

16 July 2017

GOOGLE WINS DENIAL OF ACCESS MATTER WITH OFCCP

In a long-awaited ruling, Administrative Law Judge (ALJ) Steven Berlin issued his recommended ruling in the [Google matter](#). It is important to note that this case was not a trial about pay discrimination but simply whether OFCCP had the right to a massive amount of compensation data going back almost twenty years. Simply put, the OFCCP was alleging that Google was denying OFCCP access by not providing a voluminous amount of compensation data and employee personal contact information during a compliance evaluation. Historically, the denial of access cases that OFCCP has litigated they have been successful. While the decision is subject to review by the DOL's Administrative Review Board, it looks like this winning streak may have finally ended. ALJ Berlin ruled that OFCCP's data requests were NOT reasonable, within its authority, relevant to the investigation, focused, and not unduly burdensome. This is not only a major win for Google but for all federal contractors subject to OFCCP's jurisdiction. In summary, ALJ Berlin ruled as follows:

REASONABLE – One Additional Compensation Snapshot – Within 60 days after this Order becomes final, Google must provide OFCCP with a snapshot for September 1, 2014, but ruled that Google need not include in that snapshot numerous items OFCCP requested. Only one additional year of snapshot compensation data.

NOT REASONABLE – Contact Information for All Google Employees – OFCCP requested that Google provide the contact information for ALL 25,000 employees. Google expressed concerns over data security and privacy. ALJ Berlin agreed. ALJ Berlin ruled that this was not reasonable and will only require Google to provide OFCCP with a list of up to 5,000 employee names and contact information. After considering information learned OFCCP may make a request for contact information for up to 3,000 additional employees.

NOT REASONABLE – Complete Salary History for All Google Employees – OFCCP's request for salary and job histories and the related data is denied without prejudice to OFCCP's renewing the request if it can show that the request is reasonable, within its authority, relevant to the investigation, focused, and not unduly burdensome.

More to come on this ruling as we at DCI take the time to digest in full the ruling.



By: [David Cohen](#).