A Yes.
15 Q How?
16 A In the course of educating and also making
17 employees and managers aware of the work that we're doing to
18 foster an inclusive workplace.
19 Q Do you know when this document was created?
20 A I'm not sure when it was created, but it was
21 revised in October of 2015.
22 Q Seeing the revision date on the bottom of October
23 2015, do you believe that it is still an accurate summary of
24 Oracle's commitment to African-Americans?
25 A For the most part, yes.

1 Q Why do you say for the most part, is there
2 something that's missing or different?
3 A Well, this e-mail, also we do have some new
4 programs that we're doing in this area, that are not listed
5 here.
6 Q And what are those?
7 A So, we've established, for instance, a relationship
8 with the NSBE organization, which is the National Society of
9 Black Engineers. And this is supporting some of the chapters
10 that are on the campuses where we did college recruitment.
11 We participate in the conference that they hold every year
12 and have a recruiting booth to attract talent and give them
13 information about Oracle as an organization. The other
14 organization, which one of my staff members is on the board,
15 is the AMIE Organization, which is Advancing Minorities
16 Interests in Engineering. It's a consortium that includes
17 tech companies, the deans from the HBCUs, some of the HBCU
18 engineering schools, and is directed at how we can better
19 support or partner with those schools to continue supporting
20 their efforts to educate, you know, to bring more engineers
21 into the workplace.
22 Q Earlier you had testified about the United Negro
23 College Fund, is this referring to the same thing here as
24 your earlier testimony -- on the second page?
25 A Yes, that's part of it. That's the grant, but we

1 also have the internship program, which is, you know, a
2 different program.
3 Q Okay. So, in addition to the grant?
4 A Yes.
5 Q Okay. And then just at the bottom of the document,
6 the "Giving Back," under: "Oracle Will Match Employee
7 Donations," do you see where I'm looking?
8 A Yes.
9 Q Is that still accurate today?
10 A Yes, it is.
11 Q Does Oracle have similar programs and initiatives
12 for members of communities in addition to women and
13 African-Americans?
14 A Yes.
15 Q Does that include the Asian community?
16 A Yes.
17 Q Can you articulate or explain what types of
18 programs and initiatives you can think of that Oracle has in
19 place with regard to diversity and inclusion with respect to
20 Asians?
21 A Sure. So, the OPAL Employee Resource Group was
22 formed in like 2016, and has a similar structure to what is
23 described in terms of ERG structure. They receive a budget
24 for activities that they support throughout the year. We
25 also have a strategic sponsorship with -- or partnership with

1 the Ascend Organization, which is a Pan-Asian organization
2 for leadership development and career development for Asian
3 employees.
4 Q Al right.
5 MS. CONNELL: I want to look at another document,
6 this is a document that's been marked for identification as
7 Defendant's Exhibit 88. If we could look at both pages at
8 the same time, please?
9 BY MS. CONNELL:
10 Q Ms. Thrasher, do you -- this document is entitled:
11 "Oracle's Commitment to Championing Science
12 Technology Engineering and Math, STEM, in
13 Education in 6 through 12."
14 Do you see where I'm looking?
15 A Yes.
16 Q Do you recognize this document?
17 A Yes.
18 Q What is it?
19 A It's a summary of our programs and community
20 partnerships in terms of supporting and encouraging more
21 students to go into STEM fields.
22 Q And is there a diversity component to this
23 document?
24 A Well, our D&I team partners with the Oracle
25 Academy. This is actually some of the work that's done in

1 conjunction with the Oracle Academy. But we also have D&I
2 sponsor some of the partnerships, like the East Bay National
3 Society of Black Engineers, like the Green Scholars Program
4 and the Lend-A-Hand program. And so what we will do --
5 depending on the organization, I think I mentioned the Level
6 Playing Field Institute, where we provide -- our employees
7 will engage in workshops with this organization, but we also
8 provide funding to the non-profit. The Green Scholars
9 Program we will also engage, our employees will serve as
10 judges and participate in other speaking opportunities. It's
11 really important from the standpoint of what we call the
12 "Pipeline," to continue to ensure that we're making
13 opportunities for or encouraging opportunities for diverse
14 students to really want to be in STEM field. And the way
15 that we do that is showing our employees -- our employees can
16 go out and talk about their experience, their path, and also
17 the work that they do to encourage that interest in going
18 into these areas.
19 Q And why is it -- you said that's very important to
20 the organization, why is it important to the organization?
21 A Well, this is where we're going to be recruiting
22 from at some point in time in the future, so we do want to
23 have an inclusive and diverse workforce and we need to go
24 beyond just the talent that's available today and look
25 further down the pipeline to make sure that it's filling in

1 spaces there.
2 Q Do you know when this document was created?
3 A I'm not sure when it was created, but it was
4 revised in August of 2016.
5 Q And do you believe that this still accurately
6 reflects Oracle's commitment with regard to, I guess it
7 states in the top:
8 "Fostering an inclusive environment
9 that leverages the diverse backgrounds
10 and perspectives of all of our employees,
11 suppliers, customers and partners, to
12 drive a sustainable global competitive
13 advantage with respect to STEM."
14 A Yes.
15 Q Is this a document that you use in the course of
16 your work at Oracle?
17 A Yes.
18 Q How do you use it?
19 A This is another one of the summary documents. I
20 mean sometimes we get requests from the sales personnel that
21 a particular customer is interested in the kind of programs
22 we're engaged in, in certain areas, and these are documents
23 that are available upon request and is a summary of what our
24 programs are.
25 MS. CONNELL: Your Honor, at this time I'd like to

1 move into evidence Defendant's Exhibit 88.
2 JUDGE CLARK: Any objection?
3 MR. ELIASOPH: No objection, Your Honor.
4 JUDGE CLARK: Defense 88 is received into evidence.
5 (Defendant Exhibit No.
6 88 was marked for
7 identification and
8 received in evidence.)
9 BY JUDGE CLARK:
10 Q I want to switch gears a little bit, Ms. Thrasher,
11 and talk about policies and trainings. First, does Oracle
12 have an Equal Employment Opportunity Policy?
13 A Yes.
14 Q And does Oracle have a Diversity Policy?
15 A Yes.
16 MS. CONNELL: I'd like to pull up Defendant's
17 Exhibit 38, already in evidence.
18 BY MS. CONNELL:
19 Q Ms. Thrasher, do you recognize this document?
20 A Yes. It's the Table of Contents for the U.S.
21 Employee Handbook.
22 Q Okay. And is this a document that's accessible to
23 all Oracle employees within the U.S.?
24 A Yes.
25 Q I'd like to draw your attention to page 10, please?

1

2 MS. CONNELL: Actually, if you could put 10 and 11
3 up side-by-side, please?
4 BY MS. CONNELL:
5 Q Approximately in the middle of page 10, under the
6 heading of: "Equal Employment Opportunity," do you see where
7 I'm looking?
8 A Yes.
9 Q Is this Oracle's Equal Employment Opportunity
10 Policy?
11 A Yes, it is.
12 Q And just below that, under the heading of
13 "Diversity," do you see where I'm looking?
14 A Yes.
15 Q Is this Oracle's Diversity Policy?
16 A Yes, it is.
17 Q And I see a revision date of February of 2014, and
18 similarly a revision date for the Equal Employment
19 Opportunity Policy of September of 2016. Are these policies
20 still in place today at Oracle?
21 A Yes.
22 Q And below those two policies there's a heading
23 entitled: "Pay Transparency." Do you see where I'm looking?
24 A Yes.
25 Q And then it looks like the paragraph that follows

1 that is up on the top of page 11. What is this?
2 A Basically, it's a policy saying we cannot
3 discriminate against an employee for discussing their salary
4 or compensation with another employee or applicant.
5 Q And is this a policy that's still in place at
6 Oracle today?
7 A Yes.
8 Q Has Oracle ever had a policy prohibiting employees
9 from discussing their compensation?
10 A No.
11 Q Does Oracle offer trainings on non-discrimination?
12 A Yes.
13 Q What trainings are those?
14 A We offer the Affirmative Action Program training.
15 We have the Respectful Workplace training. We have the
16 Anti-Harassment training. And the Code of Conduct training.
17 Q Are these trainings mandatory?
18 A Yes, they are.
19 Q For whom?
20 A The Affirmative Action training is mandatory for
21 all managers that manage U.S. employees, and for all HR
22 employees.
23 Q And how about the other trainings that you
24 referenced?
25 A The Code of Conduct and the Respectful Workplace

1 trainings are mandatory for all employees. And the
2 Anti-Harassment training is mandatory for employees and
3 managers.
4
5 Q Do these trainings include Oracle's prohibition
6 against compensation discrimination?
7 A Yes.
8 Q Do you know the frequency with which employees are
9 required to take these trainings?
10 A Every two years.
11 Q Does Oracle also offer Diversity and Inclusion
12 training?
13 A Yes.
14 Q What type of Diversity and Inclusion training does
15 Oracle offer?
16 A We offer Unconscious Bias training. We have a
17 Diversity and Inclusion Learning Path set up, which is a
18 number of trainings that are available through Linkedin
19 Learning, on demand training for all employees. We also have
20 the Managing Within the Law training for managers. And most
21 recently we are rolling out a Micro and Equities training.
22 Q Are these Diversity and Inclusion trainings
23 mandatory?
24 A No.
25 Q Are they -- can business leaders make them

1 mandatory for their organizations?
2 A Yes.
3 Q Can you think of any business leaders who have done
4 that?
5 A Yes. Don Johnson, who is responsible for Oracle
6 OCI, Oracle Cloud Infrastructure, made the Unconscious Bias
7 training mandatory for all of his employees.
8 Q Are these trainings available to all employees,
9 even if not mandatory?
10 A Yes.
11 Q Does Oracle take proactive steps to notify its
12 employees that these trainings are available?
13 A Yes.
14 Q How -- what steps does Oracle take?
15 A The training information is in the newsletter
16 periodically, not every month, but periodically. In addition
17 to that, we have -- when we're doing a webinar or when we're
18 doing any other kind of presentation, we always have a list
19 of additional resources that are available to employees or to
20 managers in the area of D&I. We also use various -- when
21 we're doing a webinar, we're also using e-mail to announce
22 that we're doing a webinar and the training is available to
23 employees.
24 Q Okay. You mentioned the D&I newsletter and I
25 apologize if you already testified to this, but does it have

1 a name?
2 A It's called: "The Dimension in Diversity
3 Newsletter."
4 MS. CONNELL: All right. I'd like to pull up
5 another exhibit that's been marked for identification as
6 Defendant's Exhibit 89. And if you could -- this is more
7 than two pages, but maybe if you could at least look at the
8 first two pages. Can you scroll forward, Cliff, so that Ms.
9 Thrasher has an opportunity to just see. And then maybe go
10 back to the first two pages
11 BY MS. CONNELL:
12 Q And I know you didn't have an opportunity to review
13 every single word on the document, Ms. Thrasher, but do you
14 recognize this document?
15 A Yes.
16 Q What do you recognize it to be?
17 A Oh, this was the Dimensions of Diversity Newsletter
18 that was sent out in August of 2016.
19 Q Is this a newsletter that you received on October
20 9th of 2016?
21 A August 9th of 2016.
22 Q Yes, I'm sorry, August 9th of 2016.
23 A Yes, I would have received this.
24 Q And I believe you testified earlier that Oracle's
25 Diversity Newsletter goes to all U.S. employees?

1 A Yes.
2 Q And -- sorry -- was it monthly?
3 A Monthly.
4 Q Okay. Is this one of those newsletters that you
5 had testified to earlier?
6 A Yes.
7 Q And has the structure and general type of content
8 of the newsletter changed since 2016?
9 A No. I mean I think the headings and the content
10 are basically the same. Obviously the activities are
11 different to reflect what's current.
12 Q And do the activities that are reflected in this
13 e-mail reflect Diversity and Inclusion activities and
14 programs that Oracle was engaging in as of August of 2016?
15 A Yes.
16 MS. CONNELL: Your Honor, at this time I'd like to
17 move into evidence Defendant's D-89.
18 JUDGE CLARK: Mr. Eliasoph?
19 MR. ELIASOPH: No objection.
20 JUDGE CLARK: Defense 89 is admitted into evidence.
21 (Defendant Exhibit No.
22 89 was marked for
23 identification and
24 received in evidence.)
25 BY MS. CONNELL:

1 Q Ms. Thrasher, are you familiar with Oracle's Code
2 of Ethics and Business Conduct?
3 A Yes.
4 Q How are you familiar with it?
5 A There was a training we take every two years.
6 MS. CONNELL: I'd like to pull up Defendant's
7 Exhibit 33.
8 BY MS. CONNELL:
9 Q Do you recognize this document, Ms. Thrasher?
10 A Yes.
11 Q What is it?
12 A It's our Code -- Oracle's Code of Ethics and
13 Business Conduct.
14 Q And I'm looking for a date on the document.
15 MS. CONNELL: Cliff, can you maybe turn to the next
16 slide?
17 BY MS. CONNELL:
18 Q It looks like the document, in the bottom corner,
19 is dated 2017. Do you know if this Oracle's Code of Ethics
20 and Business Conduct is still the same as it was in 2017?
21 A I believe so.
22 Q Okay. I'd like to draw your attention to page 46.
23 What is this document?
24 A This is the Diversity section of the Code of
25 Conduct.

1 Q And is this page of the Code of Conduct still in
2 place today?
3 A Yes.
4 Q I want to draw your attention to the first full
5 paragraph on the right-hand side, stating:
6 "We practice and promote such policies in all
7 locations, as appropriate under the law.
8 We affirm this principle of freedom from
9 discrimination in all aspects of the
10 employment relationship from recruiting
11 and hiring through performance
12 evaluations, compensation and promotions,
13 to the end of your employment
14 relationship with Oracle."
15 Is this particular provision still part of Oracle's
16 Code of Conduct today?
17 A Yes.
18 Q And is this an accurate reflection of Oracle's
19 commitment to the policy of non-discrimination including with
20 respect to compensation?
21 A Yes.
22 Q Ms. Thrasher, you told us earlier that you spent
23 the duration of your career with Oracle in the HR
24 organization, correct?
25 A Yes.

1 Q Do you believe that the HR organization is
2 supportive of women?
3 A Yes.
4 Q Why do you say that?
5 A My personal --
6 MR. ELIASOPH: Objection, Your Honor. We don't
7 believe this witness was one of the anecdotal witnesses that
8 Oracle designated. Each side had a discrete number of
9 anecdotal witnesses. It appears that Oracle intends to use
10 its other witnesses also as anecdotal witnesses. This
11 witness is not a member of the class.
12 JUDGE CLARK: Ms. Connell?
13 MS. CONNELL: Well, there's been testimony in this
14 case from a former director in the HR Department, who
15 articulated her views of the culture within HR, and I think
16 that it's appropriate for Ms. Thrasher, who is currently
17 there, to be able to rebut that testimony.
18 JUDGE CLARK: So, as I recall the prehearing
19 conference and the prehearing conference order, everybody was
20 limited to a total of 10 anecdotal witnesses, including any
21 manager or Oracle witnesses who were testifying in that
22 capacity counted against your total of anecdotal witnesses.
23 Is this one of those witnesses?
24 MS. CONNELL: I don't believe she is.
25 JUDGE CLARK: Okay. The objection is sustained.

1 BY MS. CONNELL:
2 Q Do you know Joyce Westerdahl?
3 A Yes.
4 Q How long have you known her?
5 A Twenty years.
6 Q Have you ever heard Ms. Westerdahl make any
7 negative comments regarding women?
8 A No.
9 Q Do you have any reason to believe Ms. Westerdahl is
10 biased against women?
11 A No.
12 Q Do you know Anje Dodson?
13 A Yes.
14 Q How long have you known her?
15 A Twenty-three years.
16 Q Have you ever heard Ms. Dodson make any negative
17 comments about women?
18 A No.
19 Q Do you have any reason to believe Ms. Dodson is
20 biased against women?
21 A No.
22 Q Have you taken non-discrimination training at
23 Oracle?
24 A Yes.
25 Q Have you taken Affirmative Action training at

1 Oracle?
2 A Yes.
3 Q Have you taken Oracle's Code of Conduct training?
4 MR. ELIASOPH: Objection, this is anecdotal.
5 JUDGE CLARK: Overruled.
6 You can answer that question.
7 THE WITNESS: Yes.
8 BY MS. CONNELL:
9 Q Do those trainings cover Oracle's prohibition
10 against compensation discrimination?
11 A Yes.
12 MS. CONNELL: I have no further questions for this
13 witness at this time.
14 JUDGE CLARK: Mr. Eliasoph?
15 MR. ELIASOPH: Thank you.
16 CROSS-EXAMINATION
17 BY MR. ELIASOPH:
18 Q Thank you for being here today. You're in Human
19 Resources, correct?
20 A Yes.
21 Q And you are not in the approval chain for
22 compensation decisions made for employees in Product
23 Development, correct?
24 A Correct.
25 Q And you are not in the approval chain for

1 compensation decisions made for employees in Support,
2 correct?
3 A Correct.
4 Q And you are not in the approval chain for
5 compensation decision made for employees in Information
6 Technology, correct?
7 A Correct.
8 Q And you are not involved in the formulation of
9 compensation guidelines, correct?
10 A Correct.
11 Q And Oracle has made significant efforts at
12 considerable -- it's your position -- excuse me. Strike
13 that. Start over.
14 It's your position that Oracle has made significant
15 efforts, at considerable time and cost, to develop
16 compensation policies, practices, strategy, processes and
17 procedures, correct?
18 A Can you repeat the question, again?
19 Q It's your position that Oracle has made significant
20 efforts, at considerable time and cost, to develop
21 compensation policies, practices, strategy, processes and
22 procedures, correct?
23 MS. CONNELL: Objection. I think it goes beyond
24 the scope of direct and it also lacks foundation.
25 JUDGE CLARK: What's the foundation for the

1 question? Lay some foundation.
2 BY MR. ELIASOPH:
3 Q Have you submitted declarations in this case?
4 A Yes.
5 MS. CONNELL: Again --
6 BY MR. ELIASOPH:
7 Q Ms. Connell --
8 JUDGE CLARK: Did you object, again, Ms. Connell?
9 MS. CONNELL: Yeah. I think that her declarations
10 go beyond the scope of direct.
11 MR. ELIASOPH: Your Honor, Ms. Connell had the
12 witness testify about the policies in place, and the
13 practices in place at Oracle. This is clearly within the
14 scope of the direct.
15 MS. CONNELL: I had her testify regarding Oracle's
16 Diversity and Inclusion Programs. The declarations don't
17 have anything to do with that.
18 JUDGE CLARK: Okay. The objection is overruled.
19 You can answer the question. You might have to
20 have it repeated, though.
21 BY MR. ELIASOPH:
22 Q Oracle has made -- it's your position that Oracle
23 has made significant efforts, at considerable time and cost,
24 to develop compensation policies, practices, strategy,
25 processes and procedures, correct?

1 A Yes.
2 Q And Oracle has internal policies that go to great
3 lengths to ensure that information, such as its compensation
4 policies, are accessed by very limited number of people, and
5 those people are on your team or on a need to know basis,
6 correct?
7 MS. CONNELL: Again, I'm going to object as lacks
8 foundation and beyond the scope of cross. This has to do
9 with confidentiality issues in this case and it has nothing
10 to do with the direct testimony that she gave.
11 JUDGE CLARK: Mr. Eliasoph, it does appear to be
12 beyond what she testified about. What's your position?
13 (No verbal response.)
14 JUDGE CLARK: I'll sustain the objection.
15 Ask another question.
16 BY MR. ELIASOPH:
17 Q You testified about Oracle's pay transparency that
18 is in the handbook, correct?
19 A Yes.
20 Q Okay. So, Oracle has internal policies that go to
21 great lengths to ensure that information such as it's -- I
22 have now laid a foundation, I'm going to re-ask the question,
23 Your Honor --
24 JUDGE CLARK: Just go ahead and ask your question.
25 BY MR. ELIASOPH:

1 Q Oracle has internal policies that go to great
2 lengths to ensure that information such as its compensation
3 practices are accessed by a very limited number of people on
4 your team, correct?
5 MS. CONNELL: Same objection, it lacks foundation
6 and it's beyond the scope of cross (sic). It's also vague
7 and ambiguous.
8 JUDGE CLARK: I'm going to overrule the objection.
9 You can answer the question, if you know.
10 THE WITNESS: I don't know how to answer that.
11 MR. ELIASOPH: Okay. I'd like to pull up P-276,
12 paragraph four. Okay. If you can actually scroll to the
13 last page where we can see the signature? Well, let me just
14 -- why don't we stay there.
15 BY MR. ELIASOPH:
16 Q Do you recognize this as a portion of the
17 declaration that you submitted?
18 A Yes.
19 Q Okay. Do you see in paragraph four it says:
20 "Oracle treats information regarding its hiring,
21 promotion and compensation practices
22 confidentially."
23 A Yes.
24 Q Okay. Do you see that in the next sentence it
25 says:

1 "Through its internal policies, Oracle goes to
2 great lengths to ensure that information
3 within these systems are accessed by a
4 very limited number of people on my
5 team."
6 A Yes.
7 Q And then it continues: "And others on a need to
8 know basis."
9 A Yes.
10 Q Thank you. Now, Oracle's maintaining of a diverse
11 workforce is important to Oracle's clients and business
12 associates, correct?
13 A Yes.
14 Q And losing highly talented diverse employees would
15 be costly and significant, and a significant competitive
16 disadvantage, correct?
17 A Yes.
18 Q And thus, you testified here today that it's good
19 for Oracle's business to promote the type of programs that
20 you discussed, correct?
21 A Yes.
22 MR. ELIASOPH: Okay. Can we pull up D-86? Yeah,
23 D-86. Okay. Page 2 -- the next page.
24 BY MR. ELIASOPH:
25 Q Okay. Do you remember being asked to testify about

1 this in your direct exam?
2 A Yes.
3 Q Okay. And at the bottom this states that -- you're
4 talking about how diversity impacts customers, community
5 partners and stakeholders, and it says: "Maximize
6 shareholder" -- or that your diversity programs referred to
7 in this slide support maximizing -- I'm looking at the bottom
8 -- does it indicate that they:
9 "Support maximizing shareholder value by
10 reducing costs and branding Oracle a
11 diverse and inclusive technology leader."
12 A Yes. Yeah, this is the -- these are the business
13 drivers, this is the case for diversity, the impact to the
14 organization.
15 Q Okay. And you mentioned the Grace Hopper
16 Conference, correct?
17 A Yes.
18 Q And you said there were about 20,000 technologists
19 there, correct?
20 A Between 18 and -- it draws between 18,000 to 20,000
21 women technologists.
22 Q And they're from all types of employers, correct?
23 A Yes.
24 Q How many employers participate?
25 A I don't know.

1 Q Okay. And I believe -- and if this is wrong,
2 please correct me -- I believe I saw, in one of the Diversity
3 Newsletters, maybe Oracle sent about 40 people to that, does
4 that sound about right?
5 MS. CONNELL: Objection, lacks foundation.
6 THE WITNESS: I don't --
7 JUDGE CLARK: Overruled.
8 You can answer the question.
9 THE WITNESS: Yeah, I don't recall how many people
10 we sent.
11 BY MR. ELIASOPH:
12 Q Okay. But it's a small fraction of the overall
13 number of people participating, correct?
14 MS. CONNELL: Objection, lacks foundation.
15 JUDGE CLARK: Overruled.
16 You can answer the question, if you know.
17 THE WITNESS: I don't know the number that we sent.
18 BY MR. ELIASOPH:
19 Q Could you estimate that it's a small proportion?
20 A No, I wouldn't say that.
21 MR. ELIASOPH: If we could pull back up D-38 --
22 D-38, that was the handbook that the Defendant's put in the
23 record. Okay. Thank you.
24 BY MR. ELIASOPH:
25 Q Now, we saw in there that there was an Equal

1 Employment Opportunity --
2 MR. ELIASOPH: Can we go to page 10 of this
3 document?
4 BY MR. ELIASOPH:
5 Q Okay. You saw this in your direct exam, correct?
6 A Yes.
7 Q Okay. And defense counsel specifically pointed out
8 that the Equal Employment Opportunity says it was revised in
9 September 2016?
10 A Yes.
11 Q And then Diversity was revised, as well?
12 A Yes.
13 MR. ELIASOPH: Go down.
14 BY MR. ELIASOPH:
15 Q And then there is "Pay Transparency"?
16 A Yes.
17 Q Okay. Do you know if this "Pay Transparency" was
18 in previous versions of the handbook?
19 A I believe the "Pay Transparency" was included in
20 either October 2016 or 2017, I'm not exactly sure.
21 Q Okay. So, you acknowledge that this is a new
22 edition?
23 A Yes.
24 Q And are you aware that in 2015 OFCCP promulgated a
25 regulation that required pay transparency?

1 A Not specifically, but --
2 Q Were you aware that there was a new legal
3 requirement for --
4 A Yes.
5 Q Okay. So, this was an addition?
6 A Yes.
7 Q Okay. And generally, the Equal Employment
8 Opportunity is a legal requirement, correct?
9 A Yes.
10 Q Okay. And you indicated that there a mandatory
11 Affirmative Action training?
12 A Yes.
13 Q Okay. And has anybody received a consequence, a
14 tangible job consequence for not taking the training?
15 MS. CONNELL: Objection, calls for speculation,
16 vague and ambiguous.
17 JUDGE CLARK: Lay a little foundation.
18 BY MR. ELIASOPH:
19 Q Are you aware of anybody receiving a tangible job
20 consequence for not taking the training?
21 A No.
22 Q And do you track the percentage of managers that
23 take the training?
24 A Yes.
25 Q Okay. Are you aware of shareholder resolutions

1 requesting that Oracle study and report gender pay gaps?
2 MS. CONNELL: Objection, beyond the scope of
3 direct.
4 JUDGE CLARK: Overruled.
5 You can answer the question.
6 THE WITNESS: I'm aware from what I've seen in the
7 paper.
8 BY MR. ELIASOPH:
9 Q Are you aware that the Board of Directors has
10 opposed these requests?
11 MS. CONNELL: Again, objection, lacks foundation.
12 JUDGE CLARK: Sustained.
13 BY MR. ELIASOPH:
14 Q Other than possibly studies conducted for defense
15 of litigation purposes -- and I'm not asking about those --
16 you have not overseen a pay equity analysis that studies
17 whether Oracle's compensation practices result in disparities
18 in pay based on gender, correct?
19 MS. CONNELL: Object to the preamble to the
20 question as argumentative, lacks foundation. It's also
21 beyond the scope.
22 JUDGE CLARK: It appears to be beyond the scope,
23 but why are you asking this question?
24 BY MR. ELIASOPH:
25 Q As part of your promotion of diversity and EEO

1 activities at Oracle, you have not overseen or requested a
2 pay equity analysis that studies Oracle's compensation
3 practices -- that studies whether Oracle's compensation
4 practices result in disparities in pay based on gender, is
5 that true?
6 A No, I have not.
7 Q Okay. And as part of Oracle's Diversity and
8 Inclusion Initiatives, or for any other bases, you have not
9 overseen a pay equity analysis that studies whether Oracle's
10 compensation practices result in disparities in pay based on
11 race, correct?
12 MS. CONNELL: It's beyond the scope -- objection.
13 JUDGE CLARK: Sustained.
14 MR. ELIASOPH: I have no further questions.
15 JUDGE CLARK: Thank you, Mr. Eliasoph.
16 Anything further, Ms. Connell?
17 MS. CONNELL: Just a couple of questions.
18 REDIRECT EXAMINATION
19 BY MS. CONNELL:
20 Q Ms. Thrasher, on cross you were asked about the
21 exhibit that we reviewed -- bear with me -- Defendant's
22 Exhibit 86.
23 MS. CONNELL: Will you pull that up, please?
24 BY MS. CONNELL:
25 Q And specifically on page 3, you were asked about

1 the note at the very bottom, about maximizing shareholder
2 value. Do you recall that testimony on cross?
3 A Yes.
4 Q That's not the only driver of Oracle's Diversity
5 and Inclusion Initiatives and Strategy, is it?
6 A No, it's not.
7 Q You were also asked about some declarations that
8 you submitted in this case, correct?
9 A Yes.
10 Q Is it your understanding that those declarations
11 were in connection with confidentiality issues in this case?
12 A Yes.
13 Q Do they have anything to do with the testimony that
14 you gave on direct?
15 A No.
16 MS. CONNELL: Can we actually pull up Plaintiff's
17 Exhibit 276? If you look at page 2.
18 BY MS. CONNELL:
19 Q In paragraph four, you were specifically asked
20 about Oracle treats information -- strike that.
21 The second sentence says:
22 "Oracle goes to great lengths to
23 ensure that information within these
24 systems are accessed by a very limited
25 number of people on my team, and others

1 on a need to know basis."
2 Do you see where I'm looking?
3 A Yes.
4 Q Is that information the actual employee
5 compensation information that exists in Oracle's compensation
6 systems?
7 A It's compensation, it's also other information, as
8 well.
9 Q And personal employee information?
10 A Yes.
11 MS. CONNELL: I don't have anything further, Your
12 Honor.
13 JUDGE CLARK: Mr. Eliasoph, anything on that
14 limited area?
15 MR. ELIASOPH: Yes.
16 RECROSS-EXAMINATION
17 BY MR. ELIASOPH:
18 Q When you gave those declarations, you understood --
19 you were being as truthful as possible, correct, regardless
20 of why the declaration was asked of you?
21 A Yes.
22 MR. ELIASOPH: Okay. Thank you. No further
23 questions.
24 JUDGE CLARK: Ms. Connell?
25 MS. CONNELL: No further questions, Your Honor.

1 JUDGE CLARK: Ms. Thrasher, thank you so much for
2 your time. You are free to go.
3 THE WITNESS: Thank you.
4 JUDGE CLARK: Are you excused as a witness.
5 (Witness excused.)
6 JUDGE CLARK: Okay. It's 12:00 o'clock p.m., we're
7 going to call one more witness or at least start one?
8 MR. PARKER: At this time we call Campbell Webb.
9 JUDGE CLARK: We'll go off the record until the
10 witness comes in.
11 (Off the record at 12:01 o'clock p.m.)
12 JUDGE CLARK: Okay. We're back on the record.
13 Please, step right around and before you have a
14 seat, if you would raise your right hand?
15 Whereupon,
16 CAMPBELL WEBB
17 having been first duly sworn by the Administrative Law Judge,
18 was examined and testified as follows:
19 JUDGE CLARK: Have a seat, please. And if you'd
20 state your name and then spell it for our record?
21 THE WITNESS: My name is Campbell Webb, spelled
22 C-a-m-p-b-e-l-l, last name Webb, W-e-b-b.
23 JUDGE CLARK: Thank you, Mr. Webb.
24 Just a couple of things before we get started.
25 We're recording everything that's said here, so you need to

1 make sure you speak out loud and you use words like yes or
2 nom because we can't really take it down if you use something
3 else. Understood?
4 THE WITNESS: Understood.
5 JUDGE CLARK: Because we are recording, let the
6 lawyers ask the complete question and they'll let you give a
7 complete answer, because we can't record two people at once,
8 all right?
9 THE WITNESS: Understood.
10 JUDGE CLARK: If someone makes an objection, just
11 stop talking and I'll let you know whether you can answer the
12 question, okay?
13 THE WITNESS: Thank you.
14 JUDGE CLARK: And if you don't understand
15 something, let us know, we'll have the lawyers rephrase it
16 for you. Thank you.
17 Whose witness?
18 MR. PARKER: Mine.
19 JUDGE CLARK: Mr. Parker, go ahead.
20 DIRECT EXAMINATION
21 BY MR. PARKER:
22 Q Good afternoon, Mr. Webb, how are you?
23 A Good afternoon. I'm well, thank you.
24 Q Very good. Where do you work?
25 A I work at Oracle.

1 Q How long have you worked at Oracle?
2 A Twenty-five years and three days.
3 Q How do you identify in terms of gender and race?
4 A Caucasian.
5
6 Q That's good for race. How about gender?
7 A Male.
8 Q Very good. And what is your current title?
9 A Senior vice president.
10 Q Does it get ore complicated than that?
11 A Of Oracle Managed Services.
12 Q Very good. How long have you had that position?
13 A One year.
14 Q And where do you work, actually, where is your
15 office?
16 A Cambridge, Massachusetts.
17 Q And do you manage people in the Redwood Shores
18 office?
19 A Yes, I do.
20 Q And currently how many people do you -- how many
21 direct reports do you have?
22 A I have 11.
23 Q And currently how many indirect reports?
24 A I have 2,500 people in my organization, as recently
25 as last week.

1 Q Okay. And what is that organization that you work
2 in?
3 A This is the IT organization.
4 Q What are your responsibilities with respect to the
5 IT organization?
6
7 A I'm responsible for managing all the applications
8 and services that our employees use on a daily basis, things
9 like e-mail, calendaring, financial systems, support systems,
10 as well as systems of our customers, again, financial
11 systems.
12 Q So, can you give me -- break down for me, if you
13 can, what different people do in IT, the IT organization?
14 A We have a number of different roles in the IT
15 organization. Predominately we have roles like network
16 administrators, systems administrators and database
17 administrators.
18 Q And are you familiar with the term: "program
19 analyst"?
20 A I am.
21 Q And what is that?
22 A A program analyst is another role within the
23 organization.
24 Q Very good. And the work that the various systems
25 administrator, network administrator, database administrator,

1 program analyst, do they do different work or is it the same?
2 A They do different work.
3 Q Talk to me about network administrator, why is that
4 different from the others?
5 A A network administrator is responsible for running
6 and operating you network. A network is what allows two
7 computer systems to talk to each other. What they do on a
8 daily basis is they make sure that the systems that operate
9 within our network are healthy, operating as required. They
10 install these systems, they install cables to connect these
11 systems together. If they need to be repaired, like a cable
12 breaks, they will repair the cable or the plug. Very similar
13 to your DSL box at home, that you use for your network
14 access, they will repair and maintain that particular device.
15 The simplest analogy I could give is if you think of two
16 tins connected together with a piece of string and one person
17 talks into one tin and you can hear it on the other tin, the
18 network administrator is responsible for keeping those tins
19 in good shape, and that piece of string connecting the tins
20 taught in good shape.
21 Q Now, let's talk about systems administrators, what
22 type of work does a system administrator do?
23 A A system administrator is responsible for looking
24 after computer systems, computers, not unlike laptops that we
25 all have, except these computer systems are much larger than

1 laptops and instead of being accessed, typically, by one
2 person, like a laptop, they're typically accessed by hundreds
3 of people making requests of them. And so it's the system
4 administrator who would install those computers physically,
5 who would replace software and install software on those
6 computer systems. If those computer systems have a fault,
7 whether it's a hard drive or memory, they would actually do
8 the physical repair, almost like a mechanic. And they'd also
9 ensure these computer systems are running the latest patches
10 and they're operating at their utmost performance.
11 Q And a database administrator, can you give us a
12 sense of what a database administrator would do?
13 A A database administrator looks after database
14 software, it's non-physical, it's purely just software. And
15 database software is used for managing data. You load data
16 into the database, you make queries of the database, like
17 searches and you are returned the result.
18 The database administrator's role is to install the
19 software, to start up the database, to shut down the
20 database, to take backups of the database, and also to ensure
21 in the search queries against the database to retrieve data,
22 that the response times are quick and not slow. They also
23 work on how to arrange the data inside the database, to
24 ensure those response times come back effectively.
25 Q And finally, program analysts?

1 A A program analyst typically writes scripts or very
2 simple code that automates what are typically actions that
3 were performed manually, say by a system administrator or a
4 database administrator. A good example is starting up a
5 computer system and starting up a database, they might
6 automate the actual function of starting up the database when
7 the system comes up, so that your database administrator
8 doesn't have to come in, access a keyboard, log into the
9 computer and type those commands in to actually start the
10 database. When you power in that computer system, the
11 computer system comes up and the database comes up. It's
12 almost like Excel starting up automatically on your laptop
13 when you boot up your laptop is the best kind of example I
14 can give.
15 Q And I want to just segue for a moment and then
16 we're going to come back, but I want to lay the foundation
17 for some questions I want to ask you.
18 When you started at Oracle, what position did you
19 have?
20 A I was a sales consultant in Australia.
21 Q Very good. And why don't we walk through then, if
22 you don't mind, your job history at Oracle?
23 A Yes. I started as a sales consultant in Australia.
24 I was hired out of college, so I came in as a graduate. I
25 worked for 14 months in Australia as a sales consultant,

1 working with customers and also supporting the local office
2 with any needs they need. I helped them out with laptop
3 repairs and things like that, as well as kind of working with
4 our customers and making sure that their databases,
5 specifically, were upgraded and patched to the latest version
6 of software and that they were running efficiently.
7
8 After 14 months I applied for a position in Redwood
9 Shores, in California, as a technical program manager. This
10 was going to be a promotion from my sales consultant
11 position. I was accepted into that particular position I
12 applied for and then I transferred to the United States.
13 I worked in Redwood Shores for 13 years, here in
14 California. I lived in the city here of San Francisco for 13
15 years. And I worked my way through many roles, eventually
16 coming into management, where I am today. And 10 years ago I
17 transferred to Wesley, in Boston, Massachusetts and now I
18 work from the Cambridge office.
19 Q Did you ever work on databases while you were at
20 Oracle?
21 A Yes.
22 Q And did you ever work as a system administrator
23 while you were at Oracle?
24 A Yes.
25 Q I want to just focus on those two functions, if you

1 don't mind. In your opinion -- you've already explained what
2 database does and system administration does, and you've
3 moved between the two, correct?
4 A Correct.
5 Q What, in your opinion, is required to move -- I
6 mean are they doing the same thing, the database
7 administrator and the systems administrator?
8 MR. ELIASOPH: Objection. It appears that they're
9 requesting an expert opinion here, like a job analysis type
10 opinion.
11 JUDGE CLARK: Overruled.
12 You can answer the question.
13 THE WITNESS: No. They require totally separate
14 skills, skills that I had to attain before I could perform
15 those roles. I was very motivated when I was younger -- and
16 still am -- to learn. And I did a lot of self-study on my
17 own accord, I bought a lot of textbooks and read a lot of
18 textbooks at night, talked to a lot of people. So, I was
19 able to gain the necessary skills to kind of transfer between
20 those roles.
21 BY MR. PARKER:
22 Q And what is the kind of textbook learning you'd
23 have to do in order for you to acquire the right level of
24 skills to move between one to the other?
25 A There was both textbooks that you could buy at a

1 bookstore, predominantly the Nutshell books, if anyone is
2 familiar with those, I read a lot of those. And I also read
3 a lot of Oracle manuals, standard manuals that we would also
4 provide to our customers. That was the source of most of my
5 knowledge.
6 Q And what was the content that you had to learn?
7 A I had to learn things -- if I was going to be a
8 database administrator, I had to learn how to install the
9 database, how to patch the database, how to back up the
10 database, how to load DAF into the database, how to provide
11 people access to the database, how to layout the data within
12 the database optimally, and also how to tune the database if
13 it was operating slowly.
14 Q Are you familiar with the concept of Global Career
15 Levels?
16 A I am.
17 Q Let's just focus at database administrators, is a
18 career level, to you, an important -- is it an important
19 metric?
20 A Yes, it is.
21 Q Tell me -- so, in your opinion, would an IC1 differ
22 from an IC4?
23 A Yes.
24 Q Tell me about that?
25 A Typically we bring people in the database

1 administrator role to IC2. And as an IC2, you'd be doing
2 very rudimentary activities. You'd be starting a database,
3 you'd be stopping a database, and you'd be providing access
4 to the database. As you move up the scale, you will
5 obviously attain more skills. And so correspondingly, you
6 move up a career level scale.
7 And so as you're moving to, say, career level 4,
8 you would write say a lot more standard operating procedures
9 or documentation on how to perform things, that say IC3s or
10 2s could review. You would then start to move beyond just
11 simple activities like starting up a database, stopping a
12 database, or backing up a database, to designing the
13 internals of a database -- how you lay out the data, where
14 best to place the data, how to correlate different items of
15 data. For example, you would often correlate first name,
16 last name, say with addresses, because most people have an
17 address, so those things would be correlated together.
18 And then as you reach the pinnacle of your database
19 career, that's typically where you're doing database tuning,
20 that's the hardest skill to acquire. That requires a little
21 experience and being exposed to a lot of different problems,
22 troubleshooting-wise, and a lot of different types of data
23 sets.
24 Q Very good. Are you involved in -- well, yes -- are
25 you involved in the hiring process for IT?

1 A Yes.
2 Q What is your involvement?
3 A I'm a reviewer.
4 Q A reviewer of what?
5 A Of line managers that hire individuals in the
6 Workflow process.
7 Q And do you get a budget, a headcount budget?
8 A Yes, I do.
9 Q And what do you do with that budget when it's
10 received?
11 A It's stored within something we call a "Cost
12 Center," and I refer to it as we hire individuals, to make
13 sure that we don't go over budget.
14 Q Very good. And can you give me an example of a
15 Cost Center?
16 A IT has a Cost Center, and it's basically a grouping
17 of expenses related to IT. We'll have salary expense, we'll
18 have depreciation expense for our hardware, we'll have travel
19 and entertainment expenses, we'll have expenses for computers
20 that we purchase and similar items.
21 Q Are you familiar with the term: "Job Posting" or
22 "Job Requisition"?
23 A I am.
24 Q Have you seen them in your career?
25 A Yes, I have.

1 Q Have you seen job requisitions or postings that
2 seek systems administrators?
3 A Yes, I have.
4 Q Have you seen ones that seek database
5 administrators?
6 A Yes, I have.
7 Q Are the contents of those, in terms of what skill
8 -- I'm sorry -- lay more foundation. Do the job requisitions
9 and postings, for systems administrator and database
10 administrator, do they describe what skills are sought?
11 A Yes.
12 Q And are the skills sought different or the same?
13 A Different.
14 Q Explain that, please?
15 A As I kind of mentioned about the role of a systems
16 administrator, when we create a job requisition it's going to
17 detail the activities that is being sought of the system
18 administrator and the skills we're seeking. So, one of the
19 key skills we look for in a system administrator is something
20 called: "Linux Operating System," that they have the skills
21 to install Linux, to patch Linux, to upgrade Linux, to
22 troubleshoot Linux when errors occur. That is very separate
23 from what you would see in a database administrator job
24 posting or job requisition.
25 A database administrator you would state things

1 have -- you would request that they be able to manage the
2 Oracle database of a particular version, be able to install
3 the Oracle database, to be able to train users inside the
4 Oracle database, to be able to load data into the Oracle
5 database, or to be able to tune the Oracle database to make
6 sure that those responses you asked of it come back quickly.
7 Q And with these job postings or job requisitions,
8 are there times where it actually specifies the type of
9 experience Oracle is looking for?
10 A Yes. Quite often we'll have a minimum level
11 experience expressed in years.
12 Q Give me an example of a database, what would it say
13 -- and what I'm trying to do is distinguish it, see if you
14 can distinguish it from a systems administrator?
15 A Yes. A database administrator who is seeking say
16 at an IC5 level, where we're looking for him to perform
17 performance tuning work, we would look for a minimum level of
18 experience of 10 years.
19 Q And what would the job requisition -- how would
20 that job requisition indicate that?
21 A It would literally say a minimum level experience
22 of 10 years.
23 Q In what?
24 A In database administration.
25 Q And who, to your knowledge, writes job postings and

1 requisitions?
2 A The line manager.
3 Q And who decides whether to hire a candidate who has
4 applied against a job posting?
5 A The line manager.
6 Q And tell me what your roll -- is there any roll
7 that you have after that?
8 A I'm in the Workflow as reviewer, so it crosses my
9 desk.
10 Q And as a reviewer, what do you do?
11 A I look to make sure that the skills and the
12 experience that the individual has, that's being nominated or
13 selected for a position, matches what was required in the job
14 requisition.
15 Q And what happens if you have questions about that?
16 A I ask more information of the line manager.
17 Q Have you ever had an instance where you simply
18 rejected a line manager's decision to hire?
19 A I have not.
20 Q Now, who makes the decision as to what compensation
21 a line manager -- a new hire should receive?
22 A The line manager.
23 Q One question before I forget. Within systems
24 administrator, database administrator, the analyst and
25 there's the third that I'm forgetting right now -- program

1 analyst and network administrator, are there certain skills
2 that command more compensation in terms of the marketplace?
3 A Yes.
4 Q Can you give me an example of that?
5 A Again, the most common is someone who does
6 performance tuning of the database has a very, very unique
7 set of skills that's in demand in the marketplace.
8 Q Okay. Versus -- give me another example -- and I'm
9 not making any judgment, but is not as --
10 MR. ELIASOPH: Objection, leading the witness.
11 JUDGE CLARK: Overruled.
12 Finish your question.
13 BY MR. PARKER:
14 Q Could you give me an example of one where there's
15 less demand in the marketplace and the compensation may
16 therefore reflect that?
17 A The systems administrator is definitely one
18 example, because they're more readily available in the
19 marketplace for hiring and recruiting.
20 Q With regard to compensation, what is your role, if
21 any, for a new hire?
22 A My role is to review to make sure that any
23 compensation is, obviously, equitable.
24 Q And what do you -- if you have question about that,
25 who would you ask?

1 A I would ask the line manager.
2 Q And who at Oracle is -- with regard to any pay
3 decision -- who at Oracle is responsible for making -- doing
4 an equity assessment to ensure that compensation of all kinds
5 is provided equitably?
6 A The line manager.
7 MR. ELIASOPH: Objection, lacks foundation.
8 JUDGE CLARK: Overruled.
9 You can answer the question.
10 THE WITNESS: Sorry, I was a bit quick. The line
11 manager.
12 BY MR. PARKER:
13 Q And do you know whether or not Oracle has a
14 non-discrimination policy?
15 A Yes.
16 Q And have you taken non-discrimination training?
17 A Yes, I have.
18 Q Great. Does that apply, or not, to pay decisions?
19 A Yes, it does.
20 Q Have you taken Affirmative Action training?
21 A Yes.
22 Q And do you know whether or not, after you approve
23 compensation or hiring, who -- is there somebody else that
24 also approves?
25 A There are reviewers.

1 Q And do you know who they are?
2 A The levels of management above me.
3 Q Okay. And do you know Carolyn Balkenhol?
4 A Yes, I do.
5 Q Do you know if she's involved, at all?
6 A Yes, she is.
7 Q Now, I wanted to talk to you for a minute about
8 transfers, if you don't mind. Does Oracle have a practice
9 about whether or not to pay -- if someone needs to relocate,
10 do you know if there is a practice around that?
11 A Yes.
12 Q Tell me what it is?
13 A If the relocation is associated with a promotion,
14 very similar to what I went through when I transferred from
15 Australia to California, there's a practice of having your
16 pay and compensation reviewed, and any promotion typically
17 comes with an increase in salary.
18 Q What about if it's a voluntary relocation?
19 A Again, using myself as an example, if I could, when
20 I relocated from California to Massachusetts, I did not
21 receive an increase in salary.
22 Q And what about a relocation fee or transfer fee?
23 A That was actually a relocation when I moved from
24 California to Massachusetts, but I didn't change my job role,
25 it wasn't a promotion.

1 Q Are you familiar with the term: "Focal Review,"?
2 A I am.
3 Q And what is that?
4 A A focal review is effectively a budget that we
5 receive, typically annually, to increase salaries of
6 employees within my organization.
7 Q And are you involved in -- beyond receiving a
8 budget, are you involved in the focal review process?
9 A Yes, it's my responsibility to distribute that
10 budget to my direct employees.
11 Q And what do your direct employees then do?
12 A They also do the same in that they distribute those
13 budgets, that I've allocated, to their direct employees.
14 Q And who makes decisions as to what -- who should
15 get what in a focal review process?
16 A The line manager.
17 Q Are you involved in that process after the line
18 manager makes the decision?
19 A Only when the budget or the submissions are
20 returned to me for review.
21 Q And what do you when it's returned for your review?
22 A I submit it up to the next level of management
23 above me.
24 Q Well, let me ask this, do you review the
25 information provided to you?

1 A I do not.
2 Q Okay. Very good. You have the opportunity -- do
3 you have the opportunity to approve, or not, the focal
4 review?
5 A Yes.
6 Q And what do you do in terms of the approval
7 process?
8 A When the budget is returned to me, if there were
9 any anomalies in that submission, they'd be brought to my
10 attention, at which point I would ask for more information of
11 the line manager who reports in to me, or the line manager
12 where an anomaly may be present. If no anomalies are
13 identified, then I hit, I approve it to the next level
14 management.
15 Q What would be considered an anomaly?
16 A A data entry mistake where somebody has
17 accidentally added a zero to a salary, or accidentally
18 deleted a zero to a salary, where an allocation in a team has
19 all been given to a single individual, or where an allocation
20 -- a budget allocation when the team is being awarded to
21 every individual in the team.
22 Q Now, I understand that there are -- well -- are you
23 familiar with the term: "Guidelines," as it relates to the
24 focal review process?
25 A I am.

1 Q Okay. What does that mean to you?
2 A Guidelines, to me, are guidelines in that we may be
3 asked to only focus on our top talent and make sure out top
4 talent, who are in demand within the industry, from other
5 companies, are awarded appropriately. Sometimes, we might be
6 given guidance to reserve a portion of our budget for a
7 particular country, where our employee base may be
8 experiencing high attrition, to make sure that they are also
9 awarded appropriately.
10 Q And let me talk to you about bonuses. Are you
11 familiar with the fact that -- have you ever been involved in
12 a bonus process?
13 A I have.
14 Q Okay. Tell me about how that process starts?
15 A The bonus process is exactly the same as the focal
16 process, in that I'm awarded a budget, I then actually award
17 portions of that budget to my direct reports, and then they
18 award a portion of their budgets to their direct reports.
19 Q And are you -- do you approve or review those
20 bonuses?
21 A I review them, yes.
22 Q And what do you look for?
23 A I look for anomalies.
24 Q And what does "anomaly" mean?
25 A An anomaly is similar to the example I gave before,

1 where say a single individual would be given the entire bonus
2 pool for a given direct report, or that the bonus would be
3 actually spread evenly across all those direct reports.
4 Q And are you familiar with an equity assignment
5 process or distribution process?
6 A I am.
7 Q Could you tell me how that starts?
8 A That is exactly the same, again, I'm awarded a pool
9 of stock equity, I then disseminate that pool to my direct
10 reports and they disseminate it to their direct reports.
11 Q And do you do a review of those decisions?
12 A I do.
13 Q And what are you looking for?
14 A I'm looking for anomalies.
15 Q Again, what does that mean?
16 A Anomalies might be, again, instances where all the
17 pool is applied to an individual, all the pool is applied to
18 every individual within a reporting manager's hierarchy.
19 Q And are you given guidelines concerning how the
20 equity distribution should be made?
21 A Again, it's to focus on our top performers, who are
22 critical to the day-to-day operation of the business.
23 Q And are you familiar with the term: "Dive and
24 Save"?
25 A I am.

1 Q Can you tell me what that is?
2 A A "Dive and Save" is when we provide a focal
3 allocation, typically, to an individual outside of the annual
4 focal review.
5 Q And how does a "Dive and Save" -- do they come to
6 your attention when that occurs?
7 A It's usually brought to my attention, by the line
8 manager, that an individual is either seeking to take a
9 position of another company or is being actively pursued by
10 another company.
11 Q And tell me what the process then is for a "Dive
12 and Save"?
13 A The line manager will discuss with the employee
14 concerned about who they're being approached by, et cetera,
15 and you know, what it would take to retain their services.
16 Q One question I forgot to ask you -- and I'll come
17 back to the "Dive and Save" -- has it ever been a policy at
18 Oracle for line managers, who are making hiring decisions, to
19 ask the candidates about prior pay?
20 A No.
21 Q And has there ever been a policy at Oracle for
22 starting compensation of any kind to be based on someone's
23 prior pay?
24 A No.
25 MR. ELIASOPH: Objection, lacks foundation.

1 JUDGE CLARK: Sustained.
2 Lay a little more foundation, how he might know
3 whatever over the course of time.
4 MR. PARKER: That's fine. Let me do it this way.
5 BY MR. PARKER:
6 Q Have you ever seen -- for you -- have you ever
7 based a decision based on someone's prior pay?
8 A No.
9 Q Okay. Do you know of any instance in which that
10 was done?
11 A No.
12 Q Going back to "Dive and Save", can you tell me what
13 the process is once a line manager raises the issue, what is
14 your role?
15 A I would review it. I would ideally ask if there
16 was a written offer. I would inquire about which companies
17 are approaching the individual, if known. I'd look at the
18 skills of the individual, the performance of the individual,
19 their experience, and then I would provide guidance on to
20 whether I supported it or not.
21 Q And have there been instances in which you've
22 rejected a "Dive and Save" recommendation?
23 A No.
24 MR. PARKER: No further questions at this time.
25 JUDGE CLARK: Okay. It's 12:30 o'clock p.m.

1 Mr. Eliasoph, did you want to do your cross or do
2 you want to do it after lunch?
3 MR. ELIASOPH: Let's eat.
4 JUDGE CLARK: Okay. We'll take our afternoon
5 break, we'll be back at 1:30 o'clock p.m.
6 Mr. Webb, you're free to step down.
7 THE WITNESS: Thank you.
8 JUDGE CLARK: We'll be off the record until 1:30
9 o'clock p.m.
10 (Whereupon, at 12:30 o'clock p.m., the hearing was
11 recessed for lunch.)
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1 AFTERNOON SESSION 1:30 O'CLOCK P.M.

2 JUDGE CLARK: Okay. We are back on the record.

3 All parties are present. Mr. Webb has retaken the

4 witness stand and we're about to start cross-examination.

5 Mr. Eliasoph?

6 CROSS-EXAMINATION

7 BY MR. ELIASOPH:

8 Q Good afternoon, Mr. Webb.

9 A Good afternoon.

10 Q Who is your direct supervisor?

11 A Charles Rozwat.

12 Q And how long has he been your supervisors?

13 A One week.

14 Q Oh. And who was your supervisor before then?

15 A Richard Sarwal.

16 Q And how long was Richard Sarwal your supervisor?

17 A Three months.

18 Q And what was his title?

19 A Senior vice president Support.

20 Q And your current supervisor, what's his title?

21 A Executive vice president Support.

22 Q And before Sarwal -- if I said that correctly?

23 A Yeah, Sarwal, yes.

24 Q Who was your supervisor?

25 A Chuck Rozwat or Charles Rozwat.

1 Q Okay. He's your current one?
2 A Yeah. It was a short stay.
3 Q And before the first tenure of Rozwat as your
4 supervisor --
5 A Thomas Kurian.
6 Q Okay. And Thomas Kurian, what was his position?
7 A President.
8 JUDGE CLARK: So, hang on, Mr. Eliasoph.
9 You know, Mr. Parker, I totally overlooked your
10 bench and realized Ms. Connell is not here.
11 MR. PARKER: I don't even know who she is, Your
12 Honor.
13 JUDGE CLARK: Very good, very good. We'll proceed
14 then.
15 MR. PARKER: She had asked us just to proceed,
16 that's why I didn't mention it.
17 JUDGE CLARK: Got it. Thank you, sir.
18 Go ahead, Mr. Eliasoph.
19 BY MR. ELIASOPH:
20 Q And how long did you report directly to Mr. Kurian?
21 A Ten years.
22 Q And do you know what other areas in the
23 organization Mr. Kurian oversaw?
24 A Product Development.
25 Q And did he oversee all of IT?

1 A No.
2 Q Who else did?
3 A Mark Sunday.
4 Q Anybody else?
5 A No -- to my knowledge.
6 Q Okay. I'd like to talk about the compensation
7 approval process for employees under you in the hierarchy.
8 Okay. For a new hire, it's true that before a compensation
9 decision can be finalized, managers for the employee, whose
10 compensation is being set that are below you, need to approve
11 the compensation?
12 A Correct.
13 Q And the HR also needs to approve the compensation?
14 A I believe they review.
15 Q They are involved in the review?
16 A They are involved, yes.
17 Q And after you approve, there are several layers of
18 approval above you?
19 A Yes.
20 Q Do you know all the persons?
21 A No.
22 Q Who do you know?
23 A I know my direct manager and then after that it
24 goes to the CEO's office.
25 Q And the compensation of the employee in question is

1 not set until approval is secured by all these levels,
2 correct?
3 MR. PARKER: Vague and ambiguous as to the word
4 "set."
5 JUDGE CLARK: Overruled.
6 If you know, you can answer that question.
7 THE WITNESS: Could you repeat the question,
8 please?
9 MR. ELIASOPH: Yes.
10 BY MR. ELIASOPH:
11 Q The compensation is not set for the employee in
12 question until the approval is secured at all these levels,
13 correct?
14 A Yes -- until the final approval is attained.
15 Q Okay. I'm going to ask the same set of questions,
16 just to give you a head's up, this time with respect to the
17 focals. It's true that before a compensation decision can be
18 finalized in the focal review process the managers for the
19 employee, whose compensation is being set below you, needs to
20 approve the compensation, correct?
21 A The line manager has to approve, yes.
22 Q Well, there are several levels of managers below
23 you, correct?
24 A Correct.
25 Q How many?

1 A It would depend on which level -- numerous, in some
2 cases.
3 Q Up to how many?
4 A Maximum -- eight.
5 Q Okay. So, up to eight levels of managers would
6 need to approve a decision before it gets to your -- I was
7 going to say "desk," but that's very literal -- before it
8 comes to your computer Workbench program?
9 A I would review and forward it on, yes.
10 Q Okay. Thank you. And again, HR is involved in
11 assisting in this process and in reviewing?
12 A Yes. HR would review.
13 Q Okay. And after you approve there are several
14 layers of approval above you, correct?
15 A Correct.
16 Q And the compensation does not change until approval
17 is secured at all these levels, correct?
18 A Correct.
19 Q With respect to bonuses, it's true that before a
20 compensation decision can be finalized, the managers for the
21 employee, whose bonus is being set below you, needs to
22 approve the compensation?
23 A His line manager would need to approve, yes.
24 Q And not just the line manager, but every manager
25 beneath you would need to approve?

1 A They would need to review, yes.
2 Q Review or approve?
3 A Review.
4 Q Oh, they review?
5 A Yes.
6 Q I see. And with respect to a bonus, you would need
7 to review?
8 A I would.
9 Q Would you need to approve?
10 A I would need to review and click on "approve."
11 Q Okay. So you do click "approve"?
12 A Yes.
13 Q And what about the people below you?
14 A Yes, they review and forward it on.
15 Q They don't click "approve"?
16 A They click on a button, yes. And I believe the
17 button, to my knowledge, is worded "approve," but the actual
18 action that they're taking is a review.
19 Q Okay. And again, for the bonus, several layers of
20 approval are required above you?
21 A Yes.
22 Q Okay. And the bonus does not actually reach an
23 employee until all those levels of approval have been
24 secured, correct?
25 A Correct.

1 Q And it's true that before an equity decision can be
2 finalized, the managers for the employee, whose equity is
3 being set below you, need to approve the equity decision?
4 A They need to review, yes.
5 Q Okay. And do they hit a button that says:
6 "approve"?
7 A Yes.
8 Q Okay. And the HR, Human Resources, is also
9 reviewing those approvals?
10 A Yes.
11 Q And after you approve, there are several layers of
12 approvals that are needed above you?
13 A Yes.
14 Q And the compensation does -- I'm sorry -- the
15 equity award is not granted until those approvals are
16 secured?
17 A Yes.
18 Q Now, during the process, you indicated that you
19 don't -- I believe you said you don't typically, or maybe you
20
21 don't ever outright reject compensation decisions, is that
22 what you said?
23 A That's true.
24 Q Okay. But you did say that you had conversations
25 with people who are managers who are below you in the

1 hierarchy, about these compensation decisions, correct?
2 A If there is an anomaly, I will seek further
3 information.
4 Q And you do that through communication?
5 A I do that through Workflow.
6 Q Through Workflow?
7 A Yes.
8 Q And you make comments in the Workflow?
9 A Yes.
10 Q Okay. And the people receiving this know that you
11 will have to ultimately be satisfied or it will not be
12 approved, correct?
13 A That is correct.
14 Q And you receive a cap on your budget that's decide
15 from above you, correct?
16 A Correct, it's a budget.
17 Q And you receive a cap on headcount that's decided
18 above you, correct?
19 A That is correct, it's a budget.
20 Q You, in turn, can cap the budget for managers below
21 you?
22 A Based on what's provided to me, yes.
23 Q Right. You're not going above your budget?
24 A Right.
25 Q It only goes in one direction, it funnels, gets

1 smaller and smaller as it goes down, correct?
2 A Correct.
3 Q And you can cap the headcount for managers below
4 you, correct?
5 A I could.
6 Q Isn't it true that focals do not happen every year?
7 A I believe I can only recall one instance of that.
8 Q And when was that?
9 A I don't recall, a number of years ago.
10 Q So, your testimony is that in the last few years
11 there has been a focal every single year?
12 A I can recall within the last 20 years at least one
13 instance where there was not a year where a focal was
14 provided, but I can't recall the year.
15 Q So, your testimony is there was a focal in 2018?
16 A To the best of my knowledge, I believe there was.
17 Q Is it true that focals can vary in terms of the
18 size of the budget allocated for raising salary?
19 A Could you repeat the question?
20 Q Yeah, it's a little confusing, let me try to do a
21 little better. Are some focals -- the budget that's
22 allocated for them -- leaner than other focal reviews?
23 A Focal reviews will change in size from year to
24 year, yes. Focal budgets would change from year to year,
25 yes.

1 Q Right. And isn't it true that in the last few --
2 let's say going back to 2013, there have been a number of
3 lean years?
4 A I don't know how to define "lean."
5 Q Are you aware of any focal review -- let me step
6 back.
7 During the focal reviews, you receive guidelines
8 from HR, correct?
9 A Correct.
10 Q And those guidelines cap the percent of employees
11 who can get an increase?
12 A They don't cap, they're a guideline.
13 Q They provide --
14 A They mention guidance.
15 Q Okay. So, there is guidance on the number of
16 employees?
17 A They provide a percentage of how many employees you
18 should aim to target, in terms of awarding focal, stressing
19 that you need to award your top performers.
20 Q And you pass those guidelines down to the managers
21 below you?
22 A I pass those guidelines to my direct managers.
23 Q And they pass them down?
24 A I don't know for sure.
25 Q Do you -- would you assume?

1 A I would assume.
2 MR. PARKER: Objection, calls for speculation.
3 JUDGE CLARK: Overruled. The answer will stand.
4 THE WITNESS: Would you like me to say it again,
5 Judge?
6 JUDGE CLARK: No, no, the answer will stand. Thank
7 you.
8 THE WITNESS: Okay.
9 BY MR. ELIASOPH:
10 Q And the guidelines, they also provide guidance on
11 the percentage increase of a person's salary that should be
12 awarded?
13 A Not that I recall, no.
14 Q Is it a dollar amount?
15 A No, not that I recall.
16 Q Okay. So, when you say something is anomalous,
17 would something be anomalous because it's not following the
18 guidelines?
19 A No.
20 Q Okay.
21 MR. ELIASOPH: I'd like to bring up on the screen
22 P-95.
23 BY MR. ELIASOPH:
24 Q Okay. This is not a document that I expect you're
25 familiar with. I'm only bringing this up as an example,

1 because I'm about to bring up an Excel spreadsheet and it
2 will look different. But I'm referring to information that
3 would be in this type of document. Have you ever seen this
4 type of document?
5 A No.
6 Q You don't see the candidate offer type of thing?
7 A I see that, but no, I'm not familiar with this
8 document.
9 Q Okay. That's fine.
10 MR. ELIASOPH: I'd like to bring up Exhibit J-133.
11 BY MR. ELIASOPH:
12 Q Okay. So, this is a document the way it was
13 produced to us in the native format, that has an "Approval
14 History" for compensation decisions. I want you to look at
15 Row 13602 to Row 13611. Do you see them?
16 A I see it.
17 Q Do you see the highlighted rows?
18 A I see the highlighted rows. This is the first time
19 I've seen this document.
20 Q Okay. Is this -- does this look like it's the
21 approval chain of a compensation decision that you were a
22 part of?
23 MR. PARKER: Lacks foundation.
24 JUDGE CLARK: Sustained. He's said he's never seen
25 it before.

1 MR. ELIASOPH: Okay.
2 BY MR. ELIASOPH:
3 Q Mr. Webb, do you see your name in this?
4 A Yes.
5 Q Okay. And it indicates an approval by you on
6 February 28th, 2013, do you see that?
7 MR. PARKER: Lacks foundation.
8 JUDGE CLARK: Overruled.
9 Do you see your name?
10 THE WITNESS: I do see my name.
11 JUDGE CLARK: And what was your next question?
12 Sorry, Mr. Eliasoph.
13 MR. ELIASOPH: Oh, I didn't have one outstanding.
14 BY MR. ELIASOPH:
15 Q And do you know who Chirag Andani is?
16 A I do know Chirag Andani.
17 Q And are they in your approval chain?
18 A He's not currently in my approval chain.
19 Q Would they have been in 2013, February?
20 A To the best of my knowledge, I believe he was.
21 Q Okay. And what about Amie Santone?
22 A I recognize the name, but I am not certain she was
23 in my approval chain at that point in time.
24 Q Okay. Do you see -- okay -- do you see where it
25 says: "Prasad Gadiraju"?

1 A Which row there?
2 Q Thank you. Row 5?
3 A I do see his name on Row 5.
4 Q And it indicates: "Submit for February 25th, 2013"?
5 A I do see that in the document, yes.
6 Q Okay. And it has a person's name, and I'm not
7 going to state the name in court. And it indicates that the
8 person is:
9 "Working as a job developer in HR and
10 has five years experience in developing
11 enterprise web-based application using
12 JAVA and J2EE. And he will be a valuable
13 resource to IBM team, that is currently
14 implementing OIM at Oracle. He's willing
15 to relocate from Roseville to HQ."
16 Do you see that?
17 A I see that, yes.
18 Q Okay. And do you see that it was returned for
19 correction by Amie Santone?
20 MR. PARKER: Assumes facts, lacks foundation.
21 JUDGE CLARK: Sustained.
22 BY MR. ELIASOPH:
23 Q Do you see in Column F it says: "Return for
24 correction"?
25 A Yes, I see that text.

1 Q What does that indicate to you?
2 MR. PARKER: Lacks foundation.
3 JUDGE CLARK: Overruled. Well, actually the
4 objection is well taken. He says he doesn't know what this
5 document is, so -- does it appear to be Workflow, is it
6 something he's seen before or something similar?
7 BY MR. ELIASOPH:
8 Q Based on seeing this document, again, the names you
9 recognize there in your Workflow chain?
10 A I recognize the names. I cannot confirm if they're
11 in my Workflow chain at the date indicated, because this
12 doesn't look like my Workflow, as I would normally review it.
13 Q Okay. This is data produced without the user
14 interface system. So, would you see when people below you
15 reject or return a compensation approval?
16 A I would see the history of Workflow, yes, assuming
17 that it made it to my level after that particular entry.
18 Q Okay. And assuming this is a document that Oracle
19 produced to us, would you have any reason to believe this
20 document is inaccurate, with respect to representing that
21 history?
22 MR. PARKER: Lacks foundation and irrelevant as to
23 the predicate.
24 JUDGE CLARK: Overruled.
25 You can answer that question.

1 THE WITNESS: Unclear, because I don't know how
2 this was generated. And being a technologist, I know things
3 can be generated with errors, so I just -- I'm not familiar
4 with the document.
5 MR. ELIASOPH: Okay.
6 I have no further question.
7 JUDGE CLARK: Mr. Parker, anything further?
8 MR. PARKER: No, Your Honor. Thank you.
9 JUDGE CLARK: Mr. Webb, thank you so much for your
10 time. You're free to go. You are excused as a witness.
11 Thank you.
12 THE WITNESS: Thank you.
13 (Witness excused.)
14 JUDGE CLARK: Okay. Let's go off the record while
15 we bring our next witness in.
16 MR. PARKER: Very good.
17 JUDGE CLARK: Okay. We'll be off the record.
18 (Off the record at 1:51 o'clock p.m.)
19 JUDGE CLARK: We'll go back on the record.
20 MR. PARKER: At this time Oracle calls Balaji
21 Bashyam.
22 JUDGE CLARK: Mr. Bashyam, go ahead and step right
23 up here. Go right around this side. Set your water down and
24 then if you would raise your right hand, before you have a
25 seat.

1 Whereupon,

2 BALAJI BASHYAM

3 having been first duly sworn by the Administrative Law Judge,
4 was examined and testified as follows:

5 JUDGE CLARK: Have a seat, please. And then if you
6 would state your name and spell it for our record, please?

7 THE WITNESS: My name is Balaji Bashyam, first name
8 is Balaji, B-a-l-a-j-i, last name is Bashyam, B-a-s-h-y-a-m.

9 JUDGE CLARK: Okay. Mr. Bashyam, the attorneys are
10 going to ask you questions, but we're recording everything
11 that's said here. So, you need to let them ask the complete
12 question before you give your answer, and they'll let you
13 give a complete answer before they ask another question,
14 because we can't record two people at once, all right?

15 THE WITNESS: Sounds good. Thank you, Your Honor.

16 JUDGE CLARK: And if one of the lawyers makes an
17 objection while you're giving your answer, or right before
18 you give your answer, just stop talking and I'll let you know
19 whether you can answer the question, okay?

20 THE WITNESS: Yes, sir.

21 JUDGE CLARK: And because we are recording
22 everything that's said, you have to use words like yes or no,
23 not head nods or uh-huh, uh-uh, that sort of stuff. Got it?

24 THE WITNESS: Got it. Thank you.

25 JUDGE CLARK: Okay. And if you would just move in

1 a little bit closer or pull the microphone a little bit
2 closer to you. And we're good to go.
3 Mr. Parker?
4 MR. PARKER: Thank you, Your Honor.
5 DIRECT EXAMINATION
6 BY MR. PARKER:
7 Q Mr. Bashyam, where do you work?
8 A I work at Oracle.
9 Q And where are your offices?
10 A My office is at Redwood Shores.
11 Q How long have you worked at Oracle?
12 A Close to 23 years.
13 Q What is your current job title?
14 A My current job title is senior vice president
15 Customer Support, Database -- Database (indiscernible.)
16 Q I'm going to ask you to do me a favor, because
17 otherwise we're going to just feed on one other. If you can
18 slow down, I've got a half hour with you and you talking
19 faster won't make me end earlier.
20 A Okay.
21 Q Very good. How long have you had that position?
22 A I recently transferred to the position on December
23 2nd.
24 Q Very good. And what was your promotion prior to
25 December 2nd, 2019?

1 A Senior vice president Customer Support for SaaS
2 Services.
3 JUDGE CLARK: You have to say that one for me.
4 THE WITNESS: Okay. It's Software as a Service,
5 basically our Applications Globes product.
6 JUDGE CLARK: Got it. Okay. Thank you.
7 BY MR. PARKER:
8 Q And I've had to learn this, brutally, it's capital
9 S, little a, little a, capital S (SaaS), correct?
10 A You go it.
11 JUDGE CLARK: Even better. Thank you.
12 BY MR. PARKER:
13 Q And what race and gender do you identify as?
14 A I'm Asian-Indian and male.
15 Q Tell me your educational background?
16 A So, I have a Bachelor's in Engineering, and a
17 Master's in Business Administration.
18 Q Where did you get your Master's of Business
19 Administration?
20 A The Wharton School of Business.
21 Q Tell me what your current -- we're going to be
22 flipping back and forth pre-December 2nd, 2019 and post, if
23 you don't mind?
24 A Okay.
25 Q What were your responsibilities when you were SVP

1 Support for SaaS?
2 A So, I was responsible for providing customer
3 support for a number of different products that all fall
4 under the Cloud umbrella and Applications, Fusion
5 Applications, Taleo, Marketing Cloud, Service Cloud, et
6 cetera.
7 Q And since December 2nd, 2009, what are your
8 responsibilities?
9 A So, my responsibilities are to provide support for
10 the Database Cloud, which we generally call as Autonomous
11 Database, and some on-premise strategic products, like
12 Exadata.
13 Q Who do you currently report to?
14 A I report to Andy Mendelsohn now.
15 Q And prior, before December 2nd, who did you report
16 to?
17 A I reported to (indiscernible) and to Steve Miranda.
18 Q And currently, how many direct reports do you have?
19 A I have, appropriately, 240.
20 Q Direct reports?
21 A No. I have four direct reports and a total of, in
22 my organization, about 240 people.
23 Q And prior to December 2nd, how many direct reports
24 did you have?
25 A I had 11 direct reports for a total organization

1 size of about 1,500.
2 Q Are you familiar with the term: "Line of Business"?
3 A Yes, I am.
4 Q And could you explain to me what you -- well --
5 when you were the SVP with SaaS, Support for SaaS, were there
6 lines of business for which you were responsible?
7 A Yeah. So, my job function was Support, and my line
8 of businesses, I was supporting a bunch of different
9 products, like Fusion Applications, Taleo, Service Cloud,
10 Marketing Cloud, CRM On Demand, these were all the different
11 products that I supported.
12 Q And were any of those lines of business?
13 A Yes.
14 Q And did any of those -- what you've mentioned,
15 Taleo and so on -- did they have Cost Centers associated with
16 them?
17 A Each of them had their own Cost Center.
18 Q And currently, in your current position, are there
19 any lines of business?
20 A That would be the Database Cloud and then there's
21 Exadata, those are the two main ones.
22 Q And do they have Cost Centers associated with them?
23 A Yeah.
24 Q All right. Let's start here, the most basic level,
25 what does Support do?

1 A So, primarily our job is to make sure that our
2 customers are able to use our services and products well.
3 So, often they may run into, you know, questions, problems,
4 and they log tickets with us and we respond to them and we
5 work with them to solve their problems. We're also
6 responsible, in some ways, to work with Product Development
7 to improve the product, based on our customer usage, to
8 create knowledge articles and so on, so that when people run
9 into issues they can just come online, find the solution, et
10 cetera.
11 Q Are you familiar with the term: "Job Title"?
12 A Yes, I am.
13 Q Do the people who work -- currently work under you,
14 in your current position, for Database, do the share the same
15 job codes as those who worked with you under Support and
16 SaaS?
17 A Yes.
18 Q Do the people in Support for Database have the same
19 skills as the people who work under Saas?
20 MR. ELIASOPH: Objection, leading.
21 JUDGE CLARK: Overruled.
22 You can answer the question.
23 THE WITNESS: No, they have different skills.
24 MR. PARKER: Okay.
25 BY MR. PARKER:

1 Q Why don't you tell us, if you don't mind, the
2 skills you need for SaaS and then I'll ask you what skills
3 you need for Database, but first answer that one question
4 about SaaS?
5 A So, I mean obviously all the Support engineers
6 should have some basic stuff for customer handling skills and
7 all that, and that would be common for every customer support
8 engineer. But on top if it, and if it's okay I would like to
9 give an example, is that okay?
10 Q Yes.
11 A So, let's say something like I'm supporting a
12 general ledger product, so the expectation from a support
13 engineer is you understand how the general ledger works, how
14 you balance it, what are liabilities, assets, stuff like
15 that. And so a customer might raise a question saying I'm
16 having a problem using your general ledger product, and this
17 is what is happening. So, they are expected to understand
18 about that and to have the functional knowledge about the
19 (indiscernible) as well as how the product can be used. And
20 so they help the customer with that.
21 For example, maybe the customer has a missing
22 transaction, in which case the problem has nothing to do with
23 the product, you just need to tell them that this is how you
24 need to balance it. Or maybe there's a problem in the
25 product or the way it's configured, you need to explain that.

1 So, that would be what you would do in SaaS, right, so you
2 need to -- like if you were supporting Human Resources,
3 Recruiting, you need to know how the recruiting process
4 works, et cetera. So, that's the primary core competency,
5 along with the product knowledge. That will be for SaaS.
6 Q What about for Database?
7 A So, database, you are less concerned about what
8 exactly people are using it for. You're much more concerned
9 about the technical nature of the problem, almost like the
10 infrastructure and the IT portion of it. So, for example, if
11 somebody might say I have a performance problem, you don't
12 particularly care if they're using it for general ledger or
13 accounts payable, or for Human Resources, or -- it doesn't
14 matter. It's a problem with the database performance.
15 You're going to be using the database tools, not worrying so
16 much about what exactly they're trying to do, to try to
17 analyze it to see if the problem is in the database storage,
18 hardware, network and so on. And so it's a lot more for
19 computer science type skills as opposed to the functional
20 skills.
21 So, these two skills are definitely different, but
22 it's not to say like one is more difficult or easier than the
23 other, it's just that they're different.
24 Q Very good. Now, just so we can state the obvious,
25 you moved from Saas to Database?

1 A Yes.
2 Q How did you gain that ability to move from one to
3 the other?
4 A So, I worked at Oracle for a long time, so my first
5 10 to 15 years I've been mainly in the Database side of the
6 business, so I understand the core concept of the database
7 very well. And then when I moved to Applications, I had to
8 learn a lot of the applications side of the business. But in
9 the process I also learned a lot about our Cloud business and
10 how Cloud Support operates. So, we are basically starting
11 off new, more or less, in the Database Cloud business, so
12 coupled with the fact that I already know the database fairly
13 well, which I mean it's a lot to brush up on all the things
14 that have happened in the last five years and learn those
15 things, but I also have a pretty solid understanding of how
16 Cloud Support works and should work. So, I was asked to set
17 up this team.
18 Q And with regard to either SaaS or Database, you get
19 to pick because you're familiar with both at this point, are
20 there certain skills that are more -- in terms of the market
21 -- more highly valued than other skills?
22 A I mean both SaaS and the Database Cloud are Cloud
23 products, so both those skills are heavy in demand compared
24 to on-premise skills. One of them -- I mean there are many
25 different products that are available in the SaaS, some of

1 them have been there for a really long time, so it's a little
2 bit easier to find those skills, some of them are new.
3 Database Cloud is fairly new, so it's a little bit tougher,
4 so you will only find people in the market who know the
5 on-prem part of the database. So, you need probably a lot
6 more training and so on. But generally having good
7 experience in the Cloud technologies, thinking about how to
8 support a Cloud customer, is a big mind shift from an
9 on-premise mentality. And somebody who is experienced in
10 those things, where they come from a Cloud industry or a
11 customer that has a private Cloud, those things are all
12 generally useful in both cases.
13 Q And you're familiar with postings or job
14 requisitions, correct?
15 A Yes.
16 Q And over the years have you reviewed those?
17 A I've reviewed a few of them, yes.
18 Q And are you able to make a determination, by
19 reading them, whether or not you're looking for support
20 skills in SaaS versus support skills in Database?
21 A Absolutely. It's very important that -- there's
22 going to be, again, some portions of the job descriptions
23 that are going to be common, right, like you need to be good
24 with the customers, you need to have good communication
25 skills, that part of it will be standard. But it's very

1 important that the job posting generally explains the skills
2 needed. Like for example, if I'm hiring for the Database I
3 would say these are the experiences I'm looking for in the
4 database, like performance troubleshooting, network, storage,
5 because that's the only way the applicant will know which job
6 to apply for, because it's going to be otherwise they didn't
7 stand a chance.
8 The same thing with Applications. We would
9 explain, on top of the generic stuff, experience in let's say
10 HCM implementation, et cetera, will be required. So, we will
11 post it in that.
12 Q Now, are you involved at all in the hiring process?
13 A So, basically my role in the hiring process -- let
14 me give the example from a SaaS, if that's okay, because I
15 haven't really done any hiring in the new job, yet.
16 Q Great. And so from here on, I'll only -- whenever
17 I talk to you I'm going to talk to you about your pre
18 December 2nd experience, correct?
19 A Okay. So, my job is, basically, I get a budget. I
20 had, you know, my work is figuring out the capacity plan that
21 is needed, what is the budget. And then ultimately, I
22 basically pass on the budget to my directors, who pass it on
23 to the line managers. And they do the job search along with
24 our recruiters and so on.
25 Q Who makes the decision as to who should be hired?

1 A The individuals that is decided by the hiring
2 manager, the line manager.
3 Q And do you have any role in this process after
4 you've passed down the budget?
5 A I'm one of the approvers in the, you know, in the
6 Workflow.
7 Q And what do you look for when you're approving,
8 what is the nature of that process for you?
9 A So, typically, you know, the line manager makes all
10 the decisions, they kind of finalize the candidate, you know,
11 they've kind of like worked through all the things that, you
12 know, and then they've decided the salary and all those
13 things, and they send it up for approval. I would just kind
14 of like take a quick look at the resume and stuff to make
15 sure that, you know, we are hiring for the right skill and
16 99.99 percent of the time it's basically what it is and
17 they've done it right. Sometimes we have new managers and I
18 may have some clarifying questions for them, saying, okay,
19 what was the relevant experience here, things like that. And
20 again, most managers kind of come back and say this is the
21 reason, and that's it. It's just more like one more sanity
22 check.
23 Q How many times in your career, as an SVP for SaaS,
24 have you simply rejected an offer?
25 A I don't recall any time that I rejected anything

1 like that.
2 Q And with regard to compensation for a new hire, who
3 sets compensation?
4 A That's done by the line manager.
5 Q And do you have a role in that process?
6 A No, I don't have a role in the process.
7 Q Do you have -- does it come up for approval for
8 you, as part of a -- strike that. Do you know, when you're
9 making the approval for a new hire, whether or not the
10 proposed salary is included?
11 A The proposed salary is included in the approvals,
12 yes.
13 Q And is your process -- when you're approving, do
14 you look at the proposed compensation as well as the other
15 sanity check that you said you perform?
16 A Yeah, I look at it. I look at the whole thing,
17 whatever comes up.
18 Q And have you done non-discrimination training at
19 Oracle?
20 A Many times, I've gone through the training, yes.
21 Q Have you taken Affirmative Action training?
22 A Yes, I have.
23 Q Who does any kind of pay equity assessment in this
24 compensation process?
25 A It's done by the line manager.

1 Q And let's talk about focal reviews, how does that
2 work?
3 A Well --
4 Q First -- you're familiar with the term, I assume?
5 A Yes, I am.
6 Q Okay. Tell us how that works?
7 A So, again, typically we get a budget handed down.
8 Again, the budgets are generally different by job function
9 and so on. So, I get the budget and my job is to just make
10 sure that, you know, I understand kind of, obviously, the
11 strategic nature of different products, different lines of
12 businesses, and I assign the budgets down to my directs, all
13 the way down to the line managers. And the line managers do
14 the equitable, you know, salary assessments and stuff like
15 that, and they make a recommendation saying this is what I
16 want to do. They will enter it into the system.
17 Q And then do you have a role, after your line
18 managers make a recommendation?
19 A I am in the approval chain.
20 Q Okay. And when you are making wan assessment of
21 whether or not to approve, is there anything particular --
22 what do you look for?
23 A Particularly the direction for the line managers,
24 of course, to follow all the standard, you know, processes
25 that are outlined in all our trainings, as well as in our

1 Apex Manual, et cetera. So, they look for performance and
2 they look for experience, they look for skills. And if
3 there's any comments that they want to make, they will add it
4 to the Workflow and I may look at that, just to see if
5 everything is okay.
6 Q And do you have a practice of rejecting your line
7 managers' recommendations?
8 A I've never rejected it.
9 Q And when there's a focal review, do you receive
10 guidelines?
11 A Yes, we do.
12 Q Can you give me the nature, or the kind of nature
13 of the guidelines you receive?
14 A So, typically the guidelines come from the
15 corporate office. It would say stuff of like, you know,
16 there are certain countries that eligible, because of country
17 rules, regulations, et cetera, this is what we can like
18 generally recommend. They may kind of provide some
19 guidelines in terms of the (indiscernible) ratio, et cetera.
20 So, usually there's a bunch of those things that come up.
21 Q And with regard to bonuses, can you explain what
22 the process is for bonuses?
23 A It's identical to the focal process that I
24 mentioned. Basically, again, there's a budget that is handed
25 out to me and I make my judgment call based on, again, the

1 different lines of businesses, and I will assign it to my
2 directs who run different product areas. And they kind of
3 like assign it to their line manager, et cetera, same
4 process.
5 Q And is the process, your approval process, the
6 same?
7 A Yes.
8 Q And with regard to equity distributions, what is
9 that process?
10 A It's, again, identical, there is no difference.
11 Q Very good. Identical to what? I'm sorry.
12 A Identical to the focal process or the bonus
13 process, yeah.
14 Q Have you heard the term: "Dive and Save"?
15 A Yes, I have.
16 Q And what is that?
17 A So, outside of the focal cycle we are able to make
18 salary adjustments on special circumstances. And it could
19 be, you know, based on the recommendation of the manager, it
20 could be based on, you know, some analysis that the manager
21 has done, an "at risk" candidate, for example. And it can
22 also be even somebody has a counter offer and things like
23 that.
24 Q And what is your role in that process?
25 A So, I review all the justifications and you know,

1 what needs to happen, and I'm one of the approvers.
2 Q Okay. Are there instances where you've just
3 rejected a "Dive and Save," just out of hand?
4 A When it comes to like counter offers and stuff like
5 that, there are circumstances that I've rejected a "Dive and
6 Save."
7 Q Okay. Is that a rare event or often, or --
8 A It's a very rare event, yeah.
9 MR. PARKER: I can't ask anybody else if I've
10 covered everything because Ms. Connell is gone, but that's
11 not true -- excuse me --
12 How'd I do? Okay. No further questions at this
13 time.
14 JUDGE CLARK: All right. Thank you, Mr. Parker.
15 Mr. Eliasoph, this is your witness.
16 MR. ELIASOPH: Thank you, Your Honor.
17 CROSS-EXAMINATION
18 BY MR. ELIASOPH:
19 Q Good afternoon.
20 A Good afternoon.
21 Q So, prior to December 2nd, your position was
22 referred to or you were a senior VP Global Customer Support
23 Cloud Services, did I get that right?
24 A Yeah.
25 Q Okay. Thanks. And you held that position since

1 March of 2018, correct?
2 A Yeah.
3 Q Okay. However, you had been in this role for five
4 years before that time, correct?
5 A That's right.
6 Q And now you're an M7, right?
7 A Yeah.
8 Q And when did you become an M7?
9 A That's the 2018 date.
10 Q That's the 2018 date. Support engineers need to
11 know how the products they support function, correct?
12 A Yes.
13 Q Support engineers read diagnostic as part of their
14 jobs, correct?
15 A That's right.
16 Q This is done for products on Cloud, right?
17 A This is done on products on Cloud, it's done on
18 products on on-prem. The diagnostics may be different.
19 Q Support engineers share information from
20 diagnostics with software developers in Product Development,
21 right?
22 A If required.
23 Q That's the case for products on the Cloud, right?
24 A It's the case for everything. If it turns out to
25 be like a defect and we need to work with somebody else, then

1 yeah, we will share that.
2
3 Q And database can run on both on-premise and in the
4 Cloud, right?
5 A That's right.
6 Q If there is a special diagnostic to be run for
7 Support, it's the Cloud Operations team that does it, right?
8 A The support engineers can do it, but if it's a
9 restricted thing the Cloud Operations can provide that for
10 us.
11 Q And customers run diagnostics for on-premise
12 support, correct?
13 A Yeah, for the most part, yes, they do.
14 Q But it's the support engineer in either case that
15 has to interpret the diagnostics, right?
16 A So, the only difference would be -- you're right,
17 the support engineer, if it is submitted to us, we will be
18 reviewing the diagnostics. In the case of the Cloud, we also
19 have the additional responsibility of knowing what
20 diagnostics to collect and to be able to collect it
21 ourselves.
22 A And if there's a problem in the code, it's Product
23 Development's software engineer that has to change the code,
24 correct?
25 A That's right.

1 Q In the past, support engineers were responsible for
2 particular products, right?
3
4 A That is the case always.
5 Q And those products could be both in the Cloud and
6 on-premises, right?
7 A Not all products are going to be in Cloud and
8 on-prem, a lot of the SaaS products, for example, they're
9 only available on the Cloud. And there are similar products
10 that are there, but they are different, meaning similar in
11 terms of functionality, but they're completely different code
12 bases that are available on-prem.
13 Q Okay. My question was those products could be both
14 in the Cloud and on-premise?
15 A No, no.
16 MR. PARKER: Asked and answered -- withdraw the
17 objection.
18 JUDGE CLARK: Okay. Thank you. The answer stands.
19 THE WITNESS: The answer is no -- yeah.
20 BY MR. ELIASOPH:
21 Q Your support employees work very closely with
22 development teams, right?
23 A Yes.
24 Q In fact, you've had Product Development software
25 developers transfer onto your team, right?

1 A Yeah, occasionally.
2 Q And similarly, you've transferred on-premise
3 support engineers to Cloud, right?
4 A Yes, we have.
5 Q Those engineers may not be your ideal candidate who
6 has done exactly what you were looking for, but they have the
7 base skills and knowledge to be able to learn the job,
8 correct?
9 A Yeah, and there is a learning curve.
10 Q And when an employee without a Cloud background
11 joins the Cloud Support Engineering Team, there's no change
12 in compensation, correct?
13 A Yeah, there's no change in the compensation.
14 Q There's no automatic raise simply by joining Cloud?
15 A No.
16 Q And some Support employees work on multiple
17 products, correct?
18 A Rarely, rarely they work on multiple products.
19 It's usually people are divided by product and there's one
20 product that they would support. Like typically a Taleo
21 engineer support Taleo.
22 Q Okay. But there are employees that were on
23 multiple products?
24 A I mean I can't think of any.
25 Q Under SaaS there are many Cost Centers, correct?

1 A Yes.
2 Q And what is the number of Cost Centers associated
3 with Exadata?
4 A Exadata is one engineered system, so there is one
5 Cost Center for that.
6 Q What about Database Cloud?
7 A There is one Cost Center for that.
8 Q For a new hire, it's true that before the
9 compensation decision for that new hire can be finalized,
10 managers for the employee whose compensation is being set,
11 that are below you in the hierarchy, need to approve that
12 compensation, correct?
13 A The person that is hiring -- the line manager will
14 have to approve it, they are the ones who are discussing the
15 compensation with the candidate.
16 Q And between you and the line manager there can be
17 several layers of management?
18 A There can be several layers of management, yes.
19 Q What is the maximum number of layers of management
20 between you and the line manager?
21 A I don't have that handy, but it's around four.
22 Q Around four?
23 A It can be up to four, yeah.
24 Q So, before an approval gets to you, is it four or
25 three other managers need to approve it?

1 A It's basically there's a template that the template
2 gets forwarded on and everybody approves it and forwards it
3 up, yeah.
4 Q And so you're saying it's a rubber stamp?
5 A They are supposed to review the template, just like
6 I would.
7 Q Can you see if things get rejected or changed in
8 the process?
9 A It's done via e-mail, and when it's done in the
10 Workflow I can actually see if there are any changes, yes.
11 Q And you see comments, correct?
12 A Yes, I do.
13 Q So, it does happen, there's comments, there's a
14 process, it's not a rubber stamp?
15 A It's -- yeah.
16 MR. PARKER: I'm sorry. I don't know what "it
17 happens," so vague and ambiguous.
18 JUDGE CLARK: Overruled. But ask another question
19 at this point, Mr. Eliasoph.
20 THE WITNESS: I can explain that I don't
21 understand.
22 BY MR. ELIASOPH:
23 Q People make -- the managers do make comments as the
24 approval proceeds up the hierarchy?
25 A Yes, they do.

1 Q You know, in that vein, I heard you use the term:
2 sanity check"?
3 A Yeah.
4 Q Okay. I've heard that a lot in this litigation,
5 but I have not ever seen it in an Oracle document. Do you
6 have some type of guidance that says this is a sanity check?
7 MR. PARKER: Argumentative.
8 JUDGE CLARK: Overruled.
9 You can answer the question.
10 THE WITNESS: Yeah. So, you know, there's a budget
11 that's handed out. The budget depends on many different
12 factors. So, we assign out, but just to the line managers,
13 based on many different factors, like product attrition
14 that's going to happen, obviously how many people we have to
15 replace, how many people are on the leave of absence and we
16 need somebody else to kind of come in. And typically, by the
17 time the approval comes, some of these things may have
18 changed, so we have to first check to see if we are over the
19 budget, under the budget, right, things like that.
20 I will review the resume to make sure that, you
21 know, the candidate is suitable in terms of the profile, what
22 experience they had, things like that. These are all the
23 things that we would -- because we want to make sure that we
24 have the right person in the job.
25 MR. ELIASOPH: Thank you.

1 BY MR. ELIASOPH:
2 Q But with due respect, that was not my question. My
3 question is have you received a document from Oracle stating
4 that your role in this process is to perform a "sanity
5 check"?
6 A No. But as a part of the approval process there is
7 a responsibility for every approval.
8 Q Okay. So, once you submit an approval -- again,
9 I'm going to go back to the new hire scenario -- the
10 compensation needs to be approved above you?
11 A No, the whole Workflow has to be approved above me.
12 Q The Workflow?
13 A Yes.
14 Q And how many layers of approval are there above
15 you?
16 A Eight would basically be my management chain, and
17 then Carolyn Balkenhol.
18 Q And HR is involved in the approval process?
19 A HR is in the approval Workflow, but they come in
20 early.
21 Q And they review the approvals?
22 A Yeah.
23 Q And the compensation for the new hire is not set
24 until there is final approval through the Workflow process,
25 correct?

1 A No, no, the compensation is actually agreed with
2 the candidate really up front. The Workflow will include the
3 compensation information.
4 Q Okay. The candidate can't begin and start
5 receiving that compensation until there's approval?
6 A The candidate will receive an offer letter after
7 the final approvals. They'll have to sign it and state a
8 starting date, and that's when they start the work and that's
9 when they'll get compensated.
10 Q Okay. Thank you. With respect to the focal review
11 process, does it work the same way?
12 A The focal review process, I just described it a few
13 minutes back. I don't know what you mean by it's the same?
14 Q That's fine, I'll go through each of the questions.
15 A If you don't mind.
16 Q So, in a focal review process, before any
17 compensation is changed, the managers for the employee, whose
18 compensation is being set below you, need to approve the
19 compensation change, correct?
20 A That's right.
21 Q And HR is involved in the approval process?
22 A HR, yeah, HR is involved, but I don't know exactly
23 in which step.
24 Q And after you approve, there are several layers of
25 approval above you?

1 A Yes.
2 Q And the compensation of the individual in question
3 does not change until there is final approval through the
4 whole chain?
5 A Yes.
6 Q And for bonuses, it's true that the bonus decision
7 cannot be finalized -- I'm sorry, let me start that over.
8 It's true that before a bonus decision can be finalized, the
9 managers for the employee, whose bonus is being set below
10 you, needs to approve the bonus?
11 A I'm sorry, I don't follow.
12 Q No problem, I did not ask it very well. Let me try
13 this again. It's true that before a bonus decision can be
14 finalized, with respect to the managers below you in the
15 hierarchy, that are above that employee, need to approve the
16 bonus decision, correct?
17 A Yeah, they're the ones who are recommending the
18 bonus.
19 Q Okay. And HR is involved and reviews that bonus?
20 A Yeah, I think so.
21 Q And after you approve the bonus, it goes up several
22 more layers of approval?
23 A Yes.
24 Q And the bonus is not awarded until the approval is
25 secured at all levels, correct?

1 A That's right.
2 Q And with respect to equity, it's true that before
3 an equity award can be finalized, the manager for that
4 employee who is subject to the equity award, they need to
5 approve that equity award?
6 A Yes.
7 Q Okay. And that goes up the chain to you?
8 A Yes.
9 Q And then there's several layers of approval above
10 you?
11 A Yes.
12 Q And the equity will not be distributed until after
13 all layers of approval have signed off?
14 A That's right.
15 Q And you do have conversations with people who are
16 below you in the hierarchy about these compensation
17 decisions?
18 A You have to be more specific about that question.
19 Q Have you -- do you ever have communications with
20 people, with the managers who are reporting to you, about
21 their proposals, proposed compensation decisions?
22 A Typically, all the information I need is actually
23 entered as part of the Workflow. If I need any additional
24 clarifications, yeah, I will talk to them.
25 Q Okay. So, you do do that. And you also submit

1 comments in the Workflow, as well?
2 A Yeah, I do.
3 Q And you receive a budget that's decided above you?
4 A Yes.
5 Q And you receive a cap on your budget that's decided
6 above you?
7 A Yeah.
8 Q And you receive a cap on the headcount that's
9 decided above you?
10 A In the context of the compensation or in terms of
11 just the pure headcount?
12 Q Pure headcount?
13 A I do.
14 Q Okay. You, in turn, cap the budget for the
15 managers below you, correct?
16 A That's right.
17 Q And you can cap the headcount for the managers
18 below you, correct?
19 A Yeah, I can.
20 Q And it's true that focal reviews do not happen
21 every year, correct?
22 A Yeah, it depends on many factors.
23 Q And in the last six or seven years there have been
24 several years without a focal review, correct?
25 A That's not true. We've had a focal review at least

1 every two years.
2 Q Every two years?
3 A At least.
4 Q And is it true that when stock awards are given,
5 they typically are given to 20 percent or less of employees.
6 A There is no percentage. It really depends on the
7 budget, the performers.
8 Q You said line managers perform the Affirmative
9 Action requirements of pay equity?
10 MR. PARKER: Misstates the testimony.
11 JUDGE CLARK: Overruled.
12 You can answer the question.
13 THE WITNESS: Can you repeat the question?
14 MR. ELIASOPH: Yeah.
15 BY MR. ELIASOPH:
16 Q I believe you testified earlier that line managers
17 are responsible for performing Affirmative Action
18 responsibilities?
19 A I don't recall saying that at all.
20 Q Is that not true?
21 A I know we have an Affirmative Action Plan and we
22 have a team that looks into it.
23 Q Okay. So, your testimony is the line managers are
24 not responsible for that?
25 MR. PARKER: Misstates the testimony.

1 JUDGE CLARK: So, overruled.
2 You can answer the question.
3 THE WITNESS: I just don't follow the question,
4 Your Honor.
5 JUDGE CLARK: Okay.
6 Rephrase your question.
7 BY MR. ELIASOPH:
8 Q Do you know what the Affirmative Action
9 responsibilities are?
10 A Yes. There are Affirmative Action Goals at Oracle
11 and there are teams that enforce that and look into that.
12 Q Okay. And to your knowledge does the line manager
13 have any responsibility for implementing that?
14 A So, the line managers are responsible for hiring
15 appropriately, following the corporate, you know, Code of
16 Conduct, you know, the anti-discrimination trainings that
17 they go through, and that is something that they follow
18 across the board for hiring as well as any compensation
19 decisions.
20 Q Okay. But anything specific they're supposed to
21 do?
22 A It's basically, you know, when it comes to
23 compensation decisions they try to -- they are responsible
24 for making sure that everybody gets equitable pay, based on
25 purely performance, experience and skills.

1 Q And during a focal review, or then bonus or stock
2 allocated, you get guidelines from HR?
3 A Yes, we do.
4 Q And the guidelines set a percentage of employees to
5 be targeted for the increase or the award?
6 MR. PARKER: Asked and answered.
7 JUDGE CLARK: Overruled.
8 THE WITNESS: There are guidelines that are sent
9 out and it is just a guidelines, we get to do what we think
10 is appropriate for our business.
11 BY MR. ELIASOPH:
12 Q I'm asking what the guidelines say?
13 A The guidelines can say that, okay, based on this we
14 recommend that we try to do this.
15 Q Try to do what?
16 A You know, the percentage of people that may get can
17 be around this number.
18 Q So, it involves a percentage of people?
19 A Yeah, that are eligible.
20 Q And is that all that's provided in the guidelines?
21 A Yeah, it's just a guideline, you know, we are not
22 obligated to follow that. It's just a way of kind like
23 enforcing, you know, telling people that these are
24 possibilities.
25 MR. ELIASOPH: Okay. I have no further questions.

1 JUDGE CLARK: Thank you, Mr. Eliasoph.
2 Mr. Parker, anything further?
3 MR. PARKER: No questions.
4 JUDGE CLARK: No questions.
5 Mr. Bashyam, thank you so much for your time.
6 You're free to go. You're excused as a witness. Thank you
7 for your time today.
8 (Witness excused.)
9 MR. PARKER: Your Honor, may I call for a break?
10 JUDGE CLARK: Yes.
11 MR. PARKER: Thank you.
12 JUDGE CLARK: We'll take a 10-minute recess.
13 We'll be off the record.
14 (Off the record at 2:30 o'clock p.m.)
15 JUDGE CLARK: We'll go back on the record.
16 MS. CONNELL: Your Honor, Your Honor, may I raise
17 one other thing? I didn't get a chance to tell OFCCP, but I
18 want to tell both of you, we need to make just a change in
19 the order of the last two witnesses.
20 JUDGE CLARK: Today, the last two today?
21 MS. CONNELL: Correct. Ms. Chan and Mr. Adjei.
22 JUDGE CLARK: Okay.
23 MS. CONNELL: So, Mr. Adjei will go before Ms.
24 Chan.
25 JUDGE CLARK: Okay.

1 MS. CONNELL: Sorry about that. We just -- anyway
2 -- need to make that change.
3 JUDGE CLARK: Good afternoon. So, all parties are
4 present. We have a new witness.
5 If you'd raise your right hand?
6 MR. PARKER: I'm sorry, Your Honor, for the record,
7 Oracle calls Juan Loaiza.
8 JUDGE CLARK: Thank you.
9 Mr. Loaiza, raise your right hand.
10 Whereupon,
11 JUAN LOAIZA
12 having been first duly sworn by the Administrative Law Judge,
13 was examined and testified as follows:
14 JUDGE CLARK: Have a seat, please. And then if you
15 would state your name and spell it for the record, please?
16 THE WITNESS: Okay. So, my name is Juan, J-u-a-n,
17 last name is Loaiza, spelled L-o-a-i-z-a.
18 JUDGE CLARK: And you pronounce it?
19 THE WITNESS: Loaiza.
20 JUDGE CLARK: Loaiza. So, Mr. Loaiza, we're
21 recording everything that's said here, so let the lawyers ask
22 the complete question and they'll let you give a complete
23 answer, because we can't record two people at once, all
24 right?
25 THE WITNESS: Right.

1 JUDGE CLARK: Okay. And because we're recording,
2 you have to speak out loud, yes or no, not uh-uh, uh-huh,
3 nothing like that, because we can't really take that down,
4 all right?
5 THE WITNESS: Right.
6 JUDGE CLARK: If someone makes an objection, you
7 just stop talking and we'll let you know whether you can
8 answer the question. Sound good?
9 THE WITNESS: Yes.
10 JUDGE CLARK: And if you need something clarified
11 or you don't understand something, let us know and we'll have
12 them rephrase it for you.
13 THE WITNESS: Okay.
14 JUDGE CLARK: All right.
15 Mr. Parker?
16 DIRECT EXAMINATION
17 BY MR. PARKER:
18 Q Good afternoon, sir, how are you?
19 A I'm doing well.
20 Q Great. Where do you work?
21 A I work -- where -- the location? Oracle
22 Corporation in the headquarters in Redwood Shores.
23 Q You answered all the questions, you've shortened it
24 up for me. How long have you worked at Oracle?
25 A I've worked at Oracle since 1988.

1 Q And how do you identify in terms of gender and
2 race?
3 A I'm male, Hispanic, white.
4 Q And what is your current title?
5 A My current title is executive vice president of
6 Mission Critical Database.
7 Q How long have you had that title?
8 A I've had that title about a year.
9 Q And prior to that, what was your title?
10 A My title was senior vice president of Database
11 Systems.
12 Q And what is the difference between your job as an
13 EVP, executive vice president, and your job as an SVP, senior
14 vice president?
15 A The main difference is I have some extra teams that
16 work for me now than I did before.
17 Q And to whom do you report?
18 A I report to Larry Ellison.
19 Q And what job function are you in?
20 A The job function, I'm in the Engineering, the
21 development team, Development Org.
22 Q Are you familiar with the term: "Product
23 Development"?
24 A Product Development, yes, Product Development.
25 Q And what does Product Development mean to you?

1 A What it means is we develop the products that we
2 sell to our customers.
3 Q And is that a job function?
4 A Yes.
5 Q Have you heard of the term: "Lines of Business"?
6 A Yes.
7 Q And what are lines of business?
8 A Lines of business are basically groups that work on
9 specific products that we sell to customers.
10 Q What are some of the lines of business you have
11 reporting to you now?
12 A So, there's lines of business and sub-lines of
13 business. So, I have Mission Critical Database Technology.
14 And in that we sell several products that we sell to
15 customers.
16 Q Fair enough. Is Mission Critical Database, is that
17 a line of business?
18 A Yes.
19 Q What are the sub-lines of business below that?
20 A There's several. There's, for example, a product
21 that we sell called Exadata, Zero Data, Last Recovery
22 Appliance, Memory Database, Advanced Compression, Golden Gate
23 -- there's several other sub-products under the Database and
24 adjacent products, also.
25 Q Have you ever heard of a term: "Cost Center"?

1 A Cost Center, yes, I have.
2 Q And what is a Cost Center?
3 A A Cost Center is a group -- it's something that we
4 put individuals in that tracks costs and tracks kind of what
5 area the specific people work in.
6 Q Is there a relationship between Cost Center and
7 line of business?
8 A Yes. In our world our line of business has
9 multiple Cost Centers and it breaks up the costs within our
10 organization, within my organization.
11 Q And is there another database organization?
12 A Yes. The database team is broken up in two parts.
13 I run the Mission Critical Database, and there's another one
14 called just General Database Systems.
15 Q Very good. And let me ask this question, when you
16 were the SVP of Database, did you have lines of business?
17 A Yes.
18 Q And what were they?
19 A Pretty much the same as I have now. So, pretty
20 much the same ones that I've outlined.
21 Q And were there Cost Centers associated with those
22 lines of business?
23 A Yes. Everyone of those has a different Cost
24 Center.
25 Q And who is in charge of the General Database -- who

1 is Andy Mendelsohn, do you know who that is?
2 A Yes.
3 Q And does he have a position at Oracle?
4 A Yes. He's an executive vice president of our
5 Database Systems, General Database Systems team.
6 Q And is there -- do the people -- are job codes
7 shared between people work in General Database Systems and
8 Mission Critical Database?
9 A Yes, the job codes are similar or the same.
10 Q And do people who work on General Database, do they
11 need different skills than those who work in Mission Critical
12 Database?
13 A Yes. The skills are quite different among all the
14 different lines of business.
15 Q Okay.
16 A And even within the lines of business, there's
17 quite a difference.
18 Q So, first, let's just talk about between the top
19 level lines of business, General Database Systems, and
20 Mission Critical Database, all right, are with me?
21 A Okay.
22 Q What would you -- if someone said do you need --
23 are the skills the same between the two, how would you
24 describe that -- what would you respond?
25 A Yes. So, the primary difference -- the way I

1 usually describe to our customers and other people is Mission
2 Critical Database, if you think of a car as a product, my
3 team built kind of the stuff that's under the hood, so the
4 engine, the brakes, the transmission, that kind of stuff.
5 General Database is more kind of what the user sees, so the
6 stuff, you know, the air conditioning system, the seats, the
7 steering wheel, that kind of stuff. So, we kind of break
8 things up between what's under the hood and what's not under
9 the hood. And so I run the part that's under the hood and
10 the skills in that area are quite different, as you can
11 imagine, from the skills of the engineers working in the
12 other area.
13 Q No, I can't imagine, because I believe know.
14 A Okay.
15 Q So, why don't you tell us -- move away a little bit
16 from the car analogy, if you don't mind.
17 A Okay.
18 Q And go technical, if you need to?
19 A Okay. Yeah, so there's a lot of different skills.
20 So, the skills on the General Database is really skills for
21 how a user accesses the database. So, the language that they
22 use, the procedures that they use to access and use the
23 database. What I do is what I described, the things that are
24 under the hood, so it's how the database runs, how it stores
25 data, how it processes data, how it interacts with the

1 computer. We also build computer systems that the database
2 runs on, so it's a much -- what we call "lower level," much
3 more inside the guts of the product. Whereas, the other one
4 is really kind of the user visible aspects of the product.
5 Q Okay.
6 A And it has very different skill sets for all this.
7 Q And do you know if the programming language for
8 coding is different or the same between General Database
9 Systems and Mission Critical Database?
10 A The General Database Systems uses several
11 programming languages we never use in our Mission Critical
12 Database. So, for example, they write things in something
13 called Sequel, PO Sequel, Java, Python, so they use a lot of
14 programming languages that we never use. There is one common
15 language that both of us use, which is called "C" programming
16 language.
17 Q All right. Now, let's just talk about within
18 Mission Critical Database, are people sharing the same job
19 code, doing the same -- possessing the -- doing the same
20 thing or possessing the same skills?
21 A So, within Mission Critical Database, there's a lot
22 of sub-specialties. And the people do have the same job
23 code, but they're specialists. And the analogy I sometimes
24 try is you can have a doctor, but there's a new knee doctor,
25 a hip doctor, a heart doctor, a brain doctor, skin doctor,

1 and allergy doctor, and it's the same kind of things, you
2 know, in the car analogy, there's someone that works on the
3 transmission, there's someone that works on the cooling
4 system, there's someone that works on the brakes, there's
5 someone that works on the pistons, those are very different
6 jobs. And similarly we have people in my database team that
7 work, for example, on how the data is stored, another team
8 that works on how the data is processed, and another team
9 that works on high visibility, how you recover the database,
10 another one that works on how you back up and restore the
11 database. Another team that works on how you move data
12 between databases. So, those are very different job roles
13 and they're very different specialties within the database.
14 Q Can you pick any one of those and give us a very
15 precise way of understanding why they're different?
16 A Why are they different?
17 Q Yes, sir.
18 A Yeah, so we can pick practically any one of these
19 things. So, for example, if I'm the person working on the
20 engine, I would know little about the brakes. I might know a
21 little bit about it, but not much. And similarly, if I'm the
22 engineer that works on how we put the data onto storage,
23 that's very different from the engineer that works on how we
24 process the data, you know, once it's come off of storage.
25 So, there's kind of a flow of how data works and the database

1 team is very specialized in exactly what function they
2 perform.
3 Q And is there a particular type of -- if you could
4 give an example -- of skill that is ore competitive in the
5 marketplace than another skill within database?
6 A Yeah. So, many of the skills are very specialized.
7 And so for instance -- and the market changes over time.
8 Like right now, people that have artificial intelligence
9 skills are in high demand throughout the industry. So,
10 that's a skill that's a very high demand that we use inside
11 our database. Another skill that's in very high demand is
12 Cloud Computing. So, Cloud Computing is very popular,
13 there's a lot of growth in the area. So, engineers with
14 Cloud Computing skills are in very high demand.
15 Q I want to talk to you about hiring. Who, in your
16 organization, is responsible for hiring?
17 A So, in my organization, we're subdivided into all
18 these managers, you know, divided, and then each manager
19 hires the people into their team. So, the manager that would
20 be hiring the person is responsible for doing the hiring.
21 Q And do you have any role in that hiring process?
22 A My role is to approve the budget that is granted
23 for the managers, and then to approve whatever hire they
24 decided to bring in.
25 Q And what do you receive in order to go through this

1 approval, your own personal approval process?
2 A So, when a manager decides that they want to hire
3 someone, they fill out the Workflow that says here's the
4 person, here's their compensation, here's their experience,
5 here's their resume, here's the interviewer comments, and
6 that comes to me so I can approve it.
7 Q And with regard to compensation, who makes
8 compensation -- when hiring someone, who makes the
9 compensation decision?
10 A The hiring managers that interview the people make
11 the decision on compensation.
12 Q And do you have a role in that process?
13 A My role is to approve in that process.
14 Q All right. And what does your approval process
15 consist of?
16 A I get a Workflow in my computer that says this
17 person wants to hire this person, and I look at the various
18 aspects of that hire, like the resume, interview comments,
19 background, skills, compensation, and I either approve or I
20 don't approve.
21 Q Okay. And how often have you not approved?
22 A It's very rare that I don't approve a hire. In
23 fact, I don't remember the last time I didn't approve a hire
24 or that I rejected a hire.
25 Q And who is responsible for doing any pay equity

1 assessment?
2 A Pay equity assessments is something that we do
3 whenever we change anyone's compensation, really just
4 anyone's compensation.
5 Q Okay. And would that happen, as well, at the time
6 of hire?
7 A At the time of hiring, yes. So, when we hire
8 someone, we assess what their compensation should be,
9 primarily based on what the market is paying, you know, for
10 their skill set, their experience, their ability, their
11 education, background, what they've done in the past, you
12 know, how they interviewed with us.
13 Q And do you know if any internal pay equity
14 assessment is done?
15 A Yeah, we'll also look at how they're pay compares
16 to other people, but the primary fact that we look at is what
17 it takes to hire this person, which is really what the market
18 would pay to hire that person.
19 Q Now, you're familiar with job requisitions and job
20 postings, correct?
21 A Yes.
22 Q And have you -- you've seen them before, I assume?
23 A Yes.
24 Q Are you able to determine, from a job posting, the
25 kind of skills necessary that Oracle is looking for?

1 A Yes. Our job postings are very specific to a
2 position. They outline a very specific set of skills that's
3 required, very specific set of experience that's required for
4 each position. And that's very specialized within my team.
5 Q And does position translate to type of product?
6 A Yeah. It's a product, a sub-specialty in that
7 product, that kind of thing.
8 Q And do your job postings also, or requisitions,
9 also identify, every identify the type of experience that is
10 required?
11 A Yes. So, each one comes with a range of experience
12 that's required, a range of education that's required, that
13 kind of thing also.
14 Q With regard to focal reviews, are you familiar with
15 that?
16 A Yes.
17 Q And what is it?
18 A Focal reviews is a process that we go through to
19 give salary increases.
20 Q What is the process -- oh, I'm sorry -- are you
21 involved in that process in any way?
22 A Yes, I am involved in that process.
23 Q What is your involvement?
24 A So, my involvement in the focal review process is I
25 receive a budget for doing focal, I take that budget and I

1 distribute it among my managers, as well as I directly assign
2 the focal increases for my direct reports, the people that
3 directly report to me. And then a large bulk of the budget I
4 hand down to each individual manager to distribute to their
5 teams.
6 Q And who makes the focal review decisions?
7 A I'm sorry, the focal what?
8 Q Review decisions?
9 A Review decisions.
10 Q And -- to hand out the --
11 A Yeah. So, I hand down the budget, depending on the
12 size of the team reporting, they might hand down the budget
13 to another level of manager. And then the manager that has
14 direct knowledge of each employee is the one that makes the
15 decision. That could be the direct manager, it might be one
16 level up, depending on the size of the team.
17 Q And do you have any role after you hand out the
18 budget?
19 A Yes. So, once the managers make their equity
20 allocation, I review the whole equity allocation and I look
21 for anything unusual. I also, like I said, I directly assign
22 the raises for specific people that report to me. Another
23 thing I do is I look across the team, so in some cases I know
24 the employees directly, I've worked with them directly, that
25 tends to be a small percent these days, because I have a

1 large group, so when I know specific employees and I've
2 worked with them, I judge across and I say, okay, this looks
3 reasonable for that person. So, I try to make sure that it
4 also fits what I believe the performance of that employee is.
5 So, if I think someone is high performing, I'd like to see
6 them get -- have good compensation.
7 Q So, you used the word "equity," in some of your
8 answers to my question, when I was asking about focal
9 reviews?
10 A Yes.
11 Q Just want to give you a head's up, equity has been
12 used to mean stock in this --
13 A Right, yeah, it's confusing.
14 Q So, when you were answering just now about equity,
15 were you answering about focal reviews?
16 A Yes, focal reviews. So, I look at the people that
17 I know, that I've worked with personally, and say -- this
18 seems like a fair compensation and it looks like it's
19 balanced across the team, so that the teams are treated
20 similarly.
21 Q And in the focal review process, do you just do
22 this by -- you mentioned about looking for people and
23 sometimes you know them, do you just change decisions just by
24 fiat, don't talk to anyone, just your decision?
25 A Generally -- first of all, I make very few changes,

1 but if I see something that I have a question about, I will
2 go back to the manager of that person and say -- hey, my
3 experience with this person is that they were a better
4 performer or not as good a performer as you might be judging
5 and, therefore, you know, what's your, you know, how do you
6 feel about that, do you agree or disagree with me? And then
7 why are you making that recommendation?
8 Q Okay. And --
9 A And generally, the manager, after our discussion,
10 may or may not decide to change it, and then generally
11 they'll change the compensation.
12 Q And with regard to bonus, is the process the same,
13 you receive a budget -- tell me that process?
14 A Yeah. The bonus process is essentially the same.
15 The only major difference between bonus and salary is bonus
16 is paid based on what the employee did in the last
17 short-term, so six months, a year, so they got this project
18 done, they did this. So, bonus is more based on short-term
19 performance. Salary is more based on what we believe their
20 pay should be, based on their overall performance, not just
21 what happened in the last year.
22 Q And when you use the term "salary," you mean focal
23 review?
24 A Yes, salary, focal, yes.
25 Q Do you receive guidelines when it comes to focal

1 reviews?
2 A Yes, we receive some guidelines.
3 Q Okay. What type of guidelines do you receive?
4 A Yeah. So, the main guideline of course is the
5 budget. We have a certain amount of money that is allocated
6 to give out for the focal for raises. We also get a
7 guideline on what percentage of employees we should give
8 raises to.
9 Q Is that percentage somehow a rule or is it -- do
10 you find it binding on your decisions?
11 MS. BREMER: Objection, leading.
12 JUDGE CLARK: Overruled.
13 THE WITNESS: The guidelines are guidelines. So,
14 we can go under or over that guideline. In fact, we
15 generally go over the guideline, in most cases.
16 BY MR. PARKER:
17 Q And with regard to the bonus process, I just want
18 to make sure I ask, do you have an approval function or
19 approval role?
20 A I'm sorry, approval?
21 Q Do you have to approve?
22 A Yes. I have to approve bonuses just like I approve
23 focals, yes.
24 Q And what is that process?
25 A Same process. So, I get -- my managers have

1 allocated the bonus, I look at the whole pool. I say does
2 anything look unusual? This person is very highly rated, but
3 they received a very low bonus or vice versa. I also look at
4 individual people that I've worked with and said, hey, this
5 person did this huge project and I was involved in it, I know
6 this person, so does it look like they're being paid the
7 appropriate bonus for them.
8 Q Is the equity process the same -- equity meaning
9 stock?
10 A Again, it's very similar. Again, the difference is
11 the goal of each of these things. Bonus is short term,
12 salary is kind of overall and equity is retention -- want and
13 retention.
14 Q And you receive a budget?
15 A Yes, I receive a budget, yes.
16 Q And is the process the same where you pass the
17 budget down?
18 A Exactly the same.
19 Q Okay. And then do you have an approval role?
20 A Exactly the same.
21 Q And the way you've described your approval role, is
22 it the same with regard to equity?
23 A That's correct, yes.
24 Q And have you heard of the term: "Dive and Save"?
25 A Yes.

1 Q And what is that?
2 A "Dive and Save" is an out of, you know, there's a
3 normal, roughly yearly, process that we go to to give people
4 -- change people's compensation. I would say that it's
5 something that happens outside of the normal process.
6 Q And tell me that process, how it works?
7 A "Dive and Save" is generally something that's
8 recommended by a manager to fix some issue in the current
9 compensation, either salary or equity.
10 Q And do you have to approve?
11 A Yes, I have to approve this.
12 Q And what is your process of approval?
13 A So, in the "Dive and Save", there has to be a
14 reason given for the "Dive and Save" and there has to be an
15 amount that they're trying to get approved, and they have to
16 provide, you know, reasons why that amount is justified. And
17 generally, that reason is some competitive -- the usual
18 reason for a "Dive and Save" is one of our employees got a
19 competitive offer from another company and do we want to try
20 to match it to retain the employee.
21 Q How often do you withhold approval or reject?
22 A For "Dive and Save"?
23 Q Yes, sir.
24 A It's rare, it's quite rate. Generally, only when
25 we have an employee that is not a high performer, but it

1 would take a lot of money to retain them, that I would reject
2 that.
3 Q Have you taken Affirmative Action training?
4 A Yes, I have.
5 Q Have you taken non-discrimination training?
6 A Yes, I have.
7 Q And does Oracle have a non-discrimination policy?
8 A Yes, it does.
9 Q Does that policy apply to compensation
10 discrimination?
11 A Absolutely, compensation, promotion, hiring, all of
12 the different aspects of management.
13 MR. PARKER: No further questions.
14 JUDGE CLARK: Thank you.
15 Ms. Bremer?
16 CROSS-EXAMINATION
17 BY MS. BREMER:
18 Q Good afternoon Mr. Loaiza.
19 A Good afternoon.
20 Q So, when you were senior vice president of Database
21 Systems, who did you report to?
22 A I reported to Andrew Mendelsohn.
23 Q And Andrew Mendelsohn reported to who?
24 A At that time it was Thomas Kurian.
25 Q And how many reports did you have as senior vice

1 president of Database Systems?
2 A I was senior vice president for quite a number of
3 years, so somewhere between probably 300 and 600, 700, 800,
4 depending on the year.
5 Q How many direct reports did you have?
6 A When I was senior vice president?
7 Q Yes.
8 A Roughly 13, 14, 15, somewhere in that range.
9 Again, it varied over the time that I was senior vice
10 president.
11 Q And what about now, how many direct reports do you
12 have?
13 A Right now, I believe I have 15, maybe 16, direct
14 reports.
15 Q How many of your direct reports are women?
16 A I have two direct reports that are women.
17 Q Out of 15 or 16?
18 A That's correct.
19 Q And the 700 to 800 of employees who were working
20 under you in your organization, when you were senior vice
21 president of Database Systems, you didn't know all of them,
22 correct?
23 A That's correct.
24 Q And did you know -- if you were doing an approval,
25 would you know what race they were?

1 A No. There's nothing in our approval process that
2 talks about race.
3 Q And your first priority in allocating your budget
4 is to give salary increases to the employees you consider to
5 be star performers, correct?
6 A That's correct.
7 Q And you do not look at COMPA Ratios -- well, first
8 of all, do you know what a COMPA Ratio is?
9 A Yes, I do.
10 Q What is it?
11 A I should say I roughly do. A COMPA Ratio, there is
12 a survey of similar companies that tries to determine kind of
13 a market range of salaries for people in the industry.
14 Q Okay. Go on.
15 A And then a COMPA Ratio is basically for an
16 individual employee where their salary fits in that survey.
17 Q And so I understand from your answer that you don't
18 look at COMPA Ratios when deciding whether to raise your
19 report's salaries?
20 A Yes, that's correct.
21 Q And when you're making approvals during the focal
22 review, you don't look at COMPA Ratios to see whether the
23 employees are below the minimum salary range?
24 A Yeah, that's correct.
25 Q And you don't consider whether there are

1 disparities in your organization based on race?
2 A We don't look at race when doing any kind of
3 compensation.
4 Q And you don't look at gender either, correct?
5 A That's correct.
6 Q And race and gender, whether there are any
7 disparities in the compensation of individuals in your
8 organization based on race, that's not taking into account
9 when you allocate the budget for salary increases, correct?
10 A We don't look at race or gender when we're looking
11 at salary increases.
12 Q And the budget does not allow you -- you receive
13 the budget from up above you, correct?
14 A That's correct.
15 Q And the budget that you receive for focal reviews
16 is insufficient for you to move everyone in your organization
17 to the value or to give them the increase that you want,
18 correct?
19 A Yeah, I would always like to give my employees
20 higher than that, yes.
21 Q And you receive -- you talked about various budgets
22 that you receive to allocate to your reports?
23 A Right.
24 Q A budget for headcount?
25 A Right.

1 Q The focal review, correct?
2 A Correct.
3 Q The bonus budget?
4 A Correct.
5 Q And the budget for stocks, correct?
6 A Yes.
7 Q Do you have any other budgets, other than the ones
8 that we've mentioned already?
9 A Yeah. We have a budget, for example, to buy
10 hardware, that's a separate budget.
11 Q Do you have any budget for "Dive and Save"?
12 A No, there's no specified budget that I have for
13 "Dive and Save."
14 Q Or any other type of off cycle review?
15 A I had no budget for --
16 MR. PARKER: Objection, vague and ambiguous.
17 JUDGE CLARK: Overruled.
18 You can answer the question.
19 THE WITNESS: I'm sorry, can you repeat the
20 question?
21 BY MS. BREMER:
22 Q You didn't have a separate budget for off cycle
23 reviews?
24 A Yes, that's correct, I never had a budget for off
25 cycle reviews.

1 Q And if there was a request for a "Dive and Save"
2 within your organization, and if you approved it, how would
3 you go about funding it?
4 A I did not fund that, the corporation funded that.
5 Q How did you go about getting approval for the
6 funding for a "Dive and Save" of someone below you?
7 A Yeah, so "Dive and Save" is proposed by the manager
8 of the person and it goes through the standard approval
9 process. At that time it was either through e-mail or
10 through our Workflow system. It ultimately ends up in the
11 Workflow system, it has to be approved.
12 Q And then ultimately it's approved up each level of
13 managers, up until the CEO office?
14 A You're talking when I was senior vice president, I
15 think so. But you know, from my point of view, it got
16 approved by my manager and then what happened after that was
17 not really something I had a lot of visibility into.
18 Q And you would have to approve it, as well?
19 A Yes, I had to approve it.
20 Q When you were senior vice president of Database
21 Systems, approximately 40 to 50 percent of the employees in
22 your organization were below the market rate in compensation,
23 correct?
24 A Yes. So, market rate is an average and so we would
25 expect around half to be above, half to be below. So, yes,

1 roughly half were above and roughly half were below.
2 Q And the budget that you received was insufficient
3 to raise -- and the budget was a limiting factor for people
4 who you believe were underpaid?
5 MR. PARKER: Vague and ambiguous.
6 JUDGE CLARK: Sustained. Re-ask your question, Ms.
7 Bremer.
8 BY MS. BREMER:
9 Q Did you believe that the budget limited your
10 ability to pay people in your organization who you believed
11 were underpaid?
12 MR. PARKER: Vague and ambiguous.
13 JUDGE CLARK: Do you understand the question?
14 THE WITNESS: Yeah, roughly.
15 JUDGE CLARK: Okay. Overruled.
16 THE WITNESS: The budget is a limiting factor to
17 what we can pay people, yes.
18 BY MS. BREMER:
19 Q Employees are ranked as part of the focal review
20 process, correct?
21 A Yes, that's correct.
22 Q And there's no written justification that are part
23 of the ranking process that's part of the focal review,
24 correct?
25 A Correct, in my organization, right.

1 Q And your organization did not do formal performance
2 evaluations, correct?
3 A That's correct.
4 Q And in Product Development a person's salary is
5 almost always unchanged when he or she transfers, correct?
6 A That's correct.
7 Q And you approved hires through the college
8 recruiting program?
9 A Yes, that's correct. Hires for my organization.
10 Q And was it your -- when college recruits -- there's
11 a special organization within the Human Resources Department
12 or job function that conducted college recruiting, correct?
13 A Yeah, they were -- we were involved in the college
14 recruiting also, yeah. There's a special organization that
15 organizes the college recruiting.
16 Q And is it your understanding that that organization
17 -- the head of that organization was Larry Lynn, correct?
18 A The head was Larry Lynn during that time, yes, I
19 believe so.
20 Q And the college recruiting organization would
21 recruit a pool of candidates for Product Development,
22 correct?
23 A Yes, that's correct.
24 Q And then those candidates could be hired into a
25 variety of roles within the Product Development job function,

1 correct?
2 A Yeah. So, Product Development would interview each
3 candidate to determine whether they were suitable for a role
4 in their group, in the organization.
5 Q Right. So, first they would be pre-screened by the
6 college recruiting group, correct?
7 A Yes.
8 Q And then they had a pool of candidates that you
9 could look at and interview for jobs within Product
10 Development, correct?
11 A Yes, that's correct.
12 Q And the pool of candidates that was developed by
13 the college recruiting group, those were for jobs across
14 Oracle locations in the United States, correct?
15 A Across the pool? I'm sorry, the question is the
16 pool was for the whole United States, is that your question?
17 Q Yes.
18 A So, each job candidate, I believe, could specify
19 what region they wanted to live in, to work in. So, at some
20 level it's throughout the United States, but there are
21 specific locations and not every candidate wants to go to
22 every location.
23 Q But the pool that was developed was -- it wasn't
24 specified to a particular location, correct?
25 A I believe a candidate could say I want to work in

1 this location, in which case it would be specific to that
2 location.
3 Q Okay. And the majority of college recruits were
4 hired for Oracle's headquarters, correct?
5 A Yeah. In my organization the majority of the
6 college candidates were for headquarters.
7 Q And do you know there's a Cost Center associated
8 with college recruiting, correct, university recruiting?
9 A I don't know about a Cost Center for university
10 recruiting.
11 Q Do you know if that Cost Center is within the
12 Product Development line of business?
13 MR. PARKER: Lacks foundation.
14 JUDGE CLARK: Sustained.
15 BY MS. BREMER:
16 Q You talked about sub-lines of business and Cost
17 Centers. Some Cost Centers are not associated with a
18 specific product, correct?
19 A Some Cost Centers -- in my organization, every Cost
20 Center is associated with a product.
21 Q You talked about decisions to hire someone. A
22 manager that was below you could not make a recommendation to
23 hire anyone until they had a headcount allocated to them,
24 correct?
25 A Yeah, they'd need a budget in order to hire.

1 Q Okay. So, it's true that before a compensation
2 decision can be finalized managers for the employee, whose
3 compensation is being set below you, need to approve the
4 compensation, correct?
5 A I'm sorry, I'm having trouble. Could you speak a
6 little more into the mic?
7 Q Sure.
8 A Okay.
9 Q It's true that before a compensation decision can
10 be finalized, the managers for the employee, whose
11 compensation is being set below you, need to approve the
12 compensation, correct?
13 A If I understand that question correctly, you have a
14 manager of -- generally, the manager of the person getting
15 the compensation would propose, and then the managers -- his
16 or her manager up the chain needs to approve it.
17 Q And then you need to approve, as well, correct?
18 A That's correct.
19 Q And someone in HR also needs to approve the
20 compensation decision?
21 A HR basically checks the compensation decisions,
22 yes.
23 Q And do they have to click that they approve?
24 A I do not believe they click that they approve.
25 They're checking for anything off that's, you know,

1 incorrect, but I don't believe HR has to approve it. The
2 approval is done by the management team.
3 Q And after you approve, there's several layers of
4 approval above you?
5 A You mean now or we're talking a back --
6 Q Back in -- when you were senior vice president?
7 A Yes.
8 Q And the compensation does not change until approval
9 is secured at all of those levels, correct?
10 A Yes, that's correct.
11 Q And you receive a cap on your budget that's decided
12 from above you, correct?
13 A Yes, that's correct.
14 Q And you receive a cap on your headcount that's
15 decided above you?
16 A Yes, that's correct.
17 Q You, in turn, can cap the budget for managers below
18 you?
19 A I assign the budget to the managers below me.
20 Q You allocate it?
21 A Yes, I allocate it, that's correct.
22 Q And you can also -- you also allocate the headcount
23 to the managers below you?
24 A Yes, that's correct.
25 Q And it's true that focal reviews do not happen

1 every year, correct?
2 A Not every year. They happen almost every year, but
3 not every year.
4 Q And in the last six or seven years have there been
5 lean years where no budget for focals was allocated?
6 MR. PARKER: Vague as to the word "lean."
7 JUDGE CLARK: Overruled.
8 You can answer the question, if you can.
9 THE WITNESS: So, your question was it lean when no
10 budgets -- when no --
11 MS. BREMER: Yes.
12 JUDGE CLARK: Rephrase your question, Ms. Bremer.
13 BY MS. BREMER:
14 Q In the last six or seven years, have there been
15 years where there have been no budget for focals?
16 A Yes.
17 Q And there have also been years, in the past six or
18 seven years, where the budget was relatively small for
19 focals?
20 MR. PARKER: Vague and ambiguous.
21 JUDGE CLARK: Overruled.
22 If you can answer it.
23 THE WITNESS: Yeah, so the focal budget varies from
24 year to years, sometimes it's a little higher, sometimes it's
25 a little lower.

1 BY MS. BREMER:
2 Q And in the past six to seven years, has it been
3 generally on the lower side?
4 MR. PARKER: Vague and ambiguous.
5 JUDGE CLARK: Overruled.
6 You can answer the question.
7 THE WITNESS: I'm sorry, you said, yes, I can
8 answer?
9 JUDGE CLARK: Yes, you can, yes.
10 THE WITNESS: Okay. Repeat the question, again?
11 BY MS. BREMER:
12 Q In the last -- I'll move on. When stock awards are
13 given, it's given to 20 percent of employees or less,
14 correct?
15 A Stock, no, that's not correct.
16 Q Are there guidelines -- during the focal review you
17 receive guidelines from HR?
18 A We receive guidelines from management, not HR.
19 Q And do the guidelines cap the percent of employees
20 who can get an increase?
21 A It's guidelines for percent, they don't cap it.
22 Q They provide guidelines on the percentage of
23 employees who can get an increase?
24 A They, being management, yes.
25 MS. BREMER: Okay. That's all I have for now.

1 JUDGE CLARK: Thank you, Ms. Bremer.
2 Anything further?
3 MR. PARKER: No. Thank you, Your Honor.
4 JUDGE CLARK: Mr. Loaiza, thank you so much for
5 your time today. You are free to go. You are excused as a
6 witness.
7 (Witness excused.)
8 JUDGE CLARK: Do you need a little break or do you
9 want to just bring our next witness in?
10 MS. BREMER: Could we have a little break, please?
11 JUDGE CLARK: Yes. Do you need a 10-minute break
12 or just a five-minute break?
13 MS. BREMER: Ten minutes would be great.
14 JUDGE CLARK: We'll take a 10-minute break.
15 We're off the record.
16 (Off the record at 3:28 o'clock p.m.)
17 JUDGE CLARK: Okay. We're back on the record.
18 Are we waiting on Ms. Bremer?
19 MR. ELIASOPH: Yes, Your Honor.
20 JUDGE CLARK: All right.
21 You can come forward and have a seat, but I'm going
22 to swear you in, in just a minute. We're waiting for one
23 attorney still.
24 Mr. Eliasoph, I'm going to tell the witness, before
25 we Ms. Bremer comes in, just a little admonition.

1 MR. ELIASOPH: Yes.
2 JUDGE CLARK: So, while we're waiting for the
3 attorney to come back in, we're recording everything that's
4 said here, so you have to let the lawyer ask the complete
5 question and they'll let you give a complete answer, because
6 we can't record two people at once. Do you understand?
7 MR. ADJEI: I understand, yes.
8 JUDGE CLARK: Okay. And it's late in the day, now
9 I don't remember what I usually tell people.
10 Because we're recording, make certain you speak out
11 loud and use words like yes or no, no head nods or anything
12 like that, because we can't take that down. Do you
13 understand?
14 MR. ADJEI: Understood.
15 JUDGE CLARK: If you're giving an answer or you're
16 just about to give an answer and one of the lawyers makes an
17 objection, you can just stop talking and we will -- I'll tell
18 you whether you can answer the question. Okay?
19 MR. ADJEI: Yes.
20 JUDGE CLARK: And if you don't understand
21 something, let us know, we'll have the lawyer rephrase it for
22 you. Sound good?
23 MR. ADJEI: Yes.
24 JUDGE CLARK: Okay. Well, Ms. Bremer is here now.
25 Why don't you raise go ahead and stand up and if

1 you'll raise your right hand.
2 Whereupon,
3 KNOW ADJEI
4 having been first duly sworn by the Administrative Law Judge,
5 was examined and testified as follows:
6 JUDGE CLARK: Have a seat, please. And now if you
7 will state your name and spell it for the record, please?
8 THE WITNESS: The name is Know Adjei, first name
9 K-o-w, last name A-d-j-e-i.
10 JUDGE CLARK: And how do you say it?
11 THE WITNESS: Adjei.
12 JUDGE CLARK: Adjei.
13 THE WITNESS: Yes, sir.
14 JUDGE CLARK: Okay.
15 Ms. Bremer, are you ready to proceed? I gave him
16 some admonitions before you came in, just for timing.
17 MS. BREMER: Yes, I am. I apologize, Your Honor.
18 JUDGE CLARK: No problem at all.
19 Ms. Mantoan, you may begin.
20 MS. MANTOAN: Thank You, Your Honor.
21 DIRECT EXAMINATION
22 BY MS. MANTOAN:
23 Q Good afternoon, Mr. Adjei.
24 A Good afternoon.
25 Q Thank you very much for your time today. Where do

1 you currently work?
2 A I work at Oracle.
3 Q And what is your job title at Oracle?
4 A I'm a software developer 4.
5 Q And is there an Oracle location that you work at or
6 are associated with?
7 A The headquarters in Redwood City.
8 Q And you physically work in the headquarters
9 location on a day-to-day basis?
10 A No. I work remotely. I occasionally go to that
11 office to meet with teams. I'll work on different projects.
12 Q Is that the location to which you're aligned to
13 associated?
14 A Yes.
15 Q Mr. Adjei, have you ever heard of the OFCCP?
16 A Yes.
17 Q When did you first hear of the OFCCP?
18 A Earlier this year.
19 Q And how did you first hear of the OFCCP?
20 A I got a call from them earlier this year, asking if
21 I'd heard about the lawsuit with Oracle. And they asked if I
22 was interested in answering some questions.
23 Q And without getting into specifics, generally, what
24 information did you provide to OFCCP?
25 A So, basically, I said that I didn't feel I'd been

1 discriminated against, and so.
2 Q And did you ever hear from OFCCP after that
3 conversation?
4 A No.
5 Q And for the record, could you please identify the
6 race and the gender with which you identify?
7 A I'm an African-American male.
8 Q And Mr. Adjei, why are you here to testify today?
9 A I'm here to testify because I heard about the
10 lawsuit with Oracle and I wanted to come share my experience
11 as far as being with Oracle, because I wanted it to be part
12 of the whole picture.
13 Q When did you first join Oracle?
14 A 2012.
15 Q And what was the process by which you joined
16 Oracle?
17 A At the time I had a friend who was working for
18 Oracle and he mentioned he had been trying to recruit someone
19 for a position, an engineer for a position that he was
20 recruiting for and he was having a difficult time hiring
21 someone, so I decided to apply for it.
22 Q And when you say you decided to apply to it, did
23 you actually submit like an application?
24 A Yes. He got me a requisition number, so I had to
25 go to the Oracle website and submit my resume. And he also

1 gave me a recruiter with whom I worked.
2 Q And after you submitted your resume, did you go
3 through an interview process?
4 A Yes. The recruiter helped me with that. We set up
5 an interview, so I got to meet the rest of the team, the
6 hiring managers and go through the interviews.
7 Q And when you applied for that position, did you
8 understand it to be a position of a particular title or a
9 particular level?
10 A Yes.
11 Q And what did you understand the position that was
12 open to be?
13 A It was a software developer 3 position.
14 Q And I take it you were ultimately offered that job?
15 A Yes.
16 Q And is software developer 3 the job you had when
17 you started at Oracle?
18 A I'm sorry, say it again?
19 Q Is software developer 3 then the job you had when
20 you started at Oracle?
21 A Yes.
22 Q Now, you mentioned earlier that your friend had
23 said he was having a difficult time filling that role at
24 Oracle. Did he tell you why he was having a difficult time?
25 A He didn't really go into specifics and I didn't

1 ask.
2 Q Was there a particular -- did you understand the
3 position you applied to, to have any particular focus or
4 specialty area?
5 A He had mentioned that it was a fairly complex
6 product that they were trying to build, but he mentioned one
7 of the components being related to storage area networks, and
8 at the time I worked for a company that develops storage area
9 network switches, so I felt my expertise transferred over.
10 Q It sounds like Oracle wasn't the first job you had
11 in the technology sector, is that right?
12 A Yes.
13 Q So, let's back up, I guess to your educational
14 background. Can you tell us a little bit about your
15 educational background?
16 A So, I graduated with a Bachelor of Science in
17 Management Information Systems, and then further down the
18 line I got my Master's in information Technology. And more
19 recently, I got two graduate certificates in Cyber Security.
20 Q And which of those educational credentials did you
21 have at the time you applied to Oracle?
22 A I had the Bachelor of Science in Management
23 Information Systems.
24 Q And where had you worked, between getting that
25 Bachelor of Science degree and starting to work at Oracle?

1 A I worked at Brocade Communications.
2 Q And you mentioned storage area networks before, is
3 that an area in which you were working at Brocade?
4 A Yes.
5 Q Okay. So, what are storage area networks?
6 A So, for organizations to be compliant, they have to
7 store a certain amount of data that they do business with.
8 And usually tape libraries are the best way to store that
9 data, because they're fairly secure and they last a long
10 time. Storage area networks allow connectivity between the
11 tape libraries and computers that people use, other
12 supercomputers that organizations use, specifically.
13 Q And what had your work at Brocade entailed with
14 respect to storage area networks?
15 A I worked in the proof of concept lab, I managed the
16 lab with three people, setting up proof of concepts for
17 customers to showcase the functionality of the products. And
18 I also did troubleshooting to help the development teams with
19 bugs and other issues.
20 Q And you said that you thought that that background
21 sort of suited you for the position that you applied for at
22 Oracle, is that right?
23 A Yes.
24 Q And what is it about that background that made you
25 think you were suited for this position at Oracle?

1 A The product that was in question, which is the Zero
2 Data Loss Recovery Appliance, utilizes tape libraries and
3 that component of the tape library uses the same technology
4 for connectivity to the Zero Database Recovery Appliance.
5 JUDGE CLARK: I'm sorry -- what kind of database
6 did you say?
7 THE WITNESS: That's the name of the appliance,
8 it's called ZDLRA.
9 JUDGE CLARK: Okay. That's what I didn't get.
10 Thank you.
11 BY MS. MANTOAN:
12 Q So, the Z is Zero Data --
13 A Loss Recovery Appliance.
14 Q And is there any -- I hope there is -- is there any
15 acronym or shorthand for that?
16 A Yeah. You can just call it RA.
17 Q And can you tell us a little more about what the RA
18 product -- is it all right to call it a product or an
19 appliance?
20 A It's both.
21 Q Okay. So, can you tell us a little more about that
22 RA product?
23 A So, usually we all have computer, right, even our
24 phones and stuff, and you have a bunch of data that goes on
25 these devices. For customers such as banks or large

1 companies, it's very easy for that data to scale up. So,
2 what this product is, is a connectivity between at least five
3 different computers that you network together and have
4 working as one supercomputer. And what that does is, it
5 provides redundancy and fault tolerance while allowing for
6 extra storage for the customers.
7 Q And does the RA product have sort of subparts or
8 subcomponents to it, or is it a single product?
9 A There are several different components that go into
10 this. So, of course, there's the hardware component. There
11 is an operating system, just like your computer which has
12 Windows or Mac OS on it, and then there's a database
13 component that takes care of the records and information that
14 banks want to save or customers want to save. But then
15 three's also a grid computing component that allows the
16 different computers to work together and pretend to be one
17 big computer, otherwise, when you store the information it
18 could be fragmented or broken up into different pieces and
19 then the information will be lost.
20 There is a tape library component, like I mentioned
21 earlier, that allows for storage retention over a longer
22 period of time. And then there's also an automatic storage
23 management component, and that works specifically on the
24 storage servers, allowing them to share that information
25 seamlessly.

1 Q And do you work on one or more of those components
2 of the RA?
3 A So, I, specifically, work on integrating all those
4 different components to work together. So, I work with
5 different teams, the database team, the tape library team,
6 the grid team, the operating system team and even the
7 hardware teams. Because when you interconnect all these
8 different components, you have to make sure that they're
9 aligned properly for them to be able to communicate and work
10 the way you want.
11 Q And to your knowledge, are there other individuals
12 at Oracle working on other parts of that RA product?
13 A Yes.
14 Q Okay. And do you have any insight into how the
15 work that you do, doing that integration across components,
16 compares to the work that they are doing on specific
17 components?
18 A Yes.
19 Q Can you tell us about that?
20 A So, I'll use the database component as an example.
21 So, someone who becomes a database admin or database
22 administrator, requires maybe seven to 10 years experience
23 understanding the ins and outs of the database, the
24 architecture. And the reason why it's complicated is because
25 usually customers will start with maybe a table that has five

1 different fields, over time they might want to increase the
2 size of that table or add more fields to it. And as this
3 information is changing, when you store that information you
4 have to make sure that there is still alignment between the
5 existing tables versus the new tables, otherwise it causes
6 corruptions in the system, and that leads to information not
7 being retrievable, for the most part. That takes a
8 significant amount of time, effort and knowledge to be able
9 to do, versus what I do, which is understanding the
10 connection points or the axis points between what is
11 connecting to the grid computing and how it's working on top
12 of the grid layer, as far as the different computers, and
13 pretending to be one system. And then the other part is
14 getting all of that to be pushed to tape devices. So, that's
15 one of the way.
16 Q Thank you. So, do you believe that the work that
17 you -- and experience you have working on that integration
18 piece of the RA product -- could you sort of transfer that
19 skill and those experiences and immediately start working at
20 the same level on the database component?
21 A No.
22 Q Okay. And are there other software developer 3s,
23 who work on the RA product?
24 A I'm not sure what time-frame you're referring to,
25 but initially when I joined it was just me. And then later

1 on there were other software developer 3s.
2 Q And how did the work that you were doing compare to
3 the work that those other software developer 3s were doing,
4 again within that RA product?
5 A So, the other software developer 3 joined from a
6 different department in Oracle and he had more expertise on
7 the tape library component itself, so not necessarily the
8 connection points, but the actual appliance. And he also had
9 a lot of expertise in programming, as far as Perl scripting
10 was concerned, so he focused on those components and I
11 focused on getting the installation process complete as far
12 as defining the parameters within which we were going to
13 operate and deploying the installation.
14 Q So, was the work that you were doing the same as
15 the work that he was doing?
16 A No.
17 Q You said that you joined Oracle as a software
18 developer 3, is that right?
19 A Yes.
20 Q Are you still a software developer 3?
21 A No.
22 Q What's your current role with Oracle?
23 A I'm a software developer 4.
24 Q And when did you become a software developer 4?
25 A January 2018.

1 Q Did you understand that to be a promotion?
2 A Yes.
3 Q And how did that promotion come about, was it
4 something you initiated or something your manager initiated?
5 A So, usually we have yearly reviews. Once a year my
6 manager will meet with us and talk about goals, and we set
7 goals. We talk about previous year goals and how we did, as
8 far as performance. And during one of those meetings he
9 mentioned that he felt my skill set had improved to where I
10 would be a software developer 4, so he would submit a request
11 to get me moved up.
12 Q And I meant to ask this earlier, but do you have an
13 understanding of what a "Line of Business" is at Oracle?
14 A Yes.
15 Q And is there a particular line of business in which
16 you work?
17 A Yes. I'm in the Database Cloud Recovery and
18 Appliance.
19 Q And have you been in that same line of business the
20 entire time that you've been at Oracle?
21 A Yes.
22 Q Okay. So, moving back to that time when you moved
23 from a software developer 3 to a software developer 4 roles,
24 can you tell us a little bit about how your duties and
25 responsibilities compared in the software developer 3 versus

1 software developer 4 role?
2 A So, as a software developer 3, my role was focused
3 more on understanding the different components and learning
4 how they worked. So, I would take the database component,
5 for instance, and understand how it's installed manually.
6 And then I would take the data on the grid component and
7 understand how it installs manually and then figure out the
8 connection points between the two. And I would do that for
9 the operating system and the tape library, as well.
10 As a software developer 4, I still do a little bit
11 of that, but I do a lot more of automating that process, so I
12 write code to automate that process, designing new features
13 that go along with that. Just like when you have a phone,
14 right, you want new features that come with it, you want new
15 applications, it's the same thing. The product evolves
16 consistently and so we have to find more efficient ways to
17 make it easily manageable or easily managed.
18 In addition to that, I do release management, which
19 is working with the different teams to gather the software
20 they create and then get them to integrate and test, so I can
21 deploy to customers, so they can deploy them on their
22 systems. And then I do escalations, as well, which is if
23 customers have problems with the appliance, like if they have
24 a patching issue, they're trying to upgrade to a new software
25 versions, if something breaks, they'll reach out through

1 Support and if Support can't fix the problem, it usually
2 comes to me. And so I look at whatever the issue is and I'll
3 address as needed.
4 Q How does the independence with which you work now,
5 as a software developer 4, compare to the independence with
6 which you worked as a software developer 3?
7 Q Well, so as a software developer 3, when I started
8 especially, I needed a lot more hand-holding, because a lot
9 of the components, a lot of the technology was still new to
10 me and so it required a little bit more guidance. I needed a
11 little bit more guidance to understand some of the different
12 components and learning how they worked. And so I would,
13 say, check in with my manager every hour, usually based on
14 specific tasks that I was performing, and ensure that we're
15 still aligning with what the end goals was. Versus now, I
16 talk to my manager about progress usually once every other
17 day. And that's usually because I like to give him updates
18 to keep him in the loop, because I know he has to give
19 updates to his managers, as well.
20 Q And are there any other software developer 4s on
21 your team today?
22 A Yes.
23 Q And is the work you do the same as them or
24 different from them?
25 A It's different.

1 Q Can you give us a sense of how it's different?
2 A So, the other software developer 4 focuses more on
3 customer relationship management. So, when customers have
4 problems, like I said before, it goes through Support and
5 Support will try to fix the problem. If they can't fix the
6 problem, it comes to Development. By the time it gets to
7 Development, usually customers are upset or frustrated,
8 because it's been days and they don't have their system
9 running. So, the other gentleman, who works in this
10 capacity, engages the customers, works with them to identify
11 what the specific problem is and will communicate with them
12 ETAs, as far as delivering and fixing the problem, and then
13 communicate that usually to me, on what he thinks the problem
14 is and provide a suggested solution on how to fix it. And
15 what I do is actually take that system -- I'll go to work on
16 taking that system and doing diagnosis and research to figure
17 out if his thoughts or analysis were accurate. Once I figure
18 that out, I proceed to fixing the problem and then I go
19 through the release management process of deploying that
20 package to the customer and to other customers.
21 Q And you mentioned earlier, when we were talking
22 about your education, you mentioned a master's degree?
23 A Yes.
24 Q Is that something that you've achieved while you
25 were working at Oracle?

1 A Yes.
2 Q And did you take a leave from Oracle or is this
3 something you did while you were working?
4 A I was working.
5 Q And did you ever discuss that with your manager?
6 A Yes.
7 Q Can you tell us about that conversation?
8 A So, this actually started when I got hired, during
9 my interview with the director at the time. I mentioned that
10 I wanted to continue my education, so I wanted to be sure
11 that if I was going to take the position I would be given the
12 opportunity to continue my education. And he agreed that
13 Oracle would work with me to make that happen.
14 So, in 2013, 2014, I think, I asked my manager
15 about going back to school and he referred me to the Employee
16 Reimbursement Program at Oracle, so I signed up for that and
17 started the program.
18 Q So, did Oracle actually cover the cost of your
19 master's degree?
20 A Yes. They covered, I think, $5,200.00 a year for
21 tuition reimbursement.
22 Q And you also mentioned some graduate certificates,
23 are those things that you've obtained since working at
24 Oracle?
25 A Yes.

1 Q And did Oracle contribute to the cost of your
2 pursuing those certificates?
3 A Yes.
4 Q And do you think that master's degree and the
5 certificates -- well, what relevance, if any, do they have to
6 the work that you're doing at Oracle?
7 A So, the product is extremely complicated, because
8 there's so many moving parts. And I wanted to go back to
9 school, specifically, because I realized in order for me to
10 perform at a higher level I needed a quick way to gather the
11 information and not just be doing stuff trial by error. So,
12 I went back to school to do my master's, because it gave me
13 stronger basis in software operating systems, networking, and
14 also just IT governance and risk assessment. And that
15 factored into me being able to automate some of the
16 processes.
17 In fact, one of the things I did was for the
18 re-image processes. It would take a day to three days to
19 deploy a system when I first started, depending on the size
20 of the system, and by the time I finished my master's I wrote
21 a software code that would get it done within four to five
22 hours.
23 For the Cyber Security certification that I did,
24 we're in the process of deploying this same appliance into
25 the Cloud, to make the functionality available to customers.

1 And one of the biggest concerns with Cloud is security, so I
2 figured what better way to prepare myself but than to go to
3 school and get some training on that, and I have. And I
4 started writing software in that, as well, to do monitoring
5 and safeguarding of the appliance while it's in the Cloud.
6 Q Mr. Adjei, have you received any salary increases
7 during your time at Oracle?
8 A Yes.
9 Q Approximately how many, if you remember?
10 A About five.
11 Q And do you have an understanding of the sort of
12 factors that go into determining when and the amount of a
13 raise?
14 MS. BREMER: Objection, calls for speculation.
15 JUDGE CLARK: Overruled. She's asking if he knows.
16 Go ahead, you can answer the question.
17 THE WITNESS: So, I talked to my manager about this
18 a few years ago and he mentioned that it was based on merit,
19 based on your performance an employee, and also based on the
20 performance of the company.
21 BY MS. MANTOAN:
22 Q And in your own experience, do you feel that those
23 are the criteria that have informed when and the amount of
24 your raises?
25 A Yes.

1 Q Have you received any bonuses since joining Oracle?
2 A Yes.
3 Q Have you received any equity since joining Oracle?
4 A Yes.
5 Q Was there any equity grant at the time of your hire
6 to Oracle?
7 A Yes.
8 Q And about how many equity grants have you received
9 since working at Oracle?
10 A I'd say pretty much very year since I've been at
11 Oracle.
12 Q To your knowledge does Oracle have any training on
13 non-discrimination?
14 A Yes.
15 Q How do you know that?
16 A Every two years I get mandatory HR trainings that
17 are to be completed within a specific time, and they cover
18 discrimination.
19 Q And do they cover all topics in discrimination or a
20 broad array of topics in discrimination?
21 A Yes.
22 Q So, is pay discrimination one of the kinds of
23 compensation discrimination covered in that training?
24 A Not specifically, but it covers pretty much
25 everything, it talks about discriminating against anyone

1 based on race, gender, religion, sex, all that.
2 Q Are you aware of any initiatives at Oracle designed
3 for black or African-American employees?
4 A Yes.
5 Q What are those?
6 A The African-American Business Leaders for
7 Excellence, ABLE.
8 Q And can you tell us a little more about ABLE and
9 how, if at all, you've participated in ABLE?
10 A Yes. So, it's an organization that supports
11 African-Americans and as far as I can tell there are other
12 races in there, as well, because when we've had the meetings
13 the other races show up. But it supports African-Americans
14 and other minorities to have a sense of community and support
15 each other in the business world.
16 Q Mr. Adjei, have you ever felt that you were
17 discriminated against at Oracle because of your race?
18 A No.
19 Q Do you believe that you would have been paid more
20 at Oracle if you were of a different race?
21 A No.
22 Q Do you believe you would have been promoted more at
23 Oracle if you were of a different race?
24 A No.
25 MS. MANTOAN: I don't have any further questions at

1 this time, thank you.
2 JUDGE CLARK: Thank you, Ms. Mantoan.
3 Ms. Bremer?
4 CROSS-EXAMINATION
5 BY MS. BREMER:
6 Q Good afternoon.
7 A Good afternoon.
8 Q In 2012 you were in Juan Loaiza's chain of command,
9 correct?
10 A Yes.
11 Q Do you recall submitting a declaration in this
12 case?
13 A Yes, I believe so.
14 Q And did Oracle's attorney draft the declaration for
15 you?
16 A So, I got a call from Oracle's attorney once I
17 agreed to show up and give testimony. And they walked me
18 through the process of asking questions. And once the
19 process completed, as far as asking questions, they submitted
20 the declaration for me to review and then I signed on it and
21 submitted it back.
22 Q Okay. You talked about once you agreed to show up
23 and give testimony, did you receive an e-mail asking that you
24 talk to Oracle's attorneys?
25 A I asked -- I was -- I don't remember, specifically.

1 I think it was a call I got and, yeah, I'm not 100 percent
2 sure, I think it was a call and they asked if I would be
3 interested in testifying on behalf of Oracle.
4 Q And who called you?
5 A I don't remember, it's been awhile.
6 Q Was it someone who worked at Oracle?
7 A No. I think it was an attorney.
8 Q And when, approximately, when did that attorney
9 call you and ask if you were interested?
10 A It was earlier this year, I don't remember the
11 exact dates.
12 Q And did the attorney interview you?
13 A Yes.
14 Q Do you recall the attorney's name?
15 A Not that -- at one point -- I can't say for sure
16 who it was on that first call, I don't remember the name.
17 Q Okay. How many calls did you have from Oracle's
18 attorneys?
19 A Well, once I agreed to testify there have been a
20 few.
21 Q Okay. I'm talking about before that, when you were
22 contacted. Can you just -- how many phone calls -- or did
23 they ask to interview you in either person or over the
24 telephone?
25 A It was over the phone.

1 Q Okay. And how many interviews did you have with
2 Oracle's attorneys before they -- before you agreed to
3 testify?
4 A I think I had agreed to testify on the first one.
5 Q Okay. And how many interviews have you had with
6 Oracle's attorneys?
7 A Maybe three or four, I can't be sure.
8 Q Did someone contact you and let you know that
9 Oracle's attorneys would be contacting you?
10 A Not that I remember.
11 Q And you receive -- you're a current employee of
12 Oracle, right?
13 A Yes.
14 Q And you receive compensation from Oracle?
15 A I'm sorry?
16 Q You receive -- you depend on Oracle to pay your
17 paycheck, correct?
18 A Yes.
19 Q And if you -- to get a bonus there would have to be
20 approval from Oracle to give you the bonus, correct?
21 A Yes.
22 Q And to obtain a promotion you'd have to get
23 approval from someone at Oracle to give you that
24 promotion?
25 A Yes.

1 Q Before you came to Oracle, you worked for a company
2 called Brocade?
3 A Yes.
4 Q And you worked on an SD-3 appliance at Brocade, is
5 that right?
6 A Yes.
7 Q And at the time that you worked at Brocade, that
8 was not an Oracle Database product, correct?
9 A Correct. Not that I know, at least.
10 Q You used the skills that you acquired or experience
11 that you gained working on the SD-3 appliance when you were
12 hired at Oracle, correct?
13 A Correct.
14 Q In the years that you worked at Oracle, you only
15 received two performance reviews, correct, formal performance
16 reviews?
17 A I don't know about that. So, every year my manager
18 sits down and goes over that with me. And so as far as I
19 know, I've gone through it every year.
20 Q Are there times where you had to complete a
21 self-appraisal in the computer system?
22 A Not that I remember.
23 Q You talked about working with someone who worked in
24 the tape area?
25 A Yes.

1 Q And that person had transferred from a different
2 area, correct?
3 A Yes.
4 Q What area did that person transfer from?
5 A He worked in the Oracle Secure Backup Department.
6 Q Do you know if that was a different -- did he work
7 on a different product?
8 A No. So, that's the -- so the tape library is an
9 appliance, right, and on top of the appliance is the software
10 that runs it. And so he was developing on that software and
11 that's called "Oracle Secure Backup."
12 Q And when you said he transferred, was that from a
13 different manager?
14 A Yes.
15 Q And who was that manager?
16 A I don't know who that was.
17 Q You talked about some things that you had done
18 working at Oracle, some of the code you had written, I think.
19 Have you gotten a patent since you've started working at
20 Oracle?
21 A No.
22 Q Did you receive a patent before your work at
23 Oracle?
24 A No.
25 Q Okay.

1 JUDGE CLARK: I'm sorry, you do have more
2 questions, Ms. Bremer?
3 MS. BREMER: Yes. I'm sorry. I was just
4 conferring briefly with counsel.
5 JUDGE CLARK: Go ahead.
6 BY MS. BREMER:
7 Q At the time that you were hired at Oracle, you were
8 on a Visa, correct?
9 A Yes.
10 Q And Oracle had to sponsor you in that Visa?
11 A Yes.
12 Q Do you know if your -- the offer that you received
13 from Oracle, when you first started working there, did you
14 understand that that was -- had to conform to prevailing
15 wages?
16 A Not at the time.
17 Q Did you later learn that?
18 A Yes.
19 Q And did you know that the Visa that you were on had
20 a minimum rate for -- a minimum prevailing wage rate that you
21 needed to be paid?
22 A Not at the time.
23 Q But you later learned that that was the case?
24 A Yes.
25 MS. BREMER: Okay. No further questions.

1 JUDGE CLARK: Thank you.
2 Anything further, Ms. Mantoan?
3 MS. MANTOAN: Just briefly, Your Honor.
4 REDIRECT EXAMINATION
5 BY MS. MANTOAN:
6 Q Mr. Adjei, did you feel pressured to come her today
7 and testify?
8 A No.
9 Q Are you her today voluntarily?
10 A Yes.
11 Q And so it's your choice to be here today?
12 A Yes.
13 MS. MANTOAN: No further questions, Your Honor.
14 JUDGE CLARK: Anything on that limited area, Ms.
15 Bremer?
16 MS. BREMER: No, Your Honor.
17 JUDGE CLARK: Mr. Adjei, thank you so much for your
18 time. You are free to go. You are excused as a witness.
19 Thank you for being here.
20 THE WITNESS: Thank you.
21 (Witness excused.)
22 JUDGE CLARK: Okay. Next witness?
23 MS. CONNELL: Our next witness will be Ms. Janet
24 Chan.
25 JUDGE CLARK: Okay.

1 Ms. Chan, go ahead and come all the way forward.
2 Good afternoon. Go ahead and step right around
3 here. If you'd turn and face me, and raise your right hand.
4 Whereupon,
5 JANET CHAN
6 having been first duly sworn by the Administrative Law Judge,
7 was examined and testified as follows:
8 JUDGE CLARK: Have a seat, please.
9 THE WITNESS: Thank you.
10 JUDGE CLARK: And then if you would state your name
11 and spell it for our record, please?
12 THE WITNESS: My name is Janet Chan, J-a-n-e-t,
13 last name is Chan, C-h-a-n.
14 JUDGE CLARK: Thank you. And Ms. Chan, you can
15 move that chair forward and bring the microphone down just a
16 little bit. Okay.
17 So, we're recording everything that's said here, so
18 let the lawyers ask the complete question and they'll let you
19 give a complete answer, because we can't record two people at
20 once. All right?
21 THE WITNESS: Okay.
22 JUDGE CLARK: And because we're recording, we need
23 you to use words, not heads nods of uh-uh, but say yes or no,
24 that sort of stuff, because we can't take that down
25 otherwise. Okay?

1 THE WITNESS: Okay. Yes.
2 JUDGE CLARK: And because -- even though we're
3 amplifying, make sure you keep your voice up so everybody in
4 the courtroom can hear you. So, we might need you to move a
5 little bit closer to the microphone.
6 THE WITNESS: Like this?
7 JUDGE CLARK: That sounds good.
8 THE WITNESS: Okay.
9 JUDGE CLARK: If someone makes an objection, you
10 just stop talking and I'll let you know whether you can
11 answer the question. Okay?
12 THE WITNESS: Okay. Thank you.
13 JUDGE CLARK: Thank you.
14 Ms. Connell.
15 DIRECT EXAMINATION
16 BY MS. CONNELL:
17 Q Good afternoon, Ms. Chan.
18 A Hello.
19 Q Can you please tell us what race and gender you
20 identify as?
21 A I am Chinese by race and I am female, woman.
22 Q Are you currently employed by Oracle?
23 A Yes.
24 Q What is your current job at Oracle?
25 A I am a senior director for Program Management and

1 QA, Quality Assurance.
2 Q Have you long have you worked at Oracle?
3 A Almost 24 years.
4 Q In which Oracle office are you based?
5 A I was or I have been based in Redwood Shores, in
6 headquarters, until just recently when I just recently turned
7 into a remote employee, based on personal reasons. I live in
8 another state now.
9 Q Okay. But your home office, if you will, is still
10 Redwood Shores?
11 A Yes. I work for a California company in Redwood
12 Shores.
13 Q And you said that working remotely was something
14 you chose to do, is that right?
15 A Yes.
16 Q Can you please describe your educational
17 background?
18 A I have a Computer Science Degree, a bachelor's,
19 from Mankato State University in Minnesota.
20 Q And can you tell us, prior to joining Oracle, did
21 you have any other jobs in the high-tech industry?
22 A Yes. Out of college I became a software engineer.
23 I was hired by NCR, National Cash Register. And in NCR I
24 was a software developer for five or six years.
25 Q And what happened after your role at NCR?

1 A So, I was offered a position here in California,
2 and it was in the field working with customers. So, I
3 essentially moved away from the software engineering kind of
4 role and moved to the Consulting Organization where I was
5 actually working with customers on implementations at
6 customer sites.
7 Q And with which company are you talking about right
8 now?
9 A So, initially with NCR, but then NCR was actually
10 acquired by AT&T's Computer Division. So, when I actually
11 left AT&T or left AT&T after 11 years, it was actually with
12 AT&T versus with NCR.
13 Q And after your work at AT&T did you next come to
14 Oracle?
15 A Yes, yes.
16 Q How did that happen?
17 A So, I was at AT&T, I was doing consulting at
18 customer sites. I was traveling quite a bit. And in the
19 last project that I worked on with AT&T, I was working with a
20 financial organization, we were implementing at various sites
21 within their banks. I was working 100 percent remotely,
22 essentially I was traveling 100 percent. And I did that for
23 almost three years. And I was kind of tired of doing that,
24 and so I had a friend who actually worked at Oracle and she
25 told me of a Program Management position within Development

1 that was open. And so I applied for it.
2 Q And were you hired into the job for which you
3 applied?
4 A I was.
5 Q And can you give us just a brief history of your
6 job progression through Oracle, starting from your first
7 position that you just described up to today?
8 A So, all of my career at Oracle has been essentially
9 in the Program Management space. I no longer did any kind of
10 software development, but I worked in the Development
11 Organization, so I did have a little bit of background in
12 that. But my expertise basically was in the project
13 management, Program Management space, and that was the job
14 that I had with the various different organizations with
15 Oracle.
16 I started within the Server Technology Organization
17 that basically was the development organization for the
18 Oracle Database. In addition to the Oracle Database, there
19 was actually the management piece of the product, which is
20 Enterprise Manager. So, I was a release manager, a program
21 manager for Oracle Database, for Enterprise Manager. And the
22 Enterprise Manager team also acquired another organization
23 from the Support organization, and that development
24 organization moved under EM, as well. And that is for My
25 Oracle Support, which is actually an internal product for

1 Oracle.
2 Q When you say internal product for Oracle, you mean
3 product that Oracle used?
4 A Yes. And customers.
5 Q Can you elaborate a little bit on what -- how
6 Oracle used the product, what did it do?
7 A It's an application that our Support organization
8 uses with our customer so that they are able to actually open
9 service requests with Oracle, while they're actually using
10 our product.
11 Q And what happened next, in terms of your job
12 progression?
13 A So, as part of working on the My Oracle Support
14 product, my development partner at that time, Meeten Bhasar,
15 who was actually my boss, he --
16 JUDGE CLARK: I'm going to slow you down there.
17 Can you spell that name for me, please?
18 THE WITNESS: M-e-e-t-e-n, and last name is Bhasar,
19 B-h-a-s-a-r.
20 JUDGE CLARK: Thank you.
21 THE WITNESS: So, he was my development
22 counterpart. And I believe he was vice president by that
23 time. He owned the My Oracle Support product from an
24 engineering and QA. And from a Program Management
25 perspective I was sort of dotted line to him as reporting to

1 another VP who has a similar job that I have today, which is
2 basically owning the Program Management space for development
3 for a particular product. So, I supported Meeten from a
4 Program Management perspective.
5 I became a senior manager at some point and I had a
6 staff working for me. So, that was when I was promoted to a
7 senior manager, supporting that product.
8 BY MS. CONNELL:
9 Q And what happened next in terms of your job
10 progression?
11 A So, based on our team's success in being able to
12 deliver My Oracle Support features and bug fixes on a regular
13 cadence for our Support Organization, which is our customer,
14 that success actually made Steve Miranda -- over in the
15 Applications Division -- to actually recognize Meeten as a
16 really good leader to be able to take up a new project within
17 Fusion Applications.
18 Q What was the project in Fusion Applications?
19 A So, it's a new product under the Fusion Application
20 umbrella, called: "Fusion Service."
21 Q So, what is the connection between Fusion Service
22 and My Oracle Support, if any?
23 A So, My Oracle Support, as I said, allows customers
24 to actually open service requests -- this is Oracle customers
25 -- against products that they're running, our products that

1 they're running. What Fusion Service, Fusion Applications,
2 wanted to do was to also product tie a product like that to
3 be able to sell to other businesses. So, as part of the
4 Fusion Application umbrella, we wanted to provide that kind
5 of an offering as part of the solution for our customer base.
6 Q And so in terms of your job progression, what did
7 these developments mean for you, personally?
8 A So, Meeten asked a few of us, initially 20 and then
9 eventually it was 40 people from the My Oracle Support
10 development team, to actually come with him to the Fusion
11 Applications Organization under Steve Miranda. We formed a
12 new organization and at that point Meeten asked me to
13 actually come over and work for him directly. So, before
14 that I was actually working for another VP who owns Program
15 Management. He asked me to come to Apps and basically lead
16 the Program Management for Fusion Service.
17 Q And did you do that?
18 A I did.
19 Q And what happens next, in terms of your job
20 progression?
21 A So, that was in 2015. And some time in 2015, after
22 we moved over, Meeten actually promoted me to senior
23 director.
24 Q And do you happen to know what IC level -- excuse
25 me -- what career level senior director --

1 A So, it's an M5.
2 Q M5.
3 A And it's a senior director of Program Management.
4 Q And is that currently your job title today?
5 A It is, except that my scope has expanded. After
6 2015, two years later, around 2017, Meeten was again asked to
7 take on more responsibility, and there's actually a Fusion
8 Sales product that's existing -- that existed and exists
9 today, a little bit more mature product than Service, which
10 we were building from the ground up -- it was an organization
11 of almost 1,000 people, and Meeten was asked to actually lead
12 not only the Service product line, but also the Sales product
13 line. So, at that point my role as the Program Management
14 organization expanded to cover two additional product lines.
15 And then Meeten also asked me to actually manage the QA
16 organization, which was about 150 people.
17 Q And at this time, when the scope of products
18 expanded, these are all Fusion products, correct?
19 A Correct.
20 Q Okay. And did your role change, again, from that
21 time in 2017, until now?
22 A I'm still an M5. I'm senior director. But my
23 discretionary title is senior director of Program Management
24 and QA.
25 Q And so since that 2017 expansion, are you still

1 responsible for --
2 A Yes.
3 Q -- those same products?
4 A Yes.
5 Q Who do you currently report to?
6 A So, my boss, Meeten, who I worked for since 2015,
7 just recently decided to move over to a different role within
8 Steve Miranda's organization. So, based on that change,
9 there was a reorganization, literally I think it was like
10 this past week. I now report up to a new VP, his name is
11 Kartik Raghavan. Do you want me to spell that?
12 JUDGE CLARK: Yes, please?
13 THE WITNESS: First name is Kartik, K-a-r-t-i-k,
14 last name is R-a-g-h-a-v-a-n, Raghavan.
15 JUDGE CLARK: Thank you.
16 BY MS. CONNELL:
17 Q And even though you now report to a new VP, I think
18 you said?
19 A Yeah, he's a GVP, yeah.
20 Q Has that -- has your role changed, at all?
21 A No, it's the same role, business as usual.
22 Q And then who does Mr. Raghavan report to?
23 A So, Kartik reports to Rob Tarkoff, who is the
24 senior vice president. And Rob reports to Steve Miranda, who
25 is the executive vice president.

1 Q You've received a number of raises at Oracle,
2 correct?
3 A Correct.
4 Q And you've also received a number of bonuses,
5 correct?
6 A Yes.
7 Q And you've also received equity grants, correct?
8 A Yes.
9 Q I'm not going to ask you about all of them over the
10 years, but can you give me a rough estimate, in terms of how
11 many raises you've received at Oracle?
12 A In the 24 years, I would guess it would be between
13 15 to 20.
14 Q Do you know how many bonuses or equity grants
15 you've received?
16 A Probably around 10.
17 Q Combined or separate?
18 A Separate.
19 Q Okay. So, how many bonuses, approximately, have
20 you received?
21 A I don't know, less than half a dozen, maybe.
22 Q Okay. And how many equity grants?
23 A Oh, I see, equity grants, probably about half a
24 dozen, eight, like six or eight.
25 Q Okay. When was your last raise?

1 A Was June of 2019.
2 Q And you -- in 2015, you received an off cycle
3 salary increase, correct?
4 A Yes.
5 Q Do you recall how much that was for?
6 A I believe it was over $35,000,00.
7 Q Okay. Is that your best estimate?
8 A Yeah.
9 Q And can you explain to me the circumstances
10 regarding that off cycle salary increase?
11 A So, Meeten and I have known each other for a long
12 time. We've worked together for 10 years. And of course I
13 didn't work directly for him until 2015. And there's always
14 this partnership between program managers and development
15 managers, and development VPs who actually own products. So,
16 through that time, you know, I've shared with him the fact
17 that my salary is compressed as compared to the market. The
18 reason why I know that is not because anyone has told me
19 within Oracle, but through friends who have kind of moved
20 around from company to company, and they've told me what
21 they've made in the same position or similar position that
22 I've had. So, I know that working at Oracle and not moving
23 around from company to company, my salary has sort of kind of
24 stagnated a little bit.
25 Q And was that your choice to stay at Oracle?

1 A Yes, it was my choice.
2 Q Why did you choose to stay at Oracle rather than
3 jump from company to company?
4 A There were a lot of reasons. I was working -- from
5 a professional perspective, I like working at Oracle. I was
6 working with some really, really good people, good
7 leadership, great managers. The other thing is that Oracle
8 really allowed sort of that work/life balance kind of
9 atmosphere for their employees. So, I'm able to work from
10 home, I come in when I need to, I leave when I need to.
11 There's a lot of work and we work long hours, especially the
12 fact that we have employees in our workforce in India, so we
13 tend to work at night, but Oracle has allowed us the
14 flexibility to do that.
15 In addition to that flexibility is that my
16 management has allowed me to be able to work in other
17 countries, because of personal life things that I wanted to
18 do. I volunteered at the Menlo Park Elementary School, as
19 part of the Boys and Girls Club, and I always left early on
20 Fridays to be able to work with and mentor girls at the Menlo
21 Park. So, my management has always just allowed me to do all
22 these things as long as I was getting my work done.
23 Q And so going back to the salary increase, so I
24 think where we left off is you had shared with Meeten that
25 you felt your salary was compressed?

1 A Yes.
2 Q Did you ever feel that your salary was compressed
3 because of your race?
4 A No.
5 Q Did you ever feel your salary was compressed
6 because of your gender?
7 A No.
8 Q So, how did the fact that your salary was
9 compressed eventually lead to your salary increase?
10 A So, Meeten was aware and it wasn't until I actually
11 worked directly to him, and the fact that he was actually
12 leading a critical project that was, you know, that was
13 critical for Fusion Apps, that's when he actually then
14 requested an off cycle raise for me, to bring me up to a
15 certain level.
16 Q Was this something you requested?
17 A No, I didn't ask him.
18 Q So, he informed you of it?
19 A Yes.
20 Q Do you believe your salary is compressed today?
21 A No, I don't think so.
22 Q Can you briefly describe your current job
23 responsibilities on your team?
24 A Sure. So, I own a Program Management and QA
25 organization that has sort of a threefold responsibility.

1 Did you want me to talk about my people, too, or just --
2 Q However is easiest for you to describe the scope of
3 your responsibilities?
4 A Okay. So, I have a team of 30 people. I have five
5 directs that are reporting to me. And there are three major
6 functions that my team are responsible for as a Program
7 Management and QA organization.
8 The first is sort of -- the industry calls it a
9 release management position or a release management role,
10 which is essentially managing the integration of the code and
11 making sure that it builds and compiles on a daily basis, and
12 that the product is actually packaged on a regular cadence
13 every day -- cleanly.
14 The second role that I have is sort of the
15 traditional general Program Management role where we're
16 responsible for schedules and milestones, and basically
17 corralling the development organization to build new
18 features, fix bugs and deliver products on a regular cadence
19 to the customer.
20 And then the third responsibility that I have is
21 the QA testing aspect of it, which is making sure that the
22 product is tested and it meets quality criteria before we
23 actually release it to the customer.
24 Q You mentioned your five directs. Do your five
25 directs work in these three areas?

1 A Yes.
2 Q Can you describe their roles and where they work
3 across these three areas?
4 A Sure. So, Alok Malhotra -- I don't know if you
5 want me to spell it again?
6 JUDGE CLARK: Yes, please?
7 THE WITNESS: A-l-o-k, M-a-l-h-o-t-r-a. He is a
8 senior director of Development and he manages the Program
9 Management aspects that I just described as release
10 management.
11 I have Jo-Anne Kobayashi, J-o dash A-n-n-e,
12 K-o-b-a-y-a-s-h-i, she's a senior director of Program
13 Management and she managers the end-to-end release or the
14 program management in terms of milestones and schedules, sort
15 of the end-to-end program management process.
16 And then I have three directs who are under the QA
17 umbrella. I have -- oh, this is going to be harder. I have
18 Semma Mathew, which is a little bit easier, S-e-m-m-a,
19 M-a-t-h-e-w. Semma is a director of QA, she is located in
20 HQ.
21 I have Shantha Subramanian, S-h-a-n-t-h-a,
22 S-u-b-r-a-m-i-a-n. Shantha is located in IDC, which is
23 Bangalore, India. So, between Shantha and Semma, they manage
24 the QA continuous testing and delivery. Semma covers the HQ
25 time zone and Shantha covers the India time zone, so that we

1 have sort of the 6/24 kind of coverage that we need in order
2 to support continuous delivery.
3 Sudha Thangaevlu, S-u-d-h-a, T-h-a-n-g-a-e-v-l-u,
4 she's a senior manager, she's a senior development manager
5 covering QA, also in headquarters. And she mainly supports
6 new initiatives and mandates that come up with the team from
7 a testing perspective, from a QA perspective.
8 Q Okay. So, it sounds like -- if I understand your
9 testimony correctly -- Ms. Mathew, Ms. Subramian and Ms.
10 Thangaevlu, work in QA?
11 A Yes, yes.
12 Q And then Mr. Malhotra does release management?
13 A Yes.
14 Q And Ms. Kobayashi does program management, is that
15 correct?
16 A Yes.
17 Q Okay. And then you have -- so you have the five
18 directs and then approximately a team of 25 under them, is
19 that correct?
20 A Yes, that's correct.
21 Q So, of the 25, do those 25 employees all work in
22 one of the three --
23 A Yes.
24 Q -- areas?
25 A Yes.

1 Q And are those employees fungible, meaning could
2 they move from area to area?
3 A Not really. Perhaps over time, with training, if
4 there was an interest to do that. But not on a daily basis.
5 Q And why do you say that?
6 A From a release management perspective, which is
7 basically building and compiling the code and making sure
8 that there's clean -- you have to understand how the inner
9 workings of the code actually is built. And there's very,
10 very specific tools by which those are actually built, and
11 it's a very specialized kind of skill. And those tools are
12 actually Oracle homegrown, too, not necessarily like third
13 party. So, that's a very specialized skill that Alok
14 Malhotra's team actually own.
15 The general program management, in terms of
16 milestones and schedules, that's a little bit more fungible,
17 I guess -- if that's the word you want to use. But from a QA
18 perspective you actually have to know what the inner workings
19 of the functional product does, in order to be able to do
20 testing. So, my program managers, my general program
21 managers know how things are kind of put together, they know
22 what the working -- like the working parts are, in order to
23 be able to package and to actually be able to read bugs and
24 know like which team owns it and try to kind of drive closure
25 to them, but they don't really, necessarily -- they know

1 conceptually about the product, but they don't, necessarily,
2 know the detail workings of the products, such that they
3 could actually test it themselves or utilize the automated
4 tools to actually run the testing, as well. So, it's a
5 different function.
6 Q Are there people on your team who -- well, are you
7 familiar with job codes at Oracle?
8 A Yes.
9 Q Are there people on your team who have the same job
10 code, but are performing different work?
11 A Actually, my direct, Jo-Anne, who is the manager of
12 the Program Management team, she is an M5, a senior director,
13 and I'm an M5, senior director, as well.
14 Q Are your job duties and responsibilities different?
15 A Yes. Yes, they are different.
16 Q How so?
17 A So, first of all, Jo-Anne was promoted to a senior
18 director just this past year. And I've been a senior
19 director since 2015. She rightly deserved it, based on the
20 work that she did. Jo-Anne, again, manages sort of the
21 end-to-end program management release, schedules, milestones,
22 working with her program managers to make sure that we're
23 meeting sort of the quality criteria and the release
24 criteria, what we call the definition of "done," such that
25 it's shippable to the customers. I, obviously, own that

1 piece, as well, but I own QA, I own the release management
2 aspect of it, and I also own the responsibility to work with
3 my team, with my peers. As a Program Management team, we're
4 a horizontal team, so it's my responsibility to work with my
5 peers who are my development peers, my QA peers, my product
6 management peers, on any kind of initiatives from a, you
7 know, to improve quality, to improve team productivity. I
8 work with my peers in order to identify other projects and
9 initiatives that my team could work on, as well, to actually
10 improve the organization.
11 Q Can you think of another example of two members on
12 your team who share a job code, but have different
13 responsibilities?
14 A So, Sudha, who is the senior development manager
15 who works on the QA stuff, she's a senior development
16 manager. And under Alok Malhotra, on the release management
17 side, he has Albert, who actually is also a senior
18 development manager. And gain, you know, Albert's expertise
19 is how to build the code, how to compile it, how to use the
20 tools to build, to do it. Sudha cannot do that, she does not
21 have the training or the skills to do that. And then Sudha
22 does functional testing and works with the team to make sure
23 that we're doing adequate testing. And there are a set of
24 tool sets that also do that, as well, which Albert does not
25 know anything about.

1 Q Okay. And without getting into the specific race
2 or gender of any individuals, can you give us a general
3 estimate of the racial and gender makeup of your team?
4 A So, of the 30 people on my team, almost 75 percent
5 of the team are actually in the minority class, they're
6 mostly Asians. And 65 percent of my team are actually women.
7 Q Are you familiar with the focal review process?
8 A Yes.
9 Q Do you participate in the focal review process?
10 A Of course I do.
11 Q Okay. And so approximately how many focal reviews
12 have you participated in as a manager?
13 A So, I started being a manager when I was promoted
14 to senior manager at 2013, this is when I was working on the
15 Mass product. So, at that point I had direct reports to me,
16 and so that was sort of the start of me being more involved
17 in being able to participate in focals for my employees.
18 Q And can you describe how the focal process works
19 from your perspective?
20 A So, my direct manager gives me a budget. Prior to
21 that we'd been kind of -- we get notice that that's coming.
22 And HR tells us that we need to make sure that all of our
23 employees in the system has a rating of some kind, every one
24 of the employees. So, then my manager gives me a number, in
25 terms of the budget, of what my team is going to get.

1 So, when my team was actually bigger, and that was
2 when it was over, you know, like almost 180, I would do the
3 same thing that my manager did, which is basically push down
4 a subset of my budget down to the managers, so that they
5 could actually do the allocation directly. My team is now 30
6 people. I pretty much know every one of them. So, what I do
7 now is I actually do an initial allocation for my team and I
8 take various factors in mind. So, what they got last year,
9 obviously the budget, what their rating is, where they are in
10 terms of their salary scale and also, sort of the comparison
11 between, you know, employees that are doing the same thing.
12 And then I basically do the allocation and then I actually
13 send it out to my directs to review and make recommendations
14 whether they want to make anymore changes beyond that.
15 Q And when you send it to your directs to review, do
16 you ever make changes based on their recommendations and
17 discussion?
18 A Yes, of course, yeah, because they work directly
19 with their employees, so they know better, you know, more
20 than I do.
21 Q And what happens next in the process?
22 A So, assuming that my managers and I agree on the
23 allocation, at that point I basically, in the system, submit
24 it back up to my manager for review. And every organization
25 has an HR director working with the organization, so HR will

1 also do an audit on that, as well. So, as my manager is
2 reviewing, HR is also doing an audit to see if there's any
3 kind of discrepancies.
4 Q Do you know if HR has the authority to make any
5 changes?
6 A No, no. They can look at the discrepancies, talk
7 it over, and then we can decide whether there's an issue or
8 not.
9 Q What kind of -- can you give us an example of a
10 discrepancy?
11 A Sure. So, a pretty common one is if an employee,
12 like an individual contributor, is actually getting a raise,
13 but his or her manager is not getting a raise.
14 Q And why would that be -- why is that a discrepancy,
15 if you know?
16 A Well, a manager -- the manager would find out that
17 the employee is getting a raise, obviously, and he or she
18 isn't getting one, which could be an issue. So, that could
19 be a problem.
20 Q In instances like that, what happens?
21 A I review it with my manager and determine whether
22 this is something that we want to keep as is. And obviously
23 we take into account what the rating of that manager was.
24 Typically, when something like that happens, that manager
25 actually probably is doing his or her job, but has a rating

1 of like three and it's not excelling, it's not a four or a
2 five rating.
3 Q Okay. So, what happens next in the process?
4 A So, after the submission and, you know, we talk
5 over any kind of discrepancies -- and I don't know whether
6 this happens normally in other organizations -- but my
7 manager usually holds sort of a little bit of a padding in
8 budget, and he'll ask me, he'll say is there anything else
9 that you want, you know, is there something that you're not
10 getting, is there a wish list that you might have, right, or
11 he may review what I've allocated and say, you know, this
12 person is working on a really, really critical project, maybe
13 we should give this person a little bit more in order to make
14 sure that this person doesn't leave, from a retention
15 perspective.
16 So, usually there's a little bit of negotiation
17 there, where in my experience, with my manager, I've usually
18 been able to get a little bit more in order to make just some
19 slight adjustments in order to -- with the intention that we
20 would make some people happier and that they would want to
21 stay within our organization.
22 Q What happens next in the process?
23 A So, once Meeten and I finalize everything, he will
24 then submit it to his boss, which is Rob. And eventually it
25 goes up to Steve Miranda, and then it goes to the Board for

1 approval.
2 Q Who is the primary decision maker with regard to
3 the focal allocation that you receive?
4 A For my budget?
5 Q For your budget, yes?
6 A It would be ultimately me, working with my directs.
7 Q And why do you say that?
8 A Well, it's my budget and they're my employees, and
9 I know more about what their, you know, performance ratings
10 are, what the criticality of individuals are, and where they
11 are actually in their pay scale, right, in their job scale,
12 compensation scale.
13 Q Do you consider internal equity when you are
14 participating in this focal process?
15 A Yes. So, those are all the factors that I've
16 talked about, which is my budget, obviously, what the
17 performance rating of individuals are, and also comparing
18 with their peers, as well. And where they are in terms of
19 their pay scale and seeing whether there's some improvements
20 that I could make for those that are deserving.
21 Q Do you view consideration of internal equity as one
22 of your responsibilities as a manager?
23 A Yes.
24 Q Do you recall a time, ever, when your manager
25 overturned any of your focal decisions?

1 A He's never done that. He's always added.
2 Q Do you ever receive guidelines regarding focal
3 allocations?
4 A There are these general guidelines that HR will
5 provide, as we actually do the allocations. For example, we
6 have a pretty big workforce in India, and obviously, you
7 know, the India pay scale is different than in North America.
8 So, the guideline in India -- and we have a huge retention
9 problem in India, because there's a lot of competition with
10 other companies and people leave, which is not a good thing
11 -- the general guideline that HR will tell us or recommend to
12 us is that we shouldn't go below an eight percent raise, for
13 example. And obviously in Indian currency, that's actually
14 less, you know, money than like in U.S. currency.
15 Q So, are you talking right now about the guidelines
16 for India or North America?
17 A That's -- the eight percent is the guideline in
18 India, which was the last one.
19 Q Okay.
20 A And then sometimes there's also a recommendation,
21 like in North America, to -- it's a minimum guideline, like
22 don't go, you know, below like four percent or five percent.
23 And that guideline is really intended towards they don't
24 want us to peanut butter, they don't want us to take our
25 budget and basically give everyone a raise. You know, a

1 raise is for people who are high performing, who are doing
2 their job, and that's what we want to reward.
3 Q Do you ever participate in annual equity programs?
4 A Yes.
5 Q Is the process similar to that which you've
6 described for focal?
7 A It is.
8 Q Do you ever participate in annual bonus programs?
9 A When they do come.
10 Q And is the process similar to that which you've
11 described for focal?
12 A It is. The equity bonus is really important,
13 because it takes four years to vest. And so for us, we try
14 to reserve equity bonuses for deserving individuals that we
15 want to make sure we're retaining and that they're staying.
16 So, we really look at critical people within our organization
17 and that's who we actually award equity bonuses to.
18 Q Ms. Chan, do you feel that you have ever been
19 discriminated against at Oracle because of your gender?
20 A No.
21 Q Do you feel that you've ever been discriminated at
22 Oracle because of your race?
23 A No.
24 Q Have you ever witnessed any conduct that you deemed
25 to be discriminatory on the basis of gender or race?

1 A No.
2 Q Based on your own personal experience, how would
3 you describe the culture at Oracle as an Asian female?
4
5 A I've been given a lot of opportunities at Oracle.
6 I've been able to work on lots of different projects,
7 different product lines. I work with really, really smart
8 engineers, both male and female. I lead a team that
9 obviously is predominantly women, that I really enjoy
10 mentoring. You know, we have sort of a basic set of
11 responsibilities, which is to basically deliver the product
12 on behalf of our organization. But beyond that, my team and
13 I -- especially me, actually, I am given the freedom to look
14 at what else the rest of the organization is doing and if
15 there's something that interests me, I just do it. I take on
16 those initiatives. I take on new projects. As long as the
17 base responsibility -- and we keep continuing to deliver
18 products -- we're free to work on other things if we wanted
19 to. It's a really innovative and dynamic organization.
20 Q Do you participate in any diversity initiatives at
21 Oracle geared towards women?
22 A Yeah. So, every year I'm given some allocation for
23 headcount to actually attend various different conferences
24 for women. So, one of my favorites is the Grace Hopper
25 conference. One of my employees just recently came back from

1 Arizona and attended the Linkage Leadership Women Conference.
2 There's the Oracle Women in Leaderhip and there's lots of
3 those meetings that happen almost every week at Oracle and
4 around the Bay Area. And no one has to ask permission to
5 actually attend those OWL meetings, you can go. And so
6 there's a lot of opportunities.
7 And what I try to do is, these out-of-town types of
8 conferences, I make sure that we rotate them across my
9 organization, so that everybody gets a turn to be able to go
10 to those.
11 Q Have you taken training at Oracle that covers the
12 topic of non-discrimination?
13 A I've taken -- yes, I've taken lots of training that
14 basically addresses general topics of discrimination.
15 Q Does that include discrimination in compensation?
16 A It's a general thing that says that there should be
17 no discrimination at all on all levels.
18 Q Have you taken Affirmative Action training?
19 A Yes.
20 Q Why are you here testifying today?
21 A As I said, I've worked for Oracle for 24 years.
22 I've learned a lot at this company and I work with not only
23 great engineers, really talented smart people, it's a very
24 dynamic and innovative organization. But I've had the --
25 I've been fortunate to work with really, really awesome

1 leadership, who has been very, very supportive and willing to
2 let me do, you know, to learn and let me do all the things I
3 want to do in terms of all these interesting projects that
4 are available within Oracle. It's just a great atmosphere
5 there.
6 MS. CONNELL: All right. Thank you. I have no
7 further questions. Thank you, Ms. Chan.
8 JUDGE CLARK: Thank you, Ms. Connell.
9 Mr. Eliasoph?
10 CROSS-EXAMINATION
11 BY MR. ELIASOPH:
12 Q Good afternoon.
13 A Hi.
14 Q So, over the years, as you indicated, you've
15 switched teams and worked on a variety of different projects,
16 correct?
17 A Um-hum. Yes.
18 Q And you recently just indicated that you have
19 freedom to take on new projects?
20 A Correct.
21 Q And to try to different things?
22 A Yes.
23 Q And between 1996 and 2015, you rose through the
24 ranks from software developer 3 to an M5 program management
25 director for Product Development, correct?

1 A Senior director.
2 Q Apologies. Senior director. And that's a
3 significant change in position?
4 A Is it? I've been there for 24 years. I should be
5 VP.
6 Q So, would you agree, though, it's a number --
7 there's a long way from software developer 3 to a senior
8 program manager, correct?
9 A Senior director.
10 Q Senior director -- I will get this right. It's
11 been a long week.
12 Do I have your agreement or you don't think so?
13 A Say that again, sorry.
14 Q Just that you've progressed through a number of
15 levels?
16 A Yes, yes.
17 Q So, as of 2015, you were an M5, correct?
18 A Correct.
19 Q And you mentioned Meeten Bhasar several times in
20 your testimony, correct?
21 A Yes.
22 Q And you indicated you have a close relationship
23 with him, as you've moved together through different
24 organizations or projects, correct?
25 A Correct. We've had a very, very close professional

1 relationship.
2 Q And most Oracle employees will not have quite so
3 long a history and close relationship with their direct
4 supervisor, correct?
5 MS. CONNELL: Objection, lacks foundation --
6 THE WITNESS: That's actually not true. Sorry.
7 MS. CONNELL: Never mind. Go ahead.
8 JUDGE CLARK: Overruled. The answer will stand.
9 Mr. Eliasoph.
10 THE WITNESS: Can I --
11 JUDGE CLARK: it's actually not true. Go ahead.
12 THE WITNESS: That's actually not true. I know
13 lots of my colleagues who have been with the same manager and
14 VP throughout their career.
15 BY MR. ELIASOPH:
16 Q And he was your supervisor in 2015?
17 A Yes. He was my direct manager in 2015.
18 Q And do you believe he is honest?
19 A Oh, yeah.
20 Q And do you think he would write something false in
21 an e-mail to Steve Miranda?
22 A Not at all.
23 Q And it's true -- and I believe you've indicated --
24 that you complained on several occasions about your
25 compensation to Mr. Bhasar?

1 A It's not something that I complained to him every
2 week. We've had a couple conversations about it. So, Meeten
3 knows, and I didn't have to like remind him every week.
4 Q But you did complain?
5 A At one point, yes, I did.
6 Q On several occasions?
7 A On probably a couple occasions.
8 Q And when you complained, you noted how your
9 compensation compared to release managers that you had been
10 asked to interview and hire, correct?
11 A When I was asked to interview and hire. So, if
12 you're referring to when I was in the process of looking for
13 other release managers or program managers, is that what
14 you're referring to?
15 Q Would that be the case?
16 A What incident are you talking about?
17 Q I'm just asking if you complained to Ms. Bhasar
18 that -- or when you complained about your compensation, you
19 noted how your compensation compared to release managers that
20 you had been asked to interview and hire?
21 A So, there were -- years ago, I was actually trying
22 to hire another release manager and there were candidates
23 that were coming from the outside that we were being
24 interviewed. And these candidates were really, really good,
25 they were coming from other companies. At that time, when we

1 wanted to hire them, we made an offer to them and they came
2 back and told us what they were making and what the bonus
3 structure was for them with these other companies.
4 Q And did you bring that fact to Mr. Bhasar's
5 attention?
6 A I don't recall if I did, I probably talked to my
7 direct manager. At that time I wasn't working for Meeten.
8 Q In 2015.
9 A Oh, you're talking about 2015. I wasn't hiring
10 anyone in 2015, in that situation.
11 Q So, you do not recall telling Meeten that, or
12 noting in your conversations with Meeten, how your
13 compensation compared to release managers that you had been
14 asked to interview and hire?
15 A No, I don't recall that at all.
16 Q Are you familiar with the fact that Oracle has
17 salary ranges associated with career level and job title?
18 A Yes.
19 JUDGE CLARK: Ms. Chan, would you move just a
20 little closer to the microphone.
21 THE WITNESS: Right here.
22 JUDGE CLARK: Or bring the microphone closer to
23 you?
24 THE WITNESS: Sure.
25 JUDGE CLARK: Thank you.

1 BY MR. ELIASOPH:
2 Q Now, you indicated that you were aware that your
3 salary was compressed. Were you aware that your salary was
4 below the entire salary range as of January 2015?
5 A No, I was not aware. I don't get to see those
6 things, those are confidential. The only reason why I know
7 it is compressed is basically comparison with similar
8 positions in other companies that my friends have had.
9 Q Do you recall that between 2011 and 2013 you
10 received less than a three percent increase in salary per
11 year?
12 A Probably.
13 Q And in 2013 you received no bonus, whatsoever?
14 A So, the reason for that -- and I was not working
15 for Meeten at that time, I was working for another manager.
16 So, bonuses are very small in number that we get at Oracle,
17 and the way that my manager, at that time, made sure that
18 there was some equity there, was that she actually gave
19 bonuses to her people every other year, in order to be more
20 equitable.
21 Q So, was that manager limited by budget, would they
22 have given more had they had a bigger budget?
23 A Yes.
24 MS. CONNELL: Objection, calls for speculation.
25 JUDGE CLARK: That does call for speculation, but

1 the answer is out, it will stand.
2 MS. CONNELL: Yeah.
3 BY MR. ELIASOPH:
4 Q And the bonus you received in 2014 was about 1.12
5 percent of your salary, correct?
6 A I don't remember, but okay.
7 Q You have non reason to believe that's inaccurate?
8 A Yeah.
9 Q And in the period before 2015, you routinely
10 received a 4 rating, which means exceeds expectation, in your
11 annual performance review, correct?
12 A That's true.
13 Q And some time around or before 2015, you told Mr.
14 Bhasar that you thought you should test the market to see
15 what your true worth was, correct?
16 A Again, I'm letting Meeten know that my comparison
17 with my friends, who are working at other companies, with
18 similar types of positions, you know, they were sharing me
19 their salary information.
20 Q And after you let Meeten know this, you received a
21 significant salary adjustment of over 25 percent, correct?
22 A Yes.
23 Q Were you aware that even with that increase you
24 were still only in the second quartile of the salary range
25 that pertained to your position?

1 A I'm not. I was not visible to those quartiles.
2 Q And you don't know what your COMPA Ratio is, do
3 you?
4 A No, I don't know.
5 Q Do you know what a COMPA Ratio is?
6 A Well, it's, again, it's part of that salary range,
7 is that what that is? I don't know.
8 Q Okay. That's fine. So, I'm going to talk about
9 your time as a manager. It's true, with respect to a new
10 hire, that before their compensation can be finalized
11 managers -- let me strike that.
12 Let's say going back to 2013, can you remind me how
13 many managers were below you, in the period between now and
14 -- on average?
15 MS. CONNELL: Objection, vague as to time.
16 JUDGE CLARK: What time period are you talking
17 about, Mr. Eliasoph?
18 BY MR. ELIASOPH:
19 Q Has the number of managers beneath you changed
20 between 2013 and the present?
21 A Not a lot.
22 Q Not a lot?
23 A Not a lot.
24 Q And what typically has it been?
25 A It's typically been probably around five to six.

1 Q Okay. So, is that five to six managers that report
2 directly to you?
3 A Correct.
4 Q And then do some of those managers have reports --
5 have managers under them?
6 A In 2013, initially, no. I had individual
7 contributors reporting to me. But when my role expanded in
8 2015, at that point I had managers who had people working
9 under them.
10 Q Okay. So, for a new hire, would the first line
11 manager make a compensation recommendation?
12 MS. CONNELL: Objection as beyond the scope of
13 direct.
14 JUDGE CLARK: Ask your question gain. I'm sorry.
15 MR. ELIASOPH: I'm asking about the approval
16 process which was clearly in the direct.
17 MS. CONNELL: No.
18 JUDGE CLARK: Ask your question again.
19 MR. ELIASOPH: I'll try to ask it more cleanly,
20 Your Honor.
21 JUDGE CLARK: Okay.
22 BY MR. ELIASOPH:
23 Q So, do the front line manager of any given employee
24 that's coming into your organization, you indicated that they
25 had a role in compensation, correct?

1 MS. CONNELL: Objection, misstates testimony and
2 beyond the scope of direct. I asked her about focals. I
3 didn't ask her about new hires or any of that.
4 JUDGE CLARK: Overruled.
5 You can answer the question if you can.
6 THE WITNESS: Can you repeat that question? Sorry.
7 MR. ELIASOPH: Yes.
8 BY MR. ELIASOPH:
9 Q Is there an approval process for the compensation
10 of new hires?
11 A Yes, there is.
12 Q And do you have a role in that approval process?
13 A Actually, no. It actually goes beyond me. The
14 system actually goes direct -- once you make an offer, is
15 that what you're asking?
16 Q Yes.
17 A So, once myself or my managers actually make an
18 offer to a candidate, it goes through the system and it
19 actually goes -- it actually -- I don't know whether this has
20 changed -- but it actually even skipped my line manager and
21 went directly to the executive leadership.
22 Q Okay. So, for new hires, the compensation is set
23 by the executive leadership?
24 A No.
25 MS. CONNELL: Objection, misstates testimony.

1 JUDGE CLARK: Sustained. And she said no.
2 Ask your question, Mr. Eliasoph.
3 MR. ELIASOPH: If I can have a moment, Your Honor?
4 JUDGE CLARK: Yes.
5 BY MR. ELIASOPH:
6 Q I'm going to move on to the focal review process.
7 A Okay.
8 Q That may prove a little smoother, we'll see.
9 You indicated that there's an approval process for
10 focal reviews, correct?
11 A Correct.
12 Q And you're either a first level approver, second
13 level approver, or third level approver?
14 A When you refer to second and third level, meaning
15 that I may have like multiple levels within my organization
16 to do that?
17 Q Correct.
18 A Yes, yes.
19 Q Okay. And there's multiple levels above you?
20 A Yes, correct.
21 Q And HR is involved in the process?
22 A Yes, correct.
23 Q And HR reviews the focal review proposals?
24 A They review it.
25 Q And the employee's compensation does not change

1 until there's final approval, meaning all levels of approval
2 have been obtained?
3 A That's correct, including the Board.
4 Q And how much time do you have in a given focal
5 review process?
6 A Usually, I'm given about a week to get that all
7 done.
8 Q And what about the process for bonuses, is it true
9 that before a bonus decision can be finalized the managers
10 for the employee whose compensation -- whose bonus is being
11 proposed, they need to approve that bonus?
12 A You mean my line managers?
13 Q Yes.
14 A Yes. For their employees.
15 Q And you need to approve it, as well?
16 A Correct.
17 Q And all intermediary managers need to approve it?
18 A Yes.
19 Q And --
20 JUDGE CLARK: So, Mr. Eliasoph, Ms. Chan, let me
21 him ask the question and then you give your answer. You're
22 both starting to sort of get into this rhythm and it's late
23 for me.
24 THE WITNESS: Okay, sure.
25 JUDGE CLARK: So, I just need to make sure we're

1 breaking it down, okay.
2 THE WITNESS: Okay.
3 JUDGE CLARK: So, Mr. Eliasoph, go ahead.
4 BY MR. ELIASOPH:
5 Q And the same is true that there's multiple levels
6 above you for that approval process?
7 A Correct.
8 Q And Human Resources reviews those bonus awards?
9 A They review it.
10 Q And the bonus is not actually awarded until all
11 levels of approval have been obtained?
12 A That is correct.
13 Q And it's the same process with respect to equity
14 awards, correct?
15 A That is correct.
16 Q And you indicated, with respect to equity awards,
17 that Oracle makes sure to only give those to a select group
18 of people?
19 MS. CONNELL: Objection, misstates testimony.
20 JUDGE CLARK: Overruled.
21 You can answer the question.
22 THE WITNESS: So, similar to focals, we're given a
23 budget for equity awards and it's my responsibility to work
24 with my management team to determine who within my
25 organization should get an equity award.

1 BY MR. ELIASOPH:
2 Q But it can't go to everybody, correct?
3 A That is true.
4 Q You don't have the budget for that?
5 A I do not have the budget to go to everyone.
6 Q And with respect to focals, you indicated you
7 receive guidelines, correct?
8 A Um-hum.
9 Q And -- is that a yes?
10 A Yes. Sorry.
11 Q And the guidelines recommend percentages?
12 A For focals it is percentages.
13 Q And it's percentages of what?
14 A Of their salary.
15 Q Okay. So, there's a recommended percent increase?
16 A Yeah. Yes.
17 Q And you indicated that in many years of working at
18 Oracle, and despite -- my word, not yours -- several career
19 grade level increases, your salary was compressed, correct?
20 A Correct.
21 Q Even though you received numerous salary increases
22 through focal reviews, correct?
23 A I'm not understanding.
24 Q Well, you indicated that you received -- I think
25 you said maybe 15 to 20 salary increases?

1 A Correct.
2 Q Were those the result of focal review processes?
3 A Correct.
4 Q Okay. And yet you still were left with a
5 compressed salary, correct?
6 A Correct.
7 Q Okay. And you indicated that members of your team
8 perform different types of work, perform different types of
9 -- or have different types of skills, correct?
10 A Correct.
11 Q Okay. Are you aware of any correlation of any
12 particular skill with a particular race?
13 A No, not at all.
14 Q And are you aware of any correlation of any
15 particular type of work assigned with a particular race?
16 A No.
17 Q The guidelines that you're given for focal reviews,
18 bonuses, and equity, they contain a recommended percent of
19 people who should receive the compensation increase or award,
20 correct?
21 A You mean in terms of penetration, is that what
22 you're talking about, a certain penetration --
23 Q It may be. Could you explain that?
24 A So, as an example, the equity, again that's used
25 for retention, because it takes four years to actually vest.

1 There is, sometimes, a recommendation that says that no more
2 than five percent of your organization should get an equity
3 award, for example. It should go to your top people that you
4 actually want to retain, because those are the top people
5 that you have rated highly and are critical to the
6 organization.
7 Q And what about focal reviews?
8 A Focal reviews is not typically like that. Again,
9 the recommendation is more about minimum percentage and
10 taking into account the people who have the higher rating,
11 performance rating.
12 MR. ELIASOPH: Okay. I have no further questions,
13 Your Honor.
14 JUDGE CLARK: Anything further, Ms. Connell?
15 MS. CONNELL: Just quickly.
16 REDIRECT EXAMINATION
17 BY MS. CONNELL:
18 Q Mr. Eliasoph asked you about HR reviewing
19 allocations during both an equity and a bonus program, do you
20 recall that?
21 A Um-hum. Yes.
22 Q And I asked you this question for a focal, but I
23 don't think I asked you for equity and bonus. Does HR have
24 the authority to change allocations regarding equity and
25 bonus?

1 A No.
2 MS. CONNELL: No further questions.
3 JUDGE CLARK: Mr. Eliasoph, anything on that
4 limited area?
5 MR. ELIASOPH: No, Your Honor.
6 JUDGE CLARK: Ms. Chan, thank you so much for your
7 time. You are free to go. You are excused as a witness.
8 Thank you very much.
9 THE WITNESS: Thank you.
10 (Witness excused.)
11 JUDGE CLARK: I'm impressed, I never thought we'd
12 get through this many people.
13 Thank you, Ms. Chan.
14 It is 5:25 o'clock p.m., we're going to call it a
15 day. We'll start back Monday morning at 9:00 o'clock a.m.
16 Anything further for the record today, Ms. Bremer?
17 MS. BREMER: I think if we could just get a listing
18 of the witnesses for Monday.
19 JUDGE CLARK: Okay. You don't have to do it right
20 now, but make sure you give it to them.
21 MR. PARKER: They know who we're calling on Monday,
22 it's just a matter of order.
23 JUDGE CLARK: Okay. You've already given them --
24 and tell them the order by the close of -- by the time you
25 guys all go home from work, I guess -- I don't know.

1 MR. PARKER: Can we do it tomorrow morning?
2 JUDGE CLARK: So, last week I told them that you
3 had to give it by --
4 MR. PARKER: Never mind.
5 JUDGE CLARK: Thank you. If you can do it tonight
6 or somehow.
7 All right. Anything further, Mr. Eliasoph?
8 MR. ELIASOPH: No, Your Honor.
9 JUDGE CLARK: Ms. Bremer?
10 MS. BREMER: No, Your Honor.
11 JUDGE CLARK: Mr. Garcia?
12 MR. GARCIA: No, Your Honor.
13 JUDGE CLARK: Ms. Connell?
14 MS. CONNELL: No, Your Honor.
15 JUDGE CLARK: Ms. Mantoan?
16 MS. MANTOAN: Nothing further, Your Honor.
17 JUDGE CLARK: Mr. Parker?
18 MR. PARKER: No, thank you, Your Honor.
19 JUDGE CLARK: All right. Thank you all very much.
20 We'll see everyone back here at 9:00 o'clock a.m., Monday
21 morning.
22 Off the record.
23 (Whereupon, the proceedings adjourned at 5:23
24 o'clock p.m.)
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1 REPORTER'S CERTIFICATE

2 TITLE: Federal Contract Compliance Programs v. Oracle
3 America, Inc.
4 CASE NUMBER: 2017-OFC-00006
5 OWCP NUMBER: N/A
6 DATE: December 13, 2019
7 LOCATION: San Francisco, CA
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11 This is to certify that the attached proceedings
12 before the United States Department of Labor, were held
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14 complete, true and accurate transcript which has been
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