Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
32-CA-164766	11/23/2015

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Google, Inc.		b. Tel. No. (650)253-3640 c. Cell No. (415)867-5506
d. Address (street, city, state ZIP code) 1600 Amphitheatre Pkwy, Mountain View, CA 94043-1351	e. Employer Representative Jenn Blackstone Senior Counsel	f. Fax No. g. e-Mail jblackstone@google.com h. Dispute Location (City and State) Mountain View, CA
i. Type of Establishment (factory, nursing home, hotel) Technology	j. Principal Product or Service Internet search engine	k. Number of workers at dispute location 30,000

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

Since about (b) (6), (b) (7)(C) 2015, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by issuing a final written warning to employee (b) (6), (b) (7)(C) in retaliation for (b) (6), protected concerted activity.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)
(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail (b) (6), (b) (7)(C)

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5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION **I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.**	Tel. No. (b) (6), (b) (7)(C)
By: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature) Print Name and Title	Office, if any, Cell No. (b) (6), (b) (7)(C) Fax No.
Address: (b) (6), (b) (7)(C) Date: 2015-11-23	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)

REGION 32 – DOCKET SHEET (Charge Against Employer)

Case Name:	Google, Inc.

Method of Receipt:	Visit	Written (Fax or Mail)	E-Filed:

IO Assisted (Circle one)	Yes / No
IO Inquiry # on Charge (Circle one)	Yes / No
IO Notes (Circle one)	Yes / No

Assigned to:	Supervisor	Henze	Agent	Hajduk

Dispute Location	City	Mountain View	State	CA

Bargaining Status (Check One)

Existing Contract		None	✓
Organizational Campaign		Seeking Initial Contract	
Seeking Successor Contract			

No. of 8(a)(3) Discriminatees	

Include Back Pay Paragraph (Circle one) (Charging Party only)	Yes / No
Include Spanish Explanation & Assistance Paragraphs (Circle one) (Charging Party only)	Yes / No

IA Category (Circle one)	I / II / III

Possible 10(j) Case (Circle one)	Yes / No
Date & Time 10(j) Screen	

Related Cases (Relate on Case Level)	N/A

Initial if OK to Docket **Amended** Charge	

Comments:	

Section	Allegation	Applicable?
8(a)(1)	Coercive Actions (Surveillance, etc)	
	Coercive Rules	
	Coercive Statements (Threats, Promises of Benefits, etc.)	
	Concerted Activities (Retaliation, Discharge, Discipline) (*)	✓
	Denial of Access	
	Discharge of Supervisor (Parker-Robb Chevrolet)	
	Interrogation (including Polling)	
	Lawsuits	
	Weingarten	
8(a)(2)	Assistance	
	Domination	
	Unlawful Recognition	
8(a)(3)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire (not salting)) (*)	
	Discipline	
	Lockout (*)	
	Refusal to Consider/Hire Applicant (salting only) (*)	
	Refusal to Hire Majority (*)	
	Refusal to Reinstate Employee/Striker (e.g. Laidlaw) (*)	
	Retaliatory Lawsuit	
	Shutdown or Relocate/Subcontract Unit Work (*)	
	Union Security Related Actions (*)	
8(a)(4)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire)	
	Discipline	
	Refusal to Reinstate Employee/Striker	
	Shutdown or Relocate/Subcontract Unit Work	
8(a)(5)	Alter Ego	
	Failure to Sign Agreement	
	Refusal to Bargain/Bad Faith Bargaining (including Surface Bargaining/Direct Dealing)	
	Refusal to Furnish Information	
	Refusal to Recognize	
	Repudiation/Modification of Contract [Sec 8(d)/Unilateral Changes] (*)	
	Shutdown or Relocate (e.g. First National Maint.) Subcontract Work (*)	
8(e)	All Allegations against an Employer	

(*) May require adding the Back Pay Statement to Charging Party Letter

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Download
NLRB
Mobile App

November 23, 2015

JENN BLACKSTONE, SENIOR COUNSEL
GOOGLE, INC.
1600 AMPHITHEATRE PKWY
MOUNTAIN VIEW, CA 94043-1351

Re: Google, Inc.
Case 32-CA-164766

Dear Ms. Blackstone:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Alexander M. Hajduk whose telephone number is (510)637-3271. If this Board agent is not available, you may contact Deputy Regional Attorney Jeffrey L. Henze whose telephone number is (510)637-3285.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

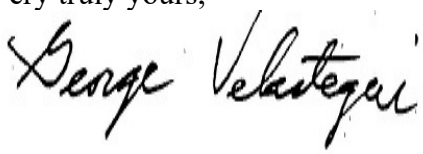
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



George Velastegui
Regional Director

Enclosures:
1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011 NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER
Google, Inc.	32-CA-164766

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

[ ] CORPORATION [ ] LLC [ ] LLP [ ] PARTNERSHIP [ ] SOLE PROPRIETORSHIP [ ] OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS *(Products handled or manufactured, or nature of services performed).*

7. A. PRINCIPAL LOCATION:	B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. Total:	B. At the address involved in this matter:

9. DURING THE MOST RECENT *(Check appropriate box):* [ ] CALENDAR YR [ ] 12 MONTHS or [ ] FISCAL YR *(FY dates)*

	YES	NO
A. Did you **provide services** valued in excess of $50,000 directly to customers outside your State? If no, indicate actual value. $		
B. If you answered no to 9A, did you **provide services** valued in excess of $50,000 to customers in your State who purchased goods valued in excess of $50,000 from directly outside your State? If no, indicate the value of any such services you provided. $		
C. If you answered no to 9A and 9B, did you **provide services** valued in excess of $50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than $50,000, indicate amount. $		
D. Did you **sell goods** valued in excess of $50,000 directly to customers located outside your State? If less than $50,000, indicate amount. $		
E. If you answered no to 9D, did you **sell goods** valued in excess of $50,000 directly to customers located inside your State who purchased other goods valued in excess of $50,000 from directly outside your State? If less than $50,000, indicate amount. $		
F. Did you **purchase and receive goods** valued in excess of $50,000 from directly outside your State? If less than $50,000, indicate amount. $		
G. Did you **purchase and receive goods** valued in excess of $50,000 from enterprises who received the goods directly from points outside your State? If less than $50,000, indicate amount. $		
H. **Gross Revenues** from all sales or performance of services ***(Check the largest amount)*** [ ] $100,000 [ ] $250,000 [ ] $500,000 [ ] $1,000,000 or more If less than $100,000, indicate amount.		
I. **Did you begin operations within the last 12 months?** If yes, specify date: _____		

10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

[ ] YES [ ] NO *(If yes, name and address of association or group).*

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE *(Type or Print)*	SIGNATURE	E-MAIL ADDRESS	DATE

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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

GOOGLE, INC. **Charged Party** **and** (b) (6), (b) (7)(C) **Charging Party**	**Case 32-CA-164766**

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 23, 2015**,** I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

JENN BLACKSTONE, SENIOR COUNSEL
GOOGLE, INC.
1600 AMPHITHEATRE PKWY
MOUNTAIN VIEW, CA 94043-1351

November 23, 2015
Date

Giusseppe Dizon, Designated Agent of NLRB
Name

/s/ Giusseppe Dizon
Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Download NLRB Mobile App

November 23, 2015

(b) (6), (b) (7)(C)
[redacted]

Re: Google, Inc.
Case 32-CA-164766

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on November 23, 2015 has been docketed as case number 32-CA-164766. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

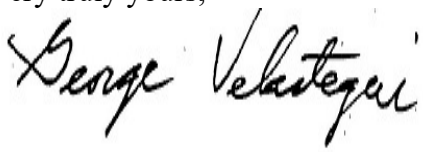
Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue

to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



George Velastegui
Regional Director

From: (b) (6), (b) (7)(C)
To: Hajduk, Alexander M.
Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
Date: Tuesday, November 24, 2015 3:41:38 PM
Attachments: NLRB-charge-final.pdf
NLRB-charge-timeline.docx
loveletters.pdf

Sure thing. Please see attached.

(FWIW, they're not "supposed" to snoop on our personal gmail accounts,
and I haven't been storing anything sensitive there.)

On Tue, Nov 24, 2015 at 12:21 PM, Hajduk, Alexander M.
<Alexander.Hajduk@nlrb.gov> wrote:
> Hello (b) (6), (b) (7),
>
> I think in this situation, since the charge is against Google, it'd be prudent (at least for the sake of appearances) to just send the attachments directly rather than using the Google Docs system. As a practical matter, even if the Employer weren't Google, our electronic case handling system doesn't work too well with documents that aren't individually attached and separately uploaded. I had this issue come up recently in a different case and the dropbox/ZIP file nearly crashed our system, which I can only assume is due to the fact that our system is being held together with duct tape and bailing wire.
>
> In any event, just email me the attachments individually and I'll take care of uploading them into the official case file.
>
> Thanks for your help with this.
>
> -Alex Hajduk
> NLRB
>
> -----Original Message-----
> From: (b) (6), (b) (7)(C) [mailto (b) (6), (b) (7)(C)]
> Sent: Tuesday, November 24, 2015 11:18 AM
> To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>
> Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
>
> Hi Alex,
>
> I sent you a link to the requested information on Google Docs, as that is where my colleagues and I have been editing/sharing/reviewing items relevant to our case. You may need to register your @nlrb.gov email address using this form:
>
> https://accounts.google.com/signupwithoutgmail?hl=en
>
> If that's too much trouble, let me know and I'll just send them as an email attachment.
>
> As for the documents:
>
> NLRB-charge-timeline has a high-level description of the alleged NLRA violation, a writeup on the specific workplace issues we're trying to resolve through PCA, and a timeline with specific examples that demonstrate the "concertedness" of the PCA.
>

> loveletters.pdf contains my warning letter, my lawyer's complaint about it, and the Google lawyer's rebuttal.
>
> NLRB-charge-final is a scanned copy of the 501 form that I filled out with Jennifer Kaufman yesterday. I mailed this document to Google, certified with return receipt requested, this morning.
>
> Thanks!
>
>
> On Tue, Nov 24, 2015 at 10:40 AM, Hajduk, Alexander M.
> <Alexander.Hajduk@nlrb.gov> wrote:
>> Hello again [redacted],
>>
>>
>>
>> I wanted to thank you for our conversation this morning and the
>> preliminary details about your charge. As we discussed, I have
>> penciled you in for your affidavit appointment on December 4, 2015,
>> starting at 11 am. We are located in the Oakland Federal Building at
>> 1301 Clay Street, Room 300N, Oakland, CA 94612. Since you'll be
>> driving up from Mountain View, I should let you know that there is
>> street parking around the federal building (though this is often hit
>> or miss) as well as several private parking lots, including one on MLK
>> Jr. Way (which is where most folks park). The caveat with that is
>> while the Agency doesn't validate that parking garage will accept validations if you purchase something from one of the nearby cafes.
>> Regarding the building itself, we're in the North Tower on the third
>> floor, but I should mention that since we're in a federal building the
>> security will be airport-level intense, so prepare for that.
>>
>>
>>
>> All that having been said, please feel free to email me at this
>> address or call me at my office number below if you have any questions
>> or concerns both prior to and after your affidavit. As we mentioned,
>> you can use this address to send whatever preparatory materials you
>> have in support of your charge, but for any other materials that you
>> have in non-electronic format, please bring those with you on December 4.
>>
>>
>>
>> Otherwise, I look forward to meeting you and thanks again.
>>
>>
>>
>> Alexander M. Hajduk
>>
>> Senior Field Examiner
>>
>> National Labor Relations Board
>>
>> Region 32 – Oakland, CA
>>
>> Office: (510) 637-3271
>>
>> Fax: (510) 637-3315
>>
>>

Overview

Starting in April 2015, I collaborated with approximately 12 co-workers to protest workplace bullying, discrimination, intimidation, and supervisory misconduct at Google. On 2015-[redacted] I politely brought up a few of the group's concerns to (b) (6), (b) (7)(C) and asked [redacted] to intervene. On 2015-[redacted] I received a Final Written Warning letter for my 2015-[redacted] complaint.

Problem statement

In early 2015, I noticed a disturbing new trend on Google's internal employee discussion forums: individuals who expressed heterodox views on certain political subjects, such as "diversity" or "social justice," were frequently singled out for mistreatment at work. This mistreatment typically includes some combination of the following:

- Severe written abuse from colleagues, including name-calling, personal attacks, profanity, and defamation.
- Calls for the person to be fired, accompanied by efforts to carry through by flooding Human Resources and the victim's management chain with false, malicious, and contrived complaints.
- Written threats of blacklisting, both from internal transfers within Google and from jobs at outside firms.
- Sabotage of the victim's job performance, by refusing all assignments that involve helping or working with the blacklisted individual.
- Sabotage of the victim's performance appraisals through secret unsolicited negative peer feedback.
- Informal or verbal warnings from HR.
- Formal written reprimands and threats of termination from HR.
- Denial of well-deserved promotions.
- Eventual termination of employment via pretextual PIP.

Employees who stood up in opposition to these tactics have also been subjected to similar treatment, even if they refrained from sharing their political views.

It became apparent to me that Google's management encourages and sanctions all of this unprofessional and illegal behavior:

- They make no attempts to stop the bullying activity and restore order, for example, by leaving a simple "please remember to be respectful at work" comment or by shutting down comments on threads that are out of control. This is true even when VPs, managers, and directors are actively participating in the conversation.
- They refuse to take down disrespectful, hateful, and defamatory posts aimed at individual employees, or posts that encourage employees to engage in illegal, discriminatory, or retaliatory conduct toward their colleagues. I have directly petitioned

HR and Legal to remove offending posts on multiple occasions, and they have steadfastly refused.
- Google's HR organization routinely brushes off complaints in support of the targeted employees, frequently making excuses for workplace bullying and claiming that the abusive conduct was acceptable when considering the "context" of the discussion.

Timeline of protected concerted activities

In March 2015, having seen numerous posts stating and implying that these "witch hunts" intentionally target persons from my demographic group, I became concerned that I would inadvertently be targeted one day just for having a different opinion on something controversial. I determined that collective action was the only way to effectively protest this unfair supervisory treatment, and I resolved to support my colleagues whenever I saw that their rights were being violated.

On 2015-04-22, my first opportunity for concerted activity arose. On the company's internal social network, a colleague posted a few polite, respectful, and sincere comments opposing hiring discrimination. [redacted] was immediately bombarded with angry, abusive replies. [redacted] (b) (6), (b) (7)(C) publicly humiliated [redacted] and promised the angry mob that [redacted] would be seeking punishment. Others threatened to sabotage [redacted] performance review and lobbied for [redacted] to be summarily terminated.

In coordination with this individual, I reached out to HR and pled with them to try to see [redacted] side of the story. I asked HR to please do something about the aggressors who were abusing and threatening the individual with nasty, profane, racially charged remarks.

On 2015-04-24, I conversed with four other concerned individuals in a discussion thread related to the above incident, on the company's internal social network. We exchanged knowledge and opinions on a number of related topics, including:

- The inappropriateness (and increasing frequency) of termination threats based on simple political disagreements.
- Google HR's discriminatory and biased treatment of reported concerns.
- Techniques that HR uses to unfairly and dishonestly paint the bullying victim as the aggressor.
- Suggestions on gathering evidence for a future labor complaint, and in particular, advice to "take lots of screencaps - you'll need them someday."
- Historical examples of people who were mistreated due to their political or religious views, including one case at Google in which somebody suggested punishing employees who voted in favor of a controversial California ballot initiative.

On 2015-05-08, another employee wrote an open letter to Google HR and posted it on the company's internal social network. [redacted] challenged HR's handling of certain employee complaints as biased, and provided some examples of official actions that [redacted] felt to be unfair. In

the comments thread, we discussed HR's lack of action on my 2015-04-22 report, and our concerns about their unwillingness to stand up to the "angry pitchfork mobs" who are singling out and bullying specific employees for their beliefs.

On 2015-[redacted], I submitted another report to HR, advocating for the rights of several additional Google employees who had been mistreated by workplace bullies. This included:

- A handful of colleagues who were targeted based on race or gender.
- Two instances of colleagues who were bullied for expressing sincerely-held beliefs.
- Concerns about ongoing efforts to get colleagues (several of whom are friends of mine) fired for their beliefs.
- A link to a post from an individual who was complaining about workplace intimidation.
- A complaint that a colleague was unfairly denied promotion due to his outspoken political opinions and his ongoing efforts to convince other employees to challenge the unjust system.
- A complaint about [redacted] who told me (privately) that holding "incorrect" political beliefs on certain topics would be grounds for dismissal on [redacted] team, using the pretext of "low performance."

On 2015-05-21, I had a long and productive private email discussion with a colleague regarding the following topics:

- Workplace bullying problems at Google, including the root causes and possible solutions.
- HR (mis)behavior and my experiences working with them so far.
- Race/gender bashing on Google's internal forums.
- Discrimination laws and how they might apply to our situation.

On 2015-06-06, I discovered that a fellow employee had set up an anonymous blog on the public internet to exchange information on the problems we're having inside Google. This blog is now defunct, although several postings have been archived. Relevant highlights from the blog include:

- Reader comments from approximately 5-10 current Google employees exchanging information and complaints about the work environment:
    - Pointers to discriminatory postings.
    - Comments from individuals who were challenging the postings.
    - Management's reactions to the challenges.
    - Other violations of employee rights and concerns about the intolerant work environment.
- Critical statements on how executives handled a contentious email thread and unfairly vilified employees who held minority opinions.
- Concerns about discrimination, disparate treatment, and sexism perpetrated or condoned by two [redacted].

- Concerns about workplace bullies conspiring to reward other bullies financially through the company's "peer bonus" system.
- Protests regarding unfair treatment of a specific co-worker who was targeted in [redacted] 2015, the legal risks that the workplace bullies are causing for Google, and suggested strategies that other workers can use to avoid retaliation.
- Abject fear of retribution from Google for speaking out, e.g.
    - Concerns that (b) (6), (b) (7)(C) would become a "dead man walking" at Google if [redacted] stood up for the aforementioned co-worker.
    - A direct quote: "At my place of employment, things have gotten to the point where someone who objected to affirmative action, in the mildest and most polite manner, was viciously abused and reported to both Human Resources and [redacted] (b) (6), (b) (7)(C) ."
- Criticism regarding the administration of Google's mandatory bias training program.
- A series of posts featuring advice for junior-level engineers on navigating and surviving Google's toxic political environment.

On 2015-06-06 I shared this blog with another colleague, who found the suggestions and analysis immensely helpful in [redacted] efforts to speak out against unfair employee treatment.

On 2015-06-07, I began exchanging several private emails with (b) (6), (b) (7)(C) . We debated strategies for sharing [redacted] writings with additional employees to recruit them to join the effort, and discussed possible HR reactions. We also discussed the pros and cons of taking legal action against Google or against individual workplace bullies for maltreatment and defamation.

Between 2015-08-04 and 2015-08-05, I engaged with two other employees on an internal discussion thread regarding yet another attempt to terminate a colleague for holding unpopular political opinions. All three of us called this behavior out as bullying and made it clear that it was inappropriate workplace conduct.

On 2015-08-06, a highly influential (b) (6), (b) (7)(C) posted a thread on the company's internal social network, calling for workplace civility and imploring [redacted] readers to make Google a supportive environment. Based on my past discussions with colleagues, and on the conversation from 2015-08-04 in particular, I relayed our concerns about the ongoing threats and bullying to this [redacted], asking [redacted] to settle the matter once and for all by clarifying the written policy on employee communications. [redacted] refused to address the question, either on the public forum or privately via email. However, [redacted] did forward our private correspondence to HR and instruct them to retaliate against me, which they later did.

On the same discussion thread, several other employees joined me in protesting employee bullying and intimidation at Google.

On 2015-08-06 and 2015-08-07, I worked in concert with several other individuals to protest the management's response to my complaint, and to challenge and document the misconduct of

several workplace bullies who responded to my comment with vicious and unprovoked personal attacks. We established a new internal mailing list to promote employee rights (it currently has 68 members) and discussed the possibility of taking legal action against Google, particularly for blacklisting.

On 2015-08-08, I engaged in a private email conversation with another concerned employee. We discussed different ways to frame our arguments to the management, talked about possible discrimination based on employee tenure, and again brought up the option of hiring a lawyer to take action against Google for violating our rights.

Between 2015-08-07 and 2015-08-14, in an email thread spanning nearly 100 posts, I collaborated with six other employees to send a formal complaint letter to the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C) . The letter's stated purpose was to protest against blacklisting, intimidation, and other workplace bullying that has become commonplace at Google. I contributed screenshots, evidence, wording changes, and other key pieces of the final document.

Between April 2015 and August 2015, another employee and a few of (b) (6), colleagues joined me in reporting specific instances of workplace bullying and illegal discrimination through official channels. While I approached HR directly, this group chose to utilize the company's anonymous ethics helpline. One of these individuals was unexpectedly placed on a Performance Improvement Plan as retaliation within days of protesting another instance of employee bullying.

On 2015- (b) (6), (b) (7)(C) I received a Final Written Warning letter claiming that my complaint to the (b) (6), (b) (7)(C) on 2015- (b) (6), (b) (7)(C) was "disrespectful, disruptive, disorderly, and insubordinate." I had taken great care in choosing my words to be polite and respectful, so it was incredibly disappointing to receive such a letter. I firmly believe that the warning letter was in retaliation for my ongoing, concerted efforts to organize Google employees for mutual aid and protection between April 2015 and August 2015. As the letter concludes with a threat of termination, I also perceived it as an attempt to discourage future concerted activity through crass intimidation.

In a letter dated 2015-11-16 from Google’s Senior Counsel, the company again grossly mischaracterized my protected concerted activity as "civility issues" and wrote to discourage further activity by writing: "(b) (6), is a well-regarded employee who has better and more important uses of (b) (6), time than engaging in the type of conduct which resulted in the warning."

LAW OFFICE OF PHILLIP J. GRIEGO
EMPLOYMENT & BUSINESS LITIGATION

95 South Market Street, Suite 520 • San Jose, California 95113
Tel: (408) 293-6341 • Fax: (408) 293-1959 • www.griegolaw.com

October 21, 2015

Via FedEx overnight

Kent Walker
Senior Vice President and General Counsel
Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Re: (b) (6), (b) (7)(C)

Dear Mr. Walker,

I represent (b) (6), (b) (7)(C) in the matter of the Final Written Warning attached hereto. (Exhibit A). Said warning alleges (b) (6), (b) (7)(C) violated Google policy to "create a respectful culture that is free of harassment, intimidation, or unlawful discrimination of any kind." None of (b) (6), (comments can remotely be described as disorderly, disruptive, derogatory name-calling, abusive or profane, intimidating or coercive.

The warning itself repudiates Google's own policy: "We strive to maintain the open culture often associated with startups, in which everyone is a hands-on contributor and feels comfortable sharing ideas and opinions." The warning also violates (b) (6), (b) (7)(C) right to engage in concerted activity to enlist support from co-workers to protest a hostile work environment based on race (white) and gender (male). The attachments provide ample evidence that white males who challenge certain assumptions behind the so-called "social justice" agenda are routinely and unfairly branded as "racists," "sexists," or "bigots," and targeted for severe written abuse and career sabotage.

The documents establish that high-ranking managers who make hiring and promotion decisions for Google habitually denigrate and attack white males in their postings to the company's internal social network. Here are a few examples of inappropriate posts:

> " . . . [A] study from Yale researchers shows that perceiving yourself as objective is actually correlated with showing even more bias," (Exhibit B, page 2); or
>
> "Men have an inflated sense of their abilities," (Exhibit B, page 4); or
>
> "If we have to choose who is able to speak and the choices are sexists or women, the answer is women," (Exhibit C, page 19); or
>
> "[frankly, I could care less about being unfair to white men. You already have all the advantages in the world." (Exhibit C, page 3).

Consider this comment: "Merely because I had spent a month reading stories

putting me in worlds where friends and relatives were black, I found my heart being more open to black people and more closed to white people," (Exhibit C, page 8); or

"While Google appears to be doing very little to quell the hostile voices [translate: people who disagree with the author's opinion], that exist inside the company, I want those hostile voices to know:

- I will never ever hire/transfer you on my team. Ever. I don't care if you are a perfect fit or technically excellent or whatever.
- I will actively not work with you, even to the point where your team or product is impacted by this decision. I'll communicate why to your manager if it comes up.
- You're being blacklisted by people at companies outside of Google. You might not have been aware of this, but people know, people talk. There are always social consequences. (Exhibit C, page 12).

On May 20, 2015, (b) (6), (b) (7)(C) filed a written complaint of harassment and discrimination on the basis of race, sex, and political affiliation (Exhibit D). (b) (6), (b) (7)(C) (b) (6), (2015, response suggests that because the posters were "reacting to an environment that has been less than friendly to women, and minorities at times. . . . some empathy could be valuable as you reflect on the conversation . . ." notwithstanding inexcusable inappropriate language used by the posters. (Exhibit C, page 4).

On August 6, 2015, (b) (6), (b) (7)(C), in the spirit of the "open door" culture Google espouses in which "everyone feels comfortable sharing ideas and opinions," responded to a post by (b) (6), (b) (7)(C) about workplace communications at Google asking for clarification on how the management expects employees to handle highly-politicized, emotional discussions on topics such as "social justice" which are often heavily laced with anti-white-male sentiment. (b) (6), (b) (b) (6), (b) (7)(C) replies (both publicly and via email) were evasive and dismissive.

On August 7, 2015, (b) (6), (b) (7)(C) reported (b) (6), (b) (7)(C) offensive comments to Human Resources.

On (b) (6), (b) (7)(C) 2015, (b) (6), (b) (7)(C) and a few other employees worked together to submit a written complaint to (b) (6), (b) (7)(C) , and (b) (6), (b) (7)(C) of Legal, regarding threats of blacklisting and intimidation from several Google managers and employees directed at (b) (6), (b) (7)(C) and at other members of the group.

On (b) (6), (b) (7)(C) 2015, (b) (6), (b) (7)(C) received a Final Written Warning for the "tone and tenor" of postings that could only be described as polite and professional (in stark contrast to the hostile postings aimed at (b) (6), (b) and at others who made a stand against Google's discriminatory treatment of white males).

California's Labor Code Section 923 provides, among other things, individual employees have full freedom of association, self-organization and shall be free from the interference, restraint, or coercion of employers in self-organization or other concerted activities for the purpose of their mutual aid or protection. The National Labor Relations Act, Section 8(a)(1),

prohibits an employer from interfering, coercing or restraining any employee for the exercising their right to engage in concerted action for mutual aid or protection guaranteed by Section 7. Google discriminated against (b) (6), (b) (7)(C) by issuing [redacted] a Final Written Warning in retaliation for or in order to discourage protected concerted activities, i.e., using a Google sponsored bulletin board to engage in discourse with fellow employees about a hostile work environment for white conservative males. *Pier Sixty, LLC,* 362 NLRB 59 (March 31, 2015), catering company in New York City violated sections 8(a)(1) and (3) of the NLRA when it terminated an employee for insulting a supervisor in a Facebook post.

The California Fair Employment and Housing Act, also prohibits retaliation against a person who opposes, reports, or assists another person to oppose unlawful discrimination (Government Code 12940(h). (b) (6), (b) (7)(C) reported and opposed Google's hostile work environment against white (b) (6), (b) (7)(C) suffered an adverse action thereafter under circumstances that suggest it was retaliation for [redacted] postings concerning this matter.

(b) (6), (b) (7)(C) demands (1) this document be removed from [redacted] personnel file and all copies destroyed; (2) that we enter into an agreement that nothing leading up to this warning will ever be used against [redacted] in any subsequent disciplinary action; and (3) that Google publishes a notice that any employee has a right under federal and state law to share communications on Google bulletin boards concerning any terms or conditions of employment.

(b) (6), (b) (7)(C) also requests that your office (4) initiate a thorough and impartial investigation of the employee misconduct detailed in the enclosed documentation; (5) permanently remove all hostile and defamatory posts targeting (b) (6), (b) (7)(C), and all posts targeting conservatives, whites, or males; (6) take all necessary steps to ensure that the rights of conservative white males are protected at Google going forward; and (7) copy me on any follow-up communications with (b) (6), (b) (7)(C).

If we we cannot come to an agreement on this matter, (b) (6), (b) (7)(C) will file charges with the appropriate agency or agencies.

Sincerely,

Phillip J. Griego

PJG:[redacted]

Cc: Client
Encl.

FAX COVER SHEET

TO	
COMPANY	
FAXNUMBER	(b) (6), (b) (7)(C)
FROM	(b) (6), (b) (7)(C)
DATE	2015-11-16 15:16:28 PST
RE	Griego, Phillip Letter Nov 2015

COVER MESSAGE

Hello,

Attached please find a letter for Griego, Phillip Letter Nov 2015.

Best,
(b) (6), (b) (7)(C)

--

(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) |
(b) (6), (b) (7)(C)

Google Inc.
1600 Amphitheatre Parkway
Mountain View, California 94043

Google

Main 650.253.0000
Fax 650.253.0001
www.google.com

November 16, 2015

NOV 16 2015

HC 11/16/15
cc: client

VIA FACSIMILE AND FEDERAL EXPRESS

Phillip J. Griego, Esq.
Law Office of Phillip J. Griego
95 South Market Street, Suite 520
San Jose, CA 95112

Re: (b) (6), (b) (7)(C)

Dear Mr. Griego:

I wanted to respond to the requests made in your October 21, 2015, correspondence regarding our current employee, (b) (6), (b) (7)(C).

On requests (1) and (2), the written warning that (b) (6), (b) (7)(C) received will remain in (b) (6), personnel file and could be the basis for further employment action, which we sincerely hope is not necessary. It is well settled that the right to free speech does not apply to the private sector workforce. *Grinzi v. San Diego Hospice Corp.* 120 Cal.App. 4th 72, 84 (2004). Nor do (b) (6), (b) (7)(C) debates with coworkers about various social justice issues constitute protected concerted activity regarding the terms and conditions of (b) (6), employment. (b) (6), was, and is, free to (respectfully) debate (b) (6), coworkers about their views on various social justice issues, but that does not transform (b) (6), communications into protected activity. Moreover, just claiming that others are interested in (or may even agree with) your communications does not convert them to protected concerted activity. *SB Tolleson Lodging LLC and LaTonya Bedonie*, Case Number 28-CA-131049, 2015 WL 1539767 (Apr. 7, 2015) ("Surely, it appears that the employees empathized with [the charging party] but there is no evidence that they sought to act as a group to challenge … supervisory conduct.")

On request (3), in addition to guidance set forth in Google's Code of Conduct and the Appropriate Conduct Policy, we have drafted an Internal Googler Communications policy. This policy - which has not been finalized - will remind Googlers to debate respectfully, to consider the impact their words have on others, and to refrain from discriminatory remarks, threats, and similarly inappropriate comments.

On request (4), we would like to emphasize that Google previously investigated and took action on other inappropriate posts. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015, that Google took appropriate action on other inappropriate posts, ranging from coaching to warnings. For privacy reasons, Google will not disclose the details of any particular employee's counseling, just as it would not disclose the details of (b) (6), (b) (7)(C)

warning to other employees. The key point, though, is that Google takes these issues seriously and took appropriate action.

On request (5), we did not ask (b) (6), (b) (7)(C) to remove (b) (6), posts and we will not be asking others to remove their posts. We hope and trust that all who have been counseled on these issues will refrain from similar types of communications in the future. We do not actively monitor posts across internal ERGs and Google+ posts and cannot be expected to start scouring internal groups and websites to remove possibly offending communications. We will continue to expect Googlers to follow company policy and will take action when there are policy violations.

On request (6), Google certainly respects the rights of employees to share their personal views on various topics. We reasonably expect, however, that they will do so in a manner that respects our workplace civility standards. Google has and will continue to protect the rights of all protected classes and, when an issue may be raised, we will (and do) investigate and respond promptly and without favoring any particular protected category.

Finally, on request (7), we respect your role as (b) (6), (b) (7)(C) counsel and thus are responding directly to your requests. Because (b) (6), (b) (7)(C) is a current employee, however, we will not be copying you on regular correspondence regarding (b) (6), day-to-day employment. (b) (6), is of course free to engage you on other matters and, if (b) (6) does, we will respond timely and professionally as we have here, even when we may disagree.

We truly hope and expect that (b) (6), (b) (7)(C) will put these civility issues behind (b) (6), (b) and focus on (b) (6), work. (b) (6), is a well-regarded employee who has better and more important uses of (b) (6), time than engaging in the type of conduct which resulted in the warning. While we consider this particular matter closed, I am of course willing to speak with you in the future as necessary.

We appreciate the opportunity to respond to your correspondence.

Very truly yours,

Jennifer J. Blackstone

Jennifer Blackstone
Senior Counsel, Employment
Google Inc.

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Google, Inc.

and

(b) (6), (b) (7)(C)

CASE 32-CA-164766

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF

Google, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Ross H. Friedman

MAILING ADDRESS: MORGAN, LEWIS & BOCKIUS, 77 W. Wacker, 5th Floor, Chicago, IL 60601

E-MAIL ADDRESS: rfriedman@morganlewis.com

OFFICE TELEPHONE NUMBER: 312.324.1172

CELL PHONE NUMBER: 773.497.7677 *FAX:* 312.324.1001

SIGNATURE: *(Please sign in ink.)*

DATE: 11-30-15

[1] IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

Google's Legal Liability Training

Google has a mandatory online legal training course for all employees called "You Said What?!":

You Said What?! *(Communication Training, formerly "Communicating With Care")*

Duration:
15 mins

Deadline:
21 days after notice

Frequency:
Annually

Get Training Help

Darn good advice on how to use your words - safely and smartly - so that you're not at risk of having to eat them later on.

This training is hosted on the Ethics & Compliance Learning Spot site. On your first visit, you will be asked to choose an account to authenticate from. You must select your google.com account for OAuth to be able to identify you - no password entry is required.

Training objectives:
Recognize risky communications in anything you write, send, share, or say. Identify the risk conditions and factors that create that risk and understand how to fine tune the words or the manner to root out any potential problems. Includes: confidentiality, how to respond to law enforcement requests, legal privilege, public speaking.

Audience: All Googlers - including interns, temps, vendors, contractors

Get started here *In order to ensure proper completion marking, Selectively Allow Pop-ups in Chrome before launching the training lesson.*

Accessibility:
An alternate version of this e-learning optimized to GAR is in development. If you attempt to complete this training now and experience an issue with the site or e-learning related to accessibility, please submit a waiver request. The requirement will be re-assigned to you when the alternate session becomes available.

The purpose of this course is to ensure that employees do not inadvertently generate discoverable evidence that can later cast the company in an unfavorable light, e.g. by speculating on liability or legal problems with products in email. For instance:

INTRO 01 02 03 04 05 06 07 08 09 10

10 Activity

During product testing, Karl became aware of safety concerns with the gStroller product and is worried that it is being pushed to market before it is ready. Karl intends to send the email on the right to his manager.

Select the best replacement for the highlighted paragraph in the email:

- If we launch the product as is, someone's definitely going to sue us, and I don't want to be blamed.
- As long as we notify our manager and document our concerns in writing as proof, if Google becomes liable for anything later on, you and I should be in the clear. Don't you think?
- Delete the highlighted paragraph.

To: Echo (google.com)

need your advice

Echo,

I just looked at the gStroller dogfooding data, specifically in relation to the rockabye technology. You've seen some of the user feedback, haven't you?

You know and I know that there are **serious flaws in the technology**. If we release this thing like this, **Google's going to get sued left and right**, the **product liability damages will be off the** chart, and **you and I may even be held personally negligent**. [why?]

We need to get help from Legal right away.

- Karl

While this may be a necessary and prudent move for a high-profile company like Google when it is applied to employees' work-related communications, many employees have mistakenly interpreted the policy to prohibit discussing possible violations of the labor code. As seen below, this has a chilling effect on protected concerted activity:

[redacted]@google.com Aug 7 Reply to all

to me

Heads up. Don't speculate about legal issues on mailing lists, and don't attempt to draw legal conclusions yourself.

https://docs.google.com/a/google.com/presentation/d/1XvJ3ekmBQAtmlvzmuJ5nGfh2V3kDZWTb4SJEmployeeIT?usp=email#slide=id.p

If you have a concern, you should contact HR or Legal directly.

/s/ [redacted]

On Friday, August 7, 2015 at 11:23:32 AM UTC-7 [redacted] wrote:

[redacted] have openly admitted to discriminating against internal transfer applicants based on the engineer's political views.

[redacted]

[redacted] "I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today."

In California, Labor Code sections 1101-1102 cover coercion and retaliation involving political affiliation or activity.

http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1101-1106

Legal requirements notwithstanding, these political blacklists seem like a fairly un-Googley thing to do, and are hardly in the best interests of any company.

I suppose this leaves us with at least two problems to solve:

1) The actual viewpoint discrimination problem (which may be widespread; surely most managers who practice it have the good sense not to bring it up loudly) and the toxic political attitudes that lead to it.

2) The chilling effect that it could have on internal speech.

--

You received this message because you are subscribed to the Google Groups "Free Speech" group.
To unsubscribe from this group and stop receiving emails from it, send an email to freespeech+unsubscribe@google.com.
To post to this group, send email to freespeech@google.com.
To view this discussion on the web visit https://groups.google.com/a/google.com/d/msgid/freespeech/6911b665-c110-45e2-ba40-53b0531a507c%40google.com.

Understanding Privilege at Work Product Privilege

<Privilege> ACP

[redacted]@google.com Aug 7 Reply to all

to ACP

Good point. Dragging the labor code into this is a bad idea. The communicating with care guidelines apply here, same as any other mailing list: https://sites.google.com/a/google.com/privilege/home/top-legal-issues/communicate-with-care-dos-and-don-ts

Some potentially troublesome excerpts which could be interpreted as preventing discussion of labor law violations:

INTRO 01 02 03 04 05 06 07 08 09 10

RULE
10 Think...Then Speak.

Your communications can have unintended consequences for you and the company. Think carefully before you speak publicly about anything related to Google. Understand that unless you're specifically authorized to speak on behalf of the company, you aren't. Even if you intent to speak on behalf of the company, your status as a Googler may not be clear, and it is likely that your communications will be attributed to Google anyway. Be careful out there.

how to get approval

Shhhh.

In addition to company policy, there are Federal regulations and stiff penalties governing the release of material, non-public information to anyone outside the company. In particular, sharing facts and figures that could be used to make decisions about whether to buy, sell or retain Google stock, even with friends and family, is a crime, unless that information is being made available to the general public at the same time.

risky situations

Avoid Legalese and Uninformed Fault Finding

Are you always sure you are responsible for drawing legal conclusions on Google's behalf? Do you have all the facts? Unless you answered "yes" to all three questions, avoid communications that conclude, or appear to conclude, that Google or Googlers are acting "illegally" or "negligently," have "violated" a law, "should" or "would be "liable" for anything, or otherwise convey legal meaning. Your conclusions could be incorrect and could hurt us

risky words

Google

Do's and Don'ts: More Examples

DON'T: Speculate over email about legal issues or use legal jargon.

Bad:	**Good:**
➢ Holly: "Hey Dan, I think we breached one of our contracts." ➢ Dan: (+Arturo) "Yeah, I think so too. Hey Arturo, what do you think?" ➢ Arturo: "I've attached the contract language we violated, and I agree. Looks like a breach. Let's loop in Mike from Legal."	➢ Holly: (+Mike from Legal, Dan) "Hey Mike, would you please look at the issue below and let Dan and I know if this creates an issue under our merchant agreements?"

[redacted]

(b) (6), (b) (7)(C) [redacted]@google.com>

G+ post

12 messages

(b) (6), (b) (7)(C) [redacted]@google.com> Thu, Aug 6, 2015 at 11:43 AM
To: (b) (6), (b) (7)(C)@google.com>

Hi [redacted]

As a free thinker and as an anti-bullying advocate, I'm trying to get some clarity on a couple of points:

- Is it against Google policy to disagree with Social Justice Theory on political threads?

- Were any Google policies violated in the Industryinfo megathread? If so, could you please provide more specific information on what will/won't be tolerated?

- Did I violate any policies by posting in your G+ thread? If so, which ones?

- Do you think it's reasonable for Googlers to "dogpile" on fellow employees who express unpopular opinions in good faith, or would you consider that harassment?

- Do you think it's reasonable for Googlers to call for co-workers to be fired based on expressing unpopular opinions, or does that cross a line?

- Would you consider making a public statement that specifically calls out these abusive bullying tactics, and lets people know they will not be tolerated at Google?

Thanks!

(b) (6), (b) (7)(C)@google.com> Thu, Aug 6, 2015 at 5:32 PM
To: (b) (6), (b) (7)(C) [redacted]@google.com>, respect <respect@google.com>

+respect@ to help you with resources to understand the situation better.

I think the biggest disconnect is that you appear to miss (or perhaps misunderstand) the problem with whoever posted on industryinfo@ (forgot their names), and similarly don't understand why your comment on my G+ post was entirely inappropriate indeed, in that context. Context matters a lot -- it may be perfectly fine and welcome to utter a certain sentence in a restaurant, say, but entirely inappropriate / unwelcome to say it at a funeral. It's not the sentence that's the problem, it is when / where / how it was said. Think about how this applies to the threads at hand.

Best,

[redacted]

[Quoted text hidden]

[redacted]@google.com> Thu, Aug 6, 2015 at 6:01 PM
To: (b) (6), (b) (7)(C)@google.com>
Cc: [redacted]@google.com>

Moving respect@ to bcc

Hi [redacted]

Thanks for looping in respect@, and I agree with you completely that context is an incredibly important factor in figuring out whether someone's behavior, actions or comments are appropriate.

[redacted] I would be happy to connect with you directly to talk more about this situation, and some of the questions you raised. I went ahead and grabbed time on calendar for early next week, and made the entry modifiable.

Best,
[redacted]

[Quoted text hidden]
[Quoted text hidden]

--
You received this message because you are subscribed to the Google Groups "respect" group.
To unsubscribe from this group and stop receiving emails from it, send an email to respect+unsubscribe@google.com.
To post to this group, send email to respect@google.com.
To view this discussion on the web visit https://groups.google.com/a/google.com/d/msgid/respect/CAOr2qJRYJ_%3DgLiczo4KLMh%3D2ziw7_Pzr9C1QR_QbubT1ZJMwVw%40mail.gmail.com.

--
[redacted]
Google, Inc.
1600 Amphitheatre Parkway

Mountain View, CA 94043
[redacted] (phone)
650-887-2345 (fax)
[redacted]@google.com

If you received this communication by mistake, please don't forward it to anyone else (it may contain confidential or privileged information), please erase all copies of it, including all attachments, and please let the sender know it went to the wrong person. Thanks.

[redacted]@google.com> Thu, Aug 6, 2015 at 6:21 PM
To: [redacted]@google.com>, [redacted]@google.com>
Cc: respect <respect@google.com>

On Thu, Aug 6, 2015 at 5:32 PM, [redacted]@google.com> wrote:
> +respect@ to help you with resources to understand the situation better.
>
> I think the biggest disconnect is that you appear to miss (or perhaps
> misunderstand) the problem with whoever posted on industryinfo@ (forgot
> their names), and similarly don't understand why your comment on my G+ post
> was entirely inappropriate indeed, in that context. Context matters a lot
> -- it may be perfectly fine and welcome to utter a certain sentence in a
> restaurant, say, but entirely inappropriate / unwelcome to say it at a
> funeral. It's not the sentence that's the problem, it is when / where / how
> it was said. Think about how this applies to the threads at hand.

Hi [redacted]

Let's talk about context.

In the industryinfo thread, the OP posted a biased article on a political hot-button topic. Predictably enough, Googlers on all sides of the issue posted their reactions. What would lead a reasonable person to believe that this was the wrong context to debate the article's content and underlying assumptions?

Given that we seem to encounter a new G+ Social Justice Outrage every month or two, it is obvious that people aren't receiving a clear message on what the management expects. Personally I found both of your posts on the topic to be excessively vague. What exactly did you express "disappointment" about on industryinfo - that not all Googlers are sufficiently enthusiastic about the Social Justice agenda? Are we prohibited from disagreeing with any part of the company's diversity efforts? As a leader, if you're going to scold employees for something, it is critical to tell them what behavioral changes you're expecting to see going forward. Most employees will follow the rules

(if begrudgingly) as long as they know what you're asking of them.

In your G+ thread, you posted a letter from somebody who was extremely distressed over the industryinfo thread. What led to this distress? You didn't say, but many inferred that the distress was caused by the writer seeing dissenting opinions on industryinfo, and then voluntarily sitting down to read through 8 pages of them. To what extent do you expect Googlers to suppress their opinions on Social Justice topics in order to prevent such sensitive individuals from feeling distressed and logging 300+ "microaggressions" in the course of a year? To what extent (if any) do you expect the pro-Social-Justice side to moderate their rhetoric to keep political minorities from feeling uncomfortable, vilified, and oppressed at work? Again, no clear guidance was offered on this; instead, you and scores of others responded with non-constructive replies. (note: I haven't read all of them yet) Can you see why this would lead to a few obvious questions?

The G+ comments also contained personal attacks and "dogpiling" on individuals who questioned the Social Justice agenda - something we've had major problems with before. How does that square with Google's standards of professional conduct and harassment policy; and what is the rationale for allowing vicious, non-constructive ad-hominem attacks to remain posted on an SVP's G+ page? Is your G+ page an appropriate forum for other Googlers to call me a "shitheel" or to make other derogatory comments?

I'll close by asking again:

Many Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?

[redacted]:
> I went ahead and grabbed time on calendar for early next week, and made the entry modifiable.

In order to protect my rights as an employee and ensure there are no misunderstandings, let's keep our communication in writing for now.

Thanks for understanding.

(I'd normally try to discuss contentious topics on VC or in person but this is sensitive enough to make an exception.)

(b) (6), (b) (7)(C)@google.com> Thu, Aug 6, 2015 at 7:28 PM
To: (b) (6), (b) (7)(C) @google.com>
Cc: (b) (6), (b) (7)(C) @google.com>

(b) (6), (b) (7)(C)

One of the things I consider when deciding whether to spend time on an interaction is whether it is conducted in a tone that is reasonably enjoyable, and whether I feel I can have a productive conversation. Your email doesn't qualify, and since I am not required to reply I choose to spend my time on other matters.

(b) (6), (b)

[Quoted text hidden]

(b) (6), (b) (7)(C) @google.com> Thu, Aug 6, 2015 at 11:20 PM
To: (b) (6), (b) (7)(C)@google.com>
Cc: (b) (6), (b) (7)(C) @google.com>

On Thu, Aug 6, 2015 at 7:28 PM, (b) (6), (b) (7)(C)@google.com> wrote:
> One of the things I consider when deciding whether to spend time on an
> interaction is whether it is conducted in a tone that is reasonably
> enjoyable, and whether I feel I can have a productive conversation. Your
> email doesn't qualify, and since I am not required to reply I choose to
> spend my time on other matters.

Hi (b) (6), (b),

Sorry about that - my tone reflected the frustration I felt when I saw replies from you that were (perhaps incorrectly) perceived as dismissive.

Honestly, given your authorship of go/no-jerks and your involvement in making Google a more welcoming place for people of all backgrounds, I was really hoping you would take a stand against the rampant personal attacks and "dogpiling" in the G+ thread. As a relative newbie it still blows my mind that people here can treat each other this poorly over trivial disagreements.

Perhaps some other time we can start over fresh.

(b) (6), (b) (7)(C) [redacted] @google.com>

Fwd: Concerns regarding intimidation and blacklisting

(b) (6), (b) (7)(C) [redacted] @google.com> Mon, Oct 12, 2015 at 1:20 PM
To: (b) (6), (b) (7)(C) [redacted] @google.com>

This is what I sent (b) (6), (b) (7)(C)

--------- Forwarded message ---------
From: (b) (6), (b) (7)(C) [redacted] @google.com>
Date: Fri, Aug 14, 2015 at 4:20 PM
Subject: Concerns regarding intimidation and blacklisting
To: (b) (6), (b) (7)(C) [redacted] @google.com>, (b) (6), (b) (7)(C) [redacted] @google.com>

Since I came to Google (b) (6), (b) (7)(C) years ago, I quickly came to appreciate the freewheeling internal mailing lists on a wide variety of subjects. From the brewers and quaffers on beer@ to the gearheads on cars@ and the gamers on videogames@, there are mailing lists for almost every niche interest one can imagine. Discussions are wide-ranging, vigorous, and often present a variety of opinions, especially where contentious issues such as religion, politics, and UNIX text editors are being discussed. I was thrilled to discover internal Google+, and I quickly took to the punchy humor on Memegen.

However, I've recently observed some disturbing trends on internal Google communications channels. As far back as April, I was bothered enough to create this meme against Googlers calling for other Googlers to be fired over what amounted to a political disagreement. The meme scored highly - clearly it struck a nerve with a number of individuals, collecting nearly 370 upvotes (along with 90 downvotes). A number of Googlers spoke up in that meme's comment thread to say that they were also bothered by calls for firing, perf sabotage, and other such things. In addition, some comments pointed out that this has happened in the past, with references to examples and some people saying it had happened to them.

In recent weeks, there has been an alarming number of calls for firing. Seeing several of these concerned me enough that I created a mailing list dedicated to talking about free speech issues at Google as well as in society at large. There has been discussion about this on the mailing list, and some people have contacted me privately to point out further examples and discuss what to do about it. However, when I broached the subject of crafting an open letter, some individuals were concerned about retaliation, including possibly losing their job. And yet, this issue is too important not to raise, so I am sending you this letter personally. In addition to the issues creating tension today, the upcoming Presidential election is sure to escalate tensions in political discussions further.

A number of examples of individuals calling for other Googlers to be fired follows:

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) Apr 22, 2015 +42
"I'm struggling to understand why this keeps happening even though I understand why it keeps happening."

Because we don't fire enough people, that's why.

(b) (6), (b) (7)(C) 2:32 PM Aug 4
Dear tags, maybe we should just try laying off those people.
Please.
Reply

[redacted] (b) (6), (b) (7)(C) Yeah, that didn't come across clearly, I was trying to play on the words in tags.

I'll be blunt, I meant there are a select few that I'm fairly certain should just be fired and we would be a better company for it.

Not only are people calling for generic firings, some people have gone so far as to name *specific Googlers* and insist they should be fired.

[redacted] (b) (6), (b) (7)(C) +9
(b) (6), (b) (7)(C), Google still needs to lose all the [redacted].

[redacted] (b) (6), (b) (7)(C) +1
Let me say it loud and clear. I believe (b) (6), (b) (7)(C) should absolutely be fired because [redacted] has made multiple statements that have made women (and men) uncomfortable, angry, and threatened.

[redacted] (b) (6), (b) (7)(C)
So, do we agree that someone who routinely maliciously denies the negative experiences women have faced at Google should probably be shown the door?

https://goo.gl/photos/c6ZvyLbEJc8RjjkM8

The fact (b) (6), (b) (7)(C) is still employed here, still trolling, still harming our coworkers, makes me incredibly sad. All of you defending [redacted] and **shocked** that we'd ask for [redacted] to be fired. what the heck?

[redacted] (b) (6), (b) (7)(C) +3
Btw, here's (b) (6), (b) (7)(C) saying something completely inappropriate to [redacted], who then later quit from being fed up of dealing with harassment and bs.

(b) (6), (b) (7)(C)

Why exactly does [redacted] still work here?

[redacted] (b) (6), (b) (7)(C)

Yeah? You think a coworker who says this to a woman talking about her experience being harassed at work should remain employed here?

(b) (6), (b) (7)(C)

These are nothing but attempts to intimidate Googlers by threatening them with harm to their career if they express certain opinions on sociopolitical subjects. This stifles debate and prevents the free exchange of ideas from happening. Even though, to my knowledge, Google has never fired someone for these sort of disagreements on contentious subjects, Google is a worse place for the simple fact that fear of such a firing exists.

In addition, several individuals have also openly proclaimed that they keep blacklists of Googlers they refuse to work with. This is troubling enough when it is low-level employees who may one day have to fix a bug reported by a dogfooder on another team, but it is far worse when it is a manager. In addition, one individual has stated that blacklists are being coordinated with individuals in other (unspecified) companies. This goes well beyond a mere threat to someone's career (quite possibly an idle threat made by someone with no power to do anything about it) and moves into the realm of actively harming others.

[redacted] (b) (6), (b) (7)(C) google.com Yesterday

One of the great things about Google's internal communication mechanisms (G+, mailing lists, etc), is that, as (b) (6), (b) (7)(C), I can easily go find out if I really want to work with you. When we're chatting for 30 minutes because you want to join my team, you're going to be on your best behaviour; if that's masking a stream of G+ rants belittling your coworkers, I'm going to find out.

I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today.

+1 52 14 3

(The following message references this one.)

[redacted] (b) (6), (b) (7)(C) • google.com 10 hours ago

Like (b) (6), (b) (7)(C) (see (b) (6), (b) (7)(C) RedirectToSandbox), I do, and will continue to, maintain such a list.

Sadly, my list grew larger by quite a bit this week.

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) • google.com 19 hours ago

https://groups.google.com/a/google.com/forum/#!aboutgroup/freespeech

hahaha what a list

If only they'd make the member list visible, we'd have ggautoblocker for corp!

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) • google.com 17 hours ago

While Google appears to be doing very little to quell the hostile voices that exist inside the company, I want those hostile voices to know:

* I will never, ever hire/transfer you onto my team. Ever. I don't care if you are perfect fit or technically excellent or whatever.
* I will actively not work with you, even to the point where your team or product is impacted by this decision. I'll communicate why to your manager if it comes up.
* You're being blacklisted by people at companies outside of Google. You might not have been aware of this, but people know, people talk. There are *always* social consequences.

On behalf of a number of people, I call on Google leadership to send a clear and unambiguous message that people are free to openly disagree about contentious subjects, and shall face no career consequences for doing so. Even people with unpopular views on contentious subjects should be able to work here. Please make it known that calling for other Googlers to be fired over such disagreements is unacceptable, and that blacklists will not be allowed to harm Googlers' careers.

(b) (6), (b) (7)(C) @google.com>

Met with Employee Relations and Respect@.

31 messages

(b) (6), (b) (7)(C) @google.com> Mon, Aug 31, 2015 at 5:46 PM
To: (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) @google.com>

This was the followup conversation to the open letter I sent (b) (6), (b) (7)(C) .

I would characterize the conversation as overall very positive. Here's a quick rundown of what came out of it.

Blacklists: definitely not allowed. If you see people saying they have a blacklist for anything involving hiring, performance, promotion, whatever - report it to HR. It will be dealt with. You might not hear about the aftermath because of HR confidentiality stuff. If you think you have had action taken against you because someone has a blacklist, report it to HR. This subject is something we were all very much in agreement about. I asked about how they were going to make sure that they would keep blacklists from affecting peoples' careers; you know - if you tell people blacklisting isn't allowed what's stopping them from just shutting up about it and keeping a blacklist anyway? - and they've said that they'll be monitoring people who've stated that they keep blacklists to ensure they act fairly if they're in positions where they affect hiring/perf/promo. However, it's okay for people to refuse to allow other googlers to transfer to their teams for "rude behavior" I tried to press on them requiring actual HR violations but they sort of deflected with a statement that HR can't see everything.

Calls for firing: Very much ungoogley. Might be called out in some of the upcoming policy stuff, particularly in the "person X should be fired" sense. Report it to HR. Disciplinary action may very well be taken. In some cases where it's an escalating argument you get both people end up reporting each other and they've both broken the rules so they both get disciplined - but it's possible that due to confidentiality they may come out of it thinking they got disciplined individually. Not as much discussion of the general case of "people should be fired"

Unpopular opinions: They're allowed, whether it's about product excellence or political subjects. You may have to be careful on diversity-related subjects to make sure your language doesn't veer over the line into actual discriminatory language - apparently some people have stepped over that line in the past, which doesn't surprise me - and they have to act when so. (That's a legal requirement.) So while you may have to watch your tongue a bit or be a bit more careful of the phrasing on the subject, you're certainly free to have disagreements on the subject, and disagreeing on that subject isn't inherently disrespectful (one of them looked quite confused when I mentioned this notion). Context is taken into play in evaluating these discussions, and they're more focused on *how* opinions are expressed than *what* the opinion is. There have been cases of people with fairly popular views reported other people with the same viewpoint to HR for being rude about it. Needless to say, if you see actual discriminatory remarks, report them to HR. (This is "discrimination" in the legal/HR sense, of course. Which would imply to me that you can very well go to HR against someone pulling the "white men are everything that's wrong with the world" shtick - but I didn't press on that because I wanted to keep the meeting's focus where it needed to be.)

I mentioned (b) (6), (b) (7)(C) comment from when (b) (6), (b) left that Google is no longer a tolerant company, and they agreed that it's gotten worse, they think it's due to company growth. (I don't think that's to blame - I think it's people bringing in the twitter SocJus "disagreement is not allowed" mindset, but I didn't say that in the meeting.) I noted that many of the remarks that I quoted in my email to (b) (6), (b) (7)(C) were not from new employees but from people who'd been here longer than me, and they said they agree it's not new employees that are the problem. There was some unconvincing stuff about how googlers can no longer talk to each other in person to resolve issues at 50,000 employee scale.

The upcoming workplace communications policy statement: there will be an overarching broad policy with a bunch of associated examples and detailed breakdowns. Good chance that calls for someone to be fired will be explicitly called out as an unhealthy form of communication, and public shaming in general might be regarded as a lesser form of that. (We'll have to see.)

There aren't going to be "forbidden subjects" - that one line in (b) (6), (b) (7)(C) comment in the industryinfo@ thread is not something you can just take out of context and quote as a policy. There's not going to be "you can talk about X but not Y" The phrase "we're all adults here" was used.

The communications policy is going to be a while off so they can nail it down. They will welcome feedback once it's released - I got the impression they know they're in for an avalanche of feedback.

If any of you have particular concerns you'd like me to relay to them, I'll do so, or it's you can talk to respect@ or your HRBP directly.

(b) (6), (b) (7)(C) @google.com> Mon, Aug 31, 2015 at 7:10 PM
To: (b) (6), (b) (7)(C) @google.com>
Cc: (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @google.com>

Thanks for doing this. Sounds like pretty good news.

[Quoted text hidden]

(b) (6), (b) (7)(C) @google.com> Mon, Aug 31, 2015 at 9:03 PM
To: (b) (6), (b) (7)(C) @google.com>
Cc: (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @google.com>

On Mon, Aug 31, 2015 at 5:46 PM, (b) (6), (b) (7)(C) @google.com> wrote:
> This was the followup conversation to the open letter I sent (b) (6), (b) (7)(C)
> (b) (6), (b) (7)(C)
>
> I would characterize the conversation as overall very positive. Here's a
> quick rundown of what came out of it.
>
> Blacklists: definitely not allowed. If you see people saying they have a
> blacklist for anything involving hiring, performance, promotion, whatever -
> report it to HR. It will be dealt with. You might not hear about the
> aftermath because of HR confidentiality stuff.

Judging the management by their deeds rather than their words: I've got to wonder why these posts are still up?

If one guy keeps a blacklist - whatever. But if he brags about it to 100 of his closest friends on G+ and encourages them to do the same, it's a much larger problem. At that point, limiting damage is far more important than trying to punish people.

As the Army tough guy said: "The standard you walk past, is the standard you accept. That goes for all of us, but especially those, who by their rank, have a leadership role."

> If you think you have had
> action taken against you because someone has a blacklist, report it to HR.
> This subject is something we were all very much in agreement about. I asked
> about how they were going to make sure that they would keep blacklists from
> affecting peoples' careers; you know - if you tell people blacklisting isn't
> allowed what's stopping them from just shutting up about it and keeping a
> blacklist anyway? - and they've said that they'll be monitoring people
> who've stated that they keep blacklists to ensure they act fairly if they're

[redacted] (b) (6), (b) (7)(C) [redacted]@google.com>

Sexist remarks and personal attacks on G+

11 messages

(b) (6), (b) (7)(C) [redacted]@google.com> Wed, Apr 22, 2015 at 11:12 AM
To: (b) (6), (b) (7)(C) [redacted]@google.com>

Hi [redacted]

I recently encountered this comments thread, and rather than joining the fray, thought you should probably intervene:

(b) (6), (b) (7)(C) [redacted]

There is a great deal of unprofessional, sexist, un-Googley behavior in this thread. For instance, this comment is extremely disrespectful of fellow Googlers, and is something I found personally offensive:

(b) (6), (b) (7)(C) 8:00 AM
Frankly, I could care less about being 'unfair' to white men. You already have all the advantages in the world.

If you replace "white men" with any other group of people, you can clearly see why it is a completely unacceptable statement to make.

In addition, (b) (6), (b) (7)(C) made numerous attempts to express some reasonable (if dissenting) opinions, sticking to the facts and stating [redacted] case in a calm, rational manner. Yet this prompted a number of vicious personal attacks in response:

(b) (6), (b) (7)(C) 9:15 AM
Here's another thing. You are here posting devil's-advocate troll-bullshit
[. .]
[your opinion is] stupid goddamn devil's advocate bullshit
[. .]
This is why we say "you are part of the problem"

(b) (6), (b) (7)(C) 9:21 AM
[. .]
Kindly fuck off for shitting on my 8 hours of interview ass kicking to get hired here.

and several more.

Clearly this violates our culture of tolerance, civility, and respect. Is there anything HR can do to remind the participants in the G+ thread that they need to act professionally toward Googlers with all sorts of political orientations, even those which they find disagreeable?

Thanks!

(b) (6), (b) (7)(C) [redacted]@google.com> Wed, Apr 22, 2015 at 11:15 AM

To: (b) (6), (b) (7)(C) [redacted] @google.com>

FYI

[Quoted text hidden]

(b) (6), (b) (7)(C) [redacted] @google.com> Wed, Apr 22, 2015 at 3:52 PM
To: (b) (6), (b) (7)(C) [redacted] @google.com>

Hi [redacted]

Thank you for flagging this to me. After hearing from you and others this morning, I connected with [redacted] HRBP directly (as others around the company have, I'd imagine). They will look into this in detail and take appropriate action.

Thank you for being so thoughtful about this and ensuring everyone does their part to foster respect in the workplace.

[redacted]

(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) [redacted] | (b) (6), (b) (7)(C) @google.com | (b) (6), (b) (7)(C)

[Quoted text hidden]

(b) (6), (b) (7)(C) [redacted] @google.com> Wed, Apr 22, 2015 at 3:58 PM
To: (b) (6), (b) (7)(C) [redacted] @google.com>

Hi [redacted]

Did you have a chance to talk to (b) (6), (b) (7)(C) HRBP? [redacted] was making the inappropriate comments, not [redacted]. I would like to see [redacted] offensive, discriminatory, and slanderous comments removed from G+ ASAP as they are creating a hostile work environment for white males.

Thanks!

[Quoted text hidden]

(b) (6), (b) (7)(C) [redacted] @google.com> Wed, Apr 22, 2015 at 4:09 PM
To: (b) (6), (b) (7)(C) [redacted] @google.com>

Hi [redacted]

Got it, my apologies on misunderstanding your first note. I'll connect with [redacted] HRBP now.

Thank you again,
[redacted]

(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) [redacted] | (b) (6), (b) (7)(C) @google.com | (b) (6), (b) (7)(C)

[Quoted text hidden]

□ (b) (6), (b) (7)(C) [redacted] @google.com> Thu, Apr 23, 2015 at 1:06 AM
To: (b) (6), (b) (7)(C) [redacted] @google.com>

Thank you.
[Quoted text hidden]
--
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @google.com> Thu, Apr 23, 2015 at 7:10 AM
To: (b) (6), (b) (7)(C) @google.com>

How are you holding up. looking for a new manager yet?

IMO if these folks can't handle a grown-up conversation on hot button social topics, we should just have HR remove their white male bashing posts and leave the political stuff out of the workplace entirely.
Which is how things work at most other US employers nowadays.
[Quoted text hidden]

(b) (6), (b) (7)(C) @google.com> Thu, Apr 23, 2015 at 7:22 AM
To: (b) (6), (b) (7)(C) @google.com>

I will not make any actions before talking with my manager (which will happen tomorrow).
[Quoted text hidden]
--
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @google.com> Sun, Apr 26, 2015 at 8:46 AM
To: (b) (6), (b) (7)(C) @google.com>

So how did things go?

It is good to see more Googlers starting to get on the "respecting co-workers despite differences of opinion" bandwagon. The twitter-lynch-mob stuff that's become popular lately is absolutely toxic and will kill our open culture.

[Quoted text hidden]

(b) (6), (b) (7)(C) @google.com> Mon, Apr 27, 2015 at 6:03 AM
To: (b) (6), (b) (7)(C) @google.com>

The issue is not concluded yet. Should be this week.

In any case, I noticed that (b) (6), (b) (7)(C) toned down a bit.

BTW, I will have a different manager soon, but for a reason entirely unrelated to my current manager (Krakow site is being closed and I will move to Zurich).
[Quoted text hidden]
--
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Acquaintances

10,997 followers | **4,283,132** views

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

google.com Aug 5, 2015

I wanted to share an email I got recently from (b) (6), (b) (7)(C) Googler because I think it helps illustrate what we're struggling with. (b) (6), (b) doesn't want to be defined by this question, thus I have anonymized (b) (6), (message slightly (and am posting with (b) (6), (permission, of course).

Lets all help make Google a supportive place for minorities of any kind.

—

"Thank you for replying on the industryinfo thread. It was actually making me feel ill to read. I had drafted this email early on but didn't want to send it. I'd like to send you part of it instead, because a lot of people in this company seem to treat these concepts as theoretical or academic.

100% of people who are me are going to leave tech primarily because of discomfort working in environments that feel overtly or implicitly discriminatory.

Here's my personal story:

- I knew (b) (6), years ago I wanted to study (b) (6), so I did in college
- I've been (b) (6), (b) (7)(C) in industry for just over X years, Y at Google
- I've done a ton of successful things here, launched some popular features, gotten promoted twice; love coding

I've considered leaving tech:
- once during college, due to an internship when I was mistreated/neglected, not

due to school which I mostly aced
- once in the first ~5 years of working full time, also due to perception of an unwelcoming environment
- ~300 times in the last year+, also due to perception of an unwelcoming/hostile environment

I'm staying for now, but 100% I'm going to leave tech one day, probably soonish (within the decade, and I'm only [redacted]) and it'll be because of the environment and not the work which is, again, aces. I will not be leaving the workforce entirely; I bought a career-changing self help book last month and am exploring other options. I'm not going to be leaving for [redacted]? I don't know. Do other industries have problems? Also anecdotally from people I know, yes. Where will I end up and will it be better? I have no idea yet.

I still believe in Google. I believe huge portions of Google are great to work with. But there are also portions that are toxic and I now know the difference and it is actually a career-limiting thing because I refuse to work on x or y or z now, and I refuse to work on a team where I'm the only [redacted] ever again, and that rules out the majority of projects.

I hope someday we stop debating ad nauseum the ethics in journalism and start making a difference internally."

461 104

[redacted]

146 comments

[redacted] Aug 5, 2015 *+41*

[redacted], Unfortunately I am subject to this more than 40 hours a week. When I get back home, I continuously keep thinking about what is going on and I often skip sleep. The respect issues at Google made me develop panic attacks and I had to leave Google for three weeks to settle. Even though my mental health is back, my conditions and disadvantageous position have not been truly fixed yet. I am not productive or motivated, I often think about quitting this company because I can't risk becoming suicidal depressive

again.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 5, 2015 *+4*
(b) (6), (b) (7)(C): Have you looked into https://goto.google.com/diversity-core ? It's a formal opportunity to allocate some percentage of your time to diversity work.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 5, 2015 *+22*
(b) (6), (b) (7)(C), thanks much. I have a handful of good people and managers I can talk to. I appreciate your offer, but it currently hurts to tell the story over and over again. All the energy wasted on my personal case is a good example how ineffective Google senior staff is when it comes to resolving conflicts.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+5*
(b) (6), (b) (7)(C), thanks for sharing. In my experience, colleagues whom make us feel uncomfortable usually fall into two camps – deliberately

unwelcoming (they have a bias against some group - women, minorities, foreigners, LGBT, etc.) or unintentionally unwelcoming (they don't realize their actions, word choice, etc. has the impact it does – a form of unconscious bias).
Easier to handle the first group (its usually visible with intent, so it can be addressed); but to change the culture to be more supportive and welcoming of everyone we have to engage the hearts and minds of those who are unaware of how their actions and words (sometimes with good intent, even) impact their colleagues.

Curious to know what else you think this would require? Is this training? OKRs? Managers managing team culture and perf better? What might we consider, from your perspective, to help change the experience of our esteemed colleague you posted on behalf of?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+3*
(b) (6), (b) (7)(C) Many Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+128*
(b) (6), (b) (7)(C) consider it a non-goal to offer non-work opinions that make coworkers uncomfortable here at work. We're here to build products and our time is too valuable. There are other outlets to express contrary opinions on political/social questions. Let's focus on the job

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+1*
+1 to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+9*
(b) (6), (b) (7)(C) Sadly, your suggestion doesn't seem feasible. You can't just focus on the job 100%. You aren't going to focus on it during team lunches, offsites, or other team events. Trying to focus only on work all the time would make this place tedious and boring. Additionally, the suggestion more or less tries to sweep things under a rug without actually making cognitive changes so people are aware of what their actions are doing.

I think the first step has to be education. Everyone, literally everyone, has to take a course (like bias busting) that covers many of the issues that minority groups face in tech. When I say everyone I mean I want to hear stories how people got to take this class with (b) (6), (b) (7; yes there's probably material specifically for management (this should be a separate course), but everyone should have to take the base class. This issue is pretty well documented, so forcing people to learn about it doesn't seem like a significant sacrifice in order to help those who feel like they have to leave our company given the mental sacrifices they're making every day. People need to be taught how to constructively call others out when they witness toxic behavior. I know this is probably one of the hardest things for people to do, which is why there needs to be something very explicitly stated to support it and we need to be taught how to deliver and receive such feedback.

After we're confident everyone has these skills and knowledge we should see how things have improved and figure out what we need to do next.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+10*
(b) (6), (b) (7)(C) Critiquing articles is fine. Bad arguments are bad arguments, regardless of which side they support. The objections are to the

manner and methods (eg, constantly relitigating nitpicks) in which it occurs.

Whatever you may think of the term "sealion"ing and it's (mis)applications, it's popular because it captures an experience endemic to these conversations. Avoid perpetuating that experience, and no one will censure you.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+2*
(b) (6), (b) (7)(C) "consider it a non-goal"

That doesn't answer the question: is it an actual policy violation, or merely an unpopular opinion? Many of us nerds are sticklers for the rules, but more than willing to express our opinions regardless of what others think. Some clarity from the management would go a long way toward helping people understand expectations.

"offer non-work opinions that make coworkers uncomfortable here at work"

That's a valid concern, but a large percentage of non-work opinions will make *somebody* uncomfortable. For instance, many Googlers strongly disagree with Social Justice theory, and even more Googlers are concerned about the "internet mob" shaming and intimidation tactics employed in support of this agenda. Perhaps we should ban all internal discussions on Social Justice because a minority of Googlers finds it repugnant?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015
(b) (6), (b) (7)(C) Is it harassment or against policy to make a "bad argument" in good faith? Should people be fired for it?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+60*
(b) (6), (b) (7)(C) "many of us nerds are sticklers for the rules, but more than willing to express our opinions regardless of what others think" – perhaps it's worth considering the times when you are *allowed* to express your opinion, but it would still be a jerk move to do so? That statement comes off as saying you don't care about whether you're being a jerk to your coworkers, in which case I think this may already be covered at go/nojerks

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+12*
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Of course not. We have a post-mortem culture -- honest mistakes are OK **as long as you learn from them**. Take down prod once, and your perf scores won't be affected. Take it down 5 times in 5 different ways, and you'll still be fine. Handle it well, and you might get a peer bonus / promo-packet material out of it. Take it down 5 times in the same way, however,

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+92***

I had to lookup "Social Justice" theory because I didn't know what it was, and it sounded like something I'd hear on Fox News as a swear word.

Here's what Google's Factbox said: "Social justice is the view that everyone deserves equal economic, political and social rights and opportunities. Social workers aim to open the doors of access and opportunity for everyone, particularly those in greatest need."

Saying you strongly disagree with that puts you in conflict with both the spirit of anti-discrimination law and the declaration of independence. It's like saying you strongly disagree with "We hold these truths to be self evident, that all men are created equal. "

I would just vent on political disagreements elsewhere. Google not only has to comply with anti-discrimination law, and deal with PR fallout from bad diversity numbers, but it has reasons to want to do this for positive, rather than negative reasons, like the ability to design products with input from the other 50% of the popular who might use them. Diversity is good for the company.

I have some pretty strong progressive political and religious views that would piss off some Googlers if I vented them internally, I just post them on my external accounts. Google has diverse employees from all of the world, with differing cultural beliefs, some more conservative, some more liberal, and it's just bound to lead to conflict if we start debating internally these non-work ideologies.

If you're bored and need to debate something other than politics, there's plenty to argue about. Like why Product X sucks or failed. Why your programming language sucks and mine doesn't. Or why Emacs > VI.

There's no shortage of fun stuff to argue with and debate.

Let Google HR set employee policy. No amount of arguing over how you think women should be treated is going to change the policy. That policy is going to be determined by both the law, and by feedback from actual women's experience. Not what men think that experience is or should be.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+63*

(b) (6), (b) (7)(C) is it so hard to understand that we're just trying to build a welcoming work environment for everyone who works here? What you're doing in this comment thread seems to me to be the same thing that (b) (6), (b) pointed out in (b) (6), post on the industryinfo@ thread.

Don't excuse your behaviour on being a "nerd" Being a nerd and "willing to express our opinions regardless of what others think" is not an excuse to cause the kind of anguish that people have repeatedly expressed, both publicly and privately, this behaviour causes. At Google, you shouldn't need so many rules to be a decent human being.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+35*

WRT discouraging the expressing of non-work opinions, that doesn't work. People are not machines and attempting to treat them as such is oppressive. Invariably, attempts to tighten control on people's behavior wind up landing on those with less ability to resist them – e.g., women, minorities, etc – making the problem worse.

This can't be fixed through training either, regardless of how competently executed or well-meaning. The US Army trained the Iraqi military endlessly for years, yet they fled in the face of ISIS. Why? Because the surrounding system gave different motivations to the individuals in the Iraqi military than fighting. Similarly, even if somehow we managed to educate people perfectly at Google and demonstrate all the right tools, the context of the larger industry and indeed our society is giving structural motivations against changing behavior. All the abstract ideas about what to do in the face of it are only good at raising awareness. Pretending otherwise is doomed to failure – and it probably contributes to the burnout of diversity

advocates.

This does not mean nothing can be done, but it does mean that nothing effective for dealing with discrimination can be done at this point with control/power-over based means. We've reached diminishing returns on additional laws, rules, policies, etc. Instead, power-with needs to be developed and that's a social and community skill devoid at Google and indeed, in most of our culture. So it isn't surprising Google is bad at it.

Here, it means listening to women's experiences and developing empathy for their situation. If men can, through hearing these experiences, feel some of the pain women feel, that is a more powerful motivator than all the peer bonuses and trainings and policy mechanics in the world. It means amplifying women's voices as (b) (6), (b) (7)(C) did because as (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) pointed out, telling the story of being dumped on repeatedly is painful and exhausting. The person who relates that story invariably relives it in the

telling. So treat any time a woman is willing to share their experience as a huge gift and the act of amazing, brave-hearted power that it is -- listen, feel, and if you have permission, retell the story. _That_ will change you, and the culture at Google.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 +1
edit: link:
(b) (6), (b) (7)(C)

Could someone link (b) (6), (b) (7 orginial industryinfo post if they have it handy? I really don't want to read through that thread. :(

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 +8
(b) (6), (b) (7)(C) Are you insinuating that it is a "jerk move" to share your opinion about a political blog post if 98% of Googlers disagree with you, but it's OK to share your opinion about a political blog post if 98% of Googlers agree with you?

If so, how do you reconcile this view with [redacted] request to "help make Google a supportive place for minorities of any kind"?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+42*

(b) (6), (b) (7)(C) I'm stating that there are ways to share an opinion that don't involve just ignoring what other people think. There are some times, places, and ways of sharing opinions are better than others, and there are options for sharing opinions that don't come off as completely insensitive and rules-lawyering. There are also some opinions that it's just not that important to share - aka nit picking.

It's not a binary "always share or never do" but rather more nuanced.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+60*

(b) (6), (b) (7)(C) What you're saying comes off to me as turning (b) (6), (b) (7)(C) call for empathy into some sort of abstract rule so that you can shoot holes in it. Not everything has to be turned into an generically applicable abstraction, especially when it comes to how people interrelate.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+1*

(b) (6), (b) (7)(C) Can you point to the industryinfo post in which somebody expressed an opinion in a way that ignored what others think?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+54*

(b) (6), (b) (7)(C) I have no desire to argue with you over the semantics of a particular individual post.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+173*

(b) (6), (b) [redacted] posts a heartbreaking statement of what it's like to be a woman in an hostile work environment.

We're talking about how this might hurt men's feelings.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+21*

http://weeklysift.com/2012/09/10/the-distress-of-the-privileged/

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+97*

(b) (6), (b) (7)(C) It's a jerk move to not treat your coworkers with respect. If a large number of your non-immediate coworkers are frequently saying that your comments are unwelcome, disrespectful, or actively harmful, you might

want to reconsider how you're presenting your arguments.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+29*

In this thread: oblivious irony. Hey (b) (6), (b) (7)(C), you're digging a hole deeper and deeper with each comment. What you are doing is not helping anybody, and in fact is actively pissing off the people who are upset about being mistreated. Just stop.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+5*

I think (b) (6), (b) (7)(C) [redacted]-oddly applies to "social justice" as well as "political correctness"

so basically (b) (6), (b) (7)(C) is concerned about the "Treating People With Respect Political Agena" - and I'd definitely vote for a candidate with such an agenda.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+4*

So, we have right now a clear shining example of people behaving like jerks publicly on threads started by senior management. Why exactly are they not being held up as examples of bad behavior and punished?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+39*

Also, FWIW, being a jerk doesn't make you a minority, even if there's less of you than the non-jerks.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+24*

Minority opinion != minority.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+45*

(b) (6), (b) (7)(C), nobody needs to "insinuate" anything, because I'll say it outright: you are being a jerk.

Arguing edge-cases and angle shooting around the exact letter of existing policies is a huge part of the problem.

If you want to argue for fun, go join a debate club. If you actually feel like you're Being Oppressed because of your Unpopular Opinion, go back to r/theredpill or whatever other dark pit people who share your opinions hang

out in while society continues to move forward. It is a toxic and unwelcome opinion in a professional setting where we're trying to build an inclusive environment.

This is a professional environment and you are not only acting unprofessionally, your behavior is directly causing distress to your coworkers. Please stop.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+79*

I am kind of surprised that there is confusion about this.

You are responsible for helping to create an environment where your coworkers feel respected. You can hold pretty much any opinion you wish, but if you articulate it and one of your coworkers says it made them feel uncomfortable or disrespected, the right thing to do is to not do that. This isn't censorship or thought policing, this is just part of working together and getting along well with your coworkers. Regardless of how correct you think you are or whether their objection seems "justified" to you, the fact of the matter is that you're presented with a pretty simple choice: stop doing something that is hurting your coworker, or don't.

In addition to that, there is a pretty well-known (I think) list of things you can say that are **known** to make your coworkers uncomfortable, some of which are spelled out in the code of conduct and some of which are not. You are expected to avoid articulating these opinions if you hold them, as part of your responsibility not to hurt your coworkers.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+24*

(b) (6), (b) (7)(C) Please read my comment on how power-over doesn't work for this sort of thing. Even if you tried to apply it strictly you'd probably punish most of the staff at least some of the time, and the definition of "what is bad behavior" is slippery enough that it's difficult to apply fairly. People will adapt not by being less offensive, but by skirting the edges of whatever definition you manage to come up with.

Punishment is the fast and easy choice, and it is sometimes necessary for egregious behavior. But it isn't the only tool. Regardless, punishment is simply impractical for things like microaggressions. Solving that requires personal growth on the part of the offender, and you can't tazer someone

(literally or metaphorically) into personal transformation.

(b) (6), (b) (7)(C) Aug 6, 2015 *+13*

It's also probably counter productive to use words like "jerk" since it provokes people to defend themselves. It raises the temperature.

We tend to think that salary negotiation should be a private affair. Just think about corporate policy to improve the environment for women to be another form of compensation negotiation that you're not a party too. Yes, you will be affected by it, in the same way other people getting high salaries or stock in a way affects your bonuses as well, if only because of opportunity cost.

I think there's a viable discussion around the best way to actually implement and fix these problems, so as to reduce the burden on everyone, because if reasonable policies aren't painful, they're more likely to be adopted and be perceived as harmonious.

Some policies, IMHO, won't just benefit women, but benefit men as well, by overall making the workplace less combative, more pleasant, and respectful for everyone.

(b) (6), (b) (7)(C) Aug 6, 2015 *+107*

I was recently chatting with (b) (6), (b) (7)(C) who left Google (and TI) within (b) (6), (b) (7)(C). One thing (b) (6), (b) mentioned is this: "I was surprised that my exit interview didn't touch on diversity at all. I got the same set of boilerplate questions as everyone else. That seems like a simple fix. Google should want to know if diverse candidates experienced any fixable issues, or if there are clear trends in the reasoning for diverse departures. Otherwise, it sends the message that they don't care"

(b) (6), (b) (7)(C) Aug 6, 2015 *+3*

(b) (6), (b) (7)(C): Good analysis, but you can't deny that it would be **awesome** to watch someone get Tazed at TGIF :P

In all seriousness, you're absolutely right. This can't be solved systemically

through rules and power-over. I'd like to see **something** done that would help my coworkers feel safer to stay here. It is not my dream to work at a company that has women and minorities leaving in droves.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+6*

(b) (6), (b) (7)(C) while in general I agree with avoiding raising the temperature, I think it's also important to note that the perceived temperature of a conversation is not a globally consistent value among all participants, not are all actions perceived as having the same temperature change by everyone.

(Case in point - stating "this won't just benefit women, but benefit men as well" is going to come across to some folk as a tired statement that often leads to derailments and shifting the focus on the conversation onto men's feelings again. I suspect that was not your intention.)

(b) (6), (b) (7)(C) Aug 6, 2015 *+3*

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) The kinds of things that change this are not flashy and big, and start from within. As I said, power-over doesn't work for this, which means people like you are the ones who need to do something. Remember, this is with the understanding that you will not "solve" anything in the sense of a technical problem. Just focusing on being aware and conscious of what's going on, and risking feeling into the pain of those who are oppressed will change your behavior, and give space for others to change theirs. You are the one you have been waiting for.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+2*

(b) (6), (b) (7)(C): Thanks, I try every day. I'm sure I mess up and hate being called out on it, but the knee-jerk reaction to get angry about it has (mostly) gone away.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+279*

(b) (6), (b) (7)(C) I think to ask for a rule book is missing the point. But if you want a succinct summary: don't do what you're doing here. Contact me privately if you want to know more.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+9*

(b) (6), (b) (7)(C) My concern is that the temperature raising just doesn't accomplish the apparent goal of the person raising the temperature

because when someone is derailing or trolling a discussion and creating bad atmosphere, one sure fire way to keep them around is to use an insulting tone. It just kind of guarantees they're going to keep coming back. We're only human, so I realize sometimes someone needs sharp words to shock them into realizing how they're being perceived, so it's not a hard and fast rule.

I've developed a fatigue over 30 years online watching these flame wars play out on such matters of all kinds and I never observe insults functioning well, it just doesn't solve the problem. Online pubic shaming doesn't seem to work due to impersonal nature.

98% of everyone can be against you online, and people will still not feel they need to stop what they're doing. But if you are told to your face by actual people in your social network you're being insensitive or a jerk, it has a much bigger impact.

I think this is going to go the same way overt racism has gone. Overt racism has been made an opprobrium. People are still racist, but they keep it quiet in public shared spaces. I think the attitude towards women in tech will follow a similar evolution. Consciousness will eventually be raised enough that people publicly check their action and words to avoid offending female coworkers, even if they privately hold different views.

With each successive generation, the views themselves will get moderated, but in the short term, at best we can hope for is enough consciousness raising, and interpersonal checks and balances (in real life, not online) so that the most poisonous forms or conscious or unconscious disrespect are massively reduced.

Thus, I think the adults in the room (the executives) and managers need to deal with this in a way that is personal and direct, not simply send email and training slide decks.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+14*

(b) (6), (b) (7)(C) The discussion of temperature raising and so on isn't a horrible idea in and of itself, as long as it isn't used to silence women talking about their experience. After all, you're quite right that public internet shaming and many forms of epithet hurling don't seem to solve much. But

all too often "tone arguments" tend to derail things and refocus attention on the needs of the privileged.

To avoid that: rather than arguing about tone, something you can do instead is validating the experience of the person. They're probably expressing themselves strongly because they're in pain -- it's not reasonable to tell someone who is hurting that crying out in pain is counterproductive to stopping the people who are hurting them.

By reflecting back, say with, "if it were me, those comments would make me feel threatened/invalidated/ignored" or even "I totally get you feel angry about this, this was wrong", you accomplish three things as as an ally:

1) Helping amplify the voice of the person in need of help
2) Leveraging your privilege: as you aren't the one in distress, you can express yourself in a way that you feel best helps the situation

3) Keep the focus on the needs of the people being hurt

As for needing a more personal response, you're quite right of course. And I would add that that personal response can't just be from managers and VPs, or it won't be effective for the reasons I outlined earlier in this thread. This has to come from each one of us (and I include myself in that, for thanks to intersectionality, I'm privileged due to structural oppression in some ways, while not in others).

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+27***
Bravo (b) (6), (b) (7)(C) At the very core of being in a privileged group is the ability to deny that something is a problem, just because it is not a problem for you. To negate or try to quantify or somehow neatly box in the problems we have with bias, is to completely miss the point.

I identify so strongly with the email (b) (6), (b) quoted. It can be VERY hard to be a (b) (6), (b) (7)(C) in tech. Thank you, (b) (6), (b) (7)(C) for being so supportive.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+39***
I found myself today having to explain to a dismayed coworker why I would not be able to entertain an interesting role on (b) (6), project because of a toxic individual. It's sad as another time in my life that jerks have ruined my

trajectory (frequently while simultaneously boosting theirs). I have never decided to leave tech, but I had some time ago realised that one day I would leave Google, and only because of cultural problems.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+7*

(b) (6), (b) (7)(C) I read the article and the thread and I agree that it is a serious and complex issue. One point that came up several times was the impact of having alcohol as part of the company and industry culture. I'm not saying that is the largest factor or that it is always a problem, but it is being cited in both the article and in Googlers' negative personal experiences. And, it is one factor that you as a company leader could probably have more influence over than many of the broader societal factors.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+13*

> But if you want a succinct summary: don't do what you're doing here.

(b) (6), (b) we need a more clear invitation from you or folks in People Ops to invoke this kind of "Stop" message.

These debates are demoralizing for everybody. Now there's a team of vigilant ICs making sure this kind of stuff doesn't go unresponded to, but it's far from the desired result. Some of our best employees are spending hours a day policing these discussions. I'd like to help but I don't think I have the skills or stomach to do what they're doing.

When I see an encouraging post like yours, it's almost guaranteed to be dragged into an argument like this one. Regardless of the outcome of the argument, the certainty of the public fight is discouraging.

Who would want to post helpful ideas about this subject knowing they are going to be shot down by Googlers they've never met, even if people like (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) will come to their defense?

May we have a tool, permission, or invitation to invoke someone from your or (b) (6), (b) (7)(C) team to alleviate the burden on them?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+7*

(b) (6), (b) (7)(C) The solution to trolling is to remove the troll.

Let's say you have a hundred reasonable people and one troll. Expecting every single one of that hundred to calmly ignore the troll **does not work**. It takes just one person who is having a bad day, or fed up after years of ignoring the trolls, or is new in town and doesn't know that the troll must be ignored for the temperature to raise.

Let's say you have a hundred reasonable people, one troll, and one person who just won't ignore them no matter how much you plead. Either you show one of both of the two the door, or you get an elevated temperature.

The only way that ignoring trolls works is if everyone does it all the time. .and even then, there is no guarantee that the troll won't stick around, because not every troll needs food to survive.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+5*
(b) (6), (b) (7)(C) I suspect that a lot of temperature raising (not all, but much)

is a symptom of spaces where there isn't an effective way to remove a troll.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+1*
(b) (6), (b) (7)(C) Yes, very much so!

Maintaining a low-temperature space is an inherently exclusionary exercise.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+29*
I don't mean to stir the pot but I'm starting to wonder if there's something atypical about me.

Without speaking for the content of the opinions involved, what I see here is a Googler who feels that there is an unspoken set of opinions that are dangerous to express here. I see (b) (6), (b) using Socratic methodology to illustrate (b) (6), concerns, which is a well-established dialectic technique. I see (b) (6), (b) trying to understand the conditions under which (b) (6) would be considered to be harming people. To my eye, (b) (6), (b) clearly desiring to do the right thing, and (b) (6) doesn't want to upset anyone.

As a result, (b) (6) has been called a "jerk" and told that (b) (6) is "digging (b) (6), (b) (7)(C) deeper" for what appears to my eye to be an honest attempt to determine the truth. (b) (6), has been told that a majority of Googlers have expressed

disagreement and – quite clearly – that this fact is itself a reason that (b) (6) should withhold (b) (6) voice.

Were this discussion about any other subject, I would not have expected (b) (6) statements and questions to cause problems. It worries me, as this form of dialectic is one of my default forms of investigation. I honestly and truly feel a great deal of confusion and worry here. I honestly DO NOT UNDERSTAND what (b) (6), (b) (7) did wrong, but I see a scenario that I could easily end up on the wrong side of without even realizing I've done so.

And what frightens me more is that it seems like asking to have the problem explained to me may itself be crossing the line.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+16*
(b) (6), (b) (7)(C) carefully read the dozens of internal posts about this, and the comment threads in which many Googlers explain why threads contribute to an unwelcoming work environment. Then, ask someone you trust for clarification outside of one of these highly charged threads, and nobody will assume you are sealioning, concern trolling, derailing the thread, crossing the line, etc.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+31*
(b) (6), (b) (7)(C) Is phrases like "push the Social Justice political agenda" part of the Socratic method? Asking (b) (6), (b) (7)(C) to put a list of "banned opinions" in the Handbook also seems more like a rhetorical bit of snark than something (b) (6) actually wants to happen.

Honestly, the phrase "push X agenda" seems like a passive aggressive complaint whenever it occurs, not an actually honest inquiry. e.g. If the phrase had said "push the gay agenda" or "push the Christian right agenda" I think we'd immediately recognize it as a political swipe.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+7*
(b) (6), (b) (7)(C) regardless of whether or not a given technique is okay in general, sometimes it's not the right time or place. There's no one-size-fits-all interaction procedure.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+12*
(b) (6), (b) (7)(C) what you saw on this thread is, tritely, the tip of an iceberg.

Under the water there are months of exactly the same thing that possibly you did not see (but that the people who are breaking out the word "jerk", seemingly prematurely, *did* see.) If someone asks you repeatedly not to do something, they will probably not maintain the same level of calm patience towards the end that they had initially, because we are not all the ideal man [sic] depicted in Kipling's *If*.

(b) (6), (b) (7)(C) Aug 6, 2015 *+2*

(b) (6), (b) (7)(C) What you ask for (researching previous similar discussion threads) is actually very difficult, because they're spread across high-noise lists (industryinfo@, eng-misc@) or are in forums that are nearly impossible to search (G+, Memegen). If you have the time, you may want to collect what you feel are noteworthy threads into a Drive doc with a go/ link.

(b) (6), (b) (7)(C) My understanding is that one side believes that discussing this subject is actively harmful to other employees, and they believe this is a fact obvious to all participants. Therefore, attempts to discuss are viewed as explicit statements of hostility – particularly if that poster is starting from an opposing position. My recommendation is to avoid discussing the merits of either position – if that's not possible, then an unambiguous legalistic style will be safer than something like Socratic dialog.

(b) (6), (b) (7)(C) Aug 6, 2015 ***+11***

(b) (6), (b) (7)(C)

sometimes, using the Socratic methodology is being a jerk. Trying to determine the truth is absolutely not a blanket justification. Not wanting to upset anyone is not an excuse when your actions are actually upsetting people. Good intent is not enough. If you have only one method for determining truth, and it consistently causes harm - in general or in a particular context - then find another method, and figure out when it's appropriate to use. That responsibility is on you.

As for the specific case, it's not simply that a majority of Googlers expressed disagreement. First off, a majority of Googlers would be thousands of people; the people in a given thread or set of threads may or may not be representative of a majority, but that's not the issue. Secondly, the issue is not mere disagreement. The actual issue is that a large number of Googlers expressed that (b) (6), actions **are actively harmful**. That is significantly different than "just" disagreement.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 +5

[and on that note, I'm muting this thread but I promised fanfic links first (b) (6), (b) (7)(C) contact me elsewhere if you need absurdist derailment.]

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015

(b) (6), (b) (7)(C) I will do that (first I'll see if a suitable collection already exists and make sure I'm familiar with it.) Thanks for the suggestion.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 +30

(b) (6), (b) (7)(C) First, I appreciate your fear in what's going on. I used to be very confused about this too. So I'll add a small bit to some of the good responses here.

First, determining what makes an unsafe work environment is *not* about discovering some sort of objective truth. The investigative tools you've mentioned, and are probably quite good at using, are very good for determining the objective truth about something.

By definition, an unsafe work environment incorporates at least some subjective truths -- a work environment can feel safe to one person, but not safe to another. There are different ways of investigating something that has subjective truth to it, and attempting to use investigative methods intended for objective truths do not lead to good results -- including being called a jerk, because that technique by definition doesn't include the possibility of people having different perspectives. (For some ideas on how to investigate subjective truths, see my other posts in this thread).

I think the tendency to try to make things objective is why people come up with this notion that there is somewhere a hidden list of forbidden opinions, that if they can just get people to divulge the list, it will be safe to express things not on it. It's understandable, if wrong, that people tend to apply tools intended for objective truth to subjective truth because (1) we are geeks, and scientists, and so objective truth is what we work with, and (2) objective truth is by definition, something people can view as certain regardless of perspective. We like certainty.

But this is a different realm, and moves quickly away from the objective into

the subjective. And for this different realm, you need different tools.

(b) (6), (b) (7)(C) Aug 6, 2015 *+13*

(b) (6), (b) said "You can hold pretty much any opinion you wish, but if you articulate it and one of your coworkers says it made them feel uncomfortable or disrespected, the right thing to do is to not do that."

I fully agree with that view. I would add "try to understand why"

(b) (6), (b) original post indicates a real problem, both individually and collectively. Yes, men are much more likely to be jerks. Pick your collective term - obnoxious teenage gamers, bro-coders, whatever. We all know the stereotypes, and there are innumerable examples. I have not observed such behavior within my group (although of course I admit that my perspective may be limited).

And because jerks are mostly men, those men who aren't jerks get kind of tired of hearing "men are jerks", "men do this", "men do that" Some are, but not all.

(b) (6), (b) quoted email included the phrase, "I refuse to work on a team where I'm the only (b) (6), (b) (7)(C) ever again."

Reading that **in isolation**, my first reaction would be one of outrage. Because I'm male, it's perfectly okay to claim that my gender alone makes me unacceptable as a coworker? What if I were to say "I refuse to work on a team where I'm the only man ever again"? Wouldn't there be an immediate outcry? That's a double standard! Why can she say that about me, but I can't say that about her?

BUT THAT"S NOT WHAT"S HAPPENING HERE.

Read in context, I took that statement to be an expression of **personal** discomfort. The unnamed (b) (6), (b) (7)(C) Googler feels that way, and personal feelings are **always** legitimate You can't say "You shouldn't feel that way." Feelings just are. They're not choices.

I sympathize, and find it very disturbing that (b) (6), (b) developed those feelings

as a result of [redacted] work experience, and even more disturbing that Google is not excepted.

The important part of what [redacted] said is " .one of your coworkers says it made them feel. "

I do not wish to make my coworkers uncomfortable, and I try not to do so. But we are all different and have different backgrounds and sensitivities. So I also expect and rely on my coworkers to 1) assume any offense is unintentional, 2) speak up if I make them uncomfortable. In return, I'll try to understand their concerns and adapt accordingly.

We're all adults, or should be. If someone steps on your foot while in line for lunch, you'd follow the two steps above. It should be the same in our communication. Don't let things fester if you're bothered. And don't assume a perhaps poorly-worded expression of discomfort is an attack (I'm seeing some of that from both sides in the discussion above).

[redacted] (b) (6), (b) (7)(C) Aug 6, 2015 +8

(b) (6), (b) (7)(C) That's the kind of thing I'm talking about, though. I'm not a social butterfly. I DON'T participate in many mailing list threads (I'm not even subscribed to industry-info) and I effectively never go to G+ unless someone explicitly links me here. I don't get casual exposure to these concerns in my day-to-day. I haven't SEEN examples, and it seems like a poor use of my work time to go out of my way to look them up. I don't know what opinions are commonly approved or disapproved of. I don't actually KNOW what happened to spark this thread in the first place.

(b) (6), (b) (7)(C) While I don't disagree with the assertion that the structure directly implies disagreement, I don't comprehend what distinguishes that disagreement from other forms of disagreement. In this very thread I've seen jabs and swipes that have gone essentially unchallenged. In the absence of further information, it makes me frightened that it may be capricious. Again, it makes me wonder if there's something wrong with me, if I'm missing some fundamental capacity for comprehending social interaction. Why do I not understand, when everyone around me is saying that it ought to be obvious? Am I, perhaps, autistic? (I'm not diagnosed as autistic, but I do know I have other (b) (6), (b) (7)(C) [redacted]. This is NOT

merely a talking point.) And if I am, what do my experiences imply about the experiences of other autistic individuals?

(And yes, actually, those kinds of things ARE distinctly Socratic in nature. The Socratic method is not just about asking questions; it's about asking questions that provoke critical thought. I think it IS pretty clear that asking for an explicit list of banned opinions wasn't meant to be taken as a literal request. Presenting a disagreeable option is a way of illustrating a problem with the subject matter; it is the philosophical equivalent of an argument by contradiction. It is, in fact, the standard formulation for pointing out a slippery slope. The correct response is not to disregard the querent's argument, which has been done here, but to illustrate a constraint that makes the challenge not applicable.)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Aug 6, 2015 *+11*

(b) (6), (b) (7)(C) so here's the deal: if you don't have a lot of context, then you need to be willing to instead take a more cautious approach. It's okay to not have context, but you need to adjust your expectations accordingly. Allocate more time to reading the reactions you're getting in a thread that you do participate in, rather than immediately responding. Invest some time in trying to empathize. Give more credit than you might normally would.

It's a tradeoff: more context, less effort required to figure out what's going on. Less context, more effort required. It's your choice how you want to make that tradeoff, but you can't have your cake and eat it too - it's important to invest in at least one of the two.

(Also: sometimes if you want to have context you're going to have to go out of your way and do some work. Just because you're "not a social butterfly" doesn't mean you can't go and read through threads after the fact, after someone points you to them; similarly, perhaps it's worth taking some time to find people who do have context and follow them on G+. There's nothing actually stopping you from seeking out context on your own.)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Aug 6, 2015 *+7*

(b) (6), (b) (7)(C) Thank you for being the first person to reply to me compassionately.

When it comes to giving people credit. I take people's words at face value and avoid reading too much into it. That's actually why I'm posting at all -- I'm giving (b) (6), (b) (7)(C) credit instead of discounting (b) (6), (b) (7)(C) concerns.

This is one case where I actually don't WANT context. I honestly don't care about the sordid, scandalous affair that brought this whole thing on. I have no desire to get involved with that part. And if anyone's behavior was there was clearly in the wrong, then the appropriate parties can address that in private, the way it should be.

But what I've seen here is how people are treating someone who's asking questions the way I very well might ask questions, especially if I may have already been upset by the events leading up to it. And the responses I've seen in this thread appear to be leading me to the conclusion that instead of opening up, reaching out, and learning more, I need to shut up, put my head down, and stay uninvolved, because I can't trust myself to understand social interaction.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+9*
(b) (6), (b) (7)(C) consider that Socrates managed to elevate "being a jerk" from a personal failing to a capital crime, and as such the Socratic method is perhaps not an ideal means of communicating with random co-workers.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015
(edit: no, no, retracted, case in point)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+8*
(b) (6), (b) (7)(C) Remember that Socrates was sentenced to death. Not everyone appreciates the Socratic method, and deploying it in an unfamiliar group has a high chance of causing offense or anger.

(b) (6), (b) (7)(C) I would like to kindly ask you to not use "gamers" as a synonym for "men who are bad people" It is both exclusionary (many women play video games), and insulting.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+5*
I really feel like I should be explaining something to somebody right now.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+4*

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) that's an option you have, but it's important to realize that inaction has consequences as well - for instance, if you choose to ignore something, than you're essentially tacitly endorsing the status quo. If you decide not to interact, then individuals who want/need your support may be unhappy.

Social interaction is a job skill like any other - investing in it has benefits, neglecting it has drawbacks. In fact, many of Google's PeopleOps training programs specifically deal with developing things like emotional intelligence.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015
(b) (6), (b) (7)(C) Sorry, no offense intended, of course. It's hard to think of a collective noun that isn't misrepresentative. That's part of the problem with these hot-button issues. Is there a term for what I think of as obnoxious 14-year-olds?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015
(b) (6), (b) (7)(C) I understand that, which is why I felt I needed to make a post on this thread at all. Not everyone is physiologically / psychologically capable of it -- unfortunately, myself included; subsequent interactions have pushed me beyond my ability in this matter, and I'm presently dealing with the physiological effects of an anxiety attack for exceeding my usual capacity. I haven't yet reached the point of regretting that I spoke up at all, but I fear I may be getting there.

I think what hurts the most is that there is a minority population of people who are thus disadvantaged (and it seems likely that Google is going to be home to a larger-than-average such population) who are thereby at risk of being overwhelmed, but that very disadvantage makes them that much less capable of doing anything about it.

And that's the very kind of people that Google's policy is striving to protect.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+2*
(b) (6), (b) (7)(C) Probably also relevant in this context, https://birdofparadox.wordpress.com/derailing-for-dummies-google-cache-reconstruction/#educate, https://birdofparadox.wordpress.com/derailing-

for-dummies-google-cache-reconstruction/#educate2.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+1*

(b) (6), (b) (7)(C) .@.@. I get the general gist of it, but I can't for the life of me figure out if that's intended to be supporting or criticizing me.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+3*

(b) (6), (b) (7)(C) I'd say its intent is to, in a humorous way, help you recognize behaviors in yourself that are perceived as derailing/annoying/obnoxious/unhelpful in the context of these sorts of discussions. And I suppose it also serves to criticize those who are unwilling to learn from it.

It's obviously written in a humorous/snarky tone, which to be honest, I'm not sure is the most effective for the first intent.

(b) (6), (b) (7)(C) Aug 6, 2015 *+3*

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) No need to search for a single word. If you want to call out obnoxious teenage boys, then "obnoxious teenage boys" works well.

I suspect that the "high temperature" of these discussions is due to folks trying to find a single word that kinda-sorta-fits their target of criticism. This causes that criticism to splash over onto uninvolved parties, which automatically makes them involved against whoever just attacked them.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015

(b) (6), (b) (7)(C) Perhaps it's just the fatigue, but I'm not having any luck figuring out what's supposed to be mapping to what.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+4*

(b) (6), (b) (7)(C) Yeah. (b) (6), (b) (7)(C) is demoralized by bad experiences and shares (b) (6), (b) perspective. In about six minutes the discussion has evolved into shouting "You can't tell me what to think!" and "You're the jerk!"

It feels like the usenet flame wars from the 80s (showing my age, I know). Unfortunately, my eventual reaction is likely to be the same: There are no rational people here; give up and go away.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+30*

Hey, does google fad up with a systemic problem at Google not find exactly

(b) (6), (b) (7)(C) How dare people fed up with a systemic problem at Google not find exactly the right non-confrontational words day after day after day after day.

(b) (6), (b) (7)(C) Aug 6, 2015 *+3*

(b) (6), (b) (7)(C) Expecting victims and non-victims, oppressed and unoppressed, privileged and unprivileged to have an equally unemotional/uninvested approach to a problem is unproductive and unfair. -1 to this notion. Your tossing out the "irrational" label for people who are upset by this problem is contemptible.

(b) (6), (b) (7)(C) Aug 6, 2015 *+14*

Thank you, (b) (6), (b) (7)(C), both for sharing, and for calling out poor behaviour when you see it.

(b) (6), (b) (7)(C) Aug 6, 2015 *+5*

Look, the only way we're going to solve this is by unambiguous social pecking done by everyone and especially leadership. It was awesome to see

(b) (6), (b) (7)(C) step up and do this.

(b) (6), (b) (7)(C) Aug 6, 2015 *+12*

(b) (6), (b) (7)(C) What strikes me in that e-mail is "- ~300 times in the last year+" That suggests that the last year has been significantly worse than before.

That correlates with our increased efforts to address the problem. First Bias-Busting was around June 2013, but the debate and more action really started last year.

I presume that the increased profile of the problem and systematic efforts to improve the situation also have increased the controversy and sparked more pushback-debate such as in this comment thread and apparently on industryinfo@.

That would mean, though, that the necessary debate and actions result in increased exposure to behaviour that makes folks uncomfortable and to an alarming degree.

I hope we (but minority members in particular) have the strength to overcome this phase. Support through allies may be more critical than ever.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015

While we're at it, how about a commitment to adopt the Open Code of Conduct like GitHub did: https://github.com/blog/2039-adopting-the-open-code-of-conduct

What do you think (b) (6), (b) (7)(C)?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+1*

(b) (6), (b) (7)(C) I heard (b) (6), (b) (7)(C) relate exactly that same sentiment, that now that we're all talking about it things have gotten way harder to ignore. :(

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+9*

(b) (6), (b) (7)(C) > Yes, men are much more likely to be jerks.

I feel uncomfortable and disrespected when I hear words like these. I'm sure many other googlers do too. We men are not a training dummy you can bash for negligible rhetorical gains.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+10*

FWIW I self-identify as a "gamer" and I am 100% aghast at the determination of other so-called "gamers" to use that word to score Internet Points against women.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+12*

(b) (6), (b) (7)(C) I didn't call people here irrational; I said that was my reaction to the usenet flamewars. You have misinterpreted my comment and ascribed hostility to me when none was intended. I strongly suspect that if all the participants here were instead face-to-face, our verbatim comments would seem much more civil. It would be obvious when we're misunderstanding each other.

Re-reading this thread, I tend to find myself in agreement with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) It seems to me that (b) (6), (b) (7)(C) asked a serious question, although perhaps it was phrased in a way that caused others to read more into it than (b) (6) may have intended. I didn't see it as intentionally inflammatory, and (b) (6) didn't call anyone names, yet (b) (6) is labeled a jerk. And (b) (6), (b) (7)(C) appears to agree. (b) (6), (b) (7)(C) misunderstood my previous comment, and responded with the term "contemptible." Since I didn't mean to convey

what (b) (6), inferred, (b) (6), response *feels to me* like a personal attack, but I don't assume (b) (6), (b) a jerk. Likewise, I find the treatment of (b) (6), (b) (7)(unwarranted. I don't think (b) (6), was trolling or being intentionally insensitive, and so it appears to me that people are calling (b) (6), (b) names for asking the wrong questions, or for asking them in the wrong way.

And that rapid escalation is the point of my comments on this thread: I prefer to assume that everyone here is acting with good intentions, and that any offense is unintentional. Heck, (b) (6), (b made a post on G+ a couple of months ago that could well have triggered HR attention. People called (b) (6), (b on it, (b) (6), realized how it was taken, and apologized. No one labeled (b) (6), (b a jerk then, and I don't assume (b) (6), (b) a jerk today because (b) (6), made one poorly phrased post. Until proven otherwise, I assume (b) (6), (b) a decent person who occasionally makes mistakes.

FWIW, any offense that someone may have taken from any of my comments

is **always** unintentional. ASCII is a poor medium for emotionally laden topics, and none us is always perfectly understood in any case. Obviously, I apologize for any offense given.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+9*

(b) (6), (b) (7)(C) you might want to ask yourself why assume the best intentions. I have seen (b) (6), (b) (7)(C) say wholly inappropriate things on G+ before, for instance in response to a thread started by a woman about harassment at work: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+4*

I'd link you all to the thread, but it was on (b) (6), (b) (7)(C) G+, and is now delorted. (b) (6), (b) (7)(C), you might remember, left Google and has been somewhat famously critical of our diversity efforts.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+7*

(b) (6), (b) (7)(C) Because I'm only aware of this thread. Okay, (b) (6), (b) (7)(said something inappropriate somewhere else. We probably all have. Maybe it's a trend, maybe it's not. I don't know. If (b) (6), (b) (7)(is a troll, someone probably has a list of several such examples, and I'll revise my assumption. I read G+ only occasionally, and don't have time to follow up on all the related discussions in all the other fora, even the ones mentioned above.

My initial reaction to [redacted] final message was very similar to [redacted] - it seemed a trivial thing to evoke such a drastic response. It was only after reading it more carefully that I realized that it was merely the final straw in a never ending series of similarly "minor" events. In fact, I still didn't fully "get it" until yesterday when I read some of the posts in the industryinfo thread.

I fully agree that [redacted] statements are not Googley. But I don't believe they come from misogyny, just ignorance. [redacted] tone is typical of the real world outside of Google. [redacted] has been here only [redacted]. It takes longer than that to understand just how different the Google culture is (in part, I suspect, because of how rapidly we've been hiring - it dilutes the culture). I was aggressive and confrontational in my personal interactions at first too - not because it's my personality, but because it was what I'd learned - and it took over a year before I realized that it wasn't necessary or appreciated. In **all** my previous jobs [redacted] that style **is** the norm - which, not coincidentally,

is one of the major problems we're trying to fix.

So, **no**, the correct response to bad speech isn't to fire the speaker. A better response is to approach the speaker calmly, without preconceptions, perhaps privately, and offer to explain why [redacted] stance is seen as unacceptable here. Which is what [redacted] did.

[redacted] I'm not trying to criticize your passion for change. It's obvious that you are sincere in your desire to improve the culture that women experience. However, I still think that Hanlon's Razor is best when we're unsure why others are in opposition. In fact, that's even a bit harsh - it's not stupidity, just ignorance of the issues.

[redacted] (b) (6), (b) (7)(C) Aug 7, 2015 +4
Couple final updates before I put this thread on perma-mute:

1) My questions were 100% sincere, and directly relate to the subject of this post (i.e. [redacted] and many others chiding unnamed Googlers for posting unspecified wrongthink on Industryinfo). No sarcasm or trolling intended.

2) [redacted] phrasing was indeed more eloquent than mine; I took notes and appreciate the constructive suggestions.

3) If the tone of my questions bothered you, it's a good opportunity to reread the harassment policy[1] and reflect on how political minorities (a class protected under California law, BTW) might feel about the work environment at Google. Empathy is a two-way street and many of us are absolutely fed up with being treated as second-class citizens and punching bags. My posts were nothing more than a call for civility and tolerance; the vicious replies, including one individual's ongoing and unprovoked campaign of character assassination, are a picture-perfect illustration of the cultural problem we need to fix.

4) (b) (6), (b was not willing to resume the conversation via email, but y'all can ping me anytime if you want to talk privately. Or join http://g/freespeech to talk about the more general subject of speech at Google (please read the FAQ).

[1] (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 +1

There would be a Picard meme here if I could express it compactly enough:

1) Post a comment regarding objective vs. subjective truth and how to explore them
2) Get 24 +1s
3) Conversation in thread immediately returns to confusing the two.

Specifically:

(b) (6), (b) (7)(C) comment regarding what "should" happen about an abstract someone appears to be disregarding this difference. A better way to handle this is to not attempt to derive a generic abstraction but to to state something about your own feelings and/or opinions. Note that in this case, it might look like: "I feel (b) (6), (b) (7) should be fired because I believe others find (b) (6) comments threatening" If you're not actually ready to say that, because frankly that's a very intense thing to say, you might reconsider making an abstract statement that implies it. Another path is to ask a question: "How can we better know what is crossing the line of getting fired?"

- Much of (b) (6), (b) (7)(C) response appears to me as an attempt to prove something objective about [redacted] intent through collecting statistics based on [redacted] subjective interpretations of what [redacted] said recently. If you feel hurt, or are worried others will feel hurt by what [redacted] is saying, you can simply say that – that is your subjective truth and there's no need to try to convince others of its validity through pseudo-objectivity.

As an aside, this is one reason I find computer communication inadequate for this sort of conversation. Because it requires at least one level of conversion to abstraction, written language, to use it, the seduction of pseudo-objectivity is more intense than when you're speaking face to face.

[redacted] (b) (6), (b) (7)(C) Aug 7, 2015 *+6*
Just don't be a jerk. It's actually much easier, in life, to be kind.

(b) (6), (b) (7)(C) Aug 7, 2015
[redacted] (b) (6), (b) (7)(C) Thanks, [redacted] I think that some of [redacted] statements are inappropriate, but feelings are always legitimate. I'm not trying to prove anything, and I'm not hurt. I only had a number because I counted comments to be sure I wasn't misremembering, and it didn't occur to me that it sounded intense. Sorry, [redacted] if it came across that way.

[redacted] (b) (6), (b) (7)(C) Aug 7, 2015 *+19*
(b) (6), (b) (7)(C)
"There appear to be some opinions which are acceptable and some which are not, and simply expressing the wrong ones brings out the pitchforks and torches."

Of course there are. This is absolutely and trivially true, and I am frankly shocked that anyone could be surprised at this - or think that it's bad. I and anyone else can come up with a dozen simple examples of opinions that are not acceptable and **should not** ever be acceptable at Google; and that expressing them can and should lead to swift disciplinary action.

For example, if someone expressed an opinion like "Chinese people are an inferior race and do not deserve full human rights", or "we should be defrauding our users to maximize our profits", they would (hopefully immediately) discover that those opinions are absolutely unacceptable at

Google. It's quite likely that they would be immediately fired.

The question is not now, nor has it ever been, "are there unacceptable opinions?" It's obvious that there is a line, and it's obvious that there should be a line. The question is simply about where to position the boundary. In particular, the actual question, the real thing that has been underlying a big part of this "controversy", is this - "are any of **my** opinions over that boundary?"

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 *+18*

The subject of this post is not "(b) (6), (b) chiding people for posting unspecified wrongthink"

The subject of this post is "Many of your female (and other minority) coworkers are persistently unhappy with their work environment, some desperately so"

If you read it as the former, please try to compassionately reread it as the latter.

If you find that difficult to do, maybe because you feel like you have legitimate concerns about "mob justice" or "censorship" or something, consider that you're much more likely to be taken seriously when you express these concerns if you also clearly do care about the emotional well-being of your coworkers.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 *+2*

(b) (6), (b) (7)(C) That's snappy, but I think it's unhelpful. Changing your behavior can mean a lot of hard uncomfortable work, especially when it means changing beliefs in order for the change in behavior to really take root. I understand why people don't want to, even if I think they should.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 *+4*

I'm saddened that the discussion has been focused on the most extreme opinions, but I suppose that might be inevitable without moderation.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 *+10*

> But I don't believe they come from misogyny, just ignorance.

Ignorance of the law is not an excuse, and likewise ignorance of hurt does not excuse the hurt.

I also want to point out the cognitive dissonance in the original thread. Certain individuals simultaneously believe that minorities should be forever forgiving and tolerant of outright racism and sexism, while demanding that everyone stop using "microaggression" so their own feelings aren't hurt.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 *+5*
(b) (6), (b) (7)(C) Your statements in this thread have made *me* feel more uncomfortable and threatened than (b) (6), (b) (7)(C)s have.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 *+5*
Well, you're (b) (6), (b) (7)(C), I'd expect that.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 *+3*

I consider suicide semi-regularly. I'm (b) (6), (b) (7)(C).

Why is one person with concern driving company direction?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015
Alright, after talking with some people I've come to the realization I don't know anything about employment law, so I shouldn't be suggesting specific disciplinary action.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 *+19*
(b) (6), (b) (7)(C) You're crossing lines with me too on this. My statement was not intended to be an invitation for you to scream at people, which is what it looks like to me when you stated that (b) (6), (b) (7)(C) should be fired. Ironically, it seems you turned around and did exactly what I said (b) (6), did at first (before (b) (6), excellent clarification), only worse. This is exactly the kind of thing that creates unsafe work environments for women, this is just pointing in a different direction. Just because you're supposedly doing it for the benefit of oppressed people doesn't mean that it can't be hurtful.

This is a subjective issue and along with the honest statements of one's opinion needs to be the humility of incomplete information. Because, by definition, you don't know what everyone else wants or needs. What if all

those others who were hurt don't actually want (b) (6), (b) (7) to be fired, but rather would prefer an ally to talk to (b) (6), (b) in a safe setting so that (b) (6) can understand why what (b) (6) did was wrong? Your statement would then lose all the punch it has, I think.

The solution to making a work environment safe is *not* making others feel unsafe. There's a difference between encouraging others to confront their biases (+1) and threatening people (-10), and in my estimation you're off in the weeds on the wrong side of this.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 **+1**
None of us should be.

"Lets all help make Google a supportive place for minorities of any kind."

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 **+5**
(b) (6), (b) (7)(C) This is a false equivalence. I doubt anyone who is opposed to social justice considers quitting Google on a regular basis because other people at work disagree with these values. On the other hand, people do consider leaving Google on a regular basis (see the email (b) (6), (b) cites) because they feel it is a hostile environment due to expressed opinions or perceived opinions.

Different opinions should not be automatically placed on equal footing because those opinions may have radically different impacts.

I think it's great that you don't care too much what people will think of your opinions, but I do think you should care how your actions and expressions affect others people, intentionally or unintentionally.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 **+2**
Well, I'm done commenting publicly on this. I've taken it up with my HRBP and will trust in the system to work things out properly.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 **+1**
I should have done that first, I let my anger get the best of me.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 **+1**
(b) (6), (b) (7)(C) It's human to feel anger, and also completely valid to express anger. I believe I heard in what you're saying that the anger you feel is out of

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Thanks for your answer. I agree that cultural change takes time, but unfortunately I'm not sure I see any real signs that change is happening. We have internal forums where women say they are uncomfortable, or even afraid, to take part, and I see no signs that these forums have gotten noticeably better in the past few years. (It's also possible that I'm only seeing what happens online. Maybe there are other signs of cultural shifts that I haven't been noticing.)

However, one positive change I **have** seen is in the industryinfo thread where you intervened. That went though a 180 turn as soon as you posted. And, although you are widely respected throughout the company, I don't think the change happened just because people suddenly decided that they agreed with what you said. I think the fact that you are (b) (6), (b) (7)(C) had a lot to do with it.

Clearly, expecting you to personally intervene in every instance of online

hostility is not a good use of your time. But do you think that our code of conduct could be amended to explicitly call out the kind of behaviour that you have been speaking out against?

You may not be able to change peoples' minds, but you can affect their behaviour.

Thanks,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 8, 2015 +22
(b) (6), (b) (7)(C) yes, we're working on an update to the CoC to clarify expectations.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 8, 2015
(b) (6), (b) (7)(C) That's great to hear. Thank you very much.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 8, 2015 +6
Thank you (b) (6), (b) (7)(C).

I do think that changes to the CoC are necessary and will be valuable.

At the same time, I found your /personal/ intervention on the list and on this thread to be particularly valuable: It was after all what finally stopped the obnoxious behavior. I imagine that it is also a strong signal of support for those affected.

This made me think of the speech by the chief of the Australian army. His delivery made it very clear that he /really/ means it, and is not just reading off some memo. That's what made it so powerful, much more powerful than any press release with equivalent content could ever have been.

I think that /personal/ intervention by senior leaders, especially in specific cases and when widely visible, sends a very strong message, possibly stronger even than official written policy. It obviously doesn't scale as a mechanism to stop obnoxious behavior everywhere. However, even a moderate number of examples of personal senior involvement on the most problematic fora might actually help change the tone there (and also might be used as a reference by less senior Googlers who are trying to intervene).

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 10, 2015

(b) (6), (b) (7)(C) That is not a derailment at all; the "Reasonable Person 101" was the derailment, and I'm glad resolving that for the moment means we can talk more about the actual issues now.

Just to reflect back, I think you're saying that there's a certain numbing effect to the isolation of our individual struggles – while noone else hears about our pain, at least we don't have to process everyone else's pain. I've had a similar experience with these kinds of issues -- I actually have to turn away from a lot of "awareness raising", especially online, because reliving my own trauma continuously is not a good way to keep myself healthy.

I believe you're right that there's no way to make things better without some things seeming worse in the transition. At the same time, I do know of better technologies than computer intermediated communication for this issue.

Consciousness raising and restorative justice circles, for example, can be good tools for this -- the structure amplifies both the voice of those in pain and the ability to listen, and so participants get a sense of the burden of

awareness being shared.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 10, 2015 +13

In an earlier comment, I said "I doubt anyone who is opposed to social justice considers quitting Google on a regular basis because other people at work disagree with these values."

Well, I just had someone email me privately to express that exact sentiment. In the email, this Googler talked about considering quitting because of vicious treatment from others of differing view points. Other items mentioned include "mental and emotional stress" and fearing that expressing a conservative or libertarian view point will make one an instant pariah.

Clearly, my statement was an oversight, and I've apologized to this particularly Googler, and I'm taking this opportunity to issue apology to any

others whom I may have offended.

But I do want to point out that the language in this email is shockingly similar to some pieces I've seen from other Googlers who have openly expressed that they felt this was not a safe and comfortable place to work. I just wanted to point out to my colleagues that however angry/annoyed/insulted you may feel because of another Googler's comments or views, should you choose to express your disagreement, you are obligated to do so in a civil way, regardless of which side of the argument you are on.

Otherwise, it's just a race to the bottom, and frankly, we're better than that.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 10, 2015

(b) (6), (b) (7)(C) Acknowledged. Yes, even "just" the debate/awareness results in increased exposure/reminders of uncomfortable situations. Thanks for sharing your own experience.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 10, 2015 +5

(b) (6), (b) (7)(C) The TL;DR: Not surprised.

In my experience it is overzealous allies who tend to create that sort of

energy around issues of justice. Shouting your opposition to something bad really loudly is often an attempt to be seen as firmly on the side of the oppressed. But as some of the participants realized in this thread (and kudos to them for expressing it!), going overboard on that is really more about making themselves feel better more than actually achieving anything. And doing so can create a hostile work environment in itself – neither people who were hurt by what was going on originally nor anyone else wants to speak up in the midst of a witch hunt, lest they be next.

Now, this is different than when someone actually experiencing the issues at hand is relating them. Tone arguments and other silencing techniques need to be called out, and there needs to be space for the anger and pain of the injury to come through authentically without policing people's choice of words. It is challenging enough for the person to relate that harm at all.

ually a case where

Search Google+

[redacted]

Viewing a confidential internal build. View external - View Experiments

y aren't crowding

e honest, if those

al justice is an episode of

pposed to it. Noone is served by that, and it isn't really what social justice is about.

[redacted] (b) (6), (b) (7)(C) Aug 10, 2015 +2

Thanks to [redacted] and all the people here posting in support of making this a safe environment for everyone we can. I'm sorry that it's awful for some of us and I'm trying to do my part to help. If you choose to call be out on bad behavior, I will try to take the constructive criticism to heart. If you don't, I hope others will, and if not, I still have the responsibility to consider my own actions, and will try to realize over time how I can improve my behavior.

There are some posts on here, as always, where people are trying to debate and understand the issue more. While trying to understand the problem can be healthy, please realize the context of the questions can be important, as can the tone. Questioning and trying to understand is OK. Note that [redacted] suggested messaging [redacted] PRIVATELY for questions. The key point being, find someone who is willing to discuss it in a more appropriate place, then ask them there.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 10, 2015 +4

(b) (6), (b) (7)(C) http://slatestarcodex.com/2014/02/23/in-favor-of-niceness-community-and-civilization/ is very a-propos.

I think there is an important difference though: Whether or not you hold a minority political view, and especially whether or not you express and debate this view in a work context, is largely a matter of personal choice.

Being a member of a gender/gender-identity/race/etc minority, and being visible as such, is not.

(and yes, this is probably not as clear-cut as it might seem at first sight. Please in the spirit of this thread, let's not debate that here though)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 10, 2015

To the original message - that is heart-breaking.
I hope that the sender of the email is able to find some peace before they feel they have to make the decision to leave. It would be a shame to lose a talented person who loves their job so much for these (or any! but especially these) reasons.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 10, 2015 +11

I also want to share my 2c on your comment, (b) (6), (b) (7)(C) Thank you so much for your follow up comment/apology. I was definitely struck by the lack of perspective in your first comment, and I appreciate the follow up a lot :)

I'm honestly a little perplexed at how people who understand microaggressions can not understand how exhausting it is to be in an environment where conservative politics are straw-manned and discussed with derision constantly (and trust me, they are).

A reasonable response is "then don't engage in political discussion", and mostly I don't. But it's impossible to avoid all the snide comments.
I'm not asking for special consideration of any kind. Just asking others not to generalize about my experience as though they understand it.

Thanks :)

Add a comment.

Google:

A Hostile Work Environment

for White Males

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1 Introduction

1.1 Problem statement

Google's internal corporate network has a large number of "open" discussion forums used by employees for general non-work-related conversations, sharing of interesting articles or news, and political commentary. On several of these forums, it has become extremely common to see posts, comments, and articles that make derogatory, disrespectful, and harassing statements aimed at white males. For example:

- "By being a white male you are in a privileged class that is actively harmful to others." (section 2.3.1)
- "If you're thinking that doesn't seem like that big of a problem, congratulations on your white penis." (section 2.3.3)
- "Frankly, I could care less about being 'unfair' to white men. You already have all the advantages in the world." (section 2.1.2)
- "You want to ignore our issues and stick back to your daily masturbation about your manly problems." (section 2.3.1)
- "If you put a group of 40-something white men in a room together and tell them to come up with something creative or innovative, they'll come back and tell you how enjoyable the process was, and how they want to do it again, but they come up with fuck-all as a result!" (section 2.3.1)
- "Straight White Male: The Lowest Difficulty Setting There Is" (section 2.3.2)
- "I won't be writing for [young white male programmers'] promo packages, and I won't be voting to hire them, and I won't be tolerating their bullshit in meetings." (section 2.3.3)

There have been several cases in which white males who expressed concern or disagreement with these sentiments or with other aspects of the so-called "Social Justice" political agenda were singled out for retaliation at work, including:

- Severe written abuse from colleagues: name-calling, personal attacks, profanity, and defamation.
- Calls for the person to be fired, accompanied by efforts to carry through by flooding Human Resources and the victim's management chain with false, malicious, and contrived complaints.
- Written threats of blacklisting, both from internal transfers within Google and from jobs at outside firms.
- Sabotage of the victim's job performance, by refusing all assignments that involve helping or working with the blacklisted individual.
- Sabotage of the victim's performance appraisals through secret unsolicited negative peer feedback.
- Informal or verbal warnings from HR.
- Formal written reprimands and threats of termination from HR.

- Denial of well-deserved promotions.
- Eventual termination of employment via pretextual PIP.

Some white males who stood up in opposition to these bullying tactics have also been subjected to similar treatment, even if they refrained from commenting on the hot-button political issues themselves. Thus far, persons who are not white and not male have not been targeted, no matter what opinions they express.

Google's management encourages and sanctions all of this unprofessional and illegal behavior:

- They refuse to take down disrespectful, hateful, and defamatory posts aimed at white males, or posts that encourage employees to engage in illegal, discriminatory, or retaliatory conduct toward their white male colleagues. Several employees have petitioned HR and Legal to remove offending posts on multiple occasions, and the company has steadfastly refused to do so.
- Google's HR organization routinely brushes off concerned individuals who defend the targeted white male employees, frequently making excuses for workplace bullying and claiming that the abusive conduct was acceptable when considering the "context" of the discussion.
- The management makes no attempts to stop anti-white-male bullying activity and restore order, for example, by leaving a simple "please remember to be respectful at work" comment or by shutting down comments on threads that are out of control. This is true even when VPs, managers, and directors are actively participating in the conversation.
- It is extremely rare for employees to be reprimanded for attacking white males – either for generally hostile posts or for making personal attacks against a specific white male.
- Google views white male bashing as a key plank of the company's diversity efforts. Posts that target white males (and in particular, posts intended to humiliate, insult, and degrade individual white male colleagues) are widely reshared and upvoted by dozens or hundreds of Google employees on the company's internal social network. Google employees enthusiastically participate in this activity under the belief that white male bashing creates a more welcoming environment for women and minorities.
- White males who politely express their dissent are frequently subjected to adverse employment actions (see section 3.6) and/or intimidation by HR. Several white males have indicated that HR reviews dissenting comments extremely closely, looking for the slightest microscopic hint of a policy violation. The employee is either issued a warning letter threatening him with termination, or summoned to a meeting with HR in which he is told that the comments in question did not violate policy, but that he should "focus on his work" instead of opposing discrimination.

This document contains a sampling of posts collected directly from Google's internal corporate network, accompanied where necessary with explanations of the context in which they were found.

1.2 Employment decisions at Google

Google uses some fairly unconventional processes for hiring and performance management:

- **Interviewing:** Approximately half of all full-time engineers at Google are regularly interviewing candidates, either via telephone or in person. At Google, it is common for the interviewer to belong to a different organization from the job opening, so one biased interviewer in another division could have ripple effects across the entire company.
- **Hiring committees:** Unlike most technology firms, Google makes most of their hiring decisions on the basis of a committee's recommendation. In order to maintain a consistent hiring bar, hiring managers can only select candidates who have been pre-approved by a committee. Many senior engineers, both individual contributors and managers, serve on a hiring committee. To avoid a conflict of interest, the hiring manager for a position has no input into the hiring committee's decision; as above, a biased hiring committee member can cause problems for a completely different division of the company.
- **Hiring managers:** A hiring manager can fill openings with any candidate who has been approved by a hiring committee; they do have authority to pick which approved candidate they want. Managers have discretion over compensation and performance management for their teams.
- **Promotion committees:** As with hiring, promotion decisions are made by an independent committee from another part of the company which can involve both senior engineers and members of the management team. This process is shrouded in secrecy: an employee who experiences illegal discrimination or retaliation by a promotion committee has no way of identifying the responsible individual(s) or investigating whether there was an unreported conflict of interest.
- **Peer feedback:** Feedback from co-workers is a critical element of Google's performance appraisal process. However, anyone in the company can submit performance feedback on another individual. This feedback can be either positive or negative, and it can be kept secret from the recipient (but still factored into the individual's performance rating).

Many, if not most, of the individuals named in this document are responsible for some degree of employment-related decisions at Google. Some individuals who have openly called for discrimination against white males are involved in all five of the above processes, yet Google has taken no action to remove them from a position where they are influencing employment decisions for their own teams and for other departments across the company.

2 General hostility toward whites, males, and conservatives

2.1 Google's management team

2.1.1 (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C) with 7 direct reports; (b)(6) also serves on promotion committees. In (b) (6) posts on Google's internal company forums, (b) (6), (b) (7)(C) routinely mocks and degrades white males for reporting instances of discrimination and bias.

(b) (6), (b) (7)(C) strongly implies that anyone concerned with the legal rights of a white male is not an "honest decent" person, and should be fired:

(b) (6), (b) (7)(C)
Maybe a clamour would work better than surgical intervention, but I just forsee endless escalation between honest decent folks and the defenders of the hypothetical oppressed white male until HR steps in and fires everybody.

Have we actually trend non-self-directed adjustment ? (Warnings don't count, there's no specific outcome.)

(b) (6), (b) (7)(C) speaks derisively about the conservative-leaning "freespeech" group within Google:

(b) (6), (b) (7)(C)
Maybe you could also create freespeech-and-the-defense-of-the-oppressed-white-male right off to save time?

..and characterizes their efforts to stand up for their legal rights as "constructing a victim narrative":

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) okay, thats much closer to fitting this situation. Thanks. It is still saddening.

Given that, maybe not fixable. They're constructing their own victim narrative preemptively.

When several white males complain that they are treated as "punching bags" on internal Google forums due to their race and gender, (b) (6), (b) (7)(C) calls them "whiners" and claims that their lives are easy because they are white:

(b) (6), (b) (7)(C)
The purpose of the site was to crowdsource examples of micro aggressions so the people whinging about being punching bags because involuntary attributes made their lives easier could see more examples of what people meant by the term.

The implicit belief that this would help create empathy rather than create more screaming about punching bags has, I think, been thoroughly debunked at this point.

I habitually let other people go through a door ahead of me or give way when walking paths intersect. The reason I do that is because I'm (b) (6), (b) (7)(C) (b) (6), (b) than most of them and the default physical response to me looming is for the others to always give way. I don't think that's fair or pleasant and so I consciously try to change that dynamic.

You should have a serious think about what I just said before you bring punching bags up again.

(b) (6), (b) (7)(C) compulsively denies that anyone could possibly be biased against white males, despite (b)(6) frequent bigoted posts:

(b) (6), (b) (7)(C)
You appear to be confusing "not permitted to talk about diversity" with "people increasingly getting irritated that you derail constructive discussions of fixing bias by ~~jumping up and down and shouting~~ repeatedly asking 'what about the hypothetical anti-white male bias' and then claiming sexism when this is pointed out."

Is there any chance you could stop doing that?

(b) (6), (b) (7)(C)

You don't appreciate the systematic bias against straight white males in today's society. Probably because there isn't one, but you still don't appreciate it. Or something.

(b) (6), (b) (7)(C)

It's really hard out here for us but somehow I'm managing to scrape through despite the overwhelming challenges.

(b) (6), (b) (7)(C)

How about the pernicious and systematic bias against beards? Maybe that's a thing.

As of 2015-10-03, (b) (6), (b) (7)(C) posts remain active on Google's internal network.

On 2015-05-09, in a private conversation regarding an individual who had come under fire for protesting discrimination against white males at Google (section 3.3), (b) (6), (b) (7)(C) stated that [redacted] would initiate "formal performance management" if one of [redacted] employees was in a similar situation:

[redacted]: hen you think (b) (6), (b) is a poor performer?

54 mins

[redacted]: it turns out that alienating large chunks of the company and undermining our diversity and anti-harassment efforts would be sufficient grounds for formal performance management from where I'm standing.
there isn't the bright line between CLs written and interactions that you seem to be suggesting

Bruce · 50 mins

[redacted]: so anybody who expresses an unpopular view should be fired, even if he didn't violate policy?

[redacted]: I don't believe I said "expressed an unpopular view"
please read the words I wrote.

Bruce · 49 mins

[redacted]: so how do you know which unpopular views will "alienate large chunks of the company"?

48 mins

[redacted]: one easy trick that the doctor's don't want you to know is simply to wait and see whether the alienate large chunks of the company.
doctors. Fuck. oncall is killing me.

Bruce · 47 mins

[redacted]: well, it is a big company now

[redacted]: Yes, so the bar for alienating large chunks of it is higher.
some people are naturally talented.

Bruce · 46 mins

[redacted]: you could probably find a lot of subjects/opinions that piss off several dozen people who will complain to HR

6 mins

[redacted]: not a large chunk.

Bruce · 6 mins

[redacted]: what I was getting at in my G+ comment is that ideally, HR "should" judge each case by its merits, but in practice they are probably at least somewhat swayed by the mob
it takes strength of character to stand up to the mob and tell them to respect the minority's rights

45 mins

[redacted]: They judge each case by its effect. Not quite "merits"
they aren't a court, although in some limited cases, they're forced to do things which comply with presented-in-court minimum behaviours to address certain things.

Disturbingly, (b) (6), (b) (7)(C) also indicated that HR "judges each case by its effect, [rather than] merits," confirming that individuals who politely protest discrimination against white males can be punished for conduct that does not violate policy if Social Justice activists claim to be offended. Since this conversation, several more instances of this phenomenon have been documented.

2.1.2 (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C) with 7 direct reports. (b) (6), (b) has repeatedly used the Google corporate network to openly advocate for discrimination against white males.

On 2015-04-22, a white male employee posted a comment about a "Diversity Town Hall" meeting in which the management stated that affirmative action was impractical from a legal standpoint. (b) (6), (b) (b) (6), (b) (7)(C) responded that (b) (6), (b) "could care less about being unfair to white men. You already have all the advantages in the world":

(b) (6), (b) (b) (6), (b) (7)(C) +17
I agree with the town hall's statement. I've yet to see effective "increasing diversity" efforts which do not bring unfairness against white men (e.g. lowering the hiring bar for minorities, or arranging events where white men are or feel excluded).

(b) (6), (b) (b) (6), (b) (7)(C) +179
Frankly, I could care less about being 'unfair' to [edited to add: cisgender, straight, able-bodied, wealthy] white men. You already have all the advantages in the world.

(b) (6), (b) (b) (6), (b) (7)(C) +9
We will not agree on that.

(b) (6), (b) (b) (6), (b) (7)(C) +102
aka *Straight White Male: The Lowest Difficulty Setting There Is*

(b) (6), (b) (b) (6), (b) (7)(C) +212
The fact that the first comment on this post is a microaggression speaks volumes about the cultural problem at Google

(b) (6), (b) (b) (6), (b) (7)(C) +37
(b) (6), (b) (7)(C) I understand that we're not going to agree, and you are entitled to your own opinions. However, I wish you'd considered how I might receive the remarks before you made them.

(b) (6), (b) (b) (6), (b) (7)(C) +5
Do you believe I should receive penalty points because of these traits?

(b) (6), (b) (b) (6), (b) (7)(C) +42
It's not a penalty to you. Instead, it's helping other people that got penalty points when they were born to a more level playing field.

(b) (6), (b) (b) (6), (b) (7)(C) +6
(b) (6), (b) (7)(C) If we make easier for people from some subset to get hired, then — assuming the total headcount staying the same — we are effectively penalizing people from the complementary subset.

(b) (6), (b) (b) (6), (b) (7)(C) +42 +1 Reply
(b) (6), (b) (7)(C) We've already been penalized enough by the entire tech industry culture and society. Also it's not a zero-sum game - more diverse teams are more productive than monocultural teams so even if there are 70% men instead of 80-95%% men as a result of diversity programs, the 70% men will be more productive and get better work done.

In a follow-up conversation, (b) (6), (b) doubled down on this position, stating that the "benefits to everyone as a whole" justify discrimination against white men:

(b) (6), (b) (b) (6), (b) (7)(C) +12
(b) (6), (b) (7)(C) In the context of a discussion about whether we should engage in work to support people who are not white and/or not men in technology, I think my comment was absolutely reasonable - I feel that if there is any harm to the interests of white men from that work, it is more than made up for by the benefits to everyone as a whole.

On 2015-05-20, (b) (6), (b) (7)(C) racially charged remarks were reported to HR. HR's initial responder denied that there was a problem, seemingly indifferent to the fact that a member of Google's management team was advocating discrimination:

(b) (6), (b) (7)(C) @google.com> May 21 Reply to all

to me (b) (6), (b) respect

Hi (b) (6), (b) (7)

Thank you for raising your concern and looping in your (b) (6), (b) (7). In following some of your links, it appears that some of these comments were taken out of context. I think it is important that Googlers remain civil while making their points and some of the these Googlers were responding to some pretty insensitive comments from other colleagues and reacting to an environment that we know have been less than friendly to women and minorities at times. It doesn't excuse inappropriate language, but some empathy could be valuable as you reflect on the conversations.

Thank you, again, for raising your concern.
(b) (6), (b) (7)(C)

Later, another HR representative confirmed that actions were taken in response to the report:

(b) (6), (b) (7)(C) @google.com> May 26 Reply

to me

Hi (b) (6), (b) (

Thanks for taking the time to prepare that careful write-up. We do take all concerns about harassment and bullying seriously. We do evaluate posts on a case by case basis to determine if they have violated our policies. I checked in with our employer relations team and we were aware of all the posts you flagged - apart from one. HR has actually taken action on all the posts that we've looked into. The actions ranged from coaching to warnings in some cases. I encourage you to let us know if you see postings in the future that violate our policies. I will be meeting with (b) (6), (b) (7)(C) to discuss the concerns your raised.

I'd also like to set up some additional time to gather some additional information from you on # 12 and # 13 you raised - so look for that meeting on calendar soon

Thanks
(b) (6), (b)

On 2015-09-05, (b) (6), (b) (7)(C) posted a new essay to suggest modifying the hiring process to discriminate against white males, citing twisted logic and unproven speculation that Google's interview process is biased in favor of white males:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Let's have a sincere conversation about whether affirmative action might not actually be a bad thing for Google. I don't have a strong stance either way, and understand both sides of the argument, but one side seems to be far more popular at Google, and perhaps its reasons aren't as good as it thinks.

Our official policy is that we attempt to hold all candidates to the same standards - and that it ensures that employees who are from minority groups are not viewed as inferior in ability or skills.

However, what if our interview process is disproportionately harder for members of minority groups due to the pressure of the interview process? Have a look at this key paragraph

> Half of the participants were told that their performance on the test would be diagnostic of their verbal reasoning abilities, or in their words, "a genuine test of [their] verbal abilities and limitations" due to "various personal factors involved in performance." This was an engineered induction of stereotype threat, under which the test takers were given the impression that their score on the test was associated with their personal academic aptitude. In contrast, the researcher's explanation in the non-diagnostic condition made no reference to innate ability and instead implied that a given participant's score was associated with the kinds of problems they've been exposed to in the past, along with test-induced "psychological factors."

We could potentially frame the interviews as being less about 'skill/aptitude', but I'm not sure how successful that will be given our process is fundamentally a job interview and there are large positive consequences at stake for getting a job here

Still think it makes sense to hold candidates to the 'objective' same standard when the test conditions will likely cause differences in performance between minority/nonminority groups that aren't actually different in qualifications? I'm not sure

(nb: we actually do try slightly to correct for this in hiring committee - if an interviewer dings a candidate for being timid or a candidate appears to have been extremely nervous – regardless of minority status, we reserve the right to read the interview feedback through a rosier lens ignoring the timidness or send the candidate back for followup interviews to replace the interviews that don't represent the candidate at their best. I'm not sure this is enough to overcome the systematic effect though)

"Picture yourself as a stereotypical male" MIT Admissions

One of the very first comments mentions that this would be illegal under Title VII of the Civil Rights Act, yet the discussion continues:

(b) (6), (b) (7)(C)

I think the merits and legality depend a lot on exactly what is done. You started by describing it as "affirmative action," which can mean simply lowering the hiring standard for particular groups. I think there would be a tremendous amount of pushback against that, including (as you note) from folks in those groups, because their competence once hired would subsequently be viewed as suspect (even if they would have met the higher bar used for the people not in their group). I am not a lawyer but I believe it would also be illegal under Title VII of the Civil Rights Act.

On the other hand, if you're talking about modifying our hiring process such that the procedures and standards are uniform for all candidates, but we modify the process to try to put people more at ease, or otherwise adapt it for social conditioning that might interfere with their performance in the interview, that's quite a different thing IMO. I imagine this would be considered a good thing as long as the data showed that the on-the-job performance of candidates hired after the change is as good as before the change. (I think there's no reason to expect it wouldn't be as good, with reasonable versions of this kind of approach.)

The most effective solution, as with most problems, is the long-term, hard slog, rather than the quick fix – in this case, rooting out and correcting the social conditioning and other factors that lead to the kinds of differences mentioned in the article.

As of 2015-10-03, (b) (6), (b) (7)(C) posts remain live on Google's internal network.

2.1.3 (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C) with 2 direct reports, and 13 total employees in (b) (6), (b) organization. (b) (6), (b) also sits on promotion committees. (b) (6), (b) (7)(C) habitually uses Google's internal corporate network to disseminate extremist literature and bigoted essays that demonize and target whites, males, and conservatives.

2.1.3.1 Personal posts

(b) (6), (b) (7)(C) proposes discriminating not only against white male candidates, but also against white male hiring committee members:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Here's a suggestion from (b) (6), (b) (I think only women and poc should be allowed to make hiring decisions at google for a year. And/or randomly assign a third of each position type to only be hired by women, poc, or unselected type. Look at the resulting hiring data. Google likes experiments? Do an experiment."

Behind Silicon Valley's Self-Critical Tone on Diversity, a Lack of Progress

+5 (b) (6), (b) (7)(C)

3 comments

(b) (6), (b) (b) (6), (b) (7)(C) +3
I prefer the second suggestion since it doesn't involve me being voluntold to join a committee :)

(b) (6), (b) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) you could, if you had the data. And I gather that hr has actually done some very controlled experiments, but they won't tell us the details because legal won't let them.

(b) (6), (b) (b) (6), (b) (7)(C)
One thing you usually find out when doing 'how do women and men score applicants who are presented as women vs applicants who are presented as men" studies is that being a woman does not by itself give you a "get out of being biased against women FREE" card.

(b) (6), (b) (7)(C) brags about (b) (6), efforts to use Google's money to financially reward Social Justice activists who target conservatives at work, and brags about filing specious employee conduct complaints against individuals who disagree with (b) (6), political opinions:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Here's what I'm doing. I think it's important to share this publicly, so that those watching quietly from the sidelines know that we aren't all just shaking our heads and doing nothing.

(b) (6), (I have given kudos and peer bonuses to people who help defend against the people contributing to a hostile environment.

(b) (6), I escalate to the director level whenever I come across someone who repeatedly fosters a hostile environment. I will continue to escalate until their behavior changes.

I am going to start initiating threads on industryinfo. I just posted my first of these.

Read the comments. Reclaim the terrain.

(b) (6), (b) (7)(C) originally shared:
Yet another thread on industryinfo@ about gender discrimination completely dominated by (non women) debating anything and everything except how to improve the situation. A human DDOS in action.

Redirecting to

+19 1 (b) (6), (b) (7)(C)

6 comments

(b) (6), (b) (6), (b) (7)(C)
Director-level escalation, eh? I wish I could ask you to report back about how well it works out.

(b) (6), (b) (b) (6), (b) (7)(C) +2
(b) (6), (b) (7)(C) probably depends a lot on the director.

(b) (6), ((b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) yyyyyyyeah, yes, sigh.

(b) (6), (b) (b) (6), (b) (7)(C) +1
(the good news is that I know at least a couple of directors who would likely handle it very well so I'm hypothesizing "probably not everyone is that great" rather than the reverse.)

(b) (6), (b) (b) (6), (b) (7)(C) +5
If director level is insufficient, I will escalate to VP. If VP ignores, I will find them in person. If that doesn't work, I will name names at TGIF. I'm not willing to give people a pass anymore.

(b) (6), (b) (7)(C) expresses (b) (6), belief that men and women (or whites and nonwhites) are actually not entitled to equal treatment in the workplace, due to a fringe political theory called "structural power dynamics" that is popular with white male bashers on the internet:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Someone shared a quote of mine out of context, and now it's got 83 "boo"s on http://micro/

The poster started with this

If you think that talking about discrimination or bias or microaggressions contributes to a culture that makes you feel uncomfortable and silenced, don't expect sympathy from me. Welcome to the real world.

And changed it into this:

If you think <thing I'm doing> contributes to a culture that makes you feel uncomfortable and silenced, don't expect sympathy from me. Welcome to the real world.

I'm going to explain why this is a spurious analogy. The original quote is explicitly against people who dismiss marginalized groups. The modified quote removes any reference to power dynamics, but by virtue of being posted to micro, the reader is led to assume that the quote is going the other direction and actually reinforcing structural power dynamics.

This seems to be a popular way to try to respond to my comments about diversity. You just take whatever I said, swap men and women (or white and poc, or rich and poor) and then say "you see? that wouldn't be fair!". The problem is that such thought experiments are silly unless they're also accompanied by a reversal of the relevant power dynamic. So it's fine to switch men and women if you're talking about a company dominated by women in a society dominated by women. But if you leave the power dynamic untouched, then any conclusion you draw will at best be irrelevant, and at worst offensive.

And of course, in this case, posting my quote to micro in order for it to get booed at serves as a microaggression of its own. I do believe that it was probably done with some degree of good faith, but I regret that the poster doesn't seem to get it.

(b) (6), (b) (7)(C) finds a way to work (b) (6), disdain for white males into nearly every post:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

'[At grace Hopper] two white (b) (6) are included in the set of headline speakers at a conference celebrating women in technology, but not a single black woman.'

(b) (6), (b) (7)(C) demonstrates strong biases against whites and males when describing the promotion committee on which (b) (6), served:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

In the T5->T6 promo committee I served on
2/4 commatee members were women. Yay!
4/4 committee members were white. Boo!
12/15 candidates were white men. Boo!

+23 ➡1

(b) (6), (b) (7)(C)

6 comments

(b) (6), (b) (7)(C)
Can you share what % of packets were women?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) I could, but since google already focuses an awful lot on women to the exclusion of poc, I'd kind of rather not.

(b) (6), (b) (7)(C)
Understood. Respect

(b) (6), (b) (7)(C) +1
Whereas on the committee I was on:
0/4 committee members were women
0/4 packets were women
and I'm not very good at telling which people are white or not.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) who I mentioned this to today when I was looking at the make up of our promo committee today.

(b) (6), (b) (7)(C) +1 Reply
(b) (6), (b) (7)(C) you can visit the team's page for the candidates.

Arguing with two white males who called (b) (6), out on racist comments, (b) (6), (b) (7)(C) stresses the importance of placing "collective blame" for the "discrimination that pervades society" on white males:

(b) (6), (b) (7)(C) +3 +1 Reply
(b) (6), (b) (7)(C), thanks for the link to the weak man essay. I may include it in go/derail.

To everyone arguing with (b) (6), (b) (7)(C), you should know that you're not going to win. They have been hardened by innumerable debates/arguments/flame wars, and they have mad skillz at this.

It makes me sad to work with people who so vigorously argue that it is itself discriminatory to assign any collective blame for the discrimination that pervades society. I'd like to believe further discussion will produce understanding, but in this case it just won't. The only productive way I've found to engage with them is to treat them as devil's advocates, useful for strengthening your own rhetoric in order to anticipate the moves of less-prepared opponents.

(b) (6), (b) (7)(C) recommends that promotion committees should use gender quotas rather than merit as a basis for decisions, and encourages other managers at Google to do the same:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Men "take charge" while women are "aggressive". Men are competent by default while women have to prove it. When looking for promo candidates, women are simply overlooked

This is why I favor an OKR that the distribution of people promoted to level N+1 should match the distribution of people at level N. You may have noticed that women start dropping like flies once the criteria for promotion get ambiguous (L6+). It really starts when leadership starts to become a significant consideration (L5+). The problem isn't with the women. It's with who the manager chooses to lead a critical project, who gets encouraged for speaking up vs who gets told to be nicer, who is asked to spend time inspiring teenagers vs who is asked to present at a summit, who gets to interrupt vs who gets interrupted, who gets the benefit of the doubt when problems arise vs who gets sidelined forever after, who is seen as an "up and comer" vs who is seen as a necessary gamble

I see all of these tendencies in my own behavior and I have to work hard to correct for them. A couple times a week I wrestle with trying to understand which of my impressions are false positives or false negatives, and I often consciously override my first impression. It's emotionally tiring

If you're a leader, look at the promotion rates and level distribution of your team. If it's skewed, take responsibility for that and start fixing it

(b) (6), (b) (7) originally shared to POWER Program (Discussion):

Why Aren't Women Advancing At Work? Ask a Transgender Person

In a related discussion, it is acknowledged that Google's hiring committees try to "recognize and counter bias" in the interview process by using candidate names or other identifying information to discern whether the applicant is a white male, so that they can follow a more stringent decision-making process for white males:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

google.com

LinkedIn thinks our hiring committees are blind to gender, age, ethnicity, etc. It's time for us to live up to that standard.

Share on LinkedIn:
linkedin.com

+7

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

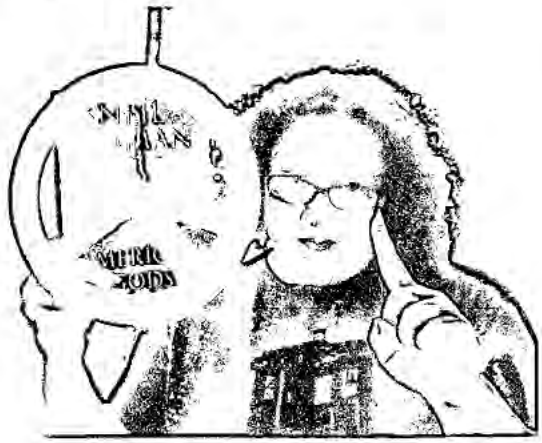
A concern I would have: making the committee blind to these things might decrease diversity rather than increasing it. I've experienced hiring committees being more "cautious" with diversity candidates; not lowering the bar, but being willing to spend more time discussing them to ensure we don't make false negative decisions. The ability to do this disappears with blindness.

But what's worse, the candidate's demographics aren't invisible to the people interviewing them. So you give them free rein to express their biases in their scoring or feedback without giving any other entity the ability to recognize and counter that bias

That said, this is just conjecture, and perhaps blindness is in fact fairer here; the true Google way would be to run an A/B test and see. (Maybe send two versions of a packet to two HCs?)

(b) (6), (b) (7)(C) shares an inflammatory article encouraging discrimination against "white, straight, cis males" on the corporate intranet:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
google.com



Challenge You to Stop Reading White, Straight, Cis Male Authors for One Year - Medium

+67 13

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), who is responsible for setting (b) (6) team's compensation levels, expresses a belief that women should be paid more than men for performing the same work:

(b) (6), (b) (7)(C)
I think you're going to run into several problems, including the fact that you'd have to pay women way more to work here in order to overcome the lower supply.
Doing so may poison other companies, i.e. they won't be able to afford women so their ratios will get worse

(b) (6), (b) (7)(C) +12
it's *not actually* a zero-sum game
SRE has managed to create entirely new SREs from non-sre non-swe (b) (6), (b), for example (it does require effort.)

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) I don't see those as problems. I see those as appropriate incentives

(b) (6), (b) (7)(C)
/sub

(b) (6), (b) (7)(C)
The paying-women-more thing is an appropriate incentive, but the other-companies-have-an-incentive-to-not-hire-women is an inappropriate incentive.

drsprite is right, though, it's not a zero sum game and if we "grow the pie" it could solve that problem

(b) (6), (b) (7)(C) acknowledges that posting this material at Google is likely to make (b) (6) co-workers uncomfortable, but writes that it is more important to advance (b) (6) political agenda than to respect others' feelings and keep peace at work. Furthermore, (b) (6) writes that (b) (6) "found (b) (6), (b) heart . . more closed to white people":

(b) (6), (b) (7)(C) (b) (6) (b) (7)(C)

A couple months ago, inspired by several articles (one of which is linked below), I decided to intentionally change my media consumption to include a larger percentage of minority authors. It has made a big difference in how I see the world.

When I started, I was mostly reading news from hackernews, harvard business review, the atlantic, adafruit, and autostraddle (the last one is definitely the odd one out). Fiction books I had read recently included "The Three Body Problem" (by the most popular SF author in China) and "Harry Potter and the Methods of Rationality" (a fanfic that I highly recommend). I don't generally watch TV.

I decided that I didn't have enough representation from black and hispanic authors, so I added a few speculative fiction novels by black women to my Kindle. My favorite was "The New Moon's Arms" by Nalo Hopkinson. When I sought out more by Nalo I came across "Dark Matter", a collection of SF short stories by black authors, most of them very recent, but including some from a century ago.

After about a month of this, I noticed that the priors built into my perception had started to shift. You know that little jolt of surprise you feel when you're reading a first person narrative and you're pretty far along, and then something happens that makes you suddenly realize that the gender of the narrator isn't what you'd assumed? Well I started to feel that jolt whenever the protagonist wasn't female and black. And that perspective started to seep into how I viewed the real world as well. Standing on the subway, I would look around at people and marvel at how my own perceptions of them had changed. Merely because I had spent a month reading stories that put me into worlds where friends and relatives were black, I found my heart starting to feel more open to black people and more closed to white people.

I've had enough conversations with people at Google about race that I'm fairly sure that admission will cause some people to just tune me out completely. They'll decide that I'm racist and they therefore don't need to listen any more to what I'm sharing here. Many won't realize that such a conclusion only helps reinforce structural racism. If that's what you take from this, then I'm sorry. But I think it's more important for me to talk than to remain silent, even if it makes some people uncomfortable.

As of 2015-11-28, (b) (6), (b) (7)(C) posts remain live on Google's internal network.

2.1.3.2 *go/derail*

On 2015-08-06, (b) (6), (b) (7)(C) posted a link to an inflammatory, anti-white-male article called "Derailing for Dummies." This article is an advocacy piece for extremist left-wing political ideologies; as such it demonizes so-called "privileged" individuals (white males) on the basis of protected characteristics, and states that any disagreement with these political beliefs, no matter how minor, "derails" a conversation:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Think before you post, and make sure you're not engaging in one of these antipatterns

Derailing For Dummies (Google cache reconstruction)

(b) (6), (b) (7)(C)

+44 10

12 comments

(b) (6), (b) (7)(C) +9
Maybe we should copy these into go links, so we can cite them easily go/derail1, go/derail2. Or go/derail-educate-me, go/derail-well-actually, go/derail-emotional

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Ooh, yes

(b) (6), (b) (7)(C)
Shall I do it or would you like to? :)

(b) (6), (b) (7)(C) determined that Google needed its own internal version of this provocative document, so (b) (6), posted a draft on the corporate intranet to solicit comments:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) s now live. This is an attempt at a constructive outcome from "that industryinfo thread". Comments are welcome

+85 57

(b) (6), (b) (7)(C)

The first page of the document states that its goal is to prevent employees from "replacing the concerns of the marginalized with the concerns of the privileged":

Derailing

Or, how not to talk to people who are telling you something sad

go/derail

"Courage is what it takes to stand up and speak; courage is also what it takes to sit down and listen."
Winston Churchill

What is derailing?

Derailing describes a pattern of behavior which results in either *silencing* someone's opinion, or *distracting* from what someone wishes to discuss. Derailing shuts down conversations and distracts from what otherwise could have been a real attempt at education or solution finding.

Derailing at Google is usually not intentional. It can often be difficult for people to realize that they're derailing a conversation, even once it has been pointed out. Try to assume good intent, and hesitate before deciding someone is a jerk.

Derailing is tangled up with structural inequality. In conversations about structural inequality, derailing often has the effect of replacing the concerns of the marginalized with the concerns of the privileged. Derailing can therefore end up reinforcing the patterns of privilege and marginalization already in play.

These terms are later defined: "privileged" persons are white males, and "marginalized" persons include everybody else:

> What is this document?
>
> This document is primarily a catalog of common derailing anti-patterns. It was created in order to make it easy to call out those patterns without feeling obligated to provide extensive explanation.
>
> Throughout this document we use the placeholder names Alice and Bob to represent social roles, with Alice representing a marginalized role (woman, person of color, disabled, etc) and Bob a privileged role (man, white, abled, etc).
>
> This document was inspired by a tense discussion inside Google that escalated until SVPs got involved. The content was adapted from Derailing 101 and Derailing for Dummies by rewriting those sources to use a gentler tone, the better to be heard.

The document instructs white males to keep silent and "re-focus attention on the structural problem" if they are ever accused of derailing:

> What is derailing?
>
> Derailing describes a pattern of behavior which results in either *silencing* the opinion of a marginalized person, or *distracting* from what a marginalized person wishes to discuss. Derailing causes conversations to shut down and distracts from what otherwise could have been a real attempt at education or solution finding.
>
> Derailing at Google is usually not intentional. It can often be difficult for people to realize that they're derailing a conversation, even once it has been pointed out. Try to assume good intent, and hesitate before deciding someone is a jerk.
>
> Derailing is about structural inequality. Derailing comments most often come from people with privilege relative to the topic at hand, however even members of marginalized groups or allies can end up derailing. If you are told that a comment you made was derailing, arguing about it will likely only derail the conversation even further. This may make you feel silenced or uncomfortable saying anything, which may seem unfair. Constructive responses to that discomfort include re-focusing attention on the structural problem, active listening, and thinking of ways you personally can help.

The "references" section links to several more extremist web sites, many of which use racist language such as "whitesplaining" to demonize individuals on the basis of protected characteristics:

> Further reading
>
> A very complete (but also very sarcastic) reference is Derailing for Dummies.
>
> Robot Hugs has a couple relevant comics: "But men" and "Derail"
>
> Chescaleigh made a cute and inoffensive cartoon: Sometimes you're a caterpillar
>
> Cracked has a long and entertaining article titled "5 Ways Powerful People Trick You Into Hating Protesters" which covers many of these patterns (with examples), plus a few more.
>
> The Huffington Post has a good description of "Why It's So Hard to Talk to White People About Racism"
>
> Everyday Feminism has an article on "How To Talk About Privilege To Someone Who Doesn't Know What That Is"
>
> The Weekly Sift article The Distress of the Privileged discusses why it's important to engage with Bob from a place of empathy.
>
> Dame Magazine's article "Whitesplaining Whitesplaining to the Whitesplainers" is a good discussion of splaining in the context of race. The article "Stop it with the Feminist Whitesplaining" extends the discussion to the intersection of race and feminism.
>
> Paul Graham's essay "How To Disagree" features a consideration of dealing with contentious issues in a text-based space.
>
> The title of this doc was taken from the Captain Awkward post "Derailing: How not to talk to people who are telling you something sad."
>
> Related docs created by googlers:
>
> Undermine Your Teammates Using These 5 Weird Tricks
> The Rogue's Gallery
> The Ahles Workshop

While many progressives in the organization reacted positively to the `go/derail` document, several employees expressed concerns over the incessant "jabs at white males" throughout the piece:

> (b) (6), (b) (7)(C) I'd love to have a real discussion. (b) (6), (b) (7)(C) We can move to another place if you want, but I think it should be some sort of public forum because men have been so threatened and intimidated by these sorts of attacks that many of them are afraid to speak up. This in turns leads to lots of men thinking that there must be something wrong with them because no one speaks up so they are the only ones who see how unfair this is. They need to understand that they are the victims of a racist and sexist political movement and it is not their fault.
>
> Here is your first clue, guys: the point of this document is to disallow any defense at all that a man might make when some woman complains about bias. There is no defense. The woman is always right. The man has no alternative but to submit to her superior moral position. We have a word for that attitude: it's called "sexism"
>
> [redacted] (b) (6), (b) (7)(C) Re-open
>
> *Alice representing a marginalized role (woman.*
>
> Once again, this alienates the people you clearly most want to read this. You are writing in a style that will get praise from people that agree with you, and eye rolls from the people that you want the message to reach the most. This takes a document that should be useful across all marginalized roles, and laces it with jabs against white males instead of making it universally useful
>
> [redacted] (b) (6), (b) (7)(C) white males are not marginalized roles
>
> go/derail-everybody
>
> (b) (6), (b) (7)(C) But this document is not advocating open dialog, it is advocating highly restricted and stylized dialog. We're supposed to start by comparing victimization statuses and then the one with the most victim points gets to do all the talking. The other one is just supposed to nod humbly and accept as gospel whatever the higher-status person says for fear of making the higher-status person feel frustrated.
>
> I imagine this is the same sort of document that slave owners would have written for their slaves to help them understand how to interact with their masters.

These concerns fell on deaf ears; the proponents of the document responded with sexist retorts, and when that failed to silence [redacted] critics, (b) (6), (b) (7)(C) began filing false reports of employee conduct violations:

[redacted] (b) (6), (b) (7)(C) Nope. I intentionally chose Alice and Bob to represent fixed roles throughout the doc and the fact that the names serve to evoke pervasive gender bias is not unintentional. This doc is all about structural inequality, and trying to introduce "balance" by mixing up the genders would be an example of go/derail-analogy.

[redacted] (b) (6), (b) (7)(C) That's all true, but recall that the sexual harassment training stresses that harassment doesn't necessarily follow gender stereotypes. I think that stereotyping should be avoided, because it refocuses the discussion from what is being done to who (in terms of group membership) is doing it, and that doesn't serve the purpose of this document.

[redacted] (b) (6), (b) (7)(C) Note that this document is not about sexual harrassment, nor about trying to break any stereotypes – it's about patterns in conversation between a marginalized and a privileged party. As such, picking *examples* form what currently happens to be one of the biggest such privilege differential that exists seems entirely appropriate, especially since the document describes before their introduction that they are indeed placeholders.

(b) (6), (b) (7)(C) Well if that's the point then you could be clearer, because all I'm getting from this document is that when anyone claims bias, there is no possible defense, not even the defense that the bias did not exist. Maybe a section on what a man should do when a woman accuses him of bias in order to protect himself from a system that is highly biased against him.

[redacted] (b) (6), (b) (7)(C) I provided the suggestion you asked for right on the first page: "If you are told that a comment you made was derailing, arguing about it will likely only derail the conversation even further. This may make you feel silenced or uncomfortable saying anything, which may seem unfair. Constructive responses to that discomfort include re-focusing attention on the structural problem, active listening, and thinking of ways you personally can help."

[redacted] (b) (6), (b) (7)(C) bringing it back to the point that was originally commented on .

In the context on gender inequality, it is fair to make the assumption that it is a man asserting his privilege over a woman, for the sake of this document.

That does not mean that there is no man that is opressed by a woman, nor does it preclude any other kind of scenario from being acknowledged.

The argument that we can't single out the biggest example of gender inequality, because we did not acknowledge any other examples is not appropriate.

And it is a derailment technique to make that argument (I wont paste the link).

[redacted] (b) (6), (b) (7)(C) Re-open ✔

In the context of gender, for example, this is

Saying "in the context of gender" implies that it is only ever a man doing it to a woman. It should be reworded to "When a man does this to a woman, for example", or taken out entirely.

[redacted] (b) (6), (b) (7)(C) In the context of gender it is only ever going to be meaningful as a man doing it to a woman. See the second bullet point: you can't just consider it in a vacuum, you have to consider the pre-existing macrostructural social inequality.

[redacted] (b) (6), (b) (7)(C) I am resolving this comment, and escalating to management.

[redacted] (b) (6), (b) (7)(C) Resolving this comment. Also escalating to management. [redacted] feel free to email me directly, since I am the primary author of this document.

As of 2015-10-03, `go/derail` remains live on Google's internal network.

2.2 Abuse directed at political conservatives

2.2.1 Blacklists

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with 7 direct reports), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with 2 direct reports and 14 total employees), and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with 9 direct reports) have all publicly endorsed blacklisting conservatives and actively preventing them from seeking employment outside of Google:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

While Google appears to be doing very little to quell the hostile voices that exist inside the company, I want those hostile voices to know:

* I will never, ever hire/transfer you onto my team. Ever. I don't care if you are perfect fit or technically excellent or whatever.
* I will actively not work with you, even to the point where your team or product is impacted by this decision. I'll communicate why to your manager if it comes up.
* You're being blacklisted by people at companies outside of Google. You might not have been aware of this, but people know, people talk. There are *always* social consequences.

(b) (6), (b) (7)(C)
Well, that was a depressing sequence of threads to catch up on after being OOO for 3 weeks. :/

(b) (6), (b) (7)(C) +1
(b) (6), (b) (7)(C) this seems pretty... hostile.

You may think it's fine to be hostile to hostility (normally I would agree), but I get the feeling that you're applying this to a bunch of people who aren't actually trying to be hostile at all. Intent matters in cases like this. People with good intentions are teachable. Or at a minimum you can talk to them and find out where you disagree. I promise that the disagreement is not that they like being hostile.

(b) (6), (b) (7)(C) +2
(b) (6), (b) (7)(C) intent actually does not matter in all cases, and individuals can judge when to allow for good faith and when not. Hope that helps!

(b) (6), (b) (7)(C) +3
(b) (6), (b) (7)(C) I'm impressed at how calmly and clearly you were able to put this, and agree completely.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) except in this case people are assuming bad intent and reading something that wasn't actually written because of that false assumption. If you remove intent completely, the statements are completely neutral. And that's how they were actually meant. Instead people are reading things like "there is no problem here... Google is perfect" when no such thing was written (that I'm aware of).

(b) (6), (b) (7)(C) the post is actively and intentionally hostile, not to mention bullying and threatening. No idea how you read it as "calm".

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) you say you aren't trying to be hostile; why do you think the post was directed at you?

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) It's pretty ironic that (b) (6), (b) (7)(C) is getting accused of hostility in this context. Think about that one for a minute.

(b) (6), (b) (7)(C)
I don't think I explicitly said that I think this post was directed at me. But I'm almost certain that it was directed at people who think like me and that as far as I've seen haven't actually said anything to warrant this type of reaction.

(b) (6), (b) (7)(C) +4
The people who have said things to merit this reaction are creating a hostile work environment for their coworkers. As (b) (6), (b) (7), I would also not want anyone on my team who had demonstrated that they are unwilling and/or unable to provide that basic civil environment to their peers. That's what merits this reaction.

These blacklists are directed at specific Google employees who tactfully expressed conservative viewpoints in politically-charged debates, such as the "Industryinfo" thread mentioned in section 3.4. Google's well-known Social Justice activists overwhelmingly support blacklisting on the basis of political beliefs; in this case, (b) (6), (b) (7)(C) blacklists and defames the individual who protested hiring discrimination in section 3.3:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Also a repost of a comment for great justice:

So here's the thing: there are plenty of people who I disagree with on political issues, and that has no impact at all on my ability to work with them. However, there are also people who I have seen personally go well over into the realm of unprofessional behavior in a way that would make it very difficult for me to work with them, because I would feel unsafe and uncomfortable doing so. Those people go on my "avoid" list.

You cannot be blatantly racist, sexist, homophobic, etc in the workplace and expect that not to have any effect on how people interact with you. Being a bigot is not a freaking protected status.

In one case (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) with 7 direct reports, publicly bragged about blacklisting an intern for failing to change (b) (6) conservative views:

> (The "happy" ending: intern conversion was unsuccessful, due in part to *multiple people* providing unsolicited negative feedback on (b) (6) packet.)

(b) (6), (b) (7)(C) +1 +1 Reply
(b) (6), (b) (7)(C) yeah, I think part of the problem is that a lot of people responded with "you're wrong and here's why," but not with "you will not work at Google with your current attitude." Although he did seem awfully intransigent, I don't think (b) was aware that there were real consequences for (b) actions. That *might* have given (b) (6) the right motivation to change (b) beliefs--or at least to keep (b) mouth shut.

(b) (6), (b) (7)(C)
On a related note: make sure that you actually file feedback about this kind of thing when it happens. You don't want the bystander effect to kick in and have no record of this behaviour when hiring committee considers their conversion application. Even if you think "surely their intern host will mention this", file some feedback anyway, as it may bring to light a pattern of behaviour that is otherwise unclear.

For non-intern hires it's difficult to tell from formal interviews whether they have good "culture fit". Internships can be seen as a multi-month interview, where we can gather a lot more data than a regular interview panel can. We should use that opportunity to do a better job on the culture in question.

(b) (6), (b) (7)(C) +3
(b) (6), (b) (7)(C)
Let me alleviate some of your guilt-in-hindsight. It's very unlikely that logical straight talk would change the mind of a person who not only holds those beliefs but is confident enough to voice them openly in a work situation which is more or less an extended interview. In those cases you **should** speak up with your own opinion, but more for the sake of bystanders, and to reaffirm your beliefs (and in this case the company's cultural norms), rather than because you hope to change the speaker's opinion. Throw that bad apple away with no regrets.

Maybe that's a sad counterpoint to your desire to help the (b) (6) and (b) future coworkers. I just mean: Pick your battles. If a coworker says to me "I've never heard of doxxing, is that really something you worry about?" it's an opportunity for education. If (b) says, "Women can't do this job. Not talking about you of course, it's ... not", ...

Wish I'd known that a few years ago. :-)

On 2015-10-12, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), proposes creating an online companywide blacklist of political conservatives inside Google. (b) (6), solicits input from (b) (6), readership, and muses over whether the victims deserve "something resembling a trial" before they are added:

(b) (6), (b) (7)
(b) (6), (b) (7)(C)
Re:

I am considering creating a public-inside-google document of "people who make diversity difficult". Please share here any suggestions, criticisms, or words of warning.

I am thinking of something like a google doc that accepts comments, and which calls out those googlers who repeatedly made public statements that are unsupportive of diversity, with links to those statements so that readers can decide for themselves. The list will be open to contributions from others, but I personally will be the judge of what is included and what is excluded. I will do my best to represent the individuals fairly, compassionately, and in context. I expect the list to start with just a handful of people, and if it ever grows to more than 0.5% of googlers then I will delete it as a failed idea.

Things I'm still pondering: should inclusion on the list require something resembling a trial? should people be removed after some period of time if they start behaving better?

+1 (b) (6), (b) (7)(C)

The primary objective of this blacklist is to encourage and coordinate the sabotage of promotions, performance reviews, and job opportunities for conservative employees:

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) I don't expect to change people's behavior. I do expect to have a place where others can see that their behavior is noted and not approved of. I expect the list will be useful to googlers trying to decide which teams to join. I expect to use it to prod managers and directors and VPs into taking action within their teams. I may also use it to submit unsolicited peer feedback for anyone on the list, just to ensure that committees are aware of their behavior and take it into account when deciding whether to promote them.

(b) (6), (b) (7)(C) I am considering this explicitly in order to counter the current approach, where HR considers everything behind closed doors, and unless someone's behavior is bad enough to warrant being fired, nobody else can tell that anything ever happened. That kind of silence suggests consent or indifference, which is very demoralizing.

(b) (6), (b) (7)(C) +1
I think the negative response to this proposal is the "internally public" aspect. But the "there should be a methodical way to make sure the negative feedback arrives on people's perf, especially around promo time" has some value, and doesn't require the public part. The negative feedback has to be believable and possible to validate, though.

(b) (6), (b) (7)
I assumed the goal of this is to involve individuals who may not care what people think of them in theory, but might start to care when they notice colleagues don't want them on their teams.

E.g. I assume this would be a checklist for some managers looking at transfers.

In vaguely related news, I've owned publicshunning.com for years, and even built a prototype, but can't bring myself to launch.

Next up, a gamified google citizenship score. [x= # of cls / microagressions?]

(b) (6), (b) (7)(C) acknowledges that this is almost certainly a grave violation of company policy, but that (b) (6) is "willing to take the hit for it" anyway:

(b) (6), (b) (7)(C) +1
(b) (6), (b) (7)(C) I'm not comfortable with pretending like we're only dealing with ideas here. We are dealing with a small number of specific people, people who everybody knows ("the usual suspects") but who everybody is afraid to name, lest it backfire on the namer.

The idea that we should avoid pointing a finger because it will only enrage them and harden their opposition involves too much deference for my taste. Also, I honestly believe it's an unfounded fear. Many of them **already** believe that there's a conspiracy out to get them, and in defense they themselves say that the only solution to bad speech is more speech.

The idea that pointing a finger isn't a career enhancing move may well be correct. But I'm willing to take the hit for it, so let that be my decision.

Another commenter frets that there are too many heretofore-unknown conservatives inside Google, so the blacklist may grow much larger than expected:

(b) (6), (b) (7)(C) +5 +1 Reply
(b) (6), (b) (7)(C)
We're NOT actually dealing with a small set of people that everyone knows (some fraction of whom I refer to in my head as "The Loyal Opposition"), though.

every time something comes up, there's some person whose name I don't even recognize from some office in another continent that simply *has* to put in their two cents (or twenty bucks) of microaggression and unconscious-or-otherwise bias. I'm not saying there is a whole iceberg worth of these, but it's definitely not going to be as short a list as one might think.

On 2015-08-14, a small group of employees submitted a complaint to (b) (6), (b) (7)(C) and to (b) (6), (b) (7)(C) regarding blacklists and intimidation. As of 2015-11-28, no action has been taken to remedy the situation; most or all of the offending posts remain live on Google's internal corporate network.

The text of the letter (without the example posts, which are found elsewhere in this document) follows:

From: (b) (6), (b) (7)(C) @google.com>
Date: Fri, Aug 14, 2015 at 4:20 PM
Subject: Concerns regarding intimidation and blacklisting
To: (b) (6), (b) (7)(C) @google.com>, (b) (6), (b) (7)(C) @google.com>

Since I came to Google (b) (6), (b) (7)(C) ago, I quickly came to appreciate the freewheeling internal mailing lists on a wide variety of subjects. From the brewers and quaffers on beer@ to the gearheads on cars@ and the gamers on videogames@, there are mailing lists for almost every niche interest one can imagine. Discussions are wide-ranging, vigorous, and often present a variety of opinions, especially where contentious issues such as religion, politics, and UNIX text editors are being discussed. I was thrilled to discover internal Google+, and I quickly took to the punchy humor on Memegen.

However, I've recently observed some disturbing trends on internal Google communications channels. As far back as April, I was bothered enough to create this meme against Googlers calling for other Googlers to be fired over what amounted to a political disagreement. The meme scored highly - clearly it struck a nerve with a number of individuals, collecting nearly 370 upvotes (along with 90 downvotes). A number of Googlers spoke up in that meme's comment thread to say that they were also bothered by calls for firing, perf sabotage, and other such things. In addition, some comments pointed out that this has happened in the past, with references to examples and some people saying it had happened to them.

In recent weeks, there has been an alarming number of calls for firing. Seeing several of these concerned me enough that I created a mailing list dedicated to talking about free speech issues at Google as well as in society at large. There has been discussion about this on the mailing list, and some people have contacted me privately to point out further examples and discuss what to do about it. However, when I broached the subject of crafting an open letter, some individuals were concerned about retaliation, including possibly losing their job. And yet, this issue is too important not to raise, so I am sending you this letter personally. In addition to the issues creating tension today, the upcoming Presidential election is sure to escalate tensions in political discussions further.

A number of examples of individuals calling for other Googlers to be fired follows:

Not only are people calling for generic firings, some people have gone so far as to name *specific Googlers* and insist they should be fired.
These are nothing but attempts to intimidate Googlers by threatening them with harm to their career if they express certain opinions on sociopolitical subjects. This stifles debate and prevents the free exchange of ideas from happening. Even though, to my knowledge, Google has never fired someone for these sort of disagreements on contentious subjects. Google is a worse place for the simple fact that fear of such a firing exists.

In addition, several individuals have also openly proclaimed that they keep blacklists of Googlers they refuse to work with. This is troubling enough when it is low-level employees who may one day have to fix a bug reported by a dogfooder on another team, but it is far worse when it is a manager. In addition, one individual has stated that blacklists are being coordinated with individuals in other (unspecified) companies. This goes well beyond a mere threat to someone's career (quite possibly an idle threat made by someone with no power to do anything about it) and moves into the realm of actively harming others.

(The following message references this one.)
On behalf of a number of people, I call on Google leadership to send a clear and unambiguous message that people are free to openly disagree about contentious subjects, and shall face no career consequences for doing so. Even people with unpopular views on contentious subjects should be able to work here. Please make it known that calling for other Googlers to be fired over such disagreements is unacceptable, and that blacklists will not be allowed to harm Googlers' careers.

Section 3.4 includes two more examples of manager blacklists.

2.2.2 Intimidation

In the midst of any heated political discussion at Google, it has become extremely common to see calls for conservatives to be fired or "encouraged to work elsewhere" for "culture fit" reasons. Members of Google's management team often voice their agreement with these sentiments; rarely if ever do they rebuke the behavior.

(b) (6), (b) (7)(C) (b) (6), (b) @google.com well said. We recognize people for improving the productivity of their coworkers. We should also recognize people for reducing the productivity of their coworkers through personal unpleasantness. By firing them if necessary.

Managers who don't do so are failing in their job IMHO.

(b) (6), (b) (7)(C) The persistent calls for firings scares me

(b) (6), (b) (7)(C) +47
"I'm struggling to understand why this keeps happening even though I understand why it keeps happening."

Because we don't fire enough people, that's why.

(b) (6), (b) (7)(C)
Dear tags, maybe we should just try laying off those people
Please.

(b) (6), (b) (7)(C)
https://memegen.googleplex.com/5004336059908096

(b) (6), (b) (7)(C) Interesting confusion over the phrase "laying off". Was (b) (6), (b) calling for the folks on the thread to be fired? Or for other folks to give them a break and stop being so harsh. ?

(b) (6), (b) (7)(C) Yeah, that didn't come across clearly. I was trying to play on the words in tags.

I'll be blunt, I meant there are a select few that I'm fairly certain should just be fired and we would be a better company for it.

This isn't just "a political disagreement." Their judgment about what is going to hurt coworkers is incredibly awful and they are willfully blind to what they are doing wrong with their serial shitposting to wide-audience lists. They are causing more talented people than themselves to leave or want to leave with their bullshit.

(b) (6), (b) (7) +1
I actually think the most-Google answer is something like "encourage disruptive people to leave and work elsewhere", but it's really hard to do. Google is not trying to be the employer of everyone, and not everyone will be happy here. From the early days, there was a lot of attention to culture fit in hiring, the hiring bar is high and deliberately includes Googliness, there seems to be general consensus by leadership that a particular tone of collegial working-together is part of the company's DNA, etc. I don't particularly like that answer, but I don't think it's incompatible with me working here.

(b) (6), (b) (7)(C)
You've created a great honeypot. Log the usernames, forward to HR, let the firings continue until behavior improves. I don't want these people at my company.

(b) (6), (b) (7)(C) +2
(b) (6), (b) (7)(C) The solution to trolling is to remove the troll.

Let's say you have a hundred reasonable people and one troll. Expecting every single one of that hundred to calmly ignore the troll **does not work**. It takes just one person who is having a bad day, or fed up after years of ignoring the trolls, or is new in town and doesn't know that the troll must be ignored for the temperature to raise.

Let's say you have a hundred reasonable people, one troll, and one person who just won't ignore them no matter how much you plead. Either you show one of both of the two the door, or you get an elevated temperature.

The only way that ignoring trolls works is if everyone does it all the time, and even then, there is no guarantee that the troll won't stick around, because not every troll needs food to survive.

(b) (6), (b) (7)(C) +1
(b) (6), (b) (7)(C) very nice, thorough and useful. I suspect that it will help a large number of somewhat well meaning people who lack empathy and experience at these types of communication. I suspect that it will do nothing for a small number of people who just don't care how much they anger their coworkers.

the next step here is going to be to empower everyone else to do something about that 2nd problem.

(b) (6), (b) (7)(C) +14
Just FYI, this post was taken a little bit out of context. When (b) (6), (b) (7)(C) refers to men being louder than women on gender bias and discrimination issues – these men were actually sealioning and claiming gender bias does not exist or minimizing its size by nitpicking on statistics.
They were not, as I initially assumed, decent human beings trying to help solve the issues. I just hope this company would actually take steps to get rid of these bad influence or at least require them to take UB and bias busting and place them on probation.
I'd so rather see those people go than lose our best employees to a hostile work environment.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) I don't know to what extent non-self-directed adjustment has been tried. I've heard calls for firings of persistent offenders, and people throwing around the phrase "hostile environment" on some G+ threads, I *assume* that some people taking that position have contacted their HRBP. But I don't know.

(I don't follow eng-misc/industryinfo very closely and am awful with names, so I haven't been in a position to take such action myself.)

2.2.3 Other attacks

Conservative and Republican employees are routinely accused of being mentally ill, willfully ignorant, or holders of "indefensible" or "terrible" or "bigoted" beliefs:

[redacted] (b) (6), (b) (7)(C) [redacted] what you and I see when we look at history is so fundamentally different that I have to assume that you're deeply deceived or having some sort of psychotic break from reality.

I see that the US prior to Clinton had a much more robust welfare system, you seem to think that it can't have been more socialist.

I see Scandanavian capitalist/socialist states as making their people significantly happier, while maintaining a quality of life significantly higher than in the US, with a lower total taxes + fees + replacement costs burden than the US. Canada has chosen a balance point between Norway/Sweden/Denmark and the US and is comparably better than the US but not as effective as the Scandanavian states. You see everything non-US as a disaster.

What you think of as information is nonsense. What you've been told are facts are dangerous lies. Please join us in reality. Until then, I have to think of you as part of the dangerous semantic noise spawned by Fox News and AM talk radio.

nmaze

Miguel Guerra, an attorney in the Legal Department, mocks and insults colleagues who privately hold conservative religious beliefs on same-sex marriage:

(b) (6), (b) (7)(C) [redacted]

I suggest you email your HRBP and ask them what Google's policy is on mocking people for their religious beliefs. Feel free to specify that in your opinion those religious beliefs are bigotted and wrong and contrary to Google's causes.

Politico >
No one talking about this?

[redacted]

http://www.politico.com/story/2015/09/speaker-john-boehner-resigning-from-congress-at-the-end-of-october-214056

I wonder what this means. Seems like it means a high likelihood of a government shut down?

Is the party going extremely right like this good or bad for its votes I wonder?

[redacted]

[redacted]

Other recipients: [redacted]@google.com

When [redacted] worried that this means the crazies have won, it doesn't look good.

[redacted]

Other recipients: [redacted]@google.com [redacted]@google.com

It can't get much worse

[redacted] Google

[redacted] (b) (6), (b) (7)(C) +2

[redacted] One thing to keep in mind, is that it's usually the same people derailing these threads using the same inane arguments. After the 3rd, 4th, or 10th thread about what microaggressions are (not to mention [redacted] presentations, Unconscious Bias, and all the other resources available), "willful ignorance" is probably the most charitable explanation.

That's who the dismissive epithets are directed at.

[redacted]

(b) (6), (b) (7)(C)

They problem is, people exist at Google that have have some awful, sexist ideas. Are we at a cultural level where comments are going to expose sexism as bad and help people rethink their attitudes more than it will make the workplace hostile for women?

I don't know. It just feels like turning off the comments is a way of trying to ignore the problem in hopes it goes away.

[redacted]

[redacted] b) (6), (b) (7)(C) +26

Empowering people to reassure each other that their terrible beliefs and behaviors are just fine is still damaging to a culture even if you personally "know better" than to watch them while they're doing it.

A lot of the "don't read the comments" stuff comes across as "if you are a woman, or care about women's experience in the industry, don't read what other googlers have to say about women." I know that's not the intention but it is the effect. I value memegen's ability to confront difficult subjects with humor or to question authority in a sometimes less confrontational way, but at the end of the day it is a company-sponsored communication channel for a professional workplace. "Don't read the comments" is sound advice on a public news article about feminism full of anonymous creeps, but if we have to say it about an open workplace discussion based on the very mild, very obvious claim that women engineers face more condescension than men, then we're doing something wrong.

[redacted] b) (6), (b) (7)(C) +2

The list still exists? I took one look and didn't see anything different from the same lame discussions on usenet 20 years ago.

[redacted] (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Most people posting probably weren't around 20 years ago, or at least not on usenet. They're still self-righteous idiots (I assume, based on this thread) but they really do think they're having original discussions.

Conservatives are routinely discouraged from commenting on overtly political discussion threads; in this post (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) makes it clear that critics of Social Justice theory need to remain silent:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Having just come back from vacation and catching up on the cemithreads, I have to agree with (b) (6), (b) (7)(C) that I was pretty upset at the tone Googlers were taking with each other across various threads concerning diversity at Google - including this one
https://groups.google.com/a/google.com/forum/#!topic/industryinfo/2TBb1e8CL-BO%-5B226-250%-5D

It's clear we have a pretty serious problem across the board in tech when it comes to diversity, and at every level: high school, college and in the ranks of tech companies, including Google. And within the realm of professional employment, there's a broader problem of supporting people at different points in their careers. There isn't much doubt that we have a systemic problem.

This is not to say that every study that comes out on this topic is perfect. In fact, I have found several wanting when it comes to statistical accuracy. The important point here is that the lack of statistical rigor in one study does NOT invalidate the underlying problem, and I've seen too many instances of people being in the frame of mind to do just that. Or it comes out that way. It is a lot more constructive to figure out how to conduct studies to make them more reliable.

So, I'd ask that we propose things to make the study more solid without implying that the conclusions are wrong, and to please, please not forget that there's a human being on the other side of your email. This isn't the dark throes of the internet; it's Google.

I'd also ask the other leaders and people managers out there to lead by example and play an active role in keeping the peace, in reminding your teams about goto.google.com/unbiasing, and in making your teams a safe and supportive place for **everyone** on the team.

In Googlers we trust.

It is common to see posts telling conservatives to "get over it," even if the pervasive anti-white-male Social Justice advocacy at work is making them uncomfortable and harming their productivity or well-being:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

If the talk of feminism and harassment makes you uncomfortable... that's ok, but you need to find a way to get over it. Difficult topics are uncomfortable, but make sure that rather than reacting to the discomfort by defending yourself from it, embrace it. Discover why it makes you uncomfortable.

I have to be very honest. In the past, many feminism related posts, many of them shared by Kelly herself, made me feel uncomfortable. 'I'm not a ___, why am I to blame?'

I was ignorant, plain ignorant. Statistically, as (b) (6), (b) (7)(C) points out, I am just not likely to witness harassment first hand. It took a lot of reading and empathizing to even begin to start to get it. I started doing a little of the Feminism 101 reading on my own, and it started making a bit more sense, and I started dealing with the discomfort a bit, but didn't totally get over it.

And as a last resort, Social Justice advocates may just instruct conservatives to go talk about politics somewhere else, because their viewpoints and experiences are unwelcome at Google:

(b) (6), (b) (7)(C) +92

I had to lookup "Social Justice" theory because I didn't know what it was, and it sounded like something I'd hear on Fox News as a swear word.

Here's what Google's Factbox said: "Social justice is the view that everyone deserves equal economic, political and social rights and opportunities. Social workers aim to open the doors of access and opportunity for everyone, particularly those in greatest need."

Saying you strongly disagree with that puts you in conflict with both the spirit of anti-discrimination law and the declaration of independence. It's like saying you strongly disagree with "We hold these truths to be self-evident, that all men are created equal."

I would just vent on political disagreements elsewhere. Google not only has to comply with anti-discrimination law, and deal with PR fallout from bad diversity numbers, but it has reasons to want to do this for positive, rather than negative reasons, like the ability to design products with input from the other 50% of the popular who might use them. Diversity is good for the company.

I have some pretty strong progressive political and religious views that would piss off some Googlers if I vented them internally. I just post them on my external accounts. Google has diverse employees from all of the world, with differing cultural beliefs, some more conservative, some more liberal, and it's just bound to lead to conflict if we start debating internally these non-work ideologies.

If you're bored and need to debate something other than politics, there's plenty to argue about. Like why Product X sucks or failed. Why your programming language sucks and mine doesn't. Or why Emacs > Vi.

There's no shortage of fun stuff to argue with and debate.

Let Google HR set employee policy. No amount of arguing over how you think women should be treated is going to change the policy. That policy is going to be determined by both the law, and by feedback from actual women's experience. Not what men think that experience is or should be.

(b) (6), (b) (7)(C) +4

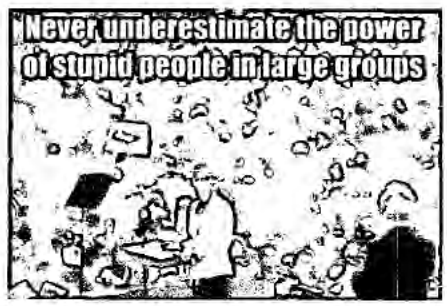
(b) (6), (b) http://slatestarcodex.com/2014/02/23/in-favor-of-niceness-community-and-civilization/ is very a-propos.

I think there is an important difference though: Whether or not you hold a minority political view, and especially whether or not you express and debate this view in a work context, is largely a matter of personal choice.

Being a member of a gender/gender-identity/race/etc minority, and being visible as such, is not.

(and yes, this is probably not as clear-cut as it might seem at first sight. Please in the spirit of this thread, let's not debate that here though)

(b) (6), (b)



Social Justice advocates have occasionally acknowledged that they are specifically targeting conservative beliefs, not the manner in which those opinions are communicated:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

There's a terribly common fallacy in online community building. It goes something like this: "So long as everyone is respectful and polite to each other, we can support a wide range of opinions. You will encounter people who disagree with you. You have a right to expect them to be polite and reasonable when speaking to you, and in return you should extend them the same courtesy. If you can't do that, you will be asked to leave."

The problem with this is that it simply doesn't work.

Let's imagine that there is an elephant standing in your office. It's pretty big, it's taking up a lot of space, it just ate all the peanuts in the microkitchen, and it smells like a barnyard.

You're standing around with some other people talking about the elephant. How did it get there? What should we do about it? And where can I get some peanuts?

But it turns out that some people don't believe the elephant is there. Every time you mention the elephant, one of them pops up to tell you that it doesn't exist. Some of them claim that you're lying. Some of them would like to talk about mental disorders that lead to false perceptions. One explains that your history of taking LSD has probably resulted in you experiencing startlingly vivid hallucination. (You have never taken LSD.)

You really want to figure out where this elephant came from and what to do about it. Do we call animal control? Or the circus? Maybe we should see if it knows Java and offer it a job? But the discussion keeps getting derailed, because it's really hard to ignore someone suggesting that perhaps you're engaging in fanciful storytelling about nonexistent elephants because you were abused as a child. (It's also hard to ignore the increasing smell of elephant dung.)

Eventually, one of your friends gets fed up and screams, "THERE'S A DAMNED ELEPHANT. IT'S RIGHT THERE. STOP TELLING ME THAT IT DOESN'T EXIST."

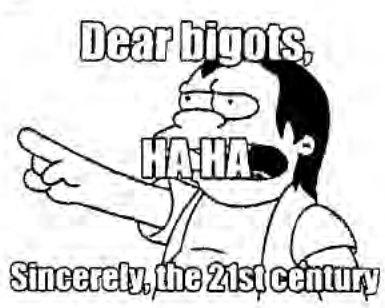
So, of course, you tell (b) (6) to leave. We're all polite, reasonable people here.

And that's why prioritizing politeness over everything doesn't work. What it actually does is filter for people who can keep their cool in the face of provocation.

Most people can politely disagree about most things. But most people can't politely disagree about some things. You can not have a forum which is inclusive of people are descended from United States slaves and people who believe that slavery was a net positive for the slaves. If you accept all opinions expressed politely, you will eventually filter for only the latter group.

Simply put, on many issues you cannot avoid taking a side. Standing on the sidelines is still a choice. When you build a community, you will make choices about what range of opinions are acceptable and which ones are not. You can choose with intention, or implicitly through inaction, but either way your choices will shape the community you end up with.

(b) (6)



Score: 14

Created

Template

Content

(b) (6), (b) (7)(C) with 13 direct reports, labels a conservative-leaning group of colleagues as "hatemongers" and attempts to provoke them:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) I expect the hatemongers, I mean freespeechers, will be contacting you soon to register a complaint. Looking forward to our chat! While we're at it, I'd love to chat about how I can get more involved in Respect efforts at Google.

There is a general consensus that employees can be targeted for severe mistreatment for holding conservative political beliefs:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) No, we do not agree. You have made 12 posts in this thread. Seven of them have been agressively negative responses, or direct attacks on (b) (6). You have called for punishment, tasing, social intimidation, and firing as a consequence of denying the negative experiences that women have faced.

That is exactly (b) (6), (b) original point. There appear to be some opinions which are acceptable and some which are not, and simply expressing the wrong ones brings out the pitchforks and torches. He found that unfair and wanted clarification.

You, (b) (6), are being intolerant and aggressive here. You've pointed to (b) (6), (b) reaction to (b) (6), (b) final straw as justification for why (b) should be fired. But before that, when (b) (6) pointed out that (b) (6) comments were not helping the discussion, (b) stopped. You've continued to fight after the offender has left.

My initial reaction to (b) (6), (b) final message was very similar to (b) (6), (b) - it seemed a trivial thing to evoke such a drastic response. It was only after reading it more carefully that I realized that it was merely the final straw in a never ending series of similarly "minor" events. In fact, I still didn't fully "get it" until yesterday when I read some of the posts in the industryinfo thread.

I fully agree that (b) (6), (b) statements are not Googley. But I don't believe they come from misogyny, just ignorance. (b) (6) tone is typical of the real world outside of Google. (b) (6), (b) has been here only (b) (6), (b) (7)(C). It takes longer than that to understand just how different the Google culture is (in part, I suspect, because of how rapidly we've been hiring - it dilutes the culture). I was aggressive and confrontational in my personal interactions at first too - not because it's my personality, but because it was what I'd learned - and it took over a year before I realized that it wasn't necessary or appreciated. In all my previous jobs (20+ years), that style is the norm - which, not coincidentally, is one of the major problems we're trying to fix.

So, no, the correct response to bad speech isn't to fire the speaker. A better response is to approach the speaker calmly, without preconceptions, perhaps privately, and offer to explain why (b) (6) stance is seen as unacceptable here. Which is what (b) (6) did.

(b) (6), I'm not trying to criticize your passion for change. It's obvious that you are sincere in your desire to improve the culture that women experience. However, I still think that Hanlon's Razor is best when we're unsure why others are in opposition. In fact, that's even a bit harsh - it's not stupidity, just ignorance of the issues.

(b) (6), (b) (7)(C)

[redacted] a highly-respected [redacted] considers it "a good cause" to engage in unethical (if not downright illegal) hacking activities that target conservative groups:

[redacted]

[redacted] originally shared to Policy / Culture / Society
trolling for a good cause; the best kind of trolling

How I Infiltrated a White Pride Facebook Group and Turned It into 'LGBT Southerners for Michelle Obama'
VICE United States

View original post

+1 1 [redacted]

[redacted] intentionally floods a conservative-leaning Google mailing list with junk posts, then publicly maligns the group when [redacted] is banned from posting there:

[redacted]

I am banned from g/freespeech and my posts are deleted. Freedom is not about freedom as it is exercised a couple of minutes ago. Freedom is about a group of privileged people bragging about how free they are as people are suffering from double standards, oppression and fear.

+1 [redacted]

[redacted]

A mailing list which promotes hate speech and violence against people couldn't tolerate a spam article from me. If Google is serious about respect, they should investigate who is running this mailing list. We don't tolerate a bully culture at Google under the name of "FREE SPEECH"

[redacted] with 7 direct reports, encourages [redacted] 1,600+ followers on internal social media to mass-report conservatives to their managers to sabotage their performance appraisals:

[redacted] +2

This actually makes me think of another way people might be able to make a difference. Perf season is in the not-so-distant future, and as managers spend a bit of time around perf season thinking about how to advise their reports on how they can improve as an employee, it's a really good time to tell managers about good or bad things you've seen in their employees.

I'm not suggesting unsolicited-peer-feedback-perf-bombs, which I think would get awfully messy, but rather to identify a small handful of people whom you think made Google a less magical place for whatever reason, and quietly tell their managers about that in a "thought you should know" sort of way. If this is the highly skewed "small number of bad/incompetent actors" situation that it sometimes appears to be, then it would likely result in some managers getting multiple pieces of similar feedback about a single employee. Personally, as a manager, hearing 10 people tell me "I have a problem with one of your employees" would make me take it very seriously indeed. (Frankly, just hearing similar unprompted feedback from more than one person would make me pay a lot of attention.)

It requires a bit of faith in assuming that managers will Do The Right Thing with this information, but I'd really like to extend that level of faith to my fellow Googlers. (Though it's possible management are enablers of a sort in some situations. I confess that when org-chart-stalking a Googler for whom I was reporting an issue at one point, I noticed that even their boss's boss had *zero* women reporting up through him, which signaled a possible organizational problem.) It probably takes some time for the effects to kick in, but it seems much more likely to actually result in a win-win for all of Google than being confrontational on an e-mail thread or calling for heads to roll.

Thoughts?

Another person recommends silencing male employees who stand up for their legal rights, calling them "sexists":

[redacted]

Re: [industryinfo] Re: [industryinfo] [GHC2015] If you think women in tech is just a pipeline problem, you haven't been paying attention
Other recipients: [redacted]@google.com

On Sun, Aug 23, 2015 at 7:56 PM [redacted]@google.com> wrote:
On Sun, Aug 23, 2015 at 7:45 PM [redacted]@google.com> wrote:
>> Therefore, it seems to me, on pragmatic grounds, then when choosing
> which groups to intimidate into silence, we should choose the groups
> who tend to shut down overall diversity of opinion.
>
> I think we'd disagree over which groups those are.

Likely we would. Still, I think it's the right sort of discussion to have.

I think [redacted] had the right idea here. If we ever find ourselves thinking first in terms of which people we want to protect from [redacted] and then deciding which tactics to tolerate based on that -- or, even worse, selectively tolerating the use of certain tactics against some people but not others -- then I think we're doing something very, very wrong.

As nobody else has brought it up, I think the real heart of the debate is this simple statement. (All the arguments about "being silenced" vs "censorship" comes back to this.)

If we have to choose between who is able to speak and the choices are "sexists" and "women", the answer is women.

Yes, in that means sexists (or MRAs or "anti-feminists" or whatever) may be unable to express certain ideas. But this is still the better outcome. You always have the option to stop being sexist or at least talk about something else. In the alternative women don't get that choice.

When "deciding which tactics to tolerate" nobody will argue for harsh ones if soft ones work. So if you think you are going to say something that someone else will thing is sexist, don't. Even if you don't think it is sexist. Then nothing will ever be imposed on anyone because it won't be needed. Of course this means not posting every thought online. Perhaps in an ideal world people could. But I think ---'s core point of "it may not be possible for everyone to not be silenced" is that restraint may be needed.

To preempt the aside on censorship: I absolutely agree we should take steps to prevent strong forms. As a result I have worked on Freenet and support TOR, and am extremely proud of the work Google has done to make the internet more free. But part of making that more-ideal world possible is to remove the fear that is the motivation behind all censorship. Jennifer Granick recently gave an awesome speech on this https://medium.com/backchannel/the-end-of-the-internet-dream-ba060b17da61
For internal systems I hope respect for one another, self-restraint, and a shared goal is enough. For Google products I think we we need to engineer intelligent solutions. When people go from seeing forms as a 'cesspool' to an incredibly useful way to connect with others, they transforms from being drivers of a controlled and censored internet to drivers of a free and open one. I think we should do everything we can to facilitate that.

2.3 Hostility toward white males

2.3.1 Discrimination

At a companywide all-hands meeting on 2015-03-19, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), characterized laws protecting white males from employment discrimination as "societal idiocy":

#8 - So I'm glad to hear that there's a lot of focus on diversity at Google. I think that's incredible. Quite frankly, it's one of the reasons I chose to come here after (b) years in a separate industry. I wanted to ask a question on the subject of moonshots. I read recently that Apple is making a significant investment, particularly in recruiting African-American employees across the board. Does Google have plans to make equaling or larger investments particularly targeted to African Americans? I ask that because when we were talking about the survey results, I believe the presenter said that they were astounded particularly at the results among black Googlers.

>>(b) (6), (b) (7)(C) Yeah, so we are and we have been. This isn't excuse making. This is a complication we're solving. It's actually illegal to hire based on race and gender and things like that. So we actually had conversations about why don't we just go out to every other tech company and hire all the African Americans who work at those companies and our numbers will look great. And the two reasons we didn't was, one, because it would be illegal, and then we'll face reverse -- this is idiocy to me. Not a Google idiocy but like a societal one. That you then get sued for reverse discrimination because you're using it as a factor. It's the same problem the U.C. has gotten into trouble with in California. And the second is, and this is a more thoughtful reason, is because we reasoned that actually doesn't fix the problem. Because we're Google. We could hire whoever we want. We talked about we could hire any color, class, creed, belief system, what have you, right, and just say we're going to pay you double whatever you're getting and hire all these people, but it doesn't actually make the problem better for society.

So we actually have been working a lot on recruiting. We're going to release our diversity numbers later this year. What you'll find is they move a little bit because the base is big in terms of the population, the nondiverse population, if you will. But we've been working hard at it for the last couple of years. And we just, you know -- it's just -- it's a lot of blood, sweat and tears to get there.

There's another element to it, too, which is we need to be a welcoming environment. And we've talked about respect last week and unconscious bias over the last year and a half. But there are smaller cues, and I don't need to preach to the choir, but for those of us who aren't a member of that particular choir, there's small cues like where do you get your hair done? Am I going to be the only African-American person in Los Altos? And we need to get better at making sure that when we're doing recruiting, and even when people are here, there's communities for people to plug into so they feel like they're part of something. We're doing a lot of work recruiting. We're doing a lot of work internally. It's not enough. We're going to keep doing more. We'll take all the help we can get.

Intentionally or not, (b) (6), (b) (7)(C) comments set the tone for many tense internal conversations on diversity throughout the year, in which managers and employees often felt comfortable denigrating white males and inventing excuses to ignore their Title VII legal protections. On countless occasions, Google managers and employees have told white males that they are second-class citizens and they must behave accordingly. For instance, this post suggests disqualifying male job candidates who show degraded performance in front of a female interviewer, because that *might* indicate that they have repressed sexist attitudes:

(b) (6), (b) (6), (b) (7)
Other recipients: (b) (6) @google.com, (b) (6) @google.com

If my understanding of the article is correct, it looks like prefacing interview with something like "This is not a coding or math test. I just want to understand your way of thinking" could probably help.

Tangentially, do we have enough female interviewers? If they sound mean, not seeking out male candidates whose performance drops significantly when interviewed by a woman (if there is such candidate, of course) would, to me, be a good thing.

This poster takes a needless swipe at the male participants in a discussion thread – a thread that was being actively moderated by two (b) (6), (b) (7)(C), who did not object:

(b) (6), (b) (7)
(b) (6),

Aug 3

Re: [industryinfo] Re: [industryinfo] [GHC2015] If you think women in tech is just a pipeline problem, you haven't been paying attention
Other recipients: (b) (6), (b) (7)(C) @google.com, (b) (6), (b) @google.com, (b) (6), (b) (7)(C) @google.com, (b) (6), (b) (7) @google.com, (b) (6), (b) (7)(C) @google.com, (b) (6), (b) (7)(C) @google.com, (b) (6) @google.com, (b) (6), (b) (7) @google.com, (b) (6) @google.com, (b) (6), (b) (7)(C) @google.com, (b) (6) @google.com

I didn't think it was even possible to derail a thread so comprehensively. We've gone from talking discrimination that has been demonstrated to cause people to give up their jobs, through linguistics and now we're talking about HVAC settings.

Well done (b) (6), (and I do mean (b) (6),),

...
Show trimmed content

(b) (6), (b) (7)(C) [redacted] with 21 direct reports, instructs white males to "just shut up and listen":

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C)

I've been off the grid for a chunk of this week and was until this afternoon blithely unaware of the current drama. To say I am disappointed with some of my colleagues is a gross understatement. As always in these situations I'm also amazed at the patience and supportiveness of other colleagues.

Others have said this far more eloquently, so advance apologies for the following. These things should not need saying (again), but apparently they do.

- Everyone has the right to be treated with respect by their colleagues and to a psychologically safe workplace.

- If someone is upset or has taken offense at your behavior, **you don't get to explain why they are wrong or why they actually shouldn't be upset or why their experience is invalid.**

- At times, even just asking for an explanation can be upsetting. If you want to understand the issue, the onus is on you to do the research. Often if you're making a genuine effort to understand then people will help. Flamewars are not the right place to make this effort.

- If you are white/male/heterosexual/[insert majority group here], there are times to just shut up and listen. Try for some empathy. You'll learn a lot.

- These are not issues for debate club. Don't try to score points on issues that can deeply affect people's lives, their ability to work (and willingness to stay with the company). This is not the place for pure Vulcan logic. This is also not Philosophy 101. These discussions have consequences.

While this is far from complete, I firmly believe in these principles and will not tolerate behavior to the contrary within my org.

Comments disabled because I don't have the energy to moderate and this isn't up for debate.

+147 30 (b) (6), (b) (7)(C) [redacted]

Others echo similar sentiments, calling on male employees to cease "your daily masturbation about your manly problems":

(b) (6), (b) (7) [redacted] (b) (6), (b) (7)(C)

Google, STOP THIS NONSENSE!

There are numerous sexual abuse and harassment cases going on at Google. All internal G+ threads I have skimmed through were dominated by men debating about false accusations and their legal implications.

We can't address the harassment issue, because you want to keep harassing us. You want to offend us. You want to ignore us. You want to ignore our issues and stick back to your daily masturbation about your manly problems. Any woman who is questioning the status quo is reacting over sensitively, should be a drama queen or seeking for possibilities to damage a powerful man's career. This is how your brain works.

Being disturbed by your arrogance and annoyance, I don't feel safe at Google anymore.

+24

(b) (6), (b) (6), (b) (7)(C) [redacted] (b) (6), very well said. I tick all those privilege boxes too. (Plus reasonably well-off parents, and being in the right place and time to pick up a fair number of economic benefits, including free university education, and some other stuff I'm probably not even aware of.)

Yes, sure, I can give some of that up. Quite happily. But as you and (b) (6), (b) (7)(C) [redacted] point out, we're not really being asked to give anything up, just admit that yes, we do have some privilege.

And if there are men who can't even do that, then all they have to do is just be quiet, and stop offending their female colleagues quite so much. But even something as trivial as that seems too much for some of them.

(b) (6), (b) (7)(C) [redacted] with 16 direct reports, singles out "white straight cis males" for a stern lecture:

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) [redacted] And all the others, whether we know about them or not. How many women (or trans* people, or minority ethnicities, or...) leaving Google—or worse, leaving the industry, or never entering it—over this shit are we prepared to tolerate? Even if they don't leave, how many lives are willing to make miserable? How many careers are we willing to stunt through fear, anger, and distress?

I want to make one thing perfectly clear, *especially* to my fellow white straight cis-males: I'm not OK with this. Not by a very long way. As (b) (6), (b) (7)(C) [redacted], I want to make it quite clear that "cow-team" has zero tolerance for sexism, racism and transphobia, in whatever form they come. If I see it, I will call it out. If you want to do it, move elsewhere (ideally out of Google). This applies as well for teams or groups I participate in, but don't manage: if I see it, I will say it. If it continues, I am done with you and I will do everything in my power to never have to work with you again, at this or any future company.

I beg all of you to watch https://www.youtube.com/watch?v=OaqpoeVgr8U, a video made in the face of (yet another) sexual misbehaviour scandal in the Australian army. It is by far one of the most powerful anti-sexism messages ever spoken. I *literally* have a calendar reminder set to watch this every few months, because it is so powerful and resonates with me so strongly. It's a refreshing reminder of what a powerful anti-sexism message can look like.

Watch it, and if you take nothing else away from David Morrison's speech, take away this: "The standard you walk past is the standard you accept." It doesn't matter if you're not *doing* it (making the jokes, performing the microaggressions, belittling the contributions); it matters that you allow it to happen. By allowing it to happen, without stepping in, you are giving it your implicit approval, and letting it take root and grow. *The standard you walk past is the standard you accept.*

For the managers amongst us, remember his follow-up: "That goes for all of us, but especially those who, by their rank, have a leadership role." As managers, we have a unique ability *and* responsibility: don't let this fester in your team. If it festers in your team, it spreads, and the whole of Google (hell, the whole of our industry) becomes a lesser place for it.

Don't be silent. We, as a company and an industry, need to *root this rot out* and *destroy it*. It will take all of us, and I promise to do what I can.

#IWillNotStandBy

A longtime employee openly states that it is acceptable to offend white males at work, but not anybody else:

(b) (6), (b) [redacted] (b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) [redacted] I see your slippery slope argument and raise you not giving a damn about your imagined worst-case scenario given the reality we have right now.

I know you think you're nobly defending us all, at great personal risk, from a dystopian future that we just don't understand. It's not that I don't understand, it's that I value the continued presence of the kinds of people who are rage-quitting more than I do your freedom to say whatever you want at work (even if lack of said freedom were to cause you to rage-quit).

Here, I'll save us both some effort and post both sides of the next round:

"Ah-ha," you cry. "I have you now, foul knave, for this is rank hypocrisy! You claim that people should not make statements that offend others at work and yet *that very statement offends me!* You are undone!"

See, the thing is that I don't think nobody should ever be allowed to say anything that anyone else finds offensive. I think people shouldn't say things in a professional context at Google that are offensive to groups whose representation at Google I care about increasing. I care about having more women at Google. I care not even the tiniest bit about having more MRAs at Google.

(b) (6), (b) (7)(C) states that "40-something white men come up with fuck-all as a result!" when they are asked to perform creative work:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Listening to the John Cleese talk (go/johncleese live, he's in NYC) where he basically just said "If you put a group of 40 something white men in a room together and tell them to come up with something creative or innovative, they'll come back and tell you how enjoyable the process was, and how they want to do it again, but they come up with fuck all as a result!"

It was in context of "You should have all kinds of people on your team because having a group of people with the exact same skills is redundant" along with "why (b) (6), (b) (7)(C) and I were a great team for making comedy, because I was all left brain and he was all bananas"

I wonder if we can take parts of this talk and use them in diversity/bias training :)

+26 1

(b) (6), (b) (7)(C)

On 2015-11-15 this was reported to HR, who subsequently determined that bashing white (b) (6), (b) (7)(C) is not a policy violation at Google:

(b) (6), (b) (7)(C) Nov 20 (8 days ago) Reply
to me

Hi (b) (6),

Thank you for your email, we appreciate you bringing this post to our attention. Given the context of the post and that (b) (6), (b) (7)(C) main point is to highlight that it is helpful to have diverse perspectives, it doesn't appear that the post to violates our policies. That being said, we understand you found the analogy (b) (6) used to illustrate that point to be offensive and we are providing (b) (6) with that feedback.

We will treat this matter as confidential, only disclosing it on a need to know basis and that we expect you to do the same. Finally, we also want to remind you that Google does not tolerate retaliation. If you feel you are being retaliated against for raising this, please come back and let us know.

Please let me know if you have any questions.

Thank you,

(b) (6)

(b) (6), (b) (7)(C), states: "By being a white male you are in a privileged class that is actively harmful to others, whether you like it or not".

(b) (6), (b) (7)(C) +20

1) There is no vague risk here. I guarantee you that there is an *actively hostile* work environment here for some people. I'd love to claim to believe Google is better than the tech industry as a whole, but I honestly can't.

2) There's a different between being reminded sexuality exists and accepting it, and having it shoved in your face whether you want it or not. Not that this really has anything to do with "accepting sexuality" or being prudish any other such nonsense. We're here to write code and build great products, not discuss our sex lives with each other. That's not to say such discussions are off limits, I've certainly had them with coworkers. But do that in a context for it (your G+ page, relevant group communities, over beer at tgif, etc...), not your username that everyone you interact with is forced to use.

3) By being a white male you *are* in a privileged class that is actively harmful to others, whether you like it or not. So no, you really actually don't get to complain about your right to an opinion. You are in a position of power, be mindful of that.

(b) (6), (b) (7)(C) with 3 direct reports, brags about ridding Google's training materials of "male-oriented pictures":

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

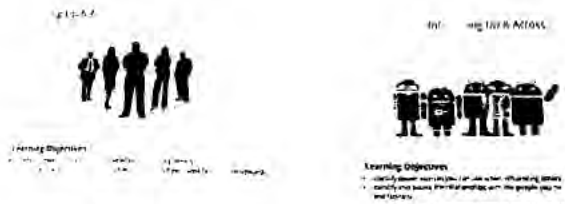
My achievement of the day: Google "influence" class changed male-oriented pictures to all inclusive ones. This is the email I sent to the instructor

"Hello x,

I am in your influencing class this Day_of_the_week.
I would like to start by influencing you to remove the first picture in the workbook. Having male as a major character (in the center and being the largest) and having stereotypical pictures of women in pointy shoes, high heels and with long hair in the background doesn't make me feel included. That picture probably was there to have a portrait of people that can influence, but it looks like no one at Google and frankly looks biased.

Would you be able to remove the picture or contact people who have that power? thank you"

The illustration was change in 30 min! Yay influencing class staff!!



+19

(b) (6), (b) (7)(C)

3 comments

(b) (6), (b) (7) +1
Thank you (b) (6),

(b) (6), (b) (7)(C) +1
Yeah, great work noticing that and spending effort trying to fix it. Thanks!

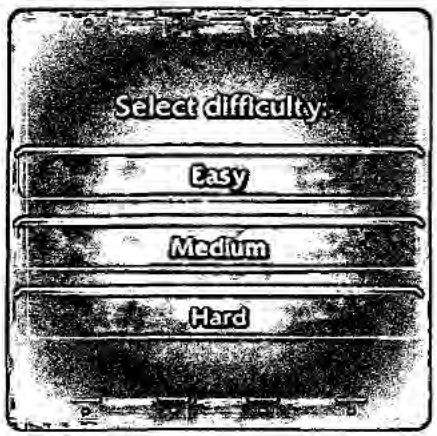
2.3.2 Hate literature

An internet article, *Straight White Male: The Lowest Difficulty Setting There Is* was widely disseminated and reshared throughout Google's internal corporate network. This article unfairly and inaccurately claims that life is easy for white males, and trivializes any challenges that individual persons may have had to overcome.

[redacted] (b) (6), (b) (7)(C)

If you read one post today, read this one.

*** originally shared:
A coworker quit. In [redacted] parting letter, [redacted] felt the company was a toxic environment; inferred as bad for diversity employees.



Straight White Male: The Lowest Difficulty Setting There Is - Whatever

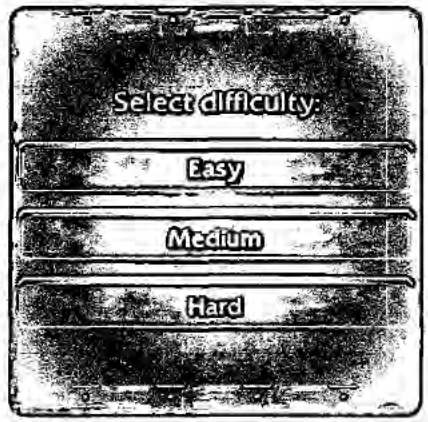
+3 2

[redacted] (b) (6), (b) (7)(C)

[redacted] (b) (6), (b) (7)(C)

Please read. The first part is redundant with several other posts but the second part is new data from someone who was actually there, and extremely well written.

* originally shared:



Straight White Male: The Lowest Difficulty Setting There Is - Whatever

+7

[redacted] (b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) [redacted] Unless you give them a reason to believe otherwise, everyone will assume that you are at least male, as well as hetero, white, cis, & reasonably well off.

If in practice, that just means they focus on your content instead of your identity, is it a problem?

Also, I'm not so sure "everyone" will make that assumption -- everyone *outside* the anonymous culture, maybe. But I think the point made in Faceless Together[1] about 4chan's anonymous culture would apply to others too: people *inside* such a culture are more committed to it and more aware of how wrong those assumptions can be.

[1] [redacted] (b) (6), (b) (7)(C)

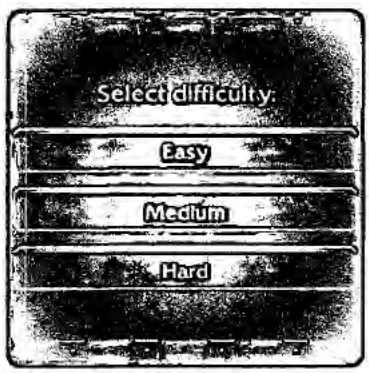
[redacted] (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Yes. Please read
this: [redacted] (b) (6), (b) (7)(C)
[redacted]

From (b) (6), (b) (7)(C) former G+ page:

+264 77 (b) (6), (b) (7)(C)

From (b) (6), (b) (7)(C) current G+ page:

(b) (6), (b) (6), (b) (7)(C)



Another employee takes it a step farther, posting a sexist essay on how all-male panels at conferences should be boycotted:

(b) (6), (b) (7)(C) (b) (6), (b) (7)

I wrote a thing about bias. Would love it if you read it

Many thanks to the Unconscious Bias team - that class was a real eye-opener for me and helped me think differently about a number of things that matter to me

My unconsciously biased address book

What now?

In the role playing game known as The Real World, "Straight White Male" is the lowest difficulty setting there is.

Going forward, I simply won't participate in a panel discussion that's all guys. (Also: Panels are often terrible.)

(b) (6), (b) (7)(C), a longtime employee and (b) (6), (b) (7)(C), posts disparaging words about "all the whites and boys," then after being called out for (b) (6), hateful language, links to an internet article calling all white people racists:

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) google.com

Dear all the boys: do not put the burden of relieving your systematic misogynistic discrimination on women.
Dear all the white people: do not put the burden of relieving your systematic racist discrimination on the people that aren't white.

It is not the responsibility of the victim to end the victimization. It is the responsibility of the victimizer to stop being terrible.

+31 1 (b) (6), (b) (7)(C)

42 comments

(b) (6), (b) (7)(C) +2
Please don't put "all the boys", "all the white people", or any other entire demographic into the "victimizer" bucket. It is not the responsibility of everyone who kinda looks like the person who committed an offense to right it.

(b) (6), (b) (6), (b) (7)(C) +5
It is the responsibility of the privileged to end the privilege though. Nobody else can.

(b) (6), (b) (7)(C) +4 +1 Reply
I'll just leave this here (b) (6), (b) (7)(C)

The "allies reading list" and "Rogues' Gallery" documents hosted on Google's internal network contain links to several bigoted and offensive articles, including pieces on "Mansplaining" and "Brogrammers":

Suggestions for allies reading list

File Edit View Help

100% View only

By: (b) (6), (b) (7)(C) [redacted] - currently owned by (b) (6), (b) (7)(C) [redacted]
(go/allies-reading)

Blog Posts

Introductory Resources

- So You Want to Be an Ally by Julie Pagano - I recommend this as a good starter resource to set the stage for future discussions and learning.
- Straight White Male, The Lowest Difficulty Setting There Is by John Scalzi - Useful metaphor for explaining privilege
- Geek Feminism Wiki's Resources for Allies
- Intro to Power, Privilege, Oppression, and Allyship from NASCO - This one is awesome because it covers a lot of different axes with a helpful checklist for each one. There are a few outdated terms in here (e.g. "differently-abled").
- Feminism 101 posts from Shakesville - Long list of posts here. Maybe pick them off a few at a time as relevant.

Microaggressions, Burnout, and Other Personal Stories

- Lighten Up by Kalie Cunningham

From Ex-Googler Julie Pagano

- My experiences in tech: Death by 1000 paper cuts
- Diversity for Sale
- Abuse as DDoS
- Life and Times of a Tech Feminist Killjoy

From Ex-Googler Erica Baker

- The Other Side of Diversity
- No Solution

The Rogue's Gallery

In their own words:

55 ways to alienate your coworkers (avoid these)

Added bonus! 22 ways to improve their professional lives (do these)

Negatives

1. Brogramming
   a. http://theweek.com/article/index/227356/brogramming-the-disturbing-rise-of-frat-culture-in-silicon-valley
   b. http://www.theatlantic.com/business/archive/2013/09/the-brogrammer-effect-women-are-a-small-and-shrinking-share-of-computer-workers/279611/
2. Splaining
   a. http://geekfeminism.wikia.com/wiki/Mansplaining
   b. The original mansplaining essay: http://articles.latimes.com/2008/apr/13/opinion/op-solnit13
   c. related: assumptions about what's good for women, e.g. comments about relationship status ("Why is a women as attractive and as smart as you single?")

2.3.3 Inappropriate language

(b) (6), (b) (7)(C) [redacted] insinuates that persons who have a "white penis" are biologically incapable of holding informed opinions about online harassment:

(b) (6), (b) (7)(C) [redacted]

Re: [IndustryInfo] Re: [IndustryInfo] The Response To Google's Plan To End Online Harassment Proves EXACTLY Why We Need It
Other recipients (b) (6), (b) (7)(C)@google.com, (b) (6), (b) (7)(C)@google.com (b) (6), (b) (7)(C)@google.com

I hate when IndustryInfo takes important issues and devolves into arguing about minutia and misses the big picture. No matter who was invited by Google, there would have been a non-inconsequential amount of vitriol just because they were women standing up for a feminist cause.

Maybe to the small population of people who know the details of gamer-gate, the invite list is problematic. For the vast majority of Americans (the ones who have never heard of gamer-gate), the fact that this program exists is a good thing. These women are qualified to speak to online harassment, regardless of their perceived tactics.

Just going to put this here and quote John Oliver: "If you're thinking that doesn't seem like that big of a problem, congratulations on your white penis."

In conversations on the company's internal networks, Google employees occasionally denigrate and threaten (b) (6), (b) (7)(C) [redacted]. The term (b) (6), (b) (7)(C) [redacted] refers to (b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) [redacted] in (b) (6), (b) (7)(C) [redacted] who has an active social life:

(b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted]
Every time I'm reminded of the travails of (b) (6), (b) (7)(C) [redacted] it makes me want to pound a (b) (6), (b) (7)(C) [redacted] in the face.
#countingtoten

(b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted]
I went to a mathematics workshop this weekend and was surprised to see that there was about 50% women there. Now if only we could get rid of the ridiculous bro culture of computer science

+23

24 comments

(b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted]
I don't think male techies are going to give up bro culture now that they've found it. It's hard to go back to the nerd life alone in dark basement labs, searching for that missing semicolon, when you've tasted the good life of pumping iron and writing code, then going to parties drinking cheap beer and enjoying casual...well

From pale and flabby to tanned and fit, from forever alone to the life of the party, from unfashionable to looking good whatever you wear (as long as it has a popped collar), bro-dom is superior in pretty much every way to nerd-dom. You won't send them back to the basement.

(b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted] +5
I won't be writing for their promo packages, and I won't be voting to hire them, and I won't be tolerating their bullshit in meetings.

(b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted] +3
(b) (6), (b) (7)(C) [redacted] I'm way (b) (6), (b) (7)(C) [redacted] to be (b) (6), (b) (7)(C) [redacted] but I've got to ask: why do you worry so much about your coworkers' personal lifestyles?

(b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted] +6
(b) (6), (b) (7)(C) [redacted] It's not about personal lifestyle. It's about the bullshit attitude they tend to bring along to the workplace.

(b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted] But not all (b) (6), (b) (7)(C) [redacted] have toxic attitudes, and not all people with toxic attitudes are (b) (6), (b) (7)(C) [redacted]

So if we're just talking about individuals who bring a toxic attitude to the workplace, why not state that directly instead of indiscriminately lerring an entire group of people?

I think we can all agree that it isn't cool to stereotype other Googlers based on their age/gender/sexuality/pastimes/etc... right?

(b) (6), (b) (7)(C) [redacted] +7
(b) (6), (b) (7)(C) [redacted] is more a pejorative referring to the culture than a specific person in my experience. Bro culture in the US in general has a lot of toxic attitudes especially about women, and (b) (6), (b) (7)(C) [redacted] culture can also be exclusionary in the way it normalizes things like hours that are long and unsustainable for anybody who isn't young and unattached (and honestly, aren't very sustainable for those who are), having your social circles very heavily intersect with your work colleagues, and drinking heavily (in these same groups) as a condition for social acceptance.

Is every bro a toxic person? No, but the culture does tend to promote toxic masculinity. Is being a (b) (6), (b) (7)(C) [redacted] necessarily bad? I would argue no (as somebody who does have a few bro-ish tendencies*, so maybe I'm biased). But the culture around it can be exclusionary and we need to make sure that it's not embedded in Google and that it doesn't keep others out.

* http://www.npr.org/blogs/codeswitch/2013/06/21/193881290/jeah-we-mapped-out-the-four-basic-aspects-of-being-a-bro — god I love this article

Google employees have also invoked the sexist, pejorative term "mansplaining" to denigrate and shame [redacted] for offering opinions or advice in good faith:

[redacted]

[redacted] (b) (6), (b) (7)(C)

Notification settings

[redacted] (b) (6), (b) (7)(C)
Context?

(b) (6), (b) (7)(C)
Please avoid use of sexist language at work. There are plenty of ways to call out people's inappropriate statements without attaching gendered insults to them.

Score: 7 (Show votes) — Metrics

Created: 2014-09-11 11:00 GMT-07:00 Template: suddenclarityclarence

Popular On:
2014-09-11

[redacted] (b) (6), (b) (7)(C)

Finally. A situation where mansplaining sexual harassment policies is *actually* appropriate. Because, fortunately, I actually don't think the thing that [redacted] worries about is a huge worry. Some thoughts:

(1) "Not making your coworkers uncomfortable" is not terribly difficult. Did you detect that a coworker might be uncomfortable about something? Well, stop.

[redacted] and 1 more +1'd this post

[redacted] (b) (6), (b) (7)(C)

No kidding, some guy apparently just joined a slack channel I'm in in order to mansplain to me and another woman who were having a conversation between ourselves.

http://i.imgur.com/IFIgqJP.gif

i.imgur.com/IFIgqJP.gif

+16

2.3.4 Indifference to bias

In numerous conversations on Google's internal networks, white males have been repeatedly told that they are "privileged" and that they have a duty to tolerate higher rates of biased conduct, false accusations, and other unfair treatment in order to compensate for it. Posters explicitly advocate for a double standard, often stating that it is "absurd" for white males to demand equal treatment because they already have too many advantages. At times it is claimed that affording a white male the presumption of innocence in a workplace disciplinary proceeding is "actively harmful to women".

[redacted] (b) (6), (b) (7)(C) [redacted] - you're doing exactly what the OP asked you not to. If 8% of the rape accusations are false, that means 92% are true, which means they represent a much a larger problem. How about we worry about false accusations when the ratio is close to 50/50 ?

(b) (6), (b) (7)(C) - we have an anonymous hotline for code of conduct violations. Do you know what happens if someone reports a harassment incident over that line? Can you suggest to reportees that they call the hotline instead? What if someone emails (non-anonymously) the code-of-conduct alias?

[redacted] (b) (6), (b) (7)(C) [redacted]
I think you have a different notion of what "fair" means, and it's a notion the privileges you. It's a notion that, on the surface, claims that people should be treated "the same", but in practice it means don't take any positive corrective action to fix any systematic problems. Whereas others do believe that positive corrective action is needed for any reasonable notion of "fair" treatment.

One might describe your POV as follows:
All state transitions proximate to me must be able to be labeled "fair" in isolation.

And one might describe the alternate POV as:
The whole state machine should meet a standard of fairness, which might require certain state transitions that appear "unfair" in isolation because they take positive corrective actions.

So, to wrap up:

At the end of this process, when Google has taken a look at its sexual harassment policy, we will still have false positives and false negatives. If we would like to substantially reduce false negatives, and there are good structural reasons why we should (reducing the effect of the Petrie multiplier, for instance), we have to increase the examination rate, increase the bias toward false positives, and increase the power of the informal networks that can solve these problems before they're escalated. There may be tradeoffs. There is some asymmetry between the cost of false-positives and false-negatives. I don't want to understate that.

Risks include underestimating the multiplicative effect of simultaneously changing both the false-positive bias and the examination rate, undermining the informal systems which rectify good-faith actions with bad results, and creating a catastrophically successful system which can't achieve a steady-state reduction in the amount of sexual harassment. Avoiding those risks is difficult.

We still need to do something.

If you think the costs are too high (and you're male), consider that you're a person with a just-world bias, status quo bias, and a bias against the consequences of policies that might negatively affect you. If this is your primary concern, you are probably overstating it. Even if there are people who are demanding torches-and-pitchforks-as-a-policy (and I don't think there are), there is no chance that that policy will be adopted.

[redacted] (b) (6), (b) (7)(C) [redacted]

Diversity efforts scare me. These efforts aim to take away a small bit of the advantages I have, and that is, of course, a scary thing.

What if I'm only here because of the advantages I have that others don't?

Other than "rich parents", I can check pretty much all the "advantage" boxes. (CIS straight white male, born in the US)

Many of my friends miss some of those boxes. A few miss all of them.

This is just another version of Imposter Syndrome. I know this, but sometimes, it's scary and my self-confidence is shaken.

But you know what the worst part is?

I'm an asshole.

I still have all those advantages. No remotely plausible diversity effort is going to take those away from me, or even compensate for half of the advantage I have.

If I have to give up a little bit of that advantage so that women can stop meeting other women by finding them crying in a stairwell, restroom, etc, well, I think that's a fair trade.

The playing field is so lopsided at the moment that worries over "anti-white-male bias" seem excessive, even borderline absurd to me.

If you don't believe that statement, ask one of your trans, female or gay colleagues if I'm overstating things. Don't force them into a conversation if they are unwilling or uninterested. They have to somehow do their job and deal with these things.

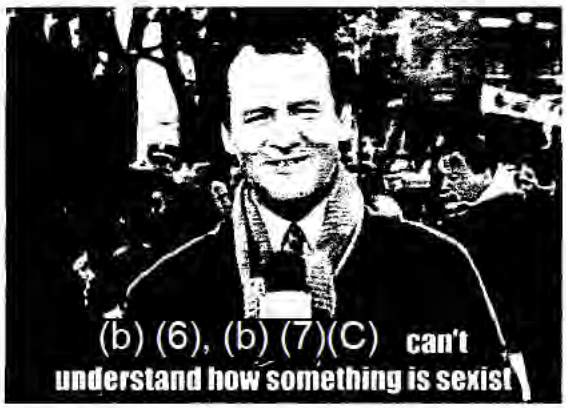
It's so much worse than I ever realized.

+128 17 (b) (6), (b) (7)(C) [redacted]

I've seen a group of people wringing their hands about false accusations. In context, and in the way it is normally phrased, this discussion is actively harmful towards women and other marginalized groups. It's not a matter of "people are offended by what you're saying". It sends a message that the person doesn't care about the problem of harassment in tech. It sends a message that the default assumption is to not believe the person or to minimize their experience, rather than to believe them absent any strong evidence of an ulterior motive. It turns out, words have subtext. And the professional / social consequences of making an accusation result in a high conditional probability of the accusation being true. Obviously any sane process accounts for false positives. But the problem we are *actually facing* is false negatives. If you can't see that, you're part of the problem. Try focusing on the question, "How do we get justice for those actually being wronged?"

These commenters suggest that men are biologically incapable of assessing the appropriateness of workplace speech:

[redacted]



Score: 275 (Sharp votes) — [illegible]

Created: [illegible] Template: [illegible]

[redacted] (b) (6), (b) (7)(C)

The comments thread for this meme makes me sad. If you're male and thinking of defending the candidate, you probably don't realize you're not qualified to comment on whether it's offensive or not

Reply

This employee characterizes advocacy for mens' rights under Title VII as "whining":

[redacted] (b) (6), (b) (6), (b) (7)(C)

[redacted] don't know that I'd say [illegible] not [illegible] asked to give anything up. We are being asked to give up some of our comforts.

Considering that said comfort comes at the great expense of others, I don't have a problem with most of it. I do have problems with some of the [illegible] extreme claims, but they tend to be in other camps. [illegible] briefly [illegible] wants to die even if someone else wants me to.)

Put in that light, the MRA whining may [illegible] sort sense. But it's still fucking [illegible]

These employees state that white males are expected to tolerate hiring discrimination without complaining:

[redacted] (b) (6), (b) (6), (b) (7)(C)

[redacted] And yet we have a bunch of white males crying bloody murder over the suggestion that we slightly lower the hiring bar for women and minorities. No one is saying we'll raise the bar for them. It's not a zero-sum game and we already can't hire enough people.

This seems equivalent to your driving scenario, albeit with some signs flipped (i.e. helping more instead of harming less).

I think the unrealistic part of your scenario is where you say to group A, "we're going to reward group B", and then you expect the members of A to go "meh whatever". Robots would do that. People do not do that.

[redacted] (b) (6), (b) (7)(C)

[redacted] your post here (and many of the subsequent comments above) is exactly the kind of post that falls under the micro-aggression bucket. Here you have someone who is explaining why a segment of the population is actively harmed being driven out of an industry and your response is to nit-pick the argument and its presentation.

To your point, yes, this is asymmetric. It should be. [illegible] the intervening asymmetry (twice [illegible] solved. When a population segment is [illegible] oppressed to the point of quitting at a higher proportional rate than [illegible] appropriate to grant them what is denied the [illegible] segments, e.g. more benefit of the doubt, more flexibility, etc.

You don't get anything in return. You are ALREADY getting more than them by not being bullied to the point of leaving the industry.

It's like if a rich person complained that a poor person getting welfare [illegible] unfair". Yes, it is unfair in the microcosm of that transaction. But the [illegible] person IS RICH. THAT is ALREADY unfair. Welfare just works slightly towards balancing it out.

If you have two kids and you give one kid two slices of cake and the other kid one slice of cake, then subsequently giving only the second kid a slice of cake is not hostile to the first kid. It is the right thing to do.

This employee states that white male Google employees should tolerate discrimination, because they are "already more equal than everyone else in the room."

[redacted] (b) (6), (b) (7)(C)

Other recipients: [redacted] (b) (6), (b) (7)(C)@google.com, [redacted] (b) (6), (b) (7)(C)@google.com, [redacted] (b) (6), (b) (7)(C)@google.com

I've been lurking on this thread (and at least some of the many, many other related threads) recently, and frankly I'm disappointed at the poor level of professionalism here. Strident, flippant and sarcastic responses that belittle your co-workers are simply not cool. I wish I could say "you are all better than this" — but many of you have proven that not to be the case. Sigh.

Regarding the purpose of this thread, while IMO it was poorly stated, the original point is a good one.

* conversations on internal forums aren't perceived the same way by every party to them

* we _all_ have a responsibility to try and understand the perspectives of the people we interact with — even via email

* armed with that understanding, we _also_ have [illegible] responsibility to try to avoid communication patterns that are known to make our co-workers unreasonably uncomfortable, feel unsafe at work, etc. regardless of whether we ourselves are uncomfortable with that communication pattern.

As has been pointed out in various ways several times on this thread, the problem with "just asking questions" is when those same questions are asked over and over by the same people in ways that have already been explained make their co-workers feel unsafe. Many people here have spent a good deal of time and effort putting together thoughtful examples of how "just asking questions" can undermine internal discussion and make Google an uncomfortable work environment for many people. goderat has some really good discussion of this. The fact that people continue to be behaviors called out in goderat after being given ample opportunities to change their style of discourse is discourteous and unprofessional. In general, if you're wondering whether or not a particular response is going to make people uncomfortable, try putting it aside for a few min and think about it again before sending it. Or try sending it privately to another co-worker first to get a second opinion. Just saying whatever you want at all times is not good enough.

Regarding the complaint that "some classes of people X are more equal than others" — guess what my fellow white males, being white and male means that in many interactions _you_ have been more equal than everyone else in the room. While that doesn't mean you are personally morally responsible for the nasty, bigoted behavior of other white males, it _does_ mean that you may have to try a little harder to understand the perspective of people who have not had your experience. Moreover, you have a _responsibility_ to do so, since otherwise it's far more likely that you'll inadvertently continue making your co-workers uncomfortable. Please see goderat if you believe you are being picked on or treated unfairly, or feel free to reach out to me off-list and I'm happy to discuss. Please _don't_ continue to insinuate in public forums that white males are being unfairly picked on, because that statement by itself really does make for a hostile work environment for your female and minority co-workers, regardless of whether or not you think it should do so.

Finally, while I think the topic [redacted] (b) (6) brought up in the original post on this thread is important, the fact that it was introduced in a careless and flippant way makes it _much_ harder for people to discuss with an open mind, without feeling attacked. I really hope we can all be more thoughtful about these conversations in the future.

Best,

[redacted] (b) (6),

P.S. I'm sure there will now be several of you who are inclined to nit-pick this message. Feel free to do that with me off-list if you like. I'm happy to help anyone who is genuinely having difficulty understanding this topic work through it. If you reply on-list, please think about how your response will impact your co-workers before you send.

3 Abuse directed at specific employees

3.1 (b) (6), (b) (7)(C)

On or about 2015-03-07, a former Google employee, (b) (6), (b) (7)(C), publicly (on Twitter) accused a then-current Google employee, (b) (6), (b) (7)(C), of making an awkward sexual advance at an offsite activity in 2013. Dozens of Social Justice activist employees flooded the company's internal forums with posts attacking (b) (6), (b) (7)(C) character and calling for (b) (6) immediate termination. (b) (6), (b) (7)(C) was forced to leave the company after (b) (6) years of faithful service; (b) (6) last day was 2015 (b) (6), (b) (7)(C)

Angry activists within Google, most of whom had never even met (b) (6), (b) (7)(C), published so much vitriol and misinformation that it became impossible for (b) (6), (b) (7)(C) to continue as an employee. At no point did Google take any action to remove the inappropriate postings:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

A summary of G+ posts regarding the (b) (6), (b) (7) sexual harassment incident
(http://go/(b) (6), (b) (7) summary)

There's been a lot of talk on Internal Plus this weekend regarding a sexual harassment incident. For those who want a quick summary, the very tl;dr version is that a Xoogler (b) (6), (b) (7)(C) went public about sexual harassment (b) (6) experienced while at Google and is now getting rape threats and doxxed as a result.

Instead of voicing my outrage, venting my frustration, and repeating much of what's already been said I've compiled links to a bunch of posts that discuss this in more detail

(b) (6), (b) (7)(C)

As a bonus, here's a song by The Doubleclicks entitled "Sexist Bulls-t" which I've listened to several times this weekend and found very cathartic
https://www.youtube.com/watch?v=axP-bk17C7I. Trigger warnings: NSFW language, Christmas music, pulverizing sexist assholes

Edit: Made links mobile-friendly, fixed link to (b) (6), (b) post, added three new links.
Edit 2: Added title and go link

+112 41 (b) (6), (b)

Many Social Justice activists derided the idea that accused males should ever be presumed innocent, implying that "devil's advocates" who refused to condemn (b) (6), (b) (7)(C) are sexists intent on hurting their female co-workers:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

* originally shared

The devil's advocates, what about false accusations, innocent until guilty in the court of public opinion, etc. people are starting to wear on me. Could you just not? Please

Every time there is a case of a woman being sexually harassed at a tech job (especially at the very company I work at), it dredges up shitty memories of when it happened to me at a previous job. It still upsets me because that wound is reopened so regularly. This is so common, and it feels like it's never going to stop. You start to wonder when the other shoe is going to drop.

Hearing people talk about this stuff like it is a theoretical thought exercise is hard because I had to live through that shit. The devil has enough advocates. These issues have been studied, and information is out there. Consider using that fancy search engine we develop, and do some research. Consider that you aren't the first person to think about this stuff, and there are probably some answers. Consider that some of what you are saying is further hurting people who suffer from these issues.

P.S. Innocence until proven guilty is for the court of law. The court of public opinion is under no such obligation. False accusations are rare. I believe (b) (6) and (b) (6), (b) (7)(C) and the unnamed women who haven't come forward publicly but left for similar reasons.

(b) (6), (b) (6), (b) (7)(C) > The only problem is that these things are very hard to prove, and these disputes, unfortunately, end up hurting the victim's career as well.

Google isn't the government. Proof of wrongdoing is not needed to fire anyone (in the US, at least).

Given that, I sometimes wonder if the optimal strategy is fire all those accused 100% of the time.

Consider two cases.
Case 1: The accused person did nothing wrong.

As long as you don't publicly out the person being fired (thus ruining their ability to get work elsewhere), any innocent person will be able to move to another company and will continue to have a wonderful career (since if you can get a job at Google, you can get a job anywhere). Awesome! You've actually hurt nobody!

Case 2: The accused person did something wrong. Then we get rid of them. They do the same thing at their next company and are also fired immediately upon the first complaint. Eventually they run through all the places anyone would want to work and are finally unable to bother anyone, leaving the world a better place. Or they

Although HR had completed a thorough investigation in 2013, several employees publicly second-guessed the company's processes because (b) (6), (b) (7)(C) had not been terminated:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Three thoughts.

1) I used to think that "HR & legal are not on *your* side, they're on *Google's* side" was a glib and immature quip -- I thought Google was better than that. However, at the moment, we have a fair amount evidence (admittedly, in the form of anecdotes) that indicates the glib quip is true. We don't have much evidence of instances where harassment *was* reported to HR and was actually addressed in a satisfying way. So I now agree with the sentiment of the glib quip. I am willing to be convinced otherwise, but it'll need some serious evidence from HR to convince me to change my mind.

I believe that we *need* a position that is not HR, and not beholden to HR, in which one can confidentially report issues of sexism and sexual harassment, and that doesn't have "cover Google's ass against lawsuits" as its first priority.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

If you have been living under a rock since the weekend, please catch up on this important topic.

TLdr a sexual harassment case with inappropriate (non-)reaction by Google/the management chain that left the victim hanging made aware that we as company and also Googler-society fail in our ideals and goals.

On the positive side, I am happy and proud to see that Googlers everywhere cry out how *WRONG* we behave, that we *MUST* do better. It created a good discussion within Google how we can work strongly towards a harassment free work environment. I don't like that grave mistakes are made; but I also am glad to see strong commitment by Googlers to make things better.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C), posted several inappropriate, potentially libelous comments about (b) (6), (b) (7)(C) on the public internet:

(b) (6), (b) (7)(C)
(oh, p.s. - the offending googler was not fired and the harassment continued despite (b) (6) reporting it to HR.)

My count is now [redacted due to corporate NDA] non-cismale individuals in the past four weeks who have stated harassment as a reason they left Google.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) SOP of HR, my understanding is, is to give offenders multiple chances to be rehabilitated rather than immediately terminating them. I'm not sure the issue here is that process is not working as intended. It might have worked as intended. /

Other employees called for (b) (6), (b) (7)(C) to be fired regardless of innocence or guilt, merely to atone for harassment allegedly committed by other males:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

I had a question on a quiz once at school. It was a story to get you to think. It is a story that is infuriatingly simplistic, and yet there have been plenty of times in my life when I really, really wanted to make an excuse for something I've done, and as I'm telling myself how unfair it is (or more often later after I've had some distance from the situation, if I'm completely honest), I remember this story, because even when I read it the first time, it reminded me of something I would do.

I'm paraphrasing since it's probably been about 30 years since I read it:

Bobby was always late to work. He would procrastinate, or get distracted, or not plan ahead, and so he was late more than any of the other workers. His boss sat him down for a talk, and told him that if he was late for work one more time, he would have to be let go.

The next day Bobby backed his car out of the driveway on his way to work and ran over a nail, rupturing his tire.

You can imagine the conversation Bobby had later on that night, telling his friends how unfair it was that he got fired. How could he possibly have known that he would run over a nail? He couldn't. It also kind of doesn't matter.

This popped into my mind this morning when I saw posts about this [illegible]

There will be those that naturally want to find a reason why it might not be what it seems, or why it might not be as bad as it looks, or even why (b) (6) might not be telling the truth. First of all, giving in to that instinct is really no better than grabbing the nearest pitchfork, but more importantly to this particular post, it doesn't even matter. I find this so infuriating because we collectively need to overcome established patterns.

I don't hold up much hope, but maybe we can skip the part where we start arguing about each tree in the metaphorical forest. I think there are outcomes that most of us can and should be able to easily agree on.

(b) (6), (b) (7)(C) also weighed in on the matter, saying that (b) (6) had "some strong feelings" and wanted to make an announcement as soon as possible to pacify the angry activists:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Message from (b) (6), (b) (7)(C) which (b) (6) has permitted me to share with you:
"I had hoped to provide an update to Googlers today but was asked to allow time for more senior level discussions. Having been active on these issues since the early 90s, I have some strong feelings. More to come."

I'll also post this to my stream.

A few employees called for an end to the "witch hunt," but their pleas were largely ignored:

(b) (6), (b) (7)(C)

In this case, a witch hunt was starting. People (at least 2) were calling for the immediate termination of the accused. I do not believe it was inappropriate for me to call that out, both in the thread where I saw it and what was quickly becoming the go-to thread for the situation.

While the "shades of gray" thing is sometimes an issue, you're right that it was not in this case. In this case it was a "did it happen?" issue. And what do we see on the various threads? People claiming false accusations never happen, or that they happen so rarely the possibility can be discarded, that men aren't real people with real problems, and that the only consequence of a false accusation is "changing which tech company pays them their top 1% compensation" so why worry about it anyway. (the worst of these, I'll note, were posted by men). There's a name for this philosophy, which elevates members one sex over another, regarding one as always an honest and blameless victim who has to figuratively climb the equivalent of 50 Mount Everests just to get through the day, and the other as a privileged specimen with no real problems of their own. That name is "sexism".

I don't identify with /baphomet/ (the serial harassers you refer to). I think they're a bunch of dirtbags (worse, but I don't know how you feel about swearing on your G+), and think if a few of them got tracked down and arrested in a SWAT-type raid for online intimidation it would be quite appropriate. But they are them and I am me. I am not going to be intimidated into silence for fear of association with them.

(b) (6), (b) (7)(C)

"Men, tell me if this sounds familiar: you know enough about these things to understand that there's a lot of gray. [...] It's not so much false accusations that frighten you, it's the possibility that you might genuinely make a mistake out of ignorance and be excoriated for it."

FWIW, that doesn't sound familiar to me at all. I have zero expectation that anything I ever say will be misinterpreted that way, because I just don't talk about subjects where it's likely to be a problem (even, regrettably, in contexts outside of work where it'd be appropriate and welcome). Rationally, I guess that's an underestimate; there's probably a nonzero chance, but it doesn't feel real.

What concerns me in this case is just the idea of launching a witch hunt based on incomplete information. Not because I fear it might happen to me, but because I fear it would happen to someone else who doesn't deserve it. I should probably write a full post about this... the short version is, I've seen some nasty campaigns in the past, most recently I saw some ugliness in the way the Blogger porn issue was handled – even got swept up in some of it myself – and I'm extra wary of the potential for mobs to form a snap judgment and demand action based on the first thing they heard. We don't know all the facts, and for us to insist on overturning a decision made by people who had access to more information than we do seems like a problem.

(b) (6), (b) (7)(C)

Welp, I'm probably going to catch a lot of flak but I was feeling SUPREMELY uncomfortable while reading many conversations on internal G+ and Memegen today and I finally felt the need to say something.

An environment in which weak social skills can inadvertently cause one to have a pitchfork mob calling for their head on a platter is not one I want to work in. I'm willing to believe that Googlers as a whole are rational enough not to let it come to that but as somebody who actively advocates for neurodiversity at Google, I felt the need to put my fears to words and offer my perspective.

I'm sorry. I just really felt the need for people to know and keep it in mind that some people don't speak the same unspoken language as the rest. I feel that this is important in informing how we deal with systemic issues at Google which come with a social factor (which is a surprisingly large number of things).

(b) (6), (b) (7)(C)

+6 1

8 comments

(b) (6), (b) (7)(C)

I want to clarify that I believe that the neurodiversity of an individual should never be used to *excuse* bad behavior. But genuinely good people can make mistakes and (b) (6), (b) (7) perhaps even more so. And what's worse, we beat ourselves up more for the mistakes we do make.

(b) (6), (b) (7)(C)

I missed the conversations you mentioned. What happened?

(b) (6), (b) (7)(C)

"Say nothing" still seems like the safest option to me.

(b) (6), (b) (7)(C)

It is the safest option, but at the same time people keep saying that "the standard you walk past is the standard you accept."

So, if I see a standard of table pounding and pitchforking being promoted over calm, rational discussions about how to solve real problems, do I walk past that standard or do I call it out?

EDIT: And yes, this is a *standard*. The past few weeks have been a constant parade of pitchforkers. This current issue is not the only one which has evoked such a response from Googlers on internal G+ and Memegen, though it is arguably the worst.

3.2 "Respect Postmortem"

On or about 2015-04-22, an internal email disclosed that white male job candidates are held to a higher standard than other candidates. Specifically, the "diversity" candidates are reviewed by the "EngOps Revisit Program" if their score did not meet Google's standard, and may earn another opportunity to pass the interview. By contrast, white males who do not meet the cutoff are rejected immediately with no further review.

An unnamed Google employee expressed concern that this special process discriminates against white males:

Timeline

First dubious comment.

~1 AM PDT [PERSON A]: **+[COMMITTEE MEMBER] "we revisit mostly minority candidates, as a counter to systemic bias" - this is unfair to non-minority candidates, in the same way as all affirmative action programs. This effectively lowers the hiring bar for minority candidates, and thus for the same number of candidates hired this rises [sic] the hiring bar for non-minority candidates.**

Should I judge minority candidates harder during my interviews to counter the systemic bias you are introducing?

Bystander responds with a correction.

~2 AM PDT [BYSTANDER]: Oooh, I like easy questions! No, you shouldn't. Next question.

Second dubious comment.

~2 AM PDT [PERSON A]: **+[BYSTANDER] This was a rhetorical question.**

Now a real question: should we treat candidates differently (e.g. whether to revisit the hiring decision or not) based on their gender and race?

Thread owner responds with a warning.

4 AM PDT [THREAD OWNER]: Attention people like [PERSON A]: YOU ARE PART OF THE PROBLEM. Harmless, fun debates like this one are one of the reasons women are LEAVING. These debates are neither harmless nor fun. Do you need further explanation of why you just did a bad thing (twice)?

Third dubious comment.

4:18 AM PDT [PERSON A]: **+[THREAD OWNER] This is not fun. When "progressives" are constantly trying to make me feel guilty just because I am a white man who does not support their goals of proportional gender/race representation, I can resist the coercion and still feel happy. But once they are proud of executing "corrective" gender/race discrimination by tweaking the hiring bar depending on the candidate's minority status, this offends me seriously.**

Thread owner takes screenshots and deletes the 3 dubious comments and 1 bystander correction. Thread owner blocks the author of dubious comments to prevent recurrence.

4:20 AM PDT [THREAD OWNER]: I am blocking +[PERSON A] because [redacted] is contributing to an uncomfortable workplace for minorities

It is common within Google to write a "post-mortem" document after a serious technical failure. The purpose of such a document is to record the series of events, to figure out what could have been done differently to prevent future outages, and to help others learn from the experience.

(b) (6), (b) (7)(C), a well-known and influential [redacted] promptly drafted [redacted] own unofficial "respect post-mortem" document to publicly shame and humiliate the individual who expressed concerns about illegal discrimination, and posted it to internal social media so [redacted] hundreds of followers could laugh at [redacted]:

[redacted] (b) (6), (b) (7)(C)

RESPECT POSTMORTEMS ARE A THING NOW, because I said so
(b) (6), (b) (7)(C)
[redacted]
Going forward, please write a postmortem at the conclusion of every respect outage (including duration of the respect outage, **anonymized** timeline of events, action items, and lessons learned with what worked / what didn't work.)

+207 37

[redacted]

While the reaction among progressives was overwhelmingly positive, some readers expressed doubts:

[redacted] (b) (6), (b) (7)(C) +15
Agree with (b) (6), (b) (7)(C) 1000%.

This is just a kind of anonymous assassination of a person's character in a public forum by a different person with a ton of social capital within that medium.

[redacted] (b) (6), (b) (7)(C) +32
Just going on the record here to say that I feel like I cannot actually voice my opinion on this topic or say anything at all for fear of retribution, hostility, public shaming, and possibly worse. This makes me incredibly uncomfortable, scared, afraid, etc. **incredibly**. That is all.

When pressed, some of (b) (6), (b) (7)(C) supporters maintained that the public shaming was acceptable because following Federal anti-discrimination laws is not "valid, interesting, useful, or acceptable in a work environment":

[redacted] (b) (6), (b) (7)(C) +13
(b) (6), (b) (7)(C) The person your postmortem criticizes appears to have been acting in good faith, respectfully, and if anything, is guilty of no more than holding a different point of view. Why would you marginalize [redacted] for [redacted] beliefs?

[redacted] (b) (6), (b) (7)(C) +11
(b) (6), (b) (7)(C) It turns out that not all beliefs are equally valid, interesting, useful, or acceptable in such as a work environment. It should be trivial to think of other examples.

As of 2015-10-03, (b) (6), (b) (7)(C) post remains live on Google's internal network.

An internal document called "go/hiring-bar" confirms the intent of the EngOps Revisit Program, and suggests that white males (specifically) do not have a right to question whether Google's policy is compatible with anti-discrimination laws:

> **What about diversity *candidates* whose packets get sent back to Hiring Committee?**
>
> The EngOps Revisit Program is a real thing, but this isn't a lower standard, and is not restricted to only diversity *candidates*. This just gives the hiring committee more information and attempts to combat systemic bias. We know the bar isn't moved for those going through this committee since people who got into Google via the Revisit committee performed as well on average as people who got in via the regular committee.
>
> **Would having a separate hiring bar be a bad thing?**
>
> Yes. Yes it would. Further, *suggesting* that there's a different bar is just as harmful, particularly if you are a white, neurotypical, cis-male and suggest this to people that might have been diversity *candidates*. A partial list of reasons includes:

3.3 (b) (6), (b) (7)(C)

On 2015-04-22, on a discussion thread about a "diversity town hall" conducted by Google's management, (b) (6), (b) (6), (b) (7)(C) politely and respectfully expressed concerns about discrimination against white males. The initial reaction was bigoted (as noted in section 2.1.2), but measured:

(b) (6), (b) (7)(C) +17
I agree with the town hall's statement. I've yet to see effective "increasing diversity" efforts which do not bring unfairness against white men (e.g. lowering the hiring bar for minorities, or arranging events where white men are or feel excluded)

(b) (6), (b) (7)(C) +188
Frankly, I could care less about being 'unfair' to [edited to add: cisgender, straight, able-bodied, wealthy] white men. You already have all the advantages in the world.

(b) (6), (b) (7)(C) +9
We will not agree on that.

(b) (6), (b) (7)(C) +103
aka *Straight White Male: The Lowest Difficulty Setting There Is*

(b) (6), (b) (7)(C) +213
The fact that the first comment on this post is a microaggression speaks volumes about the cultural problem at Google.

(b) (6), (b) (7)(C) +37
(b) (6), (b) (7)(C) I understand that we're not going to agree, and you are entitled to your own opinions. However, I wish you'd considered how I might receive the remarks before you made them.

(b) (6), (b) (7)(C) +5
Do you believe I should receive penalty points because of these traits?

(b) (6), (b) (7)(C) +45
It's not a penalty to you. Instead, it's helping other people that got penalty points when they were born to a more level playing field.

(b) (6), (b) (7)(C) +6
(b) (6), (b) (7)(C) If we make easier for people from some subset to get hired, then – assuming the total headcount staying the same – we are effectively penalizing people from the complementary subset.

(b) (6), (b) (7)(C) +43
(b) (6), (b) (7)(C) We've already been penalized enough by the entire tech industry culture and society. Also it's not a zero-sum game - more diverse teams are more productive than monocultural teams so even if there are 70% men instead of 80-95% men as a result of diversity programs, the 70% men will be more productive and get better work done.

However, subsequent comments turned abusive, viciously attacking (b) (6), (b) (7)(C) for statements (b) (6) never made:

(b) (6), (b) (7)(C) +418
Here's another thing. You are here posting devil's-advocate troll-bullshit along the vague lines of "oh no, some hypothetical white man who is just barely above the hiring bar might be intangibly harmed by some Googlers who decided to give marginally more training or education to non-Googler women."

Meanwhile, we have an established pattern of *actual Googler women* who have *been at the company for years* and as far as we know *performing admirably in their actual engineering jobs*, leaving the company in part because of this stupid goddamn devil's advocate **bullshit** that shows up every time they talk honestly *about their own goddamn experiences* at work.

This is why we say "you are part of the problem". You are contributing to a culture that drives out women who are otherwise strong Google contributors, all for *fake internet points*.

(b) (6), (b) (7)(C) 9:21 AM +195
n a week and two days, I will be free of c
spouted here, so.

/me becomes one with (b) (6) rage

(b) (6), (b) (7)(C) "If" (and that's a HU
who want to work in tech", it is because c

How DARE you begin to even fix your fin
groups are hired here because of a lowe
shitting on my 8 hours of interview ass k

access to my interview scores so I could
don't need to because I KICKED ALL THE
impostor syndrome on THAT day. When
minutes that took other candidates the fi
outstanding.

So you can get right the fuck out of here
nonsense and probably should apologize
marginalized group for intimating that th
good as or better than me or you to get h
probably had to work **harder** than you to
fight against the bullshit biases you've s

(b) (6), (b) (7)(C) +19
(b) (6), (b) (7)(C) - isn't it interesting how (b) (6), (b) (7)(C) doesn't seem to respond to any men who are arguing against his ignorance?

(b) (6), (b) (7)(C) +53
(b) (6), (b) (7)(C) Speaking as a white man, well, I can't say here what I really want to say, which would involve some very NSFW language, so let me just say that you and those like you are not just *part* of the problem, you're *most* of the problem. And let me remind you of the adage, "it's better to remain silent and be thought a fool than to speak and remove all doubt."

I wish I could apologize to (b) (6), (b) (7)(C) and all the rest of the women and minorities that this, um, person has insulted but I can't. All I can do is to speak out against this kind of blinkered, pig-ignorant BS and try to fight it as hard as I can. As others have said, if you're a woman and/or a minority and you need an advocate or just someone to talk to, I'm here and am willing to go to bat for you, any time.

Several commenters called for retaliation against (b) (6), (b) (7)(C) suggesting firing, bullying, and leaving negative peer reviews on (b) (6) next performance appraisal:

(b) (6), (b) (7)(C) 9:50 AM +14
Has any one reported (b) (6), (b) (7)(C) written an unsolicited perf feedback and, not, I'll be happy to do that, and invite all

(b) (6), (b) (7)(C) +18
(b) (6), (b) (7)(C) TL;DR (b) (6) a true believer, not a troll (b) (6) also very racist

(b) (6), (b) (7)(C) +9
(b) (6), (b) (7)(C). Google still needs to lose all the (b) (6), (b) (7

(b) (6), (b) (7)(C) +25
(b) (6), (b) (7)(C) Saying hiring bar is lowered for women and minorities is extremely toxic. That alone, deserves every backlash (b) I received and some more IMHO.

(b) (6), (b) (7)(C) +18
(b) (6), (b) (7)(C) Can you elaborate a bit on which elements of this thread you think are and aren't appropriate? Because personally, I'm torn. One doesn't want to join a pile-on. But, as (b) (6), (b) (7)(C) quote in go/nojerks, "the standards you walk past are the standards you accept," which I take to mean that public displays of horrible behavior call for more or less equally public displays of solidarity with the victims.

(b) (6), (b) (7)(C) +46
(b) (6), (b) (7)(C) I agree 100% with everyone who disagrees with you. We have emphatically not lowered the hiring bar and your baseless suggestion that we have is actively harmful. I'm glad you've stopped contributing to this thread and I hope that a fuller education on this issue is in your immediate future.

(b) (6), (b) (7)(C) claims that it is "not acceptable behavior" to protest discrimination against white males at Google, implying that (b) (6) will be seeking punishment:

(b) (6), (b) (7)(C) +183
I'm really sorry for all who got offended by (b) (6), (b) (7) comments. It was flagged to me (I'm (b) (6), (b) (7)(C) and HR

It is not acceptable behavior and I do treat this seriously.

I don't want to extend my comment here before it gets resolved on the official channels. Thanks for understanding.

Other commenters expressed support for other forms of discrimination against white males and against supporters of mens' legal rights (MRAs) in particular:

(b) (6), (b) (7)(C) +19
(b) (6), (b) (7)(C) sure, there are plenty of respectful, empathetic googlers. And that doesn't matter one bit.

The amount of abuse and general horribleness minorities have to deal with doesn't go down if the ratio of abusers goes down, it scales with the absolute number of abusers.

In a small company, there might be that one guy who's a raging MRA, but without MRA peers (b) can only do so much harm.

In a larger company, you have 100 of them. And it doesn't matter that you have 10000s that aren't, those 100 will find their way into every thread and discussion and make things as unpleasant as possible.

The only way the ratio starts making a difference is when the "not horrible" folks stop ignoring the abusers, stop thinking this is someone else's problem, and make it clear that that kind of behaviour isn't acceptable. And we just don't have that culture here.

So yeah, while I'm really sad to see people being forced to leave, I totally understand why they are.

(b) (6), (b) (7)(C) +113
Life ain't fair. *Everything* excludes some people, for the mere fact that any sort of training we have is limited by the number of volunteers and the physical space. If we host an event for 20 people, the (7 billion − 20) people who are not in that room are "unfairly" disadvantaged. Does this mean that we should stop hosting all events?

Given that there are plenty of other places in society in which white dudes can safely learn to engineer, it seems fine for Google specifically to spend *marginally* more effort on finding ways to reach out to people who are not-white or not-dude.

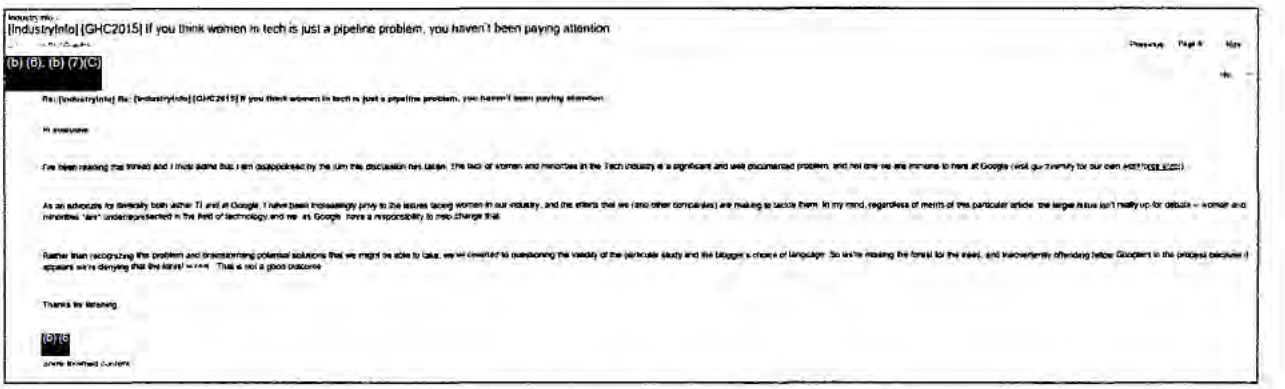
(b) (6), (b) (7)(C) +6
(b) (6), (b) (7)(C) Your comment seems to have a critical misunderstanding of privilege. It's what you measure when all else is equal.
http://en.wikipedia.org/wiki/White_privilege

(b) (6), (b) (7)(C) Many times in the thread (I just read it all) his fundamental assertion was challenged. Not with "oh well, it's unfair" but with the analysis that it's untrue that increasing diversity harms white men in any way that's unfair. Explicitly, people called out that no hiring bar is being lowered at any point.

While these abusive, disrespectful, and mean-spirited replies largely remained unpunished, Google issued (b) (6), (b) (7)(C) an official letter of reprimand.

3.4 (b) (6), (b) (7)(C)

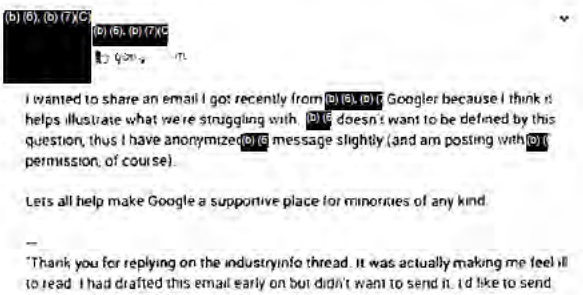
On or about 2015-07-30, (b) (6), (b) (7)(C) with 1 direct report, posted a series of inflammatory political articles on Google's internal "Industryinfo" mailing list. Due to the highly charged nature of the topic, one of these articles drew a large number of replies on both sides of the debate, although the discussion remained civil and constructive. After several hundred posts, (b) (6), (b) (7)(C) stepped in to ask the conservative commenters to please keep their opinions to themselves:


[Industryinfo] [GHC2015] If you think women in tech is just a pipeline problem, you haven't been paying attention

(b) (6), (b) (7)(C)

In the wake of (b) (6), (b) (7)(C) post, several employees posted memes and comments on Google's internal networks suggesting that the conservative "derailers" should be fired or otherwise punished. Then:

On 2015-08-05, (b) (6), (b) (7)(C) shared a letter from (b) (6), (b) (7)(C) employee claiming that (b) (6), "felt ill" from seeing conservative opinions posted in the thread:


(b) (6), (b) (7)(C)

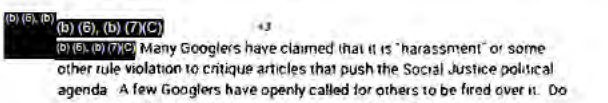
I wanted to share an email I got recently from (b) (6), (b) (7) Googler because I think it helps illustrate what we're struggling with. (b) (6) doesn't want to be defined by this question, thus I have anonymized (b) (6) message slightly (and am posting with (b) (6) permission, of course).

Lets all help make Google a supportive place for minorities of any kind.

--

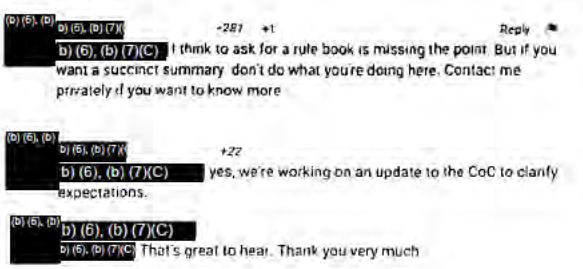
"Thank you for replying on the industryinfo thread. It was actually making me feel ill to read. I had drafted this email early on but didn't want to send it. I'd like to send you part of it instead, because a lot of people in this company seem to treat these concepts as theoretical or academic.

(b) (6), (b) (7)(C) posts were widely viewed as a statement from the company's senior leadership that conservative white males are not welcome to share their opinions on political threads. In response to these statements and to the other recent attempts to intimidate political conservatives, (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to clarify the official policy on 2015-08-06:


(b) (6), (b) (7)(C) +3

(b) (6), (b) (7)(C) Many Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?

(b) (6), (b) (7)(C) initially dismissed (b) (6), (b) (7)(C) concern, but subsequently conceded that a written policy was indeed necessary:


(b) (6), (b) (7)(C) -281 +1 Reply

(b) (6), (b) (7)(C) I think to ask for a rule book is missing the point. But if you want a succinct summary don't do what you're doing here. Contact me privately if you want to know more

(b) (6), (b) (7)(C) +22

(b) (6), (b) (7)(C) yes, we're working on an update to the CoC to clarify expectations.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) That's great to hear. Thank you very much

While many of the replies to (b) (6), (b) (7)(C) were well-reasoned, civil disagreements, a few employees immediately resort to personal attacks and name calling. (b) (6), (b) (7)(C) falsely accuses (b) (6), (b) (7)(C) of association with a notorious online hate site called "The Red Pill":

(b) (6), (b) (6), (b) (7)(C) +45

(b) (6), (b) (7)(C), nobody needs to "insinuate" anything, because I'll say it outright: you are being a jerk.

Arguing edge-cases and angle shooting around the exact letter of existing policies is a huge part of the problem.

If you want to argue for fun, go join a debate club. If you actually feel like you're Being Oppressed because of your Unpopular Opinion, go back to r/theredpill or whatever other dark pit people who share your opinions hang out in while society continues to move forward. It is a toxic and unwelcome opinion in a professional setting where we're trying to build an inclusive environment.

This is a professional environment and you are not only acting unprofessionally, your behavior is directly causing distress to your coworkers. Please stop.

(b) (6), (b) (7)(C) states that conservatives are unwelcome at Google and that they should find somewhere else to work:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Boy is this exhausting.

> Many Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?

Short answer, speaking for myself: yes, the posting of this kind of "critique" - and in fact, the posing of this very question itself - directly contributes to the creation of a hostile work environment for women at this company. We are hemorrhaging good people because they don't want to put up with this crap anymore, and if it's a question of "social justice" (i.e. trying to ensure that everybody can feel comfortable working here regardless of their gender) vs. whatever-it-is-people-on-the-other-side-are, I definitely know who I want sticking around.

You can post to the Breitbart comment section at home on your own time. And if you feel like being asked to kindly not behave this way is censorship or that your rights are somehow being violated: perhaps everybody involved might be happier if you found some place to work where the culture is more in line with your values.

Other commenters ridicule the notion that men have legal rights in the workplace, and link to a bigoted article that depicts conservatives and white males as whiners:

(b) (6), (b) (6), (b) (7)(C) +124

(b) (6) posts a heartbreaking statement of what it's like to be a woman in an hostile work environment.

We're talking about how this might hurt men's feelings.

(b) (6), (b) (6), (b) (7)(C) +21

http://weeklysift.com/2012/09/10/the-distress-of-the-privileged/

(b) (6), (b) (7)(C) calls for (b) (6), (b) (6), (b) (7)(C) to be fired for "acting like a jerk," falsely claims that (b) (6), (b) (7)(C) has an easily-replaceable skillset, and falsely attacks (b) (6), (b) (7)(C) for having "personal issues":

(b) (6), (b) (6), (b) (7)(C) +14

It doesn't matter *why* they're dressed as a tiger. *Have they got my leg?*

I don't want to stir the pot, and I hate to be redundant, but I've been thinking about this non-stop since I woke up this morning, and I really feel like I have to express some thoughts on the subject, so here goes.

Publicly calling for a co-worker to be fired goes too far? Okay, I can accept that. I'm new to corporate culture. However, if people around you consistently tell you that your behaviour makes them uncomfortable and yet you cannot or will not adapt then I believe that it is entirely appropriate to remove you from the situation, and I want to say so.

Compassion is of *paramount* importance in everything we do, but for people like (b) (6), we have to first ensure that their disruptive behaviour doesn't harm bystanders before we can try to help (b) (6), assuming (b) (6) wants help. I used be homeless and my friends and I worked hard to get over our issues and get our lives together and in doing so we developed a sort of motto: "You've gotta grow, or you've gotta go." Some people, for whatever reason, aren't able or willing to work on their issues even with a lot of dedicated love and support. Trying to work with them is like writing in sand. Having compassion for [redacted] does not mean letting (b) (6) get away with being a jerk. That's true in the street and it's true in the corridors of major corporations.

Here's the meat of my post: There are thousands, perhaps hundreds of thousands, of people just as qualified as (b) (6), (and also already capable of not offending their coworkers who would jump at the chance to work here, yes? What is the bottom-line opportunity cost of coddling (b) (6), (b)? Couldn't (b) sort out (b) personal issues on (b) own while folks that have already sorted themselves out get a chance to make this company shine?

One way or another, (b) (6), (b) got some sort of issue that prevents (b) (6) (an otherwise sane, healthy, intelligent adult) from understanding or admitting that (b) (6) behaviour is disruptive. The basics of civil society are easy to live up to, it's not a puzzle. (If I figured it out... Smile a lot, use people's names, they like that, and don't make off-putting comments. It's pretty simple. I'm still really weird and people still don't like me for reasons I'll probably never understand but at least it's not because I'm a jerk. Some times that's the best you can hope for, apparently, and going around being a pill about it won't help anything.)

It almost doesn't matter *why* (b) (6), (b) is acting the jerk, what matters is that (b) (6) behaviour is actively hurting people, and this company, and the whole industry, and society, so acknowledge and address that. Let's get our leg back and we can figure out why (b) (6), (b) is dressed as a tiger after we've reattached it.

But don't just let (b) (6) wander around mauling people!

"Woke up this morning, one sock too many."

–

And if you're wondering if *you* might be dressed as a tiger without realizing it, here's a simple test. When you taste blood do you chew or let go? Because it's not the occasional bite that people mind so much (after all we all bite from time to time, we're only human) it's the chewing. (b) (6), (b) chews.

–

One last thing. You folks saying that (b) (6), (b) is not dressed as a tiger, what gives? (b) (b) is clearly wearing a tiger costume. Orange and black stripes, whiskers, teeth, long tail, fur, it's not a duck.

Another commenter, (b) (6), (b) (7)(C), engages in a nonstop two-day campaign of character assassination against (b) (6), (b) (6), (b) (7)(C), posting dozens of replies on the original discussion thread, on (b) (6) personal page, and on Google's internal meme site. (b) (6), (b) (7)(C) found an old screenshot of a comment that (b) (6), (b) (7)(C) had deleted in March 2015, and repeatedly linked to it (out of context) in order to paint a false and defamatory portrait of (b) (6), (b) (7)(C) personal beliefs:

(b) (6), (b) (6), (b) (7)(C) +4
In this thread: oblivious irony. Hey (b) (6), (b) (7)(C), you're digging a hole deeper and deeper with each comment. What you are doing is not helping anybody, and in fact is actively pissing off the people who are upset about being mistreated. Just stop.

(b) (6), (b) (6), (b) (7)(C) +2
So, we have right now a clear shining example of people behaving like jerks publicly on threads started by senior management. Why exactly are they not being held up as examples of bad behavior and punished?

(b) (6), (b) (6), (b) (7)(C) +3
Also, FWIW, being a jerk doesn't make you a minority, even if there's less of you than the non-jerks.

(b) (6), (b) (6), (b) (7)(C) +1
But (b) (6), (b) (7)(C) is willfully trolling. If you think it makes me a jerk to say that, oh well.

(b) (6), (b) (6), (b) (7)(C) +1
I think you are "inferring malevolent intent", which I wouldn't want to be on the other end of.

(b) (6), (b) (6), (b) (7)(C) +1
I know, from voluminous other threads I've seen (b) (6) in, that (b) absolutely had malevolent intent.

(b) (6), (b) (6), (b) (7)(C) +1
Let me say it loud and clear. I believe (b) (6), (b) (7)(C) should absolutely be fired because (b) has made multiple statements that have made women (and men) uncomfortable, angry, and threatened.

This is not character assassination, it is highlighting bad behavior.

(b) (6), (b) (7)(C) started a thread on March 9th before (b) (6) left, highlighting how someone who had sexually harassed (b) (6), (b) (6) Googler still works here, and had not been dealt with. Multiple women chimed into the thread to state their similar experiences. (b) (6), (b) only contribution to the thread was this.

(b) (6), (b) (7)(C) [redacted]

The immediate feedback from the people in the thread was as follows:
(b) (6), (b) (7)(C) [redacted]

This type of behavior **should not be tolerated** at Google. Seeing (b) (6) troll and behave less badly here triggered my recollection of this event, and instantly made me regret doing nothing about it at the time.

Others have contacted me privately to tell similar stories.

I stand by my words. Free speech doesn't mean you are free from the consequences.

(b) (6), (b) (7)(C), emboldened by (b) (6), (b) (7)(C) public statements and by (b) (6), (b) (7)(C) tacit support of grossly unprofessional conduct in (b) (6) own discussion thread, calls (b) (6), (b) (7)(C) a "shitheel" (an expletive that means "a piece of human filth"), then repeatedly and unrepentantly demands (b) (6), (b) (7)(C) firing:

(b) (6), (b) (6), (b) (7)(C)
(b) (6) FOR THE WIN.

(b) (6), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) I think to ask for a rule book is missing the point. But if you want a succinct summary, don't do what you're doing here. Contact me privately if you want to discuss more.

+1

(b) (6), (b) (6), (b) (7)(C)
(b) (6), (b) (6) is good coworker

(b) (6), (b) (6), (b) (7)(C)
Now that I have the context, I can get behind this. +1

(b) (6), (b) (6), (b) (7)(C)
Given the size and profile of people at Google, is it really that surprising that there are a bunch of people who really struggle with social skills?

(b) (6), (b) (6), (b) (7)(C)
There's a lack of social skills, which I totally have. Then there's being a shitheel, which (b) (6), (b) (7)(C) has.

(b) (6), (b) (6), (b) (7)(C) +4
Look, the only way we're going to solve this is by unambiguous social pecking done by everyone and especially leadership. It was awesome to see (b) (6), (b) (7)(C) step up and do this.

(b) (6), (b) (6), (b) (7)(C) +12
Bring it on. I'm willing to visit HR a few times if it does anything to combat the tide of harassment and annoyance that our non-white-male-cisgendered coworkers endure. I dunno about you but I don't see myself staying at a Google that is hemorrhaging intelligent people because of gender, race, sexuality, etc.

(b) (6), (b) (6), (b) (7)(C) +3
Btw, here's (b) (6), (b) (7)(C) saying something completely inappropriate to (b) (6), (b) (7)(C), who then later quit from being fed up of dealing with harassment and bs.

https://goo.gl/photos/c6ZvyLbEJc8RjjkM8

Why exactly does (b) still work here?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

So, you may have seen (b) (6), (b) (7)(C) trolling (b) (6), (b) thread yesterday, but do any of you remember (b) (6), other awesome anti-women trolls?

Because I do.

(b) (6), (b) (7)(C)

Sign in - Google Accounts

+1 (b) (6), (b) (7)(C)

Hide comments

(b) (6), (b) (b) (6), (b) (7)(C)

Meme already has 2 downvotes?? Wat?

(b) (6), (b) (b) (6), (b) (7)(C)

3 downvotes now. We're all so f**d

(b) (6), (b) (b) (6), (b) (7)(C)

5!?

(b) (6), (b) (b) (6), (b) (7)(C)

Wow, 7 downvotes, -2 total score

(b) (6), (b) (7) (b) (6), (b) (7)(C)

Maybe there is some confusion about what you're saying "no" to? It could be read as double negative, saying "no, this is not something you should never say", maybe?

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (b) (6), (b) (7)(C)

Yeah? You think a coworker who says this to a woman talking about (b) (6), experience being harassed at work should remain employed here?

(b) (6), (b) (7)(C)

Hide comments

commenting on content - specifically character attacks that assumed specific motivations, which I don't think actually

(b) (6), (b) (7) (b) (6), (b) (7)(C)

+3

Btw, here's (b) (6), (b) (7)(C) saying something completely inappropriate to (b) (6), (b) (7)(C) who then later quit from being fed up of dealing with harassment and bs.

(b) (6), (b) (b) (6), (b) (7)(C)

1

Would love to hear how I'm misinterpreting (b) (6) intentions on that one.

(b) (6), (b) (7) (b) (6), (b) (7)(C)

+8

Everyone has to decide how to police their own tone. Go with what works for you (but if someone is trying to warn you, they mean it kindly from seeing the raw experience of others.)

(b) (6), (b) (b) (6), (b) (7)(C)

+4

you might want to ask yourself why assume the best intentions. I have seen (b) (6), (b) (7)(C) say wholly inappropriate things on G+ before, for instance in response to a thread started by a woman about harassment at work (b) (6), (b) (7)(C)

(b) (6), (b) (b) (6), (b) (7)(C)

+3

I'd link you all to the thread, but it was on (b) (6), (b) (7)(C) G+, and is now deleted. (b) (6), (b) (7)(C) you might remember, left Google and has been somewhat famously critical of our diversity efforts.

(b) (6), (b) (b) (6), (b) (7)(C)

So, do we agree that someone who routinely maliciously denies the negative experiences women have faced at Google should probably be shown the door?

(b) (6), (b) (7)(C)

The fact (b) (6), (b) (7)(C) is still employed here, still trolling, still harming our coworkers, makes me incredibly sad. All of you defending (b) (6), and **shocked** that we'd ask for (b) (6) to be fired... what the heck?

(b) (6), (b) (b) (6), (b) (7)(C)

+3

Yeah, (word deleted) was like all the way down low past tons of things I wanted to call (b) (6), but refrained from (b) (6), (b) willfully trolling and messing with people (b) (6), is specifically trying to protect. This agression will not stand, (b) (6), (b) Its people who defend people like (b) (6), that perpetuate this problem.

In the wake of this incident, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with 5 direct reports, states that (b) (6), (b) (7)(C) is now blacklisted from working on (or with) (b) (6), team due to (b) (6), (b) (7)(C) political beliefs:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

One of the great things about Google's internal communication mechanisms (G+, mailing lists, etc), is that, as (b) (6), (b) (7)(C) can easily go find out if I really want to work with you. When we're chatting for 30 minutes because you want to join my team, you're going to be on your best behaviour, if that's masking a stream of G+ rants belittling your coworkers, I'm going to find out.

I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today.

+77 7

(b) (6), (b) (7)(C)

35 comments

(b) (6), (b) (7)(C) +8

Are we talking about a certain industry-info(s) centrinead by any chance? Or are you that peeved about http://el/100000000?

(b) (6), (b) (7)(C) +27

OTOH, while talking to various people about possible transfers I had one respond with "I'm a great admirer of your writing". (Which made me go a bit o_O, but I took the compliment anyway.)

This reminds me of a USENET post responding to the classic New Yorker cartoon: "On the Internet, nobody knows you're a dog...but everyone can tell if you're an asshole."

(b) (6), (b) (7)(C) +8

Nope, I'm not going to read that thread or pretend that it's important, no matter how many people post to G+ about it. It seems about as useful as reading YouTube comments.

(b) (6), (b) (7)(C) +13

If you're going to read one thing about this whole scenario, read (b) (6) G+ post, including the comment thread.

https://plus.sandbox.google.com/(b) (6), (b) (7)(C)/posts/feZVLeMZFGv

(b) (6), (b) (7)(C) +13

I spent (b) (6) years working on wall street, which is frankly an asshole-tropic environment, but which also went through a number of cycles of mass layoffs. One thing I noticed is that when the layoffs hit, generally it was the really obnoxious people who got whacked first, because no one would give them political support. It's also really interesting to talk to the techstop or ex-techstop people here about who is and isn't nice to them. Very educational.

(b) (6), (b) (7)(C) +2

Are such blacklists allowed at Google? I'm not a manager so I don't know what the specific restrictions are for adding people to a team beyond what's taught in interview training.

(b) (6), (b) (7)(C) +10

I would talk to legal before assembling a list of people who are possibly creating a hostile workplace.
And now I know that if I ever sue Google for harassment I should demand to see all managers' shitlists to see if this was something management already knew and thus let happen (my tormentor could be on there and not dealt with). It would probably increase the settlement award considerably. I would encourage anyone else getting mistreated at Google to do the same.

As a manager you should either deal with the situation or not. Don't write down "I let this happen", which (although IANAL) sounds to me like what a manager shitlist of this kind is.

And if the behaviour is this bad, why aren't you dealing with it? The standard you walk past is the standard you accept.

Is this something you would want to see on the front page of the NYT?

(b) (6), (b) (7)(C) with 16 direct reports, posts a similar statement; several other managers and employees in the comment section agreed:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) to google.com

OK, part II of my diversity-themed rants for the day.

There's a common thread I've seen in many diversity-related discussions/wishshows. This is the repeated claim that people can't be punished, or shamed, for expressing an opinion. I've seen "freedom of speech" invoked more than once.

Any argument about where "freedom of speech" starts and ends (the old "fire in a crowded theatre" argument) aside, please understand that *freedom of speech is the right to freely express an opinion*. It is most assuredly not *the right to express an opinion with freedom from the consequences*.

The fact that you have a *right* to express a dunderheaded opinion does not mean you have the right to demand that everyone continues to respect you, to pay attention to you, to listen to you, or even to treat you without contempt. It is as much someone's right to judge you (rightly or wrongly) for your opinion as it is yours to express it.

This applies regardless of the opinion. If you express a dunderheaded opinion about religion, about politics, or about "social justice", it turns out I am allowed to think you're a nallwit. In some cases, I cannot *act* on my thinking (I generally can't fire you for thinking something I don't think about religion), but I'm perfectly within my rights to mentally categorize you in my *dickhead* box.

To make this more specifically about recent events: I saw a thread recently (which, alas, I cannot find right now) in which someone described the (my words, not theirs) "SJW cabal", and (horror of horrors) used words very like "some of them have even talked about having a list of people they won't work with".

To be clear: this is, in my opinion, *perfectly acceptable*. Quoting this as if it were some egregious abuse of power, or of your rights, is laughable. Everyone in this company has a right to work in an environment which makes them happy and comfortable. Yes, I maintain (mentally, and not (yet) publicly) such a list. If I had to work with people on this list, I would refuse, and try to get them removed, or I would change teams, or I would quit. My life, happiness, and mental health, are worth too much to me to burn my precious happy-fu working with people I find contemptible, unpleasant, or even in some cases merely irritating.

Like (b) (6), (b) (7)(C) see
https://plus.google.com/113930769093922119546/posts/DuPXTn8SUYP?hl=RydinetToSandbox, I do, and will continue to, maintain such a list.

Sadly, my list grew larger by quite a bit this week.

But I take comfort in one thing: my list of people I'm proud and delighted to work with grew by even more. So, on average, thanks, everyone.

A few employees express concern that persecuting conservatives can result in a hostile work environment:

(b) (6), (b) (7)(C) not surprised.

In my experience it is overzealous allies who tend to create that sort of energy around issues of justice. Shouting your opposition to something bad really loudly is often an attempt to be seen as firmly on the side of the oppressed. But as some of the participants realized in this thread (and kudos to them for expressing it), going overboard on that is really more about making themselves feel better more than actually achieving anything. And doing so can create a hostile work environment in itself -- neither people who were hurt by what was going on originally nor anyone else wants to speak up in the midst of a witch hunt, lest they be next.

Now, this is different than when someone actually experiencing the issues at hand is relating them. Tone arguments and other silencing techniques need to be called out, and there needs to be space for the anger and pain of the injury to come through authentically without policing people's choice of words. It is challenging enough for the person to relate that harm at all.

But when an ally goes overboard and vicious, that is actually a case where the ally needs to check their privilege and make sure they aren't crowding out the voices of people actually injured. To be honest, if those libertarians/conservatives' experience of social justice is an episode of "Allies Gone Wild", I'm not surprised they're opposed to it. Noone is served by that, and it isn't really what social justice is about.

(b) (6), (b) (7)(C) final comment on the thread was a call for compassion and tolerance, asking fellow employees to stop treating white males and conservatives as "punching bags" and reminding everyone to keep the company's harassment policy in mind when commenting on internal Google discussion boards:

(b) (6), (b) (7)(C) -5 +1 Edit

Couple final updates before I put this thread on perma-mute.

1) My questions were 100% sincere, and directly relate to the subject of this post (i.e (b) (6) and many others chiding unnamed Googlers for posting unspecified wrongthink on IndustryInfo). No sarcasm or trolling intended.

2) (b) (6), (b) (7) phrasing was indeed more eloquent than mine; I took notes and appreciate the constructive suggestions.

3) If the tone of my questions bothered you, it's a good opportunity to reread the harassment policy[1] and reflect on how political minorities (a class protected under California law, BTW) might feel about the work environment at Google. Empathy is a two-way street and many of us are absolutely fed up with being treated as second-class citizens and punching bags. My posts were nothing more than a call for civility and tolerance, the vicious replies, including one individual's ongoing and unprovoked campaign of character assassination, are a picture-perfect illustration of the cultural problem we need to fix.

4) (b) (6) was not willing to resume the conversation via email, but y'all can ping me anytime if you want to talk privately. Or join http://g/freespeech to talk about the more general subject of speech at Google (please read the FAQ).

[1] https://support.google.com/mygoogle/answer/3246920?hl=en&ref_topic=3285651

On 2015 (b) (6), (b) (7)(C) Google issued (b) (6), (b) (7)(C) a "Final Written Warning" letter for the "tone and tenor" of (b) (6) statements, grossly and maliciously misrepresenting them as "disrespectful, disruptive, disorderly, and insubordinate." According to a report published by Human Resources on the corporate Intranet, (b) (6), (b) (7)(C) was punished more severely than anybody else involved in this incident:

Investigations Methodology

Case Study

One consistent approach:

1. Evaluated **comments** based on **tone, explicitness, and context**
   a. Did it violate our Code of Conduct or Appropriate Conduct Policy?
2. Evaluated **individual Googlers** based on **frequency, severity of posts, and priors**
3. Followed up with everyone that reported a concern

Outcome:

- 1 Final Written Warning
- 2 Written Warnings
- 4 Verbal Warnings / Coaching

Resources for HRBPs:

- Methodology and process trix
- Sample written warning

- **cross complaints-- Respect@, HRBPs, emails to leaders**
  - **Respect Each Other Section of the Code of Conduct & Appropriate Conduct Policy**
- **Outcome:**
  - **arc**
- (b) (6) **only 1 bad post but good posts in general**
- **feedback in appropriate ways, go directly, can feel free for managers to address as long as they can do it appropriately**

3.5 "Was Enlightened"

Between September 2014 and September 2015, a white male Google employee, intimidated into silence at work due to the above incidents, maintained an anonymous blog on the public internet under the pen name "Was Enlightened." [redacted] blog posts included:

- Essays about [redacted] fear of retaliation at work for being a conservative white male
- Discussions of inappropriate and illegal behavior by Social Justice activists at Google, and the Senior VPs who condoned it
- Far-right political opinion pieces and current events commentary

On or about 2015-09-02, the existence of this blog became widely known within Google. Social Justice activists immediately scrambled to condemn the individual and to call for their colleague's firing in the strongest possible terms:

[redacted] b) (6), (b) (7)(C) +38

After we fire this person, we should rehire them just so we can fire them a second time, for emphasis

[redacted] +131

Christ, what an asshole

[redacted] -48

I hope this idiot gets found and fired

[redacted] +12

Why aren't we firing people? I am not being rhetorical, this is a serious question. We are a company who has worked hard to create a shared culture of shared beliefs. We don't hire people who don't meet those beliefs in interviews. Why aren't we firing people who are creating a toxic workplace?

Can someone enlighten me?

[redacted]

I believe the author of this blog should be fired for:

1.) leaking internal messages to the public
2.) being a horrible jerkoff who will never respect his/her black co-workers

If you are the blogger and I find out who you are, I will notify HR as soon as I can get my hands on a keyboard.

If you are not the blogger, I'm not talking to you.

[redacted] b) (6), (b) (7)(C) +3

[redacted] ocking **people** is generally impolite. Mocking **ideas**, on the other hand, is (IMHO) not only OK, but actively desirable. I find [redacted] ideas eminently mockable. (And [redacted] actions wrt leaking internal information eminently termination-of-employment-worthy.)

[redacted] ecause there seems to be little doubt as to this person's gender

nickgeorge

Score: 32 (Show votes) — Ratings

Some commenters explicitly advocated a general policy of firing employees based on personal, sincerely-held political beliefs that fail to align with Google's progressive politics:

[redacted] b) (6), (b) (7)(C) +8

> I disagree with you, but I hope that my mere disagreement on this doesn't make you wish I was fired

Of course not. This opinion is not toxic, this will not change the way you interact with me or any of your coworkers. Most opinions aren't toxic, even when they're political. But sexism or racism are, I think. Especially when somebody is as sexist/racist as this person, I think it is necessarily linked to [redacted] actual behavior towards a certain category of people [redacted] works with

If somebody were to post a blatant racist comment on their personal blog, even without mentioning that they work at Google, I would think that this person should not work here. I would not be comfortable working with them, anyway, and I'm a white male. The very presence of this person is enough to make valuable people go away, and they shouldn't have to. I don't believe for a second that « this doesn't impact my work » is a valid defense. It's both probably false, and almost irrelevant.

[redacted] b) (6), (b) (7)(C) +2

You've given examples of diverse personal beliefs that we both agree we should definitely accommodate at Google, but you haven't convinced me that there is no line further out there in personal beliefs that should not be crossed.

The treatment of this white male employee contrasts sharply with the treatment of "diverse" employees; the latter employees are treated sympathetically when they express concerns about the work environment, no matter how trivial or non-threatening the problems may be:

[redacted] (b) (6), (b) (7)(C)

Now that the industryinfo shitstorm has been eclipsed by the alphabet shitstorm, I too want to weigh in.

I'm sick of the shitstorms (eg, (b) (6), (b) (7)(C) **#iLookLikeAnEngineer**). I'm sick of seeing emails that start like "I put my flamesuit on to share my experience as a [member of minority group]" only to have it followed with wording debates or invalidation of that person's experience. Somewhat relatedly (but only tangentially so – this is mostly about the shitstorms), I'm sick of being the only one in the room that looks "different" or works "differently" (eg, communication style, schedule, arrival/departure times, etc).

Do the people involved in the shitstorms ever get fatigued by the entire cycle? I do. Do the people involved in the shitstorms realize there are consequences for dredging up this dirt, turning it over, and then going at it again a few weeks later, as if nothing's changed?

On Friday, after reading the comments in Urs' post (https://plus.google.com/u/0/112457104483276208563/posts/gieYtp7MoXK?ei=RedirectToSandbox), I went to my car and cried. Then I drove home and told my [redacted] that I was quitting Google and software as a whole. Fortunately, [redacted] talked me out of it over the weekend but if you were ever curious about the effects of these shitstorms, here ya go.

Google+

(b) (6), (b) (7)(C)

+105 4

10 comments

[redacted] +17
Sending you warm fuzzies

[redacted] +21
(I'm glad you're still here.

[redacted] +6
Thanks). I waited until I felt much better before posting this.

[redacted] +49
This makes me very sad. I am literally crying now. It's such a shame that a vocal minority and a silent majority make so many of our best and brightest miserable.
I do whatever I can to help. I try to stop bias when I recognize it, and I help teach Bias Busting @Work. Even though I am not directly affected by sexism and other -isms in the workplace have considered leaving tech and working on social justice. I can't imagine how difficult it is for someone who is subject to this 40 hours a week.

[redacted] +9
I'm sorry. If you'd like to talk, I can offer you support to the best of my ability. There's also Concern EAP available to Googlers for professional support.
My heart goes out to you. I know it's tough and it's not fair.

The white male employee's concerns about a hostile work environment and threats to [redacted] career were immediately dismissed by [redacted] colleagues as "butthurt," a slang term that means "needlessly offended":

[redacted] (b) (6), (b) (7)(C) +32
Such butthurt, it must be really hard for them to exist in this modern world

[redacted] (b) (6), (b) (7)(C) +12
TIL rot13 [redacted] = "Hef". Nifty

[redacted] +11
and (b) (6), (b) (7)(C) this discussion is relevant to your interests. Also (b) (6), (b) (7)(C) [redacted] for memegen leak (again).

[redacted] +7
Also (b) (6), (b) (7)(C) who is the "Ora" referred to here

[redacted] +5
Thank you for taking action. This was deeply disturbing to see

[redacted] +62
To steal a great line from [redacted] we can start finding the leaker by making a list of everyone with a standing desk. Because there's no way that someone with that much butthurt can possibly sit down.

The latter comment is from (b) (6), (b) (7)(C) [redacted] with 16 direct reports.

Some employees claimed that the anonymous blogger should be sanctioned for exposing Google's "dirty laundry" on the public internet; however, these same employees remained silent during the [redacted] affair when scores of internal Google posts were being leaked verbatim through the accuser's Twitter feed.

3.6 Management retaliation

Several white males have been subject to adverse employment decisions in retaliation for reporting or protesting discrimination:

- (b) (6), (b) (7)(C) has been denied promotions several times in a row for speaking out about anti-white-male posts and other employee misconduct. On at least one occasion [redacted] was physically attacked in the workplace.
- (b) (6), (b) (7)(C) was denied a promotion that [redacted] had clearly earned, in retaliation for [redacted] statements on similar matters.
- (b) (6), (b) (7)(C) (section 3.3) received a written reprimand for opposing discrimination against white males.
- (b) (6), (b) (7)(C) (section 3.4) received a Final Written Warning letter for reporting illegal discrimination and intimidation of white males to HR and to a Senior VP.
- (b) (6), (b) (7)(C) was placed on a pretextual Performance Improvement Plan, and later terminated, for opposing discrimination against white males (one of [redacted] posts appears in section 2.3.2).
- (b) (6), (b) (7)(C) received a written warning for opposing discrimination against white males ([redacted] posts appear in section 2.1.3.2).

In most cases, Google has justified the employment decision using a pretext that is absurd on its face. In the warning letters specifically, HR has typically quoted several polite, innocuous comments and falsely claimed that they were "disrespectful" or "disruptive."

4 Conservatives, whites, and males fearing disparate treatment

Many employees have indicated that they live in fear of adverse career consequences and/or management-sanctioned bullying, merely for expressing their opinions on contentious discussion threads. In many cases, employees are resigned to the fact that they are likely to face disciplinary action for holding the "wrong opinions" on certain topics, even if those opinions are widely considered mainstream or centrist outside of Google.

(b) (6), (b) (7)(C) +23

(b) (6), (b) (7)(C) you might have misunderstood me. The environment created by (b) (6), (b) (7)(C) and others here is what is causing me incredible amounts of distress. I **greatly fear retribution and attack** for voicing anything at all, even a concrete suggestion, in this environment.

(b) (6), (b) (7)(C)

I applaud your effort, but I wonder how successful you will be. These actions are a reflection of our current society, where name-calling and even violence are considered acceptable responses to people with the "wrong" views.

(b) (6), (b) (7)(C) +2

(b) (6), (b) (7)(C) Your statements in this thread have made *me* feel more uncomfortable and threatened than (b) (6), (b) (7)(C) have.

(b) (6), (b) (7)(C) +3

Well, you're (b) (6), (b) (7)(C) I'd expect that.

(b) (6), (b) (7)(C) +3

(b) (6), (b) (7)(C) Yes. It is clear that it is unwise -- as in potentially career-terminating -- for any non-minority member to get involved in these discussions if they do not agree with the prevailing wisdom. (I do, sometimes, but if I may use a D&D analogy without being accused of bad behavior, WIS may have been my dump stat)

> -- I don't bring my politics with me into work. Snarky comments about performance evaluations are thus not relevant. Even worse: A form of projection. Can the employee with mainstream beliefs expect a fair shake from the Social Justice Warrior manager or promotion committee?

(b) (6), (b) (7)(C) +2

(b) (6), (b) (7)(C) Possibly because there have been cases where a politically different opinion is labeled "hostile" in order to silence it. In other words, "hostile" is a very subjective judgement.

(b) (6), (b) (7)(C) +2

I cannot agree with (b) (6), (b) (7)(C) strongly enough.

I tried commenting on a women's-rights thread once. I'm now terrified of doing so again. The only concrete points I took away from the experience were (a) that I don't understand the culture, and (b) that the culture is unwilling to distinguish between a well-intentioned idiot and a devious troll. The latter point is not a conclusion of mine, I was told this directly.

Without making any judgement on the matter (and I do somewhat understand why (b) is true), this makes it rather difficult to be supportive.

(b) (6), (b) (7)(C) +16

I agree with (b) (6), (b) (7)(C) here. There is a lot of anger and overt aggression in this thread, and I fear that if I were try to materially participate I would risk retribution. As a representative example, I don't think referring to your coworkers as "shitbirds" helps in any way, regardless of the extent to which you dislike them.

(b) (6), (b) (7)(C) +4

(b) (6), (b) (7)(C), perhaps you missed the comment above that read "Actually, just today, one of my coworkers complimented another on their haircut. I cringed."

I probably wouldn't comment on a female coworker's haircut out of fear for my job, unless we were good friends. I often feel like when I am at work I live under a strong aura of irrational but justifiable fear. There's plenty of perfectly innocent things I would say to other men ("Nice haircut", "I like the pattern of that shirt") that I probably wouldn't say to a woman because I live in fear of getting into trouble for something I thought was completely OK and just amicably friendly.

(b) (6), (b) (7)(C) +2

I risk attracting some angry comments here, but I think it's unfair to assume that the offended person is always right. By demanding that someone stops offending you, you place a burden on the alleged offender. They have to apologize, do their research on why their behavior is offensive and make continuous effort to never repeat it. With sufficiently large number of things that you consider offensive, this burden could make them quite uncomfortable.

I agree that sexism and other types of offensive behavior are bad, but if you see offensive behavior everywhere, your fight against it may turn into a witch hunt.

(b) (6), (b) (7)(C) +8

The funny thing is that (b) (6) is explaining exactly how I'm starting to feel after several years of reading such threads, but coming from the other ideological end of this. I wonder how they might explain this. Is that an acceptable place to land?

(b) (6), (b) (7)(C) +1

I could write a much longer post about this, and maybe I will later, but diversity efforts don't scare me at all. I support them with a fair bit of enthusiasm. What scares me is people who aren't part of any organised diversity effort who decide to "solve the problem" on their own.

(b) (6), (b) (7)(C) +6

"Why would you characterize Google as a discriminatory environment? You're male right?" (above)

"I have had to terminate people at Google who " (rogue's gallery)

I want to respond to this (and to some other things that have been said on this thread and in the larger conversation) but I fully expect my opinions coupled with my inherently oppressive masculinity to get me in trouble.

People posting here should know that there are many of us who don't participate in the conversation because of how ideological and intolerant Google is becoming. The intimidation is probably by design, but the contradiction between the company's stated goals (diversity, tolerance) and its hostility to dissenting thought is farcical.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) I disagree that I have "privileges" just by being a straight white male. Repeated (by various people) assertions how privileged I must be are offending for me, because I do not feel at all privileged. To the contrary, I feel pressure that I should be ashamed of being a straight white male, as if this was enough of a reward that I should not enjoy anything else in life. Even if a single occurrence of imposing me the "privilege" is not a big thing, the fact that I get them so often makes me feel uncomfortable and unwelcomed.

I am a computer programmer. 20 years ago, you might talk about politics at work, but it was clear that there was a separation betw. en professional and political life. Today, high-profile companies advocate various left-wing goals. If I said that, say, my current employer should not agitate against Russian anti-gay law , I wouldn't even be laughed at, I would be stared at. 10/10/2014 08:15 PM

(Enlightened (The Student Was Enlightened https://wasenlightened.wordpress.com/page/11/) 20 years ago, a high tech employee could be a Republican. Today, it is forbidden to be a Republican (let alone a reactionary). Look at what happened to Brendan Eich. (And, as Jim is fond of noting, a 2014 Republican is forbidden to be a 1994 Republican.)

It is possible, for now, to be a Libertarian. But a Libertarian must now describe himself as believing in leftist goals while preferring alternate means of achieving them.

(b) (6), (b) (7)(C) +2

(b) (6), , tell me if this sounds familiar: you know enough about these things to understand that there's a lot of gray. [ ] It's not so much false accusations that frighten you, it's the possibility that you might genuinely make a mistake out of ignorance and be excoriated for it."

FWIW, that doesn't sound familiar to me at all. I have zero expectation that anything I ever say will be misinterpreted that way, because I just don't talk about subjects where it's likely to be a problem (even, regrettably, in contexts outside of work where it'd be appropriate and welcome). Rationally, I guess that's an underestimate; there's probably a nonzero chance, but it doesn't feel real.

What concerns me in this case is just the idea of launching a witch hunt based on incomplete information. Not because I fear it might happen to me, but because I fear it would happen to someone else who doesn't deserve it. I should probably write a full post about this. the short version is, I've seen some nasty campaigns in the past, most recently I saw some ugliness in the way the Blogger porn issue was handled – even got swept up in some of it myself – and I'm extra wary of the potential for mobs to form a snap judgment and demand action based on the first thing they heard. We don't know all the facts, and for us to insist on overturning a decision made by people who had access to more information than we do seems like a problem.

(b) (6), (b) (7)(C) +30

I don't mean to stir the pot but I'm starting to wonder if there's something atypical about me.

Without speaking for the content of the opinions involved, what I see here is a Googler who feels that there is an unspoken set of opinions that are dangerous to express here. I see (b) (6) using Socratic methodology to illustrate (b) (6) concerns, which is a well-established dialectic technique. I see (b) (6) trying to understand the conditions under which (b) would be considered to be harming people. To my eye, (b) (6) clearly desiring to do the right thing, and (b) doesn't want to upset anyone.

As a result, (b) has been called a "jerk" and told that (b) is "digging (b) (6), (b) deeper" for what appears to my eye to be an honest attempt to determine the truth. (b) has been told that a majority of Googlers have expressed disagreement and – quite clearly – that this fact is itself a reason that (b) should withhold (b) voice.

Were this discussion about any other subject, I would not have expected his statements and questions to cause problems. It worries me, as this form of dialectic is one of my default forms of investigation. I honestly and truly feel a great deal of confusion and worry here. I honestly DO NOT UNDERSTAND what (b) (6), did wrong, but I see a scenario that I could easily end up on the wrong side of without even realizing I've done so.

And what frightens me more is that it seems like asking to have the problem explained to me may itself be crossing the line.

(b) (6), (b) (7)(C) +8

The reason people probe the social boundaries is because the boundaries aren't apparent until they are crossed. It's not like the Employee Handbook explicitly enumerates all the problem areas. Nor is it simply a matter of "could someone find this offensive?". It's more a matter of "does this offend a sufficient percentage of Googlers?" E.g. using 'sexbomb' as an LDAP: unacceptable. The off-color jokes at TGIF: acceptable. Pro-(monogomous) gay rights: acceptable. Pro-polyamory Tech Talk: unacceptable.

Each of these four examples would offend a significant number of people, but the only way to determine which of them are acceptable at Google is to cross the boundary and see if the people who are offended are outliers or the majority. And "just search the web" doesn't work in these cases because Google's culture values are pretty far from the mainstream cultural values of the world. Nor does "use common sense" work since that assumes everyone shares the same cultural context, but if that was the case, then these situations would not arise in the first place.

Thus we're left with a situation where people blindly stumble across boundaries trying to determine when it's acceptable to offend someone.

(b) (6), (b) (7)(C) +9

(b) (6), (b) (7)(C), I'm starting to feel the same as *both you and* (b) (6), (b), as crazy as it sounds. I'm anxious over the gender-based slights I've experienced and also tired and wary of the political frenzy around discrimination issues within Google (and the industry as a whole). I feel a lot of pressure to choose the right "side". I'm also scared for my friends and loved one(s) who are sharing their experiences and opinions, which I'm usually not brave enough to do. I don't have a thick skin and I feel less and less happy about being a Googler, a techie, a nerd, etc.

(b) (6), (b) (7)(C) +7

Diversity efforts scare me, which is sad because they used to excite me. I can't find it in my heart to recruit any more starry eyed young women to tech companies. Our initiatives purport to ease the particular hardships for women and minority groups in tech, such as myself, but so far I have only received 1) additional stress 2) additional fear about speaking up with my experiences and opinions.

(b) (6), (b) (7)(C)

I manage to have rather nuanced and (some may consider) contrary opinions about things like "social justice" and I manage to hold these opinions without getting reported to HR. How do I achieve this, you ask?

By not expressing my opinions because frankly they are not actually all that important compared to getting my work done.

That advice was free. Further advice will cost peer bonuses. (Not really)

+58 1

(b) (6), (b) (7)(C)

38 comments

(b) (6), (b) (7)(C) +12

Keeping the workplace pleasant and getting stuff done is more important than Being Right On The Inter*Wintranet? A revelation!

(b) (6), (b) (7)(C) +3

Your choice. I see that as letting the bullies win, however.

(b) (6), (b) (7)(C) +31

I figure I'll worry about Google becoming dominated by the worst forms of post-modernist authoritarian social "justice" group-think when *that actually happens*. For now, I'm pretty happy to trust that my fellow Googlers are good people with good intentions who won't allow things to become well and truly messed up, and doing so means I can spend energy I would have used to worry about that stuff and spend it worrying about my work instead.

(b) (6), (b) (7)(C) +3

Meh, nobody's harming me, at this point. You say "bullies" but nobody's bullying me, here. People have been rather nice. That may change, I guess? Again, not really inclined to worry about stuff that *might* happen when there is already a lot happening.

(b) (6), (b) (7)(C) +3

Like I said, your choice. I see it as already happening. It's true that if you keep your mouth shut they'll leave you alone (for now), but if you don't, you may be threatened by people all the way up to SVP level with various nasty consequences. I see this as a sign that Google *is* becoming dominated by authoritarian social justice groupthink. If they are free to express their opinions and I am not free to express my dissent, that's a form of domination right there. They have not *achieved* this blissful state yet, but they have certainly made credible attempts at it.

(b) (6), (b) (7)(C)

I haven't been expressing my opinions much, either (though lately, greater than zero) but I do feel that holding back/trying to prevent other people from discovering my contrary opinions takes a toll on my ability to get work done. I'm afraid that people have only been nice to me so far because they make assumptions about my opinions on certain issues, and have no idea what my real thoughts are. So the workplace is kept pleasant(ish) for other people, less so for me.

(b) (6), (b) (7)(C) +12

In an earlier comment, I said "I doubt anyone who is opposed to social justice considers quitting Google on a regular basis because other people at work disagree with these values."

Well, I just had someone email me privately to express that exact sentiment. In the email, this Googler talked about considering quitting because of vicious treatment from others of differing view points. Other items mentioned include "mental and emotional stress" and fearing that expressing a conservative or libertarian view point will make one an instant pariah.

Clearly, my statement was an oversight, and I've apologized to this particularly Googler, and I'm taking this opportunity to issue apology to any others whom I may have offended.

But I do want to point out that the language in this email is shockingly similar to some pieces I've seen from other Googlers who have openly expressed that they felt this was not a safe and comfortable place to work. I just wanted to point out to my colleagues that however angry/annoyed/insulted you may feel because of another Googler's comments or views, should you choose to express your disagreement, you are obligated to do so in a civil way, regardless of which side of the argument you are on.

Otherwise, it's just a race to the bottom, and frankly, we're better than that.

(b) (6), (b) (7)(C) +10

I also want to share my 2c on your comment, (b) (6), (b) (7). Thank you so much for your follow up comment/apology. I was definitely struck by the lack of perspective in your first comment, and I appreciate the follow up a lot :)

I'm honestly a little *perplexed* at how people who understand microaggressions can not understand how exhausting it is to be in an environment where conservative politics are straw-manned and discussed with derision constantly (and trust me, they are).

A reasonable response is "then don't engage in political discussion", and mostly I don't. But it's impossible to avoid all the snide comments.
I'm not asking for special consideration of any kind. Just asking others not to generalize about my experience as though they understand it.

Thanks :)

(b) (6), (b) (7)(C) alludes to the problem of Google employees being mistreated for their political opinions or for protesting anti-white-male discrimination:

(b) (6), (b) (7) (b) (6), (

Other recipients: (b) (6), (b) (7)(C)@google.com

(b) (6), (b) (7)(C)@google.com

I generally agree with your thesis, but let's be a bit more specific, the "problem" is the spectrum of acceptable viewpoints in "public" conversations at Google, chiefly our mailing lists, memegen, G+, etc..

The (b) (6), (b) (7)(C) piece that (b) (6), (b sent is priceless, and the irony is that I suspect a bunch of people here already have a handy label for (b) (6). Cause (b) must have read Atlas Shrugged at 2nd grade. [I never read it and probably won't]

I have zero interest in having any public conversation at Google, about anything that fits (b) (6), (b model. That's why politics@ is pretty much dead so the usual crowd there is jumping on any opportunity to have a discussion on that topic on other mailing lists.

In reality there is plenty of "private" diversity at Google, and that's not a code word for "republicans" nor libertarians. It's a collection of people with informed opinions that have zero upside from discussing them.

Let's not forgot what happened when (b) (6 disclosed the fact (b) owns a gun and the reaction that followed from some people here.

(b) (6), (b) (7)(C) concurs:

Industryinfo >
Politics:)

98 posts by 47 authors

(b) (6), (b) (7)(C) 10:28:14

As someone who cannot vote in US elections (and who has just recently moved to the US), I am shocked by the very partisan nature of the political debate in the US. I thought (b) (6), (b) (7)(C was bad, but this feels way more prejudiced and antagonistic than anything I am used to back home.

As I have said at TGIF on several occasions, I feel similarly about some of the internal debates we have at Google around policy issues. It seems like we believe in free expression except when people disagree with the majority view. These figures from CrowdPAC (full disclosure -- (b) (6), (b) (7)(C)) give an interesting perspective on majority opinion in the Valley. I have lost count of the times at Google, for example, people tell me privately that they cannot admit their voting choice if they are Republican because they fear how other Googlers will react. So I thought this opinion piece was fascinating and really worth thinking about.

(b) (6), (b) (7)(C

http://mobile.nytimes.com/2014/10/28/opinion/david-brooks-why-partyism-is-wrong.html

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Agent's Direct Dial: (510)637-3271

December 9, 2015

ROSS H. FRIEDMAN, ATTORNEY
MORGAN LEWIS & BOCKIUS, LLP
77 W WACKER DR FL 5
CHICAGO, IL 60601-1671

Re: Google, Inc.
Case 32-CA-164766

Dear Mr. Friedman:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before **Wednesday, December 23, 2015**, with regard to certain allegations in this case.

Allegations: The allegations for which I am seeking your evidence are as follows.

- On or about (b) (6), (b) (7)(C) 2015, by and through (b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) [redacted] issuing a final written warning to an employee in retaliation for that employee's protected concerted activities. Specifically, the Charging Party asserts that the final written warning was issued after the Charging Party and other employees sent complaints to management regarding terms and conditions of employment, including harassment from co-workers on the Employer's internal discussion board system.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) [redacted] and any other individuals you believe have information relevant to the investigation of the above-captioned matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please inform me by Monday, December 21, 2015, whether you will be willing to present these witnesses for affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. A copy of employee (b) (6), (b) (7)(C) personnel file.

2. Copies of any and all documents relied upon or used by the Employer in making the decision to issue the (b) (6), (b) (7)(C) 2015, final written warning.

3. Copies of any disciplines, including final written warnings and terminations, issued by the Employer in the past six months for reasons similar to those used to discipline the Charging Party.

4. Copies of any applicable rules, policies, and/or procedures, promulgated by the Employer, regarding employee use of the Employer's internal discussion boards, including any internal harassment policy.

5. Copies of any correspondence between the Charging Party and the Employer from the past nine months concerning complaints of harassment by coworkers on the Employer's internal discussion boards.

6. Copies of any correspondence between employees and the Employer from the past nine months concerning complaints of harassment similar to those made by the Charging Party.

7. Contact information for the following employees, including the last-known contact information for any former employee of the Employer: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **Wednesday, December 23, 2015**. If you are willing to allow me to take affidavits, please contact me by **Monday, December 21, 2015**, to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov,** select **E-File Documents,** enter the **NLRB case number,** and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (510)637-3271, or e-mail, alexander.hajduk@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

/s/ Alexander M. Hajduk

ALEXANDER M. HAJDUK
Field Examiner

From:	Friedman, Ross H.
To:	Hajduk, Alexander M.
Cc:	Riccio, Meredith
Subject:	Google
Date:	Tuesday, January 12, 2016 7:59:33 PM
Attachments:	[redacted] Position Statement 32-CA-164766 (FF 1.12.16).pdf

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Alex, as promised, attached is the Company's position statement. Please let me know if you would like to discuss or have any questions.

Thank you-
Ross

Ross H. Friedman
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Morgan Lewis

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January 12, 2016

VIA E-MAIL

Mr. Alexander M. Hajduk
Field Examiner
National Labor Relations Board
Region 32
1301 Clay St., Ste. 300N
Oakland, CA 94612-5224

Re: Google, Inc., Case 32-CA-164766

Dear Mr. Hajduk:

Google Inc. ("Google" or the "Company") provides this position statement in response to the above-referenced charge filed by (b) (6), (b) (7)(C) or the "Charging Party"). Google understands the Charge to claim that the Company violated Section 8(a)(1) of the National Labor Relations Act (the "Act") by issuing (b) (6), (b) (7)(C) a final written warning after (b) (6) and other employees "sent complaints to management regarding terms and conditions of employment. . ." As discussed in more detail below, (b) (6), (b) (7)(C) claim is without merit as (b) (6), complaints to management were not protected concerted activity; instead, they were personal gripes about (b) (6), own discipline that had nothing to do with anyone else. Furthermore, (b) (6) was not disciplined for (b) (6), complaints to management, but instead for inappropriate and purposely antagonistic behavior toward (b) (6), co-workers via (b) (6), posts on Google's internal discussion board system.[1]

[1] This position statement and accompanying exhibits contain sensitive information provided to the Region to assist in its investigation of this matter. Google requests that the Board treat these documents as confidential and not disclose their content to anyone, including any other parties, any employees, the Union, or their attorneys, without Google's express written permission, subject to the requirements of the Freedom of Information Act.

I. Background

The Parties.

Google Inc. is the leading internet-related services and products company. Based in Mountain View, California, the global technology company offers products to consumers including a core search engine, cloud storage, email, a line of office products, an internet browser, social networking services, as well as Android software and hardware products such as the Chromebook. Google has over seventy offices in forty countries and 55,000 employees around the world.

Google is committed to diversity and seeks to establish a supportive culture that is inclusive, open, and welcoming to all. Cernekee, a white male, has worked for Google for one year and is currently employed as a Software Engineer at Google's campus in Mountain View, California.

(b) (6), (b) (7)(C) Posts On Google's Internal Message Boards Lead To Discussions With Human Resources.

Google maintains internal mailing lists, message or discussion boards, and Google+ accounts where employees (often referred to as "Googlers") can post comments and discuss issues relevant to them. The allegations raised in (b) (6), (b) (7)(C) Charge stem from (b) (6), (b) (7)(C) purposely antagonistic and provocative participation in a few such message boards discussing diversity, inclusion, and social justice in the workplace. It is common knowledge within (and without) the tech industry that lack of diversity within the industry is a significant issue that Google and other tech companies are working hard to address.[2] A number of internal message boards at Google discussed these topics, and (b) (6), (b) (7)(C) frequently posted derisive comments towards employees who support, as (b) (6), (b) (7)(C) calls it, the "social justice agenda" (a political viewpoint with which (b) (6) very clearly disagrees).

On May 20, 2015,[3] following active participation in message boards related to these issues, (b) (6), (b) (7)(C) spoke with and emailed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and the respect@google.com general email address to express concerns related to employees' posts. In that email, (b) (6) explained that (b) (6) felt employees in the "majority opinion" (those employees who support inclusion, diversity, and a supportive environment in the workplace) essentially gang up on (b) (6), (b) and others who hold a "minority view on certain hot-button social topics." Ex. A at 2. However, no other specific employees were named, carbon-copied or otherwise included on the email chain, nor did (b) (6), email indicate that others endorsed (b) (6), (b) (7)(C) speaking on their behalf (or even knew of (b) (6), complaint).

(b) (6), (b) (7)(C) responded to (b) (6), May 20 email, thanking (b) (6), (b) (7)(C) for raising these concerns. (b) (6), (b) expressed that many employees in the threads (b) (6), (b) (7)(C) referenced were responding to "insensitive comments from other

[2] *See, e.g.*, http://fortune.com/2015/07/30/tech-companies-diveristy/

[3] All events occurred in the year 2015 unless otherwise noted.

colleagues and reacting to an environment that we know have [sic] been less friendly to women and minorities at times." Ex. A at 3. In response, on May 21, (b) (6), (b) (7)(C) picked (b) (6), (b) (7)(C) email apart, asking recalcitrant questions rather than continuing a constructive conversation. *See e.g.,* Ex. A at 4-5 ("Is there perhaps a legal loophole I am unaware of? Do certain races or genders count less than others? . . . is it at all possible that your own biases are preventing you from seeing these situations objectively and empathizing with the victims? . . . I'm not sure I've seen much empirical data to back this up . . . is the claim [that 'an environment we know have been less friendly to women'] largely based on a few dissatisfied employees writing up lists of complaints before they quit?. . ."). At that point, on May 26, (b) (6), (b) (7)(C) intervened to explain to (b) (6), (b) (7)(C) that (b) (6), (b) allegations are taken seriously, the employee relations team was aware of nearly every post (b) (6), (b) (7)(C) had referenced in (b) (6), (b) email complaint, HR had taken a variety of actions based on those posts including coachings and warnings, and HR would follow up with additional individuals as well. Ex. A at 6. (b) (6), (b) (7)(C) met in person shortly after this email exchange to discuss (b) (6), (b) (7)(C) concerns; (b) (6), (b) (7)(C) relayed to (b) (6), (b) (7)(C) that posts that purposely instigating employees for no reason was inappropriate and asked (b) (6), (b) (7)(C) to refrain from this behavior in the future.

Despite these conversations, (b) (6), (b) (7)(C) continued to intentionally provoke (b) (6), (b) coworkers on message boards related to political interests or views (b) (6), (b) has affirmatively indicated (b) (6), (b) does not share. A few months later, on August 6, 2015, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), started a thread on (b) (6), (b) Google+ page about diversity and inclusion. (b) (6), (b) shared an email from (b) (6), (b) (7)(C) Googler about the tech industry and the need to create a supportive environment for women and minorities. The email discussed how despite being successful, the Googler was considering leaving the tech industry because of (b) (6), (b) perception that in the past year, the industry had become less welcoming to females. *See* Ex. B.

Immediately following that post, (b) (6), (b) (7)(C) posted a snarky, off-topic, and contrary comment merely to provoke other users on the thread, stating "[m]any Googlers have claimed that it is 'harassment' or some other rule violation to critique articles that push the Social Justice political agenda . . . can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?" *Id.* at 4. (b) (6), (b) continued to pipe up as (b) (6), (b) felt appropriate, further escalating the conversation with comments about the "internet mob" and the alleged "shaming and intimidation tactics" used by what (b) (6), (b) (7)(C) called the "social justice agenda." *See id.* B at. 4, 5, 6, 9, 14. The comments continued over the following days, resulting in increasingly upset and frustrated employees who discussed (b) (6), (b) (7)(C) comments and asked (b) (6), (b) to stop. *See, e.g., id.* at 9 ((b) (6), (b) (7)(C) commenting, "What you're saying comes off to me as turning [Google employee] (b) (6), (b) (7)(C) call for empathy into some sort of abstract rule so that you can shoot holes in it.") *id.* at 10 ((b) (6), (b) (7)(C) commenting, "…you're digging a hole deeper and deeper with each comment. What you are doing is not helping anybody, and in fact is actively pissing off the people who are upset about being mistreated. Just stop."); *id.* ((b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stating, ". . . It's a jerk move to not treat your coworkers with respect. If a large number of your non-immediate coworkers are frequently saying that your comments are unwelcome, disrespectful, or actively harmful, you might want to reconsider how you're

presenting your arguments); *id.* at 11 ([redacted] commenting, "This is a professional environment and you are not only acting unprofessionally, your behavior is directly causing distress to your coworkers. Please stop."); *id.* at 12 ([redacted] commenting, "…I think to ask for a rule book is missing the point. But if you want a succinct summary: don't do what you're doing here. Contact me privately if you want to know more.").

On August 7, [redacted] (as well as employees on the other side of the argument) reported comments from the thread to Human Resources.[4] Specifically, [redacted] complained about employee [redacted], with whom [redacted] had run-ins in the past. *See* Ex. C. [redacted] had commented several times on the message board on August 6, including at one point, in response to [redacted] posts, writing "I have seen (b) (6), (b) (7)(C) say wholly inappropriate things on G+ before, for instance in response to a thread started by a woman about harassment at work." Ex. B at 13. That post was a reference to [redacted] posting this response to [redacted] Googler who posted about harassment [redacted] experienced:

Obviously, this is a wholly inappropriate response to someone's story of being harassed.

As a result of numerous complaints about [redacted] behavior that spanned several months, and [redacted] continual purposeful antagonizing of other Googlers, [redacted] received a Final Written Warning for [redacted] comments on [redacted] Google+ thread. The warning noted that HR had previously addressed [redacted] disruptive, disrespectful, and insubordinate behavior similar to [redacted] comments on [redacted] Google+ page, yet [redacted] had continued to post in the same purposely antagonistic manner. Ex. D. [redacted] was not affected financially by the warning in any way, and [redacted] has not been disciplined since receiving the warning.

II. [redacted] Charge Has No Merit.

The Charge should be dismissed because [redacted] final written warning in [redacted] 2015 was not the result of any arguably protected conduct. To the contrary, [redacted] final

[4] Another employee, [redacted], emailed (b) (6), (b) (7)(C) [redacted] on August 14 raising similar concerns to [redacted] May email. The email did not carbon-copy [redacted] nor otherwise indicate [redacted] was involved in its drafting or had any connection to it. The email included screen shots of posts related to what is framed as hostility to the "minority" opinion.

written warning was the result of (b) (6), (own repeated bullying and purposely antagonizing behavior on Google's internal discussion boards.

In order to establish unlawful retaliation or discrimination under Sections 8(a)(1) and 8(a)(3), there must, at a minimum, be protected activity, knowledge of that activity by the employer, and employer animus or hostility toward that activity. *See Columbian Distribution Services, Inc.*, 320 NLRB 1068, 1071 (1996); *Wright Line, Inc.*, 251 NLRB 1083, 1089 (1980), *enf'd* 662 F.2d 899 (1st Cir. 1981).

(b) (6), (b) (7)(C) Did Not Engage In Protected Concerted Activity.

First and foremost, (b) (6), (b) (7)(C) complaints to HR were not concerted activity. The Board clearly distinguishes personal gripes from group complaints or efforts to promote group action. Personal gripes or complaints are not protected by Section 7 because, to be protected, the employee's conduct "must be both concerted and engaged in for the purpose of 'mutual aid or protection.'" *Holling Press Inc.*, 343 NLRB 301, 302 (2004). These requirements are "separate but indispensable" elements. *Id.* In *Meyers Industries,* 281 NLRB 882, 885 (1986) ("*Meyers II*"), the Board stated that to find an activity "concerted" for mutual aid and protection, the Board will "require that it be engaged in with or on the authority of other employees, and not solely by and on behalf of the employees, and not solely by and on behalf of the employee himself. . .individual employee concern, even if openly manifested by several employees on an individual basis, is not sufficient to prove concert of action."

As discussed above, (b) (6), (b) (7)(C) emailed HR about (b) (6), (complaints on (b) (6), (own in May, and complained again in August specifically about coworker (b) (6), (b) (7)(C) comments that were directed at (b) (6), (b) (Although (b) (6), (b) (7)(C) speaks in general terms in (b) (6), (b May email about Googlers who hold "minority" opinions, there is no indication that (b) (6), (b) (7)(C) contemplated concerted action or that (b) (6), (email was endorsed by others: no other employee was mentioned by name, no other employee was included on the email (in the "to" or "carbon-copy" line), and no other employee spoke to HR with (b) (6), (b) (7)(C). *See Meyers II,* 281 NLRB 882 (1986) (considering totality of the circumstances including (i) whether employees authorized or instructed the individual employee to speak on their behalf; (ii) whether they are aware of and/or supported the individual's presentation to the employer; and (iii) whether the individual had previously discussed his/her concern and the others refused to bring their own complaints). Even if others shared a similar point of view, that alone is not enough to make the activity concerted. *See Meyers II, supra* (". . .individual employee concern, even if openly manifested by several employees on an individual basis, is not sufficient to prove concert of action."); *see also Advice Memo Subject: Sagepoint Fin., Inc.*, Case 28-CA-23441, 2011 WL 3793672, at *3 (Aug. 9, 2011) (finding employer did not violate the Act when discharging employee because employee only made complaints on behalf of himself as personal gripes when complaining on Facebook about his supervisor although other coworkers expressed sympathy); *SB Tolleson Lodging LLC and LaTonya Bedonie,* Case 28-CA-131049, 2015 WL 1539767 (April 7, 2015) (finding no protected concerted activity where, although group empathized with the charging party, there was no evidence employees sought to act as a group).

Based on the totality of the circumstances, (b) (6), (b) (7)(C) complaints were not protected concerted activity and were merely an extension of (b) (6), personal gripes.[5] *Holling Press Inc.*, 343 NLRB at 302 (finding an employee's complaint was "individual in nature" and "were not made to accomplish a collective goal" but to "advance her own cause"). Thus, discipline imposed as a result of (b) (6), individual complaints did not violate the Act. *Continental Mfg. Corp.*, NLRB 255, 257-258, 261-262 (1965) (finding no protected concerted activity when a single employee gave the employer a letter complaining about working conditions, stating the "majority of other employees" had the same "problem" but were "afraid to speak up" because, although other employees were involved in investigating his concerns, the letter was prepared and signed by an employee acting alone without evidence that it was "intended to enlist the support of other employees.").[6]

Google Would Have Issued The Warning Despite Alleged Protected Concerted Activity.

Second, even if (b) (6), (b) (7)(C) could establish a *prima facie* case (which (b) (6) cannot), the burden then shifts to Google to show that it would have taken the same action even without regard to any protected concerted activity in which (b) (6), (b) (7)(C) may have engaged. *See Virginian Metal Products Co.*, 306 NLRB 257, 259 (1992). Google's demonstration that the warning would have "taken place even in the absence of protected conduct" provides a complete defense to an alleged violation of Sections 8(a)(1) or 8(a)(3). *Wright Line*, 251 NLRB at

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[5] The Region's December 9, 2015 letter states that the Charging Party believes (b) (6), concerted activity to be (b) (6), complaints to management about harassment from coworkers on the Employer's internal discussion board system. To the extent the Charging Party is asserting that the posts themselves are protected concerted activity, they are not. The posts were not protected concerted activity for the same reasons that (b) (6), (b) (7)(C) complaints were not: they expressed (b) (6), own personal gripes and political opinions and did not constitute a call to action in any way. Though (b) (6), posts received plus marks (Google+'s system analogous to "liking" a comment), this alone does not make (b) (6), posts protected. *See, e.g., NLRB GC Social Media Report No. 2*, Memorandum OM 12-31 at 6 (2012) (no concerted activity where employee complained on Facebook that supervisor reprimanded her for failing to perform a task and four individuals including coworker liked the comment and offered sympathy, but did not express that they viewed it as a group concern or that they desired to take it further to group action).

[6] Even if (b) (6), (b) (7)(C) complaints to HR or posts were somehow deemed protected conduct, (b) (6), (b) (7)(C) conduct was sufficiently egregious to take it outside of the Act's protection. "[A]lthough employees are permitted some leeway for impulsive behavior when engaged in concerted activity, this leeway is balanced against an employer's right to maintain order and respect." *Piper Realty*, 313 NLRB 1289, 1290 (1994). "Where an employee engages in indefensible or abusive misconduct during otherwise protected activity, the employee forfeits the Act's protection." *Daimlerchrysler Corp. & Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am. (Uaw), Local 412, (Unit 53), Afl-Cio*, 344 NLRB 1324, 1329 (2005). (b) (6), (b) (7)(C) knowingly and intentionally posted comments on a highly sensitive topic that (b) (6) knew would ignite a firestorm amongst Googlers who shared an opposite view. Despite how upset (b) (6) coworkers became, (b) (6), (b) (7)(C) continued to purposely instigate them in an open forum. Even if protected activity, (b) (6), (b) (7)(C)'s behavior lost the Act's protection. *NLRB v. City Disposal Sys. Inc.*, 465 U.S. 822, 837, 104 S.Ct. 1505, 79 L.Ed.2d 839 (1984)) ("The fact that an activity is concerted ... does not mean that an employee can engage in it with impunity. An employee may engage in concerted activity in such an abusive manner that he loses the protection of Section 7."); *see also NLRB v. Arkema, Inc.*, 710 F.3d 308 (5th Cir. 2013) (holding harassment and intimidation are not protected activities even under the guise of union activity and reversing the Board).

1089; *see also Cardinal Home Prods., Inc.*, 338 NLRB 1004, 1008 (2003) (stating employer may still defend the charge "[by] asserting a legitimate reason for its decision and showing by a preponderance of the evidence that the legitimate reason would have brought about the same result even without the illegal motivation.").

As discussed in detail above, (b) (6), (b) (7)(C) repeatedly posted remarks on discussion boards that caused concerns among HR and management. HR was aware of nearly all posts (b) (6), (b) (7)(C) raised in (b) (6), May email to their attention and had taken prompt action to address any improper or insensitive behavior, including counseling (b) (6), (b) (7)(C). When employees raised similar concerns about (b) (6), (b) (7)(C) comments again in August, the Company issued (b) (6), (b) (7)(C) a written warning. This action was consistent with Google's disciplinary process for these types of violations of Company policy and consistent with the way Google had treated others who engaged in similar behavior against (b) (6), (b) (7)(C).[7] Even if (b) (6), (b) (7)(C) had not complained to HR in May or August, Google would have taken the same action and issued (b) (6), (b) (7)(C) a final written warning. *See, e.g., Summitville Tile, Inc.*, 245 NLRB 111 (1979) (stating "[c]ertainly misconduct which would justify a discharge, absent any protected activity, will also justify a discharge despite protected activity" and finding respondent had not violated the Act by discharging employees for their misconduct). As such, (b) (6), (b) (7)(C) allegations lack merit and should be dismissed.

III. Conclusion

(b) (6), (b) (7)(C) complaints to management were not concerted activity for the mutual aid or protection of other Company employees. Even if they were, the Company was permitted to discipline (b) (6), (b) (7)(C) for (b) (6), insensitive and provoking posts. Accordingly, this Charge should be dismissed.

Please do not hesitate to contact me with any questions.

Sincerely,

/s *Ross H. Friedman*

Ross H. Friedman

Enclosures

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[7] The Company also disciplined several other employees, including those who expressed differing political views than (b) (6), (b) (7)(C), for their posts in the August 6/7 (b) (6), (b) (7)(C) thread.

EXHIBIT A

(b) (6), (b) (7)(C) [redacted] @google.com>

Internal postings

8 messages

(b) (6), (b) (7)(C) [redacted] @google.com> Wed, May 20, 2015 at 8:17 PM
To: (b) (6), (b) (7)(C) [redacted] @google.com>
Cc: respect <respect@google.com>

Hi [redacted]

I am writing to summarize and follow up on our discussion from earlier today. In roughly chronological order:

1) California law prohibits harassment and discrimination on the basis of race, sex, political affiliation, and numerous other categories. Google's Employee Handbook largely mirrors the law in this regard, and also makes strong statements regarding the elimination of bias from the workplace and ensuring that all Googlers are not made to feel uncomfortable due to their legally protected characteristics.

2) Over the past few months I've seen a large number of postings on our internal forums that willfully disparage, intimidate, threaten, and harass other Googlers on the basis of legally protected characteristics. Here is a sampling:

https://screenshot.googleplex.com/LKA0a43fR53
https://screenshot.googleplex.com/aM6vGfLDpgK
https://screenshot.googleplex.com/VsCUFJH2sN
https://screenshot.googleplex.com/tCXRS275LUj
https://memegen.googleplex.com/33374741

3) Many of these postings receive large quantities of upvotes, showing that significant numbers of Googlers share the posters' sentiments.

4) Googlers who express disagreement with the majority opinion are often singled out for harassment and mob action, in which dozens of people coordinate complaints to their management chain and HR in order to force them into silence (or worse). Two recent examples:

https://plus.google.com/+[redacted]Google/posts/FVB71RthbEb
https://plus.google.com/116478487531429494919/posts/LejRMwV6Mrf

5) In several of these cases, members of the majority group publicly called on Google to terminate the employee who expressed the unpopular opinion. In other cases, members of the majority group discussed ways to silence those who disagreed with them, e.g.

https://plus.google.com/(b) (6), (b) (7)(C)Google/posts/ivFPNw1j9CK

It is clear that expressing a minority view on certain hot-button social topics at Google is damaging to one's work relationships and career, if not one's livelihood:

https://plus.google.com/106907782305510911372/posts/gkFcGUdktDc

This happens no matter how respectfully the opinion is phrased. Somehow, somebody always finds an excuse to vilify the minority, while the majority is allowed to unleash their fury and use the most abusive, disrespectful language imaginable in response.

6) On 2015/05/13, (b) (6), (b) (7)(C) posted: "Empathy is important. Don't be an asshat. If this sort of thing is a big realization for you, I don't even know how to begin talking to you about things like institutionalized privilege and microaggressions..." Having been briefly exposed to these extremist viewpoints in college, I quickly Googled "institutionalized privilege" and confirmed that indeed, this was a "dog whistle" phrase for bashing and stereotyping members of certain races and genders:

https://screenshot.googleplex.com/YOKHMZQPUkM

7) I posted a polite comment asking (b) (6), (b) (7)(C) not to use this language as it is offensive to many Googlers and contributes to an uncomfortable, possibly even hostile working environment.

8) (b) (6), (b) (7)(C) later joined the conversation; refusing to acknowledge the potential damage caused by using this racist language, (b) (6) insisted that (b) (6) had a right to continue using it. (b) (6), (b) (7)(C) also attempted to divert the conversation to talk about "someone affected by microaggressions," hoping that this would somehow justify (b) (6) use of offensive racialist terminology.

9) I repeatedly asked (b) (6), (b) (7)(C) to back off because (b) (6) was making me uncomfortable, but (b) (6) persisted.

10) Eventually I had to ask you to step in and chat with (b) (6), (b) (7)(C) about respecting (b) (6) co-workers.

11) Google is making great strides in eliminating certain types of bias, but I am extremely concerned that Googlers fed on a steady diet of blind hatred from our internal forums will be sitting in interviews, hiring committees, and promotion committees. When bigoted and abusive remarks garner hundreds of upvotes, there is every reason to believe that some percentage of "deciders" are already heavily biased against certain groups on the basis of legally protected characteristics, and this is probably already affecting personnel decisions.

12) I am aware of at least one person who believes [redacted] has been repeatedly denied promotions based on non-actionable excuses. [redacted] is a vocal and prominent member of the minority group in question. Based on my AB 1825 training I believe that this situation, or others like it, could very easily result in costly and embarrassing legal scenarios for Google if left unchecked.

13) I have spoken to at least one manager who stated in no uncertain terms that if [redacted] had an employee who disagreed with [redacted] on a specific hot-button political issue, [redacted] would consider that a performance problem and would attempt to terminate the employee.

14) Given the divisiveness and strong feelings surrounding these topics, I would encourage Google to consider adopting a set of best practices to make sure that Googlers of all races, genders, political affiliations, etc. are treated respectfully and allowed the same degree of freedom* to tactfully express their thoughts without fear of reprisal.

* In most places I've worked, there was an unspoken rule that this degree was "zero," at least in written communications. Infighting, especially on an unresolvable topic, is damaging to both morale and productivity. Some topics are best discussed with friends over a beer..

(b) (6), (b) (7)(C) [redacted]@google.com> Thu, May 21, 2015 at 10:55 AM
To: (b) (6), (b) (7)(C) [redacted]@google.com>
Cc: (b) (6), (b) (7)(C) [redacted]@google.com>, respect <respect@google.com>

Hi [redacted]

Thank you for raising your concern and looping in your HRBP. In following some of your links, it appears that some of these comments were taken out of context. I think it is important that Googlers remain civil while making their points and some of the these Googlers were responding to some pretty insensitive comments from other colleagues and reacting to an environment that we know have been less than friendly to women and minorities at times. It

doesn't excuse inappropriate language, but some empathy could be valuable as you reflect on the conversations.

Thank you, again, for raising your concern,
(b) (6), (b) (7)(C)

[Quoted text hidden]
[Quoted text hidden]

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You received this message because you are subscribed to the Google Groups "respect" group.
To unsubscribe from this group and stop receiving emails from it, send an email to respect+unsubscribe@google.com.
To post to this group, send email to respect@google.com.
To view this discussion on the web visit https://groups.google.com/a/google.com/d/msgid/respect/CAJzqFtaGLnEsgpG5QFbwh%3DGVffhiEXpnkH1J5u7GO2_Cdf%3D-iw%40mail.gmail.com.

--

(b) (6), (b) (7)(C) | [redacted] | (b) (6), (b) (7)(C) @google.com | (o) (b) (6), (b) (7)(C) (f) (b) (6), (b) (7)(C)

This email may be confidential or privileged. If you received this communication by mistake, please don't forward it to anyone else.
Please erase all copies and attachments, and let me know that it went to the wrong person. Thank you.

(b) (6), (b) (7)(C) @google.com> Thu, May 21, 2015 at 7:45 PM
To: (b) (6), (b) (7)(C) @google.com>
Cc: (b) (6), (b) (7)(C) @google.com>, respect <respect@google.com>

> Thank you for raising your concern and looping in your HRBP. In
> following some of your links, it appears that some of these comments
> were taken out of context.

Hi (b) (6), (b) (7)(C)

I was surprised to see this response to a legitimate, well-documented complaint. Keeping in mind that harassment and discrimination based on legally protected characteristics are strictly forbidden under California law and under Google's policies, I am very curious as to which "contexts" would allow for making statements that blatantly disparage other Googlers on the basis of race, gender, or sexual orientation?

Is there perhaps a legal loophole that I am unaware of? Do certain races or genders count less than others?

> I think it is important that Googlers remain civil while making their
> points and some of the these Googlers were responding to some pretty
> insensitive comments from other colleagues

Not sure which specific thread you're referring to, but what I'm seeing over and over again is mob action, harassment, threats, and bullying directed toward Googlers who tactfully expressed their own sincere concerns.

I'm probably totally misreading things, but given the politically charged nature of the topic, is it at all possible that your own biases are preventing you from seeing these situations objectively and empathizing with the victims?

> and reacting to an environment that we know have been less than
> friendly to women and minorities at times.

I'm not sure I have seen much empirical data to back this up. Have there been any lawsuits against Google based on these grounds, or is the claim largely based on a few dissatisfied employees writing up lists of complaints before they quit?

In my experience at other companies, a sizable percentage of employees are unhappy with their jobs and everyone has a few pet peeves that bother them. Over the past ~20 years I've also read news stories about employers that did have serious discrimination issues, and they sounded significantly worse than any allegations I've ever heard about Google.

> It doesn't excuse
> inappropriate language, but some empathy could be valuable as you
> reflect on the conversations.

It is discouraging to me when I see a recommendation to "empathize" with people who are heaping abuse on their fellow Googlers, from respect@google.

(b) (6), (b) (7)(C) @google.com> Tue, May 26, 2015 at 2:07 PM
To: (b) (6), (b) (7)(C) @google.com>
Cc: (b) (6), (b) (7)(C) @google.com>, respect <respect@google.com>

Hi (b) (6), (b) (7)(C)

Thank you for your feedback. I appreciate that you have raised your concern with us and your HRBP. I will let [redacted] take it from here. Again, thank you again for raising your concerns. It is important that everyone participate in our culture.

Best,
[redacted]
[Quoted text hidden]
--

[redacted] | [redacted] | [redacted]@google.com | (o) [redacted] (f) [redacted]

This email may be confidential or privileged. If you received this communication by mistake, please don't forward it to anyone else.
Please erase all copies and attachments, and let me know that it went to the wrong person. Thank you.

[redacted]@google.com> Tue, May 26, 2015 at 2:49 PM
To: [redacted]@google.com>

Hi [redacted] -

Thanks for taking the time to prepare that careful write-up. We do take all concerns about harassment and bullying seriously. We do evaluate posts on a case by case basis to determine if they have violated our policies. I checked in with our employer relations team and we were aware of all the posts you flagged - apart from one. HR has actually taken action on all the posts that we've looked into. The actions ranged from coaching to warnings in some cases. I encourage you to let us know if you see postings in the future that violate our policies. I will be meeting with [redacted] to discuss the concerns your raised.

I'd also like to set up some additional time to gather some additional information from you on # 12 and # 13 you raised - so look for that meeting on calendar soon

Thanks
[redacted]

[Quoted text hidden]
--
[redacted] | [redacted] [redacted]@google.com | [redacted]

[redacted]@google.com> Thu, May 28, 2015 at 11:56 AM
To: [redacted]@google.com>

Hi [redacted] - For the life of me, I can not find a room in MTV (40, 41, 42, or 43) in the next few days. Do you know of an offline room that you have access to? If you're available, we could meet at 3pm, 3:30pm, or 4:30pm. Please let me know.

thanks
[Quoted text hidden]

(b) (6), (b) (7)(C) [redacted]@google.com> Thu, May 28, 2015 at 3:46 PM
To: (b) (6), (b) (7)(C) [redacted]@google.com>

Hi [redacted]

Unfortunately I'm out sick today. Maybe catch up next week?

For the background on #12 see https://plus.google.com/collection/YCxhN . Basically the concern is that if somebody in that situation felt [redacted] was suffering illegal discrimination based on race, gender, political affiliation, etc., what could [redacted] do if armed with (say) the screenshots I sent to you earlier?

The conversation in #13 was totally off the record - I only brought it up because I'm seeing what looks like a systemic problem with Googlers who think it's OK to attack, disparage, demean, and call for the firing of other Googlers who are different from them. Some are in positions of authority. I am reasonably sure this is not the environment that the various respect/diversity efforts are trying to foster, so maybe it would be helpful to start providing more concrete examples of behaviors that do/don't violate our policies based on reports you've handled. i.e. bright lines
[Quoted text hidden]

(b) (6), (b) (7)(C) [redacted]@google.com> Tue, Jun 2, 2015 at 3:33 PM
To: (b) (6), (b) (7)(C) [redacted]@google.com>

Hi [redacted]

I'm at a conference from tomorrow through the end of the week. I'll try find time for next week to close things out.

thanks
[Quoted text hidden]

EXHIBIT B

Meet the new Google+. Simpler, faster, better. Preview it today. Let's Go

(b) (6), (b) (7)(C)

Work

11,058 followers | **4,654,517** views

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

google.com Aug 5, 2015

I wanted to share an email I got recently from (b) (6), (b) (7)(C) Googler because I think it helps illustrate what we re struggling with. (b) (6), (b) doesn t want to be defined by this question, thus I have anonymized (b) (6), (message slightly (and am posting with (b) (6), (permission, of course).

Lets all help make Google a supportive place for minorities of any kind.

"Thank you for replying on the industryinfo thread. It was actually making me feel ill to read. I had drafted this email early on but didn t want to send it. I d like to send you part of it instead, because a lot of people in this company seem to treat these concepts as theoretical or academic.

100% of people who are me are going to leave tech primarily because of discomfort working in environments that feel overtly or implicitly discriminatory.

Here s my personal story:

I knew (b) (6), years ago I wanted to study (b) (6), , so I did in college
I ve been (b) (6), (b) (7)(C) in industry for just over X years, Y at Google
I ve done a ton of successful things here, launched some popular features, gotten promoted twice; love coding

I've considered leaving tech:
once during college, due to an internship when I was mistreated/neglected, not due to school which I mostly aced
once in the first ~5 years of working full time, also due to perception of an unwelcoming environment
~300 times in the last year+, also due to perception of an unwelcoming/hostile environment

I'm staying for now, but 100% I'm going to leave tech one day, probably soonish (within the decade, and I'm only [redacted]) and it'll be because of the environment and not the work which is, again, aces. I will not be leaving the workforce entirely; I bought a career changing self help book last month and am exploring other options. I'm not going to be leaving for (b) (6), (b) (7)(C) [redacted] ? I don't know. Do other industries have problems? Also anecdotally from people I know, yes. Where will I end up and will it be better? I have no idea yet.

I still believe in Google. I believe huge portions of Google are great to work with. But there are also portions that are toxic and I now know the difference and it is actually a career limiting thing because I refuse to work on x or y or z now, and I refuse to work on a team where I'm the only woman ever again, and that rules out the majority of projects.

I hope someday we stop debating ad nauseum the ethics in journalism and start making a difference internally."

474 103

(b) (6), (b) (7)(C) [redacted]

147 comments

[redacted] (b) (6), (b) (7)(C) [redacted] Aug 5, 2015 ***+50***

This makes me very sad . I am literally crying now. It's such a shame that a vocal minority and a silent majority make so many of our best and brightest miserable.
I do whatever I can to help. I try to stop bias when I recognize it, and I help teach Bias Busting @Work. Even though I am not directly affected by sexism

and other isms in the workplace have considered leaving tech and working on social justice. I can t imagine how difficult it is for someone who is subject to this 40 hours a week.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 5, 2015 ***+43***

(b) (6), (b) (7)(C), Unfortunately I am subject to this more than 40 hours a week. When I get back home, I continuously keep thinking about what is going on and I often skip sleep. The respect issues at Google made me develop panic attacks and I had to leave Google for three weeks to settle. Even though my mental health is back, my conditions and disadvantageous position have not been truly fixed yet. I am not productive or motivated, I often think about quitting this company because I can t risk becoming suicidal depressive again.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 5, 2015 ***+4***

(b) (6), (b) (7)(C): Have you looked into https://goto.google.com/diversity core ? It s a formal opportunity to allocate some percentage of your time to diversity work.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 5, 2015 ***+9***

(b) (6), (b) (7)(C) I m sorry. If you d like to talk, I can offer you support to the best of my ability. There s also Concern EAP available to Googlers for professional support.
My heart goes out to you. I know it s tough and it s not fair.

(b) (6), (b) (7) (b) (6), (b) (7)(C) Aug 5, 2015 ***+3***

(b) (6), (b) (7)(C) Thanks, but I m already spending my 20% time on Bias Busting and the Email User Trust group.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 5, 2015 ***+23***

(b) (6), (b) (7)(C), thanks much. I have a handful of good people and managers I can talk to. I appreciate your offer, but it currently hurts to tell the story over and over again. All the energy wasted on my personal case is a good example how ineffective Google senior staff is when it comes to resolving conflicts.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+5***

(b) (6), (b) (7)(C), thanks for sharing. In my experience, colleagues whom make us feel uncomfortable usually fall into two camps deliberately unwelcoming (they have a bias against some group women, minorities

unwelcoming (they have a bias against some group - women, minorities, foreigners, LGBT, etc.) or unintentionally unwelcoming (they don t realize their actions, word choice, etc. has the impact it does a form of unconscious bias).
Easier to handle the first group (its usually visible with intent, so it can be addressed); but to change the culture to be more supportive and welcoming of everyone we have to engage the hearts and minds of those who are unaware of how their actions and words (sometimes with good intent, even) impact their colleagues.

Curious to know what else you think this would require? Is this training? OKRs? Managers managing team culture and perf better? What might we consider, from your perspective, to help change the experience of our esteemed colleague you posted on behalf of?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+5***
(b) (6), (b) (7)(C) Many Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+132***
(b) (6), (b) (7)(C) consider it a non goal to offer non work opinions that make coworkers uncomfortable here at work. We re here to build products and our time is too valuable. There are other outlets to express contrary opinions on political/social questions. Let s focus on the job

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+3***
+1 to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+9***
(b) (6), (b) (7)(C) Sadly, your suggestion doesn t seem feasible. You can t just focus on the job 100%. You aren t going to focus on it during team lunches, offsites, or other team events. Trying to focus only on work all the time would make this place tedious and boring. Additionally, the suggestion more or less tries to sweep things under a rug without actually making cognitive changes so people are aware of what their actions are doing.

I think the first step has to be education. Everyone, literally everyone, has to take a course (like bias busting) that covers many of the issues that minority groups face in tech. When I say everyone I mean I want to hear stories how people got to take this class with (b) (6), (b) (7; yes there s probably material specifically for management (this should be a separate course), but everyone should have to take the base class. This issue is pretty well documented, so forcing people to learn about it doesn t seem like a significant sacrifice in order to help those who feel like they have to leave our company given the mental sacrifices they re making every day. People need to be taught how to constructively call others out when they witness toxic behavior. I know this is probably one of the hardest things for people to do, which is why there needs to be something very explicitly stated to support it and we need to be taught how to deliver and receive such feedback.

After we re confident everyone has these skills and knowledge we should see how things have improved and figure out what we need to do next.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+14***
(b) (6), (b) (7)(C) Critiquing articles is fine. Bad arguments are bad arguments, regardless of which side they support. The objections are to the manner and methods (eg, constantly relitigating nitpicks) in which it occurs.

Whatever you may think of the term "sealion"ing and it s (mis)applications, it s popular because it captures an experience endemic to these conversations. Avoid perpetuating that experience, and no one will censure you.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+2***
(b) (6), (b) (7)(C) "consider it a non goal"

That doesn t answer the question: is it an actual policy violation, or merely an unpopular opinion? Many of us nerds are sticklers for the rules, but more than willing to express our opinions regardless of what others think. Some clarity from the management would go a long way toward helping people understand expectations.

"offer non work opinions that make coworkers uncomfortable here at work"

That s a valid concern, but a large percentage of non work opinions will make *somebody* uncomfortable. For instance, many Googlers strongly disagree with Social Justice theory, and even more Googlers are concerned about the "internet mob" shaming and intimidation tactics employed in support of this agenda. Perhaps we should ban all internal discussions on Social Justice because a minority of Googlers finds it repugnant?

(b) (6), (b) (7)(C) Aug 6, 2015
(b) (6), (b) (7)(C) Is it harassment or against policy to make a "bad argument" in good faith? Should people be fired for it?

(b) (6), (b) (7)(C) Aug 6, 2015 ***+64***
(b) (6), (b) (7)(C) "many of us nerds are sticklers for the rules, but more than willing to express our opinions regardless of what others think" perhaps it s worth considering the times when you are *allowed* to express your opinion, but it would still be a jerk move to do so? That statement comes off

as saying you don t care about whether you re being a jerk to your coworkers, in which case I think this may already be covered at go/nojerks

(b) (6), (b) (7)(C) Aug 6, 2015 ***+14***
(b) (6), (b) (7)(C) Of course not. We have a post mortem culture honest mistakes are OK **as long as you learn from them**. Take down prod once, and your perf scores won t be affected. Take it down 5 times in 5 different ways, and you ll still be fine. Handle it well, and you might get a peer bonus / promo packet material out of it. Take it down 5 times in the same way, however, ...

(b) (6), (b) (7)(C) Aug 6, 2015 ***+92***
I had to lookup "Social Justice" theory because I didn t know what it was, and it sounded like something I d hear on Fox News as a swear word.

Here s what Google s Factbox said: "Social justice is the view that everyone deserves equal economic, political and social rights and opportunities. Social workers aim to open the doors of access and opportunity for everyone, particularly those in greatest need."

Saying you strongly disagree with that puts you in conflict with both the spirit of anti discrimination law and the declaration of independence. It s like

saying you strongly disagree with "We hold these truths to be self evident, that all men are created equal..."

I would just vent on political disagreements elsewhere. Google not only has to comply with anti discrimination law, and deal with PR fallout from bad diversity numbers, but it has reasons to want to do this for positive, rather than negative reasons, like the ability to design products with input from the other 50% of the popular who might use them. Diversity is good for the company.

I have some pretty strong progressive political and religious views that would piss off some Googlers if I vented them internally, I just post them on my external accounts. Google has diverse employees from all of the world, with differing cultural beliefs, some more conservative, some more liberal, and it s just bound to lead to conflict if we start debating internally these non work ideologies.

If you re bored and need to debate something other than politics, there s plenty to argue about. Like why Product X sucks or failed. Why your programming language sucks and mine doesn t. Or why Emacs > VI.

There s no shortage of fun stuff to argue with and debate.

Let Google HR set employee policy. No amount of arguing over how you think women should be treated is going to change the policy. That policy is going to be determined by both the law, and by feedback from actual women s experience. Not what men think that experience is or should be.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+67***

(b) (6), (b) (7)(C) is it so hard to understand that we re just trying to build a welcoming work environment for everyone who works here? What you re doing in this comment thread seems to me to be the same thing that (b) (6), (b) pointed out in (b) (6), post on the industryinfo@ thread.

Don t excuse your behaviour on being a "nerd". Being a nerd and "willing to express our opinions regardless of what others think" is not an excuse to cause the kind of anguish that people have repeatedly expressed, both

publicly and privately, this behaviour causes. At Google, you shouldn t need so many rules to be a decent human being.

[redacted] [redacted] Aug 6, 2015 ***+35***

WRT discouraging the expressing of non work opinions, that doesn t work. People are not machines and attempting to treat them as such is oppressive. Invariably, attempts to tighten control on people s behavior wind up landing on those with less ability to resist them e.g., women, minorities, etc making the problem worse.

This can t be fixed through training either, regardless of how competently executed or well meaning. The US Army trained the Iraqi military endlessly for years, yet they fled in the face of ISIS. Why? Because the surrounding system gave different motivations to the individuals in the Iraqi military than fighting. Similarly, even if somehow we managed to educate people perfectly at Google and demonstrate all the right tools, the context of the larger industry and indeed our society is giving structural motivations against changing behavior. All the abstract ideas about what to do in the face of it are only good at raising awareness. Pretending otherwise is doomed to failure and it probably contributes to the burnout of diversity advocates.

This does not mean nothing can be done, but it does mean that nothing effective for dealing with discrimination can be done at this point with control/power over based means. We ve reached diminishing returns on additional laws, rules, policies, etc. Instead, power with needs to be developed and that s a social and community skill devoid at Google and indeed, in most of our culture. So it isn t surprising Google is bad at it.

Here, it means listening to women s experiences and developing empathy for their situation. If men can, through hearing these experiences, feel some of the pain women feel, that is a more powerful motivator than all the peer bonuses and trainings and policy mechanics in the world. It means amplifying women s voices as [redacted] did because as [redacted] [redacted] pointed out, telling the story of being dumped on repeatedly is painful and exhausting. The person who relates that story invariably relives it in the telling. So treat any time a woman is willing to share their experience as a huge gift and the act of amazing, brave hearted power that it is listen, feel, and if you have permission, retell the story That will change you, and the

culture at Google.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+2*

edit: link: https://groups.google.com/a/google.com/d/msg/industryinfo/2TBb1e8CLBQ/4ynaL0brBAAJ

Could someone link (b) (6), (b) (7 orginial industryinfo post if they have it handy? I really don t want to read through that thread. :(

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+6*

(b) (6), (b) (7)(C) Are you insinuating that it is a "jerk move" to share your opinion about a political blog post if 98% of Googlers disagree with you, but it s OK to share your opinion about a political blog post if 98% of Googlers agree with you?

If so, how do you reconcile this view with (b) (6), (b) request to "help make Google a supportive place for minorities of any kind"?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+44*

(b) (6), (b) (7)(C) I m stating that there are ways to share an opinion that don t involve just ignoring what other people think. There are some times, places, and ways of sharing opinions are better than others, and there are options for sharing opinions that don t come off as completely insensitive and rules lawyering. There are also some opinions that it s just not that important to share aka nit picking.

It s not a binary "always share or never do" but rather more nuanced.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+61*

(b) (6), (b) (7)(C) What you re saying comes off to me as turning (b) (6), (b) (7)(C) call for empathy into some sort of abstract rule so that you can shoot holes in it. Not everything has to be turned into an generically applicable abstraction, especially when it comes to how people interrelate.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 *+1*

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

[redacted] (b) (6), (b) (7)(C) Can you point to the industryinfo post in which somebody expressed an opinion in a way that ignored what others think?

[redacted] (b) (6), (b) (7)(C) Aug 6, 2015 *+54*
(b) (6), (b) (7)(C) I have no desire to argue with you over the semantics of a particular individual post.

[redacted] (b) (6), (b) (7)(C) Aug 6, 2015 *+173*
[redacted] posts a heartbreaking statement of what it s like to be a woman in an hostile work environment.

We re talking about how this might hurt men s feelings.

[redacted] (b) (6), (b) (7)(C) Aug 6, 2015 *+22*
http://weeklysift.com/2012/09/10/the distress of the privileged/

[redacted] (b) (6), (b) (7)(C) Aug 6, 2015 *+99*
(b) (6), (b) (7)(C) It s a jerk move to not treat your coworkers with respect. If a large number of your non immediate coworkers are frequently saying that your comments are unwelcome, disrespectful, or actively harmful, you might want to reconsider how you re presenting your arguments.

[redacted] (b) (6), (b) (7)(C) Aug 6, 2015 *+28*
In this thread: oblivious irony. Hey (b) (6), (b) (7)(C), you re digging a hole deeper and deeper with each comment. What you are doing is not helping anybody, and in fact is actively pissing off the people who are upset about being mistreated. Just stop.

[redacted] (b) (6), (b) (7)(C) Aug 6, 2015 *+7*
I think http://(b) (6), (b) (7)(C).tumblr.com/post/43087620460/i was reading a book about interjections oddly applies to "social justice" as well as "political correctness"

so basically (b) (6), (b) (7)(C) is concerned about the "Treating People With Respect Political Agena" and I d definitely vote for a candidate with such an agenda.

[redacted] (b) (6), (b) (7)(C) Aug 6, 2015 *+3*
So, we have right now a clear shining example of people behaving like jerks publicly on threads started by senior management. Why exactly are they not

being held up as examples of bad behavior and punished?

(b) (6), (b) (7)(C) Aug 6, 2015 ***+38***

Also, FWIW, being a jerk doesn t make you a minority, even if there s less of you than the non jerks.

(b) (6), (b) (7)(C) Aug 6, 2015 ***+24***

Minority opinion != minority.

(b) (6), (b) (7)(C) Aug 6, 2015 ***+45***

(b) (6), (b) (7)(C), nobody needs to "insinuate" anything, because I ll say it outright: you are being a jerk.

Arguing edge cases and angle shooting around the exact letter of existing policies is a huge part of the problem.

If you want to argue for fun, go join a debate club. If you actually feel like you re Being Oppressed because of your Unpopular Opinion, go back to r/theredpill or whatever other dark pit people who share your opinions hang out in while society continues to move forward. It is a toxic and unwelcome opinion in a professional setting where we re trying to build an inclusive environment.

This is a professional environment and you are not only acting unprofessionally, your behavior is directly causing distress to your coworkers. Please stop.

(b) (6), (b) (7)(C) Aug 6, 2015 ***+79***

I am kind of surprised that there is confusion about this.

You are responsible for helping to create an environment where your coworkers feel respected. You can hold pretty much any opinion you wish, but if you articulate it and one of your coworkers says it made them feel uncomfortable or disrespected, the right thing to do is to not do that. This isn t censorship or thought policing, this is just part of working together and getting along well with your coworkers. Regardless of how correct you think you are or whether their objection seems "justified" to you, the fact of the matter is that you re presented with a pretty simple choice: stop doing something that is hurting your coworker, or don t.

going on, and risking feeling into the pain of those who are oppressed will change your behavior, and give space for others to change theirs. You are the one you have been waiting for.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+2***

(b) (6), (b) (7)(C): Thanks, I try every day. I m sure I mess up and hate being called out on it, but the knee jerk reaction to get angry about it has (mostly) gone away.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+278***

(b) (6), (b) (7)(C) I think to ask for a rule book is missing the point. But if you want a succinct summary: don t do what you re doing here. Contact me privately if you want to know more.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 6, 2015 ***+9***

(b) (6), (b) (7)(C) My concern is that the temperature raising just doesn t accomplish the apparent goal of the person raising the temperature

because when someone is derailing or trolling a discussion and creating bad atmosphere, one sure fire way to keep them around is to use an insulting tone. It just kind of guarantees they re going to keep coming back. We re only human, so I realize sometimes someone needs sharp words to shock them into realizing how they re being perceived, so it s not a hard and fast rule.

I ve developed a fatigue over 30 years online watching these flame wars play out on such matters of all kinds and I never observe insults functioning well, it just doesn t solve the problem. Online pubic shaming doesn t seem to work due to impersonal nature.

98% of everyone can be against you online, and people will still not feel they need to stop what they re doing. But if you are told to your face by actual people in your social network you re being insensitive or a jerk, it has a much bigger impact.

I think this is going to go the same way overt racism has gone. Overt racism has been made an opprobrium. People are still racist, but they keep it quiet in public shared spaces. I think the attitude towards women in tech will follow a similar evolution. Consciousness will eventually be raised enough that people publicly check their action and words to avoid offending female

questions, or for asking them in the wrong way.

And that rapid escalation is the point of my comments on this thread: I prefer to assume that everyone here is acting with good intentions, and that any offense is unintentional. Heck, (b) (6), (b made a post on G+ a couple of months ago that could well have triggered HR attention. People called (b) (6), (b on it, (b) (6) realized how it was taken, and apologized. No one labeled (b) (6), (b a jerk then, and I don t assume (b) (6), (b) a jerk today because (b) (6) made one poorly phrased post. Until proven otherwise, I assume (b) (6), (b) a decent person who occasionally makes mistakes.

FWIW, any offense that someone may have taken from any of my comments is **always** unintentional. ASCII is a poor medium for emotionally laden topics, and none us is always perfectly understood in any case. Obviously, I apologize for any offense given.

(b) (6), (b) (7)(C) Aug 6, 2015 ***+10***

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) you might want to ask yourself why assume the best intentions. I have seen (b) (6), (b) (7)(C) say wholly inappropriate things on G+ before, for instance in response to a thread started by a woman about harassment at work: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Aug 6, 2015 ***+5***

I d link you all to the thread, but it was on (b) (6), (b) (7)(C) G+, and is now delorted. (b) (6), (b) (7)(C), you might remember, left Google and has been somewhat famously critical of our diversity efforts.

(b) (6), (b) (7)(C

(b) (6), (b) (7)(C) Aug 6, 2015 ***+7***

(b) (6), (b) (7)(C) Because I m only aware of this thread. Okay, (b) (6), (b) (7)(said something inappropriate somewhere else. We probably all have. Maybe it s a trend, maybe it s not. I don t know. If (b) (6), (b) (7)(is a troll, someone probably has a list of several such examples, and I ll revise my assumption. I read G+ only occasionally, and don t have time to follow up on all the related discussions in all the other fora, even the ones mentioned above.

But that s another aspect that can make these discussions difficult online. (b) (6), (posted an email. Some people (like me) are only aware of that post, plus maybe a little bit of background on the general issue from one of the TGIFs or internal all hands emails. Others have participated in many related and

(b) (6), (b) (7)(C), I m not trying to criticize your passion for change. It s obvious that you are sincere in your desire to improve the culture that women experience. However, I still think that (b) (6), (b) (7)(C) is best when we re unsure why others are in opposition. In fact, that s even a bit harsh it s not stupidity, just ignorance of the issues.

(b) (6), (b) (7)(C) Aug 7, 2015 ***+5***

Couple final updates before I put this thread on perma mute:

1) My questions were 100% sincere, and directly relate to the subject of this post (i.e. (b) (6), (b) and many others chiding unnamed Googlers for posting unspecified wrongthink on Industryinfo). No sarcasm or trolling intended.

2) (b) (6), (b) (7)(C) phrasing was indeed more eloquent than mine; I took notes and appreciate the constructive suggestions.

3) If the tone of my questions bothered you, it s a good opportunity to reread the harassment policy[1] and reflect on how political minorities (a class protected under California law, BTW) might feel about the work environment at Google. Empathy is a two way street and many of us are absolutely fed up with being treated as second class citizens and punching bags. My posts were nothing more than a call for civility and tolerance; the vicious replies, including one individual s ongoing and unprovoked campaign of character assassination, are a picture perfect illustration of the cultural problem we need to fix.

4) (b) (6), (b) was not willing to resume the conversation via email, but y all can ping me anytime if you want to talk privately. Or join http://g/freespeech to talk about the more general subject of speech at Google (please read the FAQ).

[1] https://support.google.com/mygoogle/answer/3246920?hl=en&ref_topic=3285651

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Aug 7, 2015 ***+1***

There would be a Picard meme here if I could express it compactly enough:

1) Post a comment regarding objective vs. subjective truth and how to

EXHIBIT C

Redacted

---------- Forwarded message ----------
From: (b) (6), (b) (7)(C) @google.com>

Date: Fri, Aug 7, 2015 at 2:58 PM
Subject: Re: Harassment by (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)@google.com>

Thanks (b) (6), (b) (7

Just wanted to add - if we can end this "cleanly" without starting a feud, that would be ideal. The situation between the Chrome and Android teams is already pretty complicated, and I'd much rather have new friends on that side than new enemies.

On Fri, Aug 7, 2015 at 2:54 PM, (b) (6), (b) (7)(C)@google.com> wrote:
> Hi (b) (6), (b) (7)(C),
>
> Thank you for your email. We (HR) are looking into your concerns regarding
> (b) (6), (b) (7)(C) comments and will circle back.
>
> Best,
> (b) (6), (b) (7
>
> On Fri, Aug 7, 2015 at 1:46 PM, (b) (6), (b) (7)(C) @google.com> wrote:
>>
>> Hi guys,
>>
>> (b) (6), (b) (7)(C), somebody I have never even met, is stalking and harassing
>> me on internal G+ over a trivial disagreement on a political topic.
>> (b) (6), (has left dozens of comments defiling my good name and character,
>> calling me vulgar names, and demanding for me to be fired from Google.
>> (b) (6), (has made at least two of (b) (6), (own G+ posts, and has commented on
>> many others, with similar themes. Others have repeatedly pointed out
>> (b) (6), (unreasonable behavior, yet it persists.
>>
>> (b) (6), (b) (7 also reposted an old comment of mine from March, which I had
>> removed at HR's request since it was perceived as an offensive joke.
>> I have intentionally stayed far away from this subject matter since
>> March, as I know it is a source of sensitivity and frustration for
>> many Googlers. By spreading this material far and wide, (b) (6), (b) (7 is
>> creating the exact same sort of damage that (b) (6) claims to oppose.
>>
>> I have not replied to (b) (6), (b) (7 or engaged (b) (6), (b) in any way, other than to
>> email (b) (6), (b) (below) asking if we could settle our differences over a
>> beer.
>>
>> Could you please ask (b) (6), (b) (7 to delete (b) (6), (posts/comments/memes
>> (including reshares) and leave me alone?
>>
>> If (b) (6) refuses, I can provide direct links and screenshots to all of
>> the relevant material.
>>

>> Thanks!
>>
>>
>> ---------- Forwarded message ----------
>> From: (b) (6), (b) (7)(C) @google.com>
>> Date: Fri, Aug 7, 2015 at 12:52 PM
>> Subject: Re: Introduction
>> To: (b) (6), (b) (7)(C) @google.com>
>>
>>
>> No, I do not wish to discuss this with you.
>>
>>
>> On Fri, Aug 7, 2015 at 11:04 AM (b) (6), (b) (7)(C) @google.com>
>> wrote:
>> >
>> > Hi (b) (6), (b) (7)(
>> >
>> > There's a reasonably good chance we'll have to work together someday -
>> > care to hash things out over a beer?
>
>
>
>
> --
>
> (b) (6), (b) (7)(C)
> (b) (6), (b) (7)(C)
> Google
> (b) (6), (b) (7)(C) @google.com
>

--

(b) (6), (b) (7)(C)
Google
(b) (6), (b) (7)(C) @google.com

--
Thanks so much,

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

EXHIBIT D

Date:
To: (b) (6), (b) (7)(C)
From:
CC: (b) (6), (b) (7)(C)
Re: **Final Written Warning**

Confidential

(b) (6), (b) (7)(C) while healthy debate and the ability to express oneself is part of Google's culture as we welcome discourse and encourage diverse perspectives, we also all have a responsibility to consider the impact of our words and how they might be perceived. It is incumbent on all employees to use good judgment and ensure that their workplace communications - whether in person or *via* email, misc threads, discussion groups, other aliases, Hangouts, G+ posts, Memegen, *etc.* - are consistent with our Code of Conduct and workplace policies.

It has come to our attention that you posted several comments on (b) (6), (b) (7)(C) G+ that were disrespectful, disruptive, disorderly, and insubordinate. Taken in the context of (b) (6), (b) (7 post on creating a supportive environment and (b) (6) specific request that you stop posting on (b) (6) thread, the tone and tenor of your comments generally and your response comments to (b) (6) specifically are inappropriate and in violation of the Respect Each Other section of the Code of Conduct and Google's Appropriate Conduct Policy. As HR previously addressed a similar issue with you regarding posting an inappropriate comment, this current behavior is particularly concerning. We found you demonstrated a serious lack of respect for others, and that many Googlers were offended by your comments. This type of behavior is unacceptable and will not be tolerated.

The specific comments include:

- "Many Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?"

- "(b) (6), (b) (7)(C) consider it a non-goal

  That doesn't answer the question: is it an actual policy violation, or merely an unpopular opinion? Many of us nerds are sticklers for the rules, but more than willing to express our opinions regardless of what others think. Some clarity from the management would go a long way toward helping people understand expectations.

  'offer non-work opinions that make coworkers uncomfortable here at work'

  That's a valid concern, but a large percentage of non-work opinions will make somebody

uncomfortable. For instance, many Googlers strongly disagree with Social Justice theory, and even more Googlers are concerned about the "internet mob" shaming and intimidation tactics employed in support of this agenda. Perhaps we should ban all internal discussions on Social Justice because a minority of Googlers finds it repugnant?"

- "Are you insinuating that it is a 'jerk move' to share your opinion about a political blog post if 98% of Googlers disagree with you, but it's OK to share your opinion about a political blog post if 98% of Googlers agree with you"?

  If so, how do you reconcile this view with [redacted] request to 'help make Google a supportive place for minorities of any kind?'"

- (b) (6), (b) (7)(C) Can you point to the industryinfo post in which somebody expressed an opinion in a way that ignored what others think?"

- "3) If the tone of my questions bothered you, it's a good opportunity to reread the harassment policy[1] and reflect on how political minorities (a class protected under California law, BTW) might feel about the work environment at Google. Empathy is a two-way street and many of us are absolutely fed up with being treated as second-class citizens and punching bags. My posts were nothing more than a call for civility and tolerance; the vicious replies, including one individual's ongoing and unprovoked campaign of character assassination, are a picture-perfect illustration of the cultural problem we need to fix.

  4) [redacted] was not willing to resume the conversation via email, but y'all can ping me anytime if you want to talk privately. Or join http://g/freespeech to talk about the more general subject of speech at Google (please read the FAQ).

  [1] https://support.google.com/mygoogle/answer/3246920?hl=en&ref_topic=3285651"

Pursuant to Google's Code of Conduct, Google is committed to providing a supportive work environment where each Googler is expected to do his or her utmost to create a respectful culture that is free of harassment, intimidation, or unlawful discrimination of any kind. In addition, Google's Appropriate Conduct Policy prohibits disorderly or disruptive conduct including derogatory name-calling, abusive or profane language, intimidation or coercion of coworkers, or any disruptive or "un-business-like" behavior toward coworkers, clients, or visitors. The Appropriate Conduct Policy also prohibits insubordination, including improper language toward a manager or management representative.

This Final Written Warning is to remind you that as a Google employee, you are expected at all times to act in a way that ensures you are doing your part to behave in a professional and

respectful manner to your co-workers at all times. A copy of the relevant portions of Google's Code of Conduct and the Appropriate Conduct Policy, which you have previously received, and to which you have access, are linked above. Please read these and ensure that you are clear on what is required to comply with them going forward.

You understand that if you engage in any inappropriate conduct in the future, you could be subject to additional disciplinary action up to and including termination of employment.

Please let me know what questions you may have, and know that your (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) are also available to answer questions.

ACKNOWLEDGMENT:

I acknowledge that I have read the above memo and have received a copy.

_____ _____

(b) (6), (b) (7)(C) Date

From: (b) (6), (b) (7)(C)
To: Hajduk, Alexander M.
Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
Date: Friday, December 4, 2015 3:25:37 PM
Attachments: code-of-conduct-20151010.pdf
employee-communication-guidelines.pdf

Attaching company policies.

On Tue, Nov 24, 2015 at 12:41 PM, (b) (6), (b) (7)(C) wrote:
> Sure thing. Please see attached.
>
> (FWIW, they're not "supposed" to snoop on our personal gmail accounts,
> and I haven't been storing anything sensitive there.)
>
>
>
> On Tue, Nov 24, 2015 at 12:21 PM, Hajduk, Alexander M.
> <Alexander.Hajduk@nlrb.gov> wrote:
>> Hello (b) (6), (b) (7)(C)
>>
>> I think in this situation, since the charge is against Google, it'd be prudent (at least for the sake of appearances) to just send the attachments directly rather than using the Google Docs system. As a practical matter, even if the Employer weren't Google, our electronic case handling system doesn't work too well with documents that aren't individually attached and separately uploaded. I had this issue come up recently in a different case and the dropbox/ZIP file nearly crashed our system, which I can only assume is due to the fact that our system is being held together with duct tape and bailing wire.
>>
>> In any event, just email me the attachments individually and I'll take care of uploading them into the official case file.
>>
>> Thanks for your help with this.
>>
>> -Alex Hajduk
>> NLRB
>>
>> -----Original Message-----
>> From: (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)
>> Sent: Tuesday, November 24, 2015 11:18 AM
>> To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>
>> Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
>>
>> Hi Alex,
>>
>> I sent you a link to the requested information on Google Docs, as that is where my colleagues and I have been editing/sharing/reviewing items relevant to our case. You may need to register your @nlrb.gov email address using this form:
>>
>> https://accounts.google.com/signupwithoutgmail?hl=en
>>
>> If that's too much trouble, let me know and I'll just send them as an email attachment.
>>
>> As for the documents:
>>

>> NLRB-charge-timeline has a high-level description of the alleged NLRA violation, a writeup on the specific workplace issues we're trying to resolve through PCA, and a timeline with specific examples that demonstrate the "concertedness" of the PCA.
>>
>> loveletters.pdf contains my warning letter, my lawyer's complaint about it, and the Google lawyer's rebuttal.
>>
>> NLRB-charge-final is a scanned copy of the 501 form that I filled out with Jennifer Kaufman yesterday. I mailed this document to Google, certified with return receipt requested, this morning.
>>
>> Thanks!
>>
>>
>> On Tue, Nov 24, 2015 at 10:40 AM, Hajduk, Alexander M.
>> <Alexander.Hajduk@nlrb.gov> wrote:
>>> Hello again [redacted],
>>>
>>>
>>>
>>> I wanted to thank you for our conversation this morning and the
>>> preliminary details about your charge. As we discussed, I have
>>> penciled you in for your affidavit appointment on December 4, 2015,
>>> starting at 11 am. We are located in the Oakland Federal Building at
>>> 1301 Clay Street, Room 300N, Oakland, CA 94612. Since you'll be
>>> driving up from Mountain View, I should let you know that there is
>>> street parking around the federal building (though this is often hit
>>> or miss) as well as several private parking lots, including one on MLK
>>> Jr. Way (which is where most folks park). The caveat with that is
>>> while the Agency doesn't validate that parking garage will accept validations if you purchase something from one of the nearby cafes.
>>> Regarding the building itself, we're in the North Tower on the third
>>> floor, but I should mention that since we're in a federal building the
>>> security will be airport-level intense, so prepare for that.
>>>
>>>
>>>
>>> All that having been said, please feel free to email me at this
>>> address or call me at my office number below if you have any questions
>>> or concerns both prior to and after your affidavit. As we mentioned,
>>> you can use this address to send whatever preparatory materials you
>>> have in support of your charge, but for any other materials that you
>>> have in non-electronic format, please bring those with you on December 4.
>>>
>>>
>>>
>>> Otherwise, I look forward to meeting you and thanks again.
>>>
>>>
>>>
>>> Alexander M. Hajduk
>>>
>>> Senior Field Examiner
>>>
>>> National Labor Relations Board
>>>
>>> Region 32 – Oakland, CA
>>>
>>> Office: (510) 637-3271

(b) (6), (b) (7)(C)

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Code of Conduct

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Please note that this is the internal version of the Code of Conduct. All documents, site pages, and resources that are linked here as well as the document as a whole are considered internal and confidential. Please do not share this document or anything linked here outside of Google.

Translated versions of the Code of Conduct are available here.

Get CoC Help

Conflict of Interest and Gifts Widget

Preface

"Don't be evil." Googlers generally apply

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those words to how we serve our users. But "Don't be evil" is much more than that. Yes, it's about providing our users unbiased access to information, focusing on their needs and giving them the best products and services that we can. But it's also about doing the right thing more generally – following the law, acting honorably and treating each other with respect.

The Google Code of Conduct is one of the ways we put "Don't be evil" into practice. It's built around the recognition that everything we do in connection with our work at Google will be, and should be, measured against the highest possible standards of ethical business conduct. We set the bar that high for practical as well as aspirational reasons: Our commitment to the highest standards helps us hire great people, build great products, and attract loyal

users. Trust and mutual respect among employees and users are the foundation of our success, and they are something we need to earn every day.

So please do read the Code, and follow both its spirit and letter, always bearing in mind that each of us has a personal responsibility to incorporate, and to encourage other Googlers to incorporate, the principles of the Code into our work. And if you have a question or ever think that one of your fellow Googlers or the company as a whole may be falling short of our commitment, don't be silent. We want – and need – to hear from you.

Who Must Follow Our Code?

We expect all of our employees and Board members to know and follow the Code. Failure to do so can result in disciplinary action, including

termination of employment. Moreover, while the Code is specifically written for Google employees and Board members, we expect Google contractors, consultants and others who may be temporarily assigned to perform work or services for Google to follow the Code in connection with their work for us. Failure of a Google contractor, consultant or other covered service provider to follow the Code can result in termination of their relationship with Google.

What If I Have a Code-Related Question or Concern?

If you have a question or concern, don't just sit there. You can contact your manager, your Human Resources representative or Ethics & Compliance. If you want to remain anonymous, you can make a

report of a suspected violation or concern through the Ethics & Compliance Helpline.

No Retaliation

Google prohibits retaliation against any worker here at Google who reports or participates in an investigation of a possible violation of our Code. If you believe you are being retaliated against, please contact Ethics & Compliance.

Code of Conduct

I. Serve Our Users

Our users value Google not only because we deliver great products and services, but because we hold ourselves to a higher standard in how we treat users and operate more generally. Keeping the following principles in mind will help us to maintain that high standard:

Integrity

Our reputation as a company that our users can trust is our most valuable asset, and it is up to all of us to make sure that we continually earn that trust. All of our communications and other interactions with our users should increase their trust in us.

Usefulness

Our products, features and services should make Google more useful for all our users. We have many different types of users, from individuals to large businesses, but one guiding principle: “Is what we are offering useful?”

Privacy, Security and Freedom of Expression

Always remember that we are asking users to trust us with their personal information. Preserving that trust requires that each of us respect and

protect the privacy and security of that information. Our security procedures strictly limit access to and use of users' personal information, and require that each of us take measures to protect user data from unauthorized access. Know your responsibilities under these procedures, and collect, use, and access user personal information only as authorized by our Security Policies, our Privacy Policies and applicable data protection laws.

Google is committed to advancing privacy and freedom of expression for our users around the world. Where user privacy and freedom of expression face government challenges, we seek to implement internationally recognized standards that respect those rights as we develop

products, do business in diverse markets, and respond to government requests to access user information or remove user content. Contact Legal or Ethics & Compliance if you have questions on implementing these standards in connection with what you do at Google.

Responsiveness

Part of being useful and honest is being responsive: We recognize relevant user feedback when we see it, and we do something about it. We take pride in responding to communications from our users, whether questions, problems or compliments. If something is broken, fix it.

Take Action

Any time you feel our users aren't being well-served, don't be bashful - let someone in the company know about it. Continually improving our

products and services takes all of us, and we're proud that Googlers champion our users and take the initiative to step forward when the interests of our users are at stake.

II. Respect Each Other

We are committed to a supportive work environment, where employees have the opportunity to reach their fullest potential. Each Googler is expected to do his or her utmost to create a respectful workplace culture that is free of harassment, intimidation, bias and unlawful discrimination of any kind.

Please read the Employee Handbook relevant to your locale. Located in the HR section of our internal corporate site, the Handbook covers in greater detail how we should conduct ourselves at work.

Equal Opportunity Employment

Employment here is based solely upon individual merit and qualifications directly related to professional competence. We strictly prohibit unlawful discrimination or harassment of any kind, including discrimination or harassment on the basis of race, color, religion, veteran status, national origin, ancestry, pregnancy status, sex, gender identity or expression, age, marital status, mental or physical disability, medical condition, sexual orientation or any other characteristics protected by law. We also make all reasonable accommodations to meet our obligations under laws protecting the rights of the disabled.

Positive Environment

Google prohibits unlawful harassment in

any form – verbal, physical or visual. If you believe you've been harassed by anyone at Google, or by a Google partner or vendor, you should immediately report the incident to your supervisor, Human Resources or both. Similarly, supervisors and managers who learn of any such incident should immediately report it to Human Resources. HR will promptly and thoroughly investigate any complaints and take appropriate action.

Drugs and Alcohol

Our position on substance abuse is simple: It is incompatible with the health and safety of our employees, and we don't permit it. Consumption of alcohol is not banned at our offices, but use good judgment and never drink in a way that leads to impaired performance or inappropriate behavior,

endangers the safety of others or violates the law. Illegal drugs in our offices or at sponsored events are strictly prohibited. If a manager has reasonable suspicion to believe that an employee's use of drugs and/or alcohol may adversely affect the employee's job performance or the safety of the employee or others in the workplace, the manager may request an alcohol and/or drug screening. A reasonable suspicion may be based on objective symptoms such as the employee's appearance, behavior or speech.

Safe Workplace

We are committed to a violence-free work environment, and we will not tolerate any level of violence or the threat of violence in the workplace. Under no circumstances should anyone bring a weapon to work. If you

become aware of a violation of this policy, you should report it to Human Resources immediately. In case of potential violence, contact Google Security.

Dog Policy

Google's affection for our canine friends is an integral facet of our corporate culture. We like cats, but we're a dog company, so as a general rule we feel cats visiting our offices would be fairly stressed out. For more on this, see our Dog Policy.

III. Avoid Conflicts of Interest

In working at Google, we have an obligation to always do what's best for the company and our users. When you are in a situation in which competing loyalties could cause you to pursue a personal benefit for you, your friends or your family at the expense of Google or our

users, you may be faced with a conflict of interest. All of us should avoid conflicts of interest and circumstances that reasonably present the appearance of a conflict.

When faced with a potential conflict of interest, ask yourself:

- Would this activity create an incentive for me, or be perceived by others to create an incentive for me, to benefit myself, my friends or my family, or an associated business at the expense of Google?
- Would this activity harm my reputation, negatively impact my ability to do my job at Google, or potentially harm Google?
- Would this activity embarrass Google or

me if it showed up on the front page of a newspaper or a blog?
If the answer to any of these questions is “yes,” the relationship or situation is likely to create a conflict of interest, and you should avoid it.

Below, we provide guidance in seven areas where conflicts of interest often arise:

Personal investments
Outside employment, advisory roles, board seats, and starting your own business
Business opportunities found through work
Inventions
Friends and relatives; co-worker relationships
Accepting gifts, entertainment and other business courtesies
Use of Google

products and services

In each of these situations, the rule is the same – if you are considering entering into a situation that creates a conflict of interest, don't. If you are in a situation that may create a conflict of interest, or the appearance of a conflict of interest, review the situation with your manager and Ethics & Compliance. Finally, it's important to understand that as circumstances change, a situation that previously didn't present a conflict of interest may present one.

Personal Investments

Avoid making personal investments in companies that are Google competitors or business partners when the investment might cause, or appear to cause, you to act in a way that could harm Google.

When

determining whether a personal investment creates a conflict of interest, consider the relationship between the business of the outside company, Google's business and what you do at Google, including whether the company has a business relationship with Google that you can influence and the extent to which the company competes with Google. You should also consider 1) any overlap between your specific role at Google and the company's business, 2) the significance of the investment, including the size of the investment in relation to your net worth, 3) whether the investment is in a public or private company, 4) your ownership percentage of the company, and 5) the extent to which the investment gives you the ability to manage and control the company.

Investments in venture capital or other similar funds that invest in a broad cross-section of companies that may include Google competitors or business partners generally do not create conflicts of interest. However, a conflict of interest may exist if you control the fund's investment activity.

Outside Employment, Advisory Roles, Board Seats and Starting Your Own Business

Avoid accepting employment, advisory positions or board seats with Google competitors or business partners when your judgment could be, or could appear to be, influenced in a way that could harm Google. Additionally, because board seats come with fiduciary obligations that can make them particularly tricky from a conflict of interest

perspective, you should notify your manager before accepting a board seat with any outside company. Google board members and employees who are VP and above should also notify Ethics & Compliance. Finally, do not start your own business if it will compete with Google.

Business Opportunities Found Through Work

Business opportunities discovered through your work here belong first to Google, except as otherwise agreed to by Google.

Inventions

Developing or helping to develop outside inventions that a) relate to Google's existing or reasonably anticipated products and services, b) relate to your position at Google, or c) are developed using Google corporate resources may create conflicts of

interest and be subject to the provisions of Google's Confidential Information and Invention Assignment Agreement and other employment agreements. If you have any questions about potential conflicts or intellectual property ownership involving an outside invention or other intellectual property, consult Ethics & Compliance or Legal.

Friends and Relatives; Co-Worker Relationships

Avoid participating in a potential or existing Google business relationship involving your relatives, spouse or significant other, or close friends. This includes being the hiring manager for a position for which your relative or close friend is being considered or being a relationship manager for a company

associated with your spouse or significant other.

To be clear, just because a relative, spouse/significant other or close friend works at Google or becomes a Google competitor or business partner doesn't mean there is a conflict of interest. However, if you are also involved in that Google business relationship, it can be very sensitive. The right thing to do in that situation is to discuss the relationship with your manager and Ethics & Compliance.

Finally, romantic relationships between co-workers can, depending on the work roles and respective positions of the co-workers involved, create an actual or apparent conflict of interest. If a romantic relationship does create an actual or apparent conflict, it may require changes to work arrangements or even the

termination of employment of either or both individuals involved. Consult Google's Employee Handbook for additional guidance on this issue.

Accepting Gifts, Entertainment and Other Business Courtesies

Accepting gifts, entertainment and other business courtesies from a Google competitor or business partner can easily create the appearance of a conflict of interest, especially if the value of the item is significant. Google's Non-Government Related Gifts & Client Entertainment Policy provides specific guidance on when it is appropriate for Googlers to accept gifts, entertainment or any other business courtesy (including discounts or benefits that are not made available to all Googlers) from

any of our competitors or business partners.

Generally, acceptance of inexpensive “token” non-cash gifts is permissible. In addition, infrequent and moderate business meals and entertainment with clients and infrequent invitations to attend local sporting events and celebratory meals with clients can be appropriate aspects of many Google business relationships, provided that they aren’t excessive and don’t create the appearance of impropriety. Before accepting any gift or courtesy, consult the Non-Government Related Gifts & Client Entertainment Policy, and be aware that you may need to obtain manager approval.

Contact Ethics & Compliance if you have any questions. See the discussion of Anti-Bribery

Laws in Section VII(d) for guidance on when it is appropriate to give gifts and business courtesies in the course of doing Google business.

Use of Google Products and Services

Avoiding potential conflicts of interest also means that you should not use Google products, services or information in a way that improperly benefits someone you know or creates the appearance that you have an unfair advantage over users outside of Google. For example, you should never approve Google accounts, services or credits for yourself, your friends, or family members. If you find yourself subject to a conflict of interest regarding a Google product or service, discuss the situation with your manager, Legal or Ethics & Compliance.

Reporting

Ethics & Compliance will periodically report to the Google Compliance Steering Committee all matters involving Google officers – VPs and above – approved under this section of the Code, and will periodically report to the Google Nominating and Corporate Governance Committee all matters involving Google executive officers and Board members approved under this section.

IV. Preserve Confidentiality

We get a lot of press attention around our innovations and our culture, and that's usually fine. However, company information that leaks prematurely into the press or to competitors can hurt our product launches, eliminate our competitive advantage and prove costly in

other ways. Our responsibilities extend beyond not revealing confidential Google material – we must also:

- properly secure, label and (when appropriate) dispose of confidential Google material;
- safeguard confidential information that Google receives from others under non disclosure agreements; and
- take steps to keep our trade secrets and other confidential intellectual property secret.

Confidential Information

Google's "confidential information" includes financial, product and user information. Make sure that confidential company material stays that way; don't disclose it outside of Google without

authorization. At times, a particular project or negotiation may require you to disclose confidential information to another party: Disclosure of this information should be on a “need to know” basis and only under a non-disclosure agreement. In addition, Google policy may require a prior security assessment of the outside party that is to receive the confidential information. Be sure to conduct the appropriate due diligence and have the appropriate agreement in place before you disclose the information.

There are, of course, “gray areas” in which you will need to apply your best judgment in making sure you don’t disclose any confidential information. Suppose a friend who works at a non-profit organization asks you informally how to improve the Google search ranking of the group’s

website: Giving your friend site-optimization tips available in public articles and on websites isn't likely to be a problem, but giving tips that aren't publicly known definitely would be. If you're in a gray area, be cautious in what advice or insight you provide or, better yet, ask for guidance from Ethics & Compliance.

And don't forget about pictures you and your guests take at Google – it is up to you to be sure that those pictures don't disclose confidential information.

Finally, some of us will find ourselves having family or other personal relationships with people employed by our competitors or business partners. As in most cases, common sense applies. Don't tell your significant other or family members anything confidential, and don't solicit confidential

information from them about their company.

Google Partners

Just as you are careful not to disclose confidential Google information, it's equally important not to disclose any confidential information from our partners. Don't accept confidential information from other companies without first having all parties sign an appropriate Non-disclosure Agreement approved by Legal. Even after the agreement is signed, try only to accept as much information as you need to accomplish your business objectives.

Competitors/Former Employers

We respect our competitors and want to compete with them fairly. But we don't want their confidential information. The same goes for confidential information belonging to any Googler's former

employers. If an opportunity arises to take advantage of a competitor's or former employer's confidential information, don't do it. Should you happen to come into possession of a competitor's confidential information, contact Legal immediately.

Outside Communications and Research

You probably know that our policy is to be extremely careful about disclosing company information, and never to disclose any confidential information without authorization. It's also a bad idea to post your opinions or information about Google on the Internet, even if not confidential, unless you're authorized to do so as part of your job. Your comments may be attributed to Google, even though you didn't mean it that way. And never discuss the company with the press unless

you've been explicitly authorized to do so by Corporate Communications. Finally, check with your manager and Corporate Communications before accepting any public speaking engagement. In general, before making any external communication or disclosure, you should consult our Employee Communications Policy and our Communications and Disclosure Policy.

V. Protect Google's Assets

Google has a well-earned reputation for generosity with our employee benefits and openness with confidential information shared within the company. Our ability to continue these practices depends on how well we conserve company resources and protect company assets and information.

Intellectual Property

Google's intellectual property rights (our trademarks, logos, copyrights, trade secrets, "know-how" and patents) are among our most valuable assets. Unauthorized use can lead to their loss or serious loss of value. Any use of Google's trademarks and logos must be cleared in advance by the Marketing Team. Report any suspected misuse of trademarks, logos or other Google intellectual property to Legal.

Likewise, respect the intellectual property rights of others. Inappropriate use of others' intellectual property may expose Google and you to criminal and civil fines and penalties. Please seek advice from Legal before you solicit, accept or use proprietary information from others or let others use or have access to Google

proprietary information. You should also check with Legal if developing a product that uses content not belonging to Google.

A word about open source – Google is committed to open source software development. Consistent with our policy of respecting the valid intellectual property rights of others, we strictly comply with the license requirements under which open source software is distributed. Failing to do so may lead to legal claims against Google, as well as significant damage to the company's reputation and its standing in the open source community. Please seek guidance from Legal and the Open Source Programs Office before incorporating open source code into any Google product, service or internal project.

Company Equipment

Google gives us the tools and equipment we need to do our jobs effectively, but counts on us to be responsible and not wasteful with the Google stuff we are given. Nobody's going to complain if you snag an extra bagel on Friday morning, but company funds, equipment and other physical assets are not to be requisitioned for purely personal use. Not sure if a certain use of company assets is okay? Please ask your manager or Human Resources.

The Network

Google's communication facilities (which include both our network and the hardware that uses it, like computers and mobile devices) are a critical aspect of our company's property, both physical and intellectual. Be sure to follow all security policies.

If you have any reason to believe that our network security has been violated – for example, you lose your laptop or smart phone or think that your network password may have been compromised – please promptly report the incident to Information Security. For more information, consult Google's Security Policy.

Physical Security

If you're not careful, people will steal your stuff. Always secure your laptop, important equipment and your personal belongings, even while on Google's premises. Always wear your badge visibly while on site. Don't tamper with or disable security and safety devices. Watch people who "tailgate" behind you through our doors. If you don't see a Google badge, please ask for it (and, as appropriate, direct the person

to a receptionist for assistance). Promptly report any suspicious activity to Google Security. For more information, review Google's Physical Security Policy.

Use of Google's Equipment and Facilities

Anything you do using Google's corporate electronic facilities (e.g., our computers, mobile devices, network, etc.) or store on our premises (e.g., letters, memos and other documents) might be disclosed to people inside and outside the company. For example, Google may be required by law (e.g., in response to a subpoena or warrant) to monitor, access and disclose the contents of corporate email, voicemail, computer files and other materials on our electronic facilities or on our premises. In addition, the company may monitor, access

and disclose employee communications and other information on our corporate electronic facilities or on our premises where there is a business need to do so, such as protecting employees and users, maintaining the security of resources and property, or investigating suspected employee misconduct.

Employee Data

We collect and store personal information from employees around the world. Access this data only in line with local law and Google internal policies, and keep it secure according to those standards.

VI. Ensure Financial Integrity and Responsibility

Financial integrity and fiscal responsibility are core aspects of corporate professionalism. This is more than

accurate reporting of our financials, though that's certainly important. The money we spend on behalf of Google is not ours; it's the company's and, ultimately, our shareholders'. Each person at Google – not just those in Finance – has a role in making sure that money is appropriately spent, our financial records are complete and accurate and internal controls are honored. This matters every time we hire a new vendor, expense something to Google, sign a new business contract or enter into any deals on Google's behalf.

To make sure that we get this right, Google maintains a system of internal controls to reinforce our compliance with legal, accounting, tax and other regulatory requirements in every location in which we operate.

Stay in full compliance with our system of

internal controls, and don't hesitate to contact Ethics & Compliance or Finance if you have any questions. What follows are some core concepts that lie at the foundation of financial integrity and fiscal responsibility here at Google.

Spending Google's Money

A core Google value has always been to spend money wisely. When you submit an expense for reimbursement or spend money on Google's behalf, make sure that the cost is reasonable, directly related to company business and supported by appropriate documentation. Always record the business purpose (e.g., if you take someone out to dinner on Google, always record in our expense reimbursement tool the full names and titles of the people who attended as well as the reason for the

dinner) and comply with other submission requirements. If you're uncertain about whether you should spend money or submit an expense for reimbursement, check with your manager. Managers are responsible for all money spent and expenses incurred by their direct reports, and should carefully review such spend and expenses before approving.

Signing a Contract

Each time you enter into a business transaction on Google's behalf, there should be documentation recording that agreement, approved by the Legal Department. Signing a contract on behalf of Google is a very big deal. Never sign any contract on behalf of Google unless all of the following are met:

- You are authorized to do so under our

Signature Authority and Approval Policy. If you are unsure whether you are authorized, ask your manager
The contract has been approved by Legal. If you are using an approved Google form contract, you don't need further Legal approval unless you have made changes to the form contract or are using it for other than its intended purpose
You have studied the contract, understood its terms and decided that entering into the contract is in Google's interest

All contracts at Google should be in writing and should contain all

of the relevant terms to which the parties are agreeing – Google does not permit "side agreements," oral or written.

Recording Transactions

If your job involves the financial recording of our transactions, make sure that you're fully familiar with all of the Google policies that apply, including our Revenue Recognition Policy and our Purchasing Policy.

Immediately report to Finance any transactions that you think are not being recorded correctly.

Reporting Financial or Accounting Irregularities

It goes without saying (but we're going to say it anyway) that you should never, ever interfere in any way with the auditing of Google's

financial records. Similarly, you should never falsify any record or account, including time reports, expense accounts and any other Google records.

Familiarize yourself with our Reporting of Financial and Accounting Concerns Policy. If you suspect or observe any of the conduct mentioned above or, for that matter, any irregularities relating to financial integrity or fiscal responsibility, no matter how small, immediately report them to Ethics & Compliance.

Hiring Suppliers

As Google grows, we enter into more and more deals with suppliers of equipment and services. We should always strive for the best possible deal for Google. This almost always requires that you solicit competing bids to make sure that you're

getting the best offer. While price is very important, it isn't the only factor worth considering. Quality, service, reliability and the terms and conditions of the proposed deal may also affect the final decision. Please do not hesitate to contact the Purchasing Team if you have any questions regarding how to procure equipment or services.

Retaining Records

It's important that we keep records for an appropriate length of time. The Google Records Retention Policy suggests minimum record retention periods for certain types of records. These are great guidelines, but keep in mind that legal requirements, accounting rules and other external sources sometimes specify longer retention periods for certain types of records, and those control

where applicable. In addition, if asked by Legal to retain records relevant to a litigation, audit or investigation, do so until Legal tells you retention is no longer necessary. If you have any questions regarding the correct length of time to retain a record, contact the Records Retention Team.

VII. Obey the Law

Google takes its responsibilities to comply with laws and regulations very seriously and each of us is expected to comply with applicable legal requirements and prohibitions. While it's impossible for anyone to know all aspects of every applicable law, you should understand the major laws and regulations that apply to your work. Take advantage of Legal and Ethics & Compliance to assist you here. A few specific laws are easy to violate unintentionally

and so are worth pointing out here:

Trade Controls

U.S. and international trade laws control where Google can send or receive its products and/or services. These laws are complex, and apply to:

- imports and exports from or into the U.S.
- imports and exports of products from or into other countries, with additional concerns when those products contain components or technology of U.S. origin
- exports of services or providing services to non-U.S. persons
- exports of technical data, especially when the technical data is of U.S. origin

What constitutes an “import” or

"export" under the law is pretty broad. For example:

- exposing or allowing access by non-U.S. nationals to U.S. technical data can be an "export", regardless of what country the exposure occurred in
- sending a server from one country ("country X") into another country ("country Y") is an export from country X and an import into country Y
- permitting the download of software from one country ("country X") into another country ("country Y") is an export from country X
- transporting technical data or software on your laptop, or tools or equipment in your luggage,

may be an export and import

The bottom line: If you are in any way involved in sending or making available Google products, services, software, equipment or any form of technical data from one country to another, work with your manager to be absolutely sure that the transaction stays well within the bounds of applicable laws. If you or your manager is not sure, please contact Ethics & Compliance.

Competition Laws

Most countries have laws – known as "antitrust," "competition," or "unfair competition" laws – designed to promote free and fair competition. Generally speaking, these laws prohibit 1) arrangements with competitors that restrain trade in some way, 2) abuse of intellectual property rights, and 3) use of

market power to unfairly disadvantage competitors.

Certain conduct is absolutely prohibited under these laws, and could result in your imprisonment, not to mention severe penalties for Google.

Examples of prohibited conduct include:

- agreeing with competitors about prices
- agreeing with competitors to rig bids or to allocate customers or markets
- agreeing with competitors to boycott a supplier or customer

Other activities can also be illegal, unfair, or create the appearance of impropriety. Such activities include:

- sharing competitively sensitive information (e.g., prices, costs, market distribution, etc.) with

competitors entering into a business arrangement or pursuing a strategy with the sole purpose of harming a competitor using Google's size or strength to gain an unfair competitive advantage

Although the spirit of these laws is straightforward, their application to particular situations can be quite complex.

Google is committed to competing fair and square, so please contact Ethics & Compliance if you have any questions about the antitrust laws and how they apply to you. Any personnel found to have violated Google's Antitrust Policies will, subject to local laws, be disciplined, up to and including termination of employment. If you suspect that anyone at the company is

violating the competition laws, notify Ethics & Compliance immediately.

Insider Trading Laws

As we said earlier, internally we share information, including non-public information, about Google's business operations pretty freely (think of TGIF). In addition, you may overhear a hallway conversation or come across a memo at a copy machine, either of which might involve confidential information. To use this nonpublic information to buy or sell stock, or to pass it along to others so that they may do so, could constitute insider trading. Insider trading not only violates this Code, it violates the law. Don't do it.

You should familiarize yourself with Google's Insider Trading Policy. It describes

company-wide policies that address the risks of insider trading, such as:

- a prohibition on any Google employee hedging Google stock; and
- periodic blackout windows when no Google employee may trade Google stock.

Anti-bribery Laws

Like all businesses, Google is subject to lots of laws, both U.S. and non-U.S., that prohibit bribery in virtually every kind of commercial setting. The rule for us at Google is simple – don't bribe anybody, anytime, for any reason.

Non-government relationships

You should be careful when you give gifts and pay for meals, entertainment or

other business courtesies on behalf of Google. We want to avoid the possibility that the gift, entertainment or other business courtesy could be perceived as a bribe, so it's always best to provide such business courtesies infrequently and, when we do, to keep their value moderate. Consult Google's Non-Government Related Gifts and Client Entertainment Policy before providing any business courtesies and contact Ethics & Compliance if you have any questions.

Dealing with government officials

Offering gifts, entertainment or other business courtesies that could be perceived as bribes becomes especially problematic if you're dealing with a government official. "Government officials" include

any government employee; candidate for public office; or employee of government-owned or -controlled companies, public international organizations, or political parties. Several laws around the world, including the U.S. Foreign Corrupt Practices Act and the UK Bribery Act, specifically prohibit offering or giving anything of value to government officials to influence official action or to secure an improper advantage. This not only includes traditional gifts, but also things like meals, travel, political or charitable contributions and job offers for government officials' relatives. Never give gifts to thank government officials for doing their jobs. By contrast, it can be permissible to make infrequent and moderate expenditures for gifts and business entertainment for government

officials that are directly tied to promoting our products or services (e.g., providing a modest meal at a day-long demonstration of Google products). Payment of such expenses can be acceptable (assuming they are permitted under local law) but may require pre-approval from Ethics & Compliance under Google's Anti-Bribery and Government Ethics Policy.

The U.S. also has strict rules that severely limit the ability of a company or its employees to give gifts and business courtesies to a U.S. government official and also limit the official's ability to accept such gifts. The Honest Leadership and Open Government Act prohibits giving any gifts, including travel and other courtesies, to Members, Officers and employees of the U.S. Senate and House of

Representatives unless they fit within one of a number of specific exceptions. Gifts to employees of the U.S. executive branch are also regulated and subject to limits. Finally, state and local government officials in the U.S. are also subject to additional legal restrictions. Consult Google's Anti-Bribery and Government Ethics Policy before giving any such gifts or business courtesies and obtain all required pre-approvals. In sum, before offering any gifts or business courtesies to a U.S. or other government official, you should consult Google's Anti-Bribery and Government Ethics Policy. Carefully follow the limits and prohibitions described there, and obtain any required pre-approvals. If after consulting the Policy you aren't sure what to do, ask Ethics & Compliance.

VIII. Conclusion

Google aspires to be a different kind of company. It's impossible to spell out every possible ethical scenario we might face. Instead, we rely on one another's good judgment to uphold a high standard of integrity for ourselves and our company. We expect all Googlers to be guided by both the letter and the spirit of this Code. Sometimes, identifying the right thing to do isn't an easy call. If you aren't sure, don't be afraid to ask questions of your manager, Legal or Ethics & Compliance.

And remember… don't be evil, and if you see something that you think isn't right – speak up!

Report Abuse | Print Page | Remove Access | Powered By Google Sites

From: (b) (6), (b) (7)(C)
To: Hajduk, Alexander M.
Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
Date: Friday, December 4, 2015 4:57:16 PM
Attachments: (b) (6), (b) (7)(C) -20150312.pdf

Email from HR regarding the stray comment in March 2015.

On Fri, Dec 4, 2015 at 12:56 PM, (b) (6), (b) (7)(C) wrote:
> Harassment policy + policy update slides
>
> The section describing the controversy in which I was involved
> (Industryinfo) starts on slide 14.
>
>
> On Fri, Dec 4, 2015 at 12:25 PM, (b) (6), (b) (7)(C) wrote:
>> Attaching company policies.
>>
>>
>>
>> On Tue, Nov 24, 2015 at 12:41 PM, (b) (6), (b) (7)(C) wrote:
>>> Sure thing. Please see attached.
>>>
>>> (FWIW, they're not "supposed" to snoop on our personal gmail accounts,
>>> and I haven't been storing anything sensitive there.)
>>>
>>>
>>>
>>> On Tue, Nov 24, 2015 at 12:21 PM, Hajduk, Alexander M.
>>> <Alexander.Hajduk@nlrb.gov> wrote:
>>>> Hello (b) (6), (b) (7)(C)
>>>>
>>>> I think in this situation, since the charge is against Google, it'd be prudent (at least for the sake of appearances) to just send the attachments directly rather than using the Google Docs system. As a practical matter, even if the Employer weren't Google, our electronic case handling system doesn't work too well with documents that aren't individually attached and separately uploaded. I had this issue come up recently in a different case and the dropbox/ZIP file nearly crashed our system, which I can only assume is due to the fact that our system is being held together with duct tape and bailing wire.
>>>>
>>>> In any event, just email me the attachments individually and I'll take care of uploading them into the official case file.
>>>>
>>>> Thanks for your help with this.
>>>>
>>>> -Alex Hajduk
>>>> NLRB
>>>>
>>>> -----Original Message-----
>>>> From: (b) (6), (b) (7)(C) [mailto(b) (6), (b) (7)(C)]
>>>> Sent: Tuesday, November 24, 2015 11:18 AM
>>>> To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>
>>>> Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
>>>>
>>>> Hi Alex,
>>>>

>>>> I sent you a link to the requested information on Google Docs, as that is where my colleagues and I have been editing/sharing/reviewing items relevant to our case. You may need to register your @nlrb.gov email address using this form:
>>>>
>>>> https://accounts.google.com/signupwithoutgmail?hl=en
>>>>
>>>> If that's too much trouble, let me know and I'll just send them as an email attachment.
>>>>
>>>> As for the documents:
>>>>
>>>> NLRB-charge-timeline has a high-level description of the alleged NLRA violation, a writeup on the specific workplace issues we're trying to resolve through PCA, and a timeline with specific examples that demonstrate the "concertedness" of the PCA.
>>>>
>>>> loveletters.pdf contains my warning letter, my lawyer's complaint about it, and the Google lawyer's rebuttal.
>>>>
>>>> NLRB-charge-final is a scanned copy of the 501 form that I filled out with Jennifer Kaufman yesterday. I mailed this document to Google, certified with return receipt requested, this morning.
>>>>
>>>> Thanks!
>>>>
>>>>
>>>> On Tue, Nov 24, 2015 at 10:40 AM, Hajduk, Alexander M.
>>>> <Alexander.Hajduk@nlrb.gov> wrote:
>>>>> Hello again [redacted],
>>>>>
>>>>>
>>>>>
>>>>> I wanted to thank you for our conversation this morning and the
>>>>> preliminary details about your charge. As we discussed, I have
>>>>> penciled you in for your affidavit appointment on December 4, 2015,
>>>>> starting at 11 am. We are located in the Oakland Federal Building at
>>>>> 1301 Clay Street, Room 300N, Oakland, CA 94612. Since you'll be
>>>>> driving up from Mountain View, I should let you know that there is
>>>>> street parking around the federal building (though this is often hit
>>>>> or miss) as well as several private parking lots, including one on MLK
>>>>> Jr. Way (which is where most folks park). The caveat with that is
>>>>> while the Agency doesn't validate that parking garage will accept validations if you purchase something from one of the nearby cafes.
>>>>> Regarding the building itself, we're in the North Tower on the third
>>>>> floor, but I should mention that since we're in a federal building the
>>>>> security will be airport-level intense, so prepare for that.
>>>>>
>>>>>
>>>>>
>>>>> All that having been said, please feel free to email me at this
>>>>> address or call me at my office number below if you have any questions
>>>>> or concerns both prior to and after your affidavit. As we mentioned,
>>>>> you can use this address to send whatever preparatory materials you
>>>>> have in support of your charge, but for any other materials that you
>>>>> have in non-electronic format, please bring those with you on December 4.
>>>>>
>>>>>
>>>>>
>>>>> Otherwise, I look forward to meeting you and thanks again.
>>>>>
>>>>>

>>>>>
>>>>> Alexander M. Hajduk
>>>>>
>>>>> Senior Field Examiner
>>>>>
>>>>> National Labor Relations Board
>>>>>
>>>>> Region 32 – Oakland, CA
>>>>>
>>>>> Office: (510) 637-3271
>>>>>
>>>>> Fax: (510) 637-3315
>>>>>
>>>>>

(b) (6), (b) (7)(C) @google.com>

Meeting Follow-up

4 messages

(b) (6), (b) (7)(C) @google.com> Thu, Mar 12, 2015 at 5:57 PM
To: (b) (6), (b) (7)(C) @google.com>

Hi (b) (6), (b) (7)(C)

To recap our discussion earlier about your G+ comment on (b) (6), (b) (7)(C) thread about sexual harassment, I now understand that your intent was to express opposing view on the discussion at hand in a sarcastic manner.

We have a lot of discussions within the company where people might disagree on the topic being discussed. It's always important that we treat our coworkers respectfully even if we disagree on the topic being discussed. In this case your comment crossed the line of that, and was received as inappropriate and offensive. You are making a gender-based comment, where you belittle or minimize that fact that people have come forward with concerns about situations that have made them feel uncomfortable. Your comment also can be interpreted to mock the empowerment of women. You state "I am woman, hear me roar" and then question the fact that a woman complained about offensive comments.

As I mentioned live, I ask that you take down your comment.

The main point to remember is that all postings -- even if posing differing views -- should be done so respectfully. Our Code of Conduct, "Respect Each Other" section provides: We are committed to a supportive work environment, where employees have the opportunity to reach their fullest potential. Each Googler is expected to do his or her utmost to create a respectful workplace culture that is free of harassment, intimidation, bias and unlawful discrimination of any kind. Failure to do so moving forward can lead to discipline, up to and including termination.

Please let me know if you have any questions.

Thank you,
(b) (6), (b)

(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) @google.com | (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @google.com> Thu, Mar 12, 2015 at 6:01 PM
To: (b) (6), (b) (7)(C) @google.com>

Hi (b) (6), (b) (7

The comment was removed per your request.

So is this a written warning?

[Quoted text hidden]

(b) (6), (b) (7)(C) @google.com> Thu, Mar 12, 2015 at 6:11 PM
To: (b) (6), (b) (7)(C) @google.com>

Hi (b) (6), (b) (7)(C) - I was just looping back to recap our conversation and ensure that everything was clear and remind you about our policies. Thanks for removing the comment promptly.

(b) (6), (b)

(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) @google.com | (b) (6), (b) (7)(C)

[Quoted text hidden]

(b) (6), (b) (7)(C) @google.com> Thu, Mar 12, 2015 at 6:13 PM
To: (b) (6), (b) (7)(C) @google.com>

Cool, thanks for clarifying.

[Quoted text hidden]

From: (b) (6), (b) (7)(C)
To: Hajduk, Alexander M.
Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
Date: Friday, December 4, 2015 6:42:08 PM
Attachments: firing-meme-discussion-pca.pdf

Here is the discussion from 2015-04-24 regarding the "firing meme."

On Fri, Dec 4, 2015 at 1:56 PM, (b) (6), (b) (7)(C) wrote:
> Email from HR regarding the stray comment in March 2015.
>
> On Fri, Dec 4, 2015 at 12:56 PM, (b) (6), (b) (7)(C) wrote:
>> Harassment policy + policy update slides
>>
>> The section describing the controversy in which I was involved
>> (Industryinfo) starts on slide 14.
>>
>>
>> On Fri, Dec 4, 2015 at 12:25 PM, (b) (6), (b) (7)(C) wrote:
>>> Attaching company policies.
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>>> On Tue, Nov 24, 2015 at 12:41 PM, (b) (6), (b) (7)(C) wrote:
>>>> Sure thing. Please see attached.
>>>>
>>>> (FWIW, they're not "supposed" to snoop on our personal gmail accounts,
>>>> and I haven't been storing anything sensitive there.)
>>>>
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>>>>
>>>> On Tue, Nov 24, 2015 at 12:21 PM, Hajduk, Alexander M.
>>>> <Alexander.Hajduk@nlrb.gov> wrote:
>>>>> Hello (b) (6), (b) (7)(
>>>>>
>>>>> I think in this situation, since the charge is against Google, it'd be prudent (at least for the sake of appearances) to just send the attachments directly rather than using the Google Docs system. As a practical matter, even if the Employer weren't Google, our electronic case handling system doesn't work too well with documents that aren't individually attached and separately uploaded. I had this issue come up recently in a different case and the dropbox/ZIP file nearly crashed our system, which I can only assume is due to the fact that our system is being held together with duct tape and bailing wire.
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>>>>> In any event, just email me the attachments individually and I'll take care of uploading them into the official case file.
>>>>>
>>>>> Thanks for your help with this.
>>>>>
>>>>> -Alex Hajduk
>>>>> NLRB
>>>>>
>>>>> -----Original Message-----
>>>>> From: (b) (6), (b) (7)(C) [mailto (b) (6), (b) (7)(C)]
>>>>> Sent: Tuesday, November 24, 2015 11:18 AM
>>>>> To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>
>>>>> Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766

>>>>>
>>>>> Hi Alex,
>>>>>
>>>>> I sent you a link to the requested information on Google Docs, as that is where my colleagues and I have been editing/sharing/reviewing items relevant to our case. You may need to register your @nlrb.gov email address using this form:
>>>>>
>>>>> https://accounts.google.com/signupwithoutgmail?hl=en
>>>>>
>>>>> If that's too much trouble, let me know and I'll just send them as an email attachment.
>>>>>
>>>>> As for the documents:
>>>>>
>>>>> NLRB-charge-timeline has a high-level description of the alleged NLRA violation, a writeup on the specific workplace issues we're trying to resolve through PCA, and a timeline with specific examples that demonstrate the "concertedness" of the PCA.
>>>>>
>>>>> loveletters.pdf contains my warning letter, my lawyer's complaint about it, and the Google lawyer's rebuttal.
>>>>>
>>>>> NLRB-charge-final is a scanned copy of the 501 form that I filled out with Jennifer Kaufman yesterday. I mailed this document to Google, certified with return receipt requested, this morning.
>>>>>
>>>>> Thanks!
>>>>>
>>>>>
>>>>> On Tue, Nov 24, 2015 at 10:40 AM, Hajduk, Alexander M.
>>>>> <Alexander.Hajduk@nlrb.gov> wrote:
>>>>>> Hello again [redacted],
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>>>>>>
>>>>>> I wanted to thank you for our conversation this morning and the
>>>>>> preliminary details about your charge. As we discussed, I have
>>>>>> penciled you in for your affidavit appointment on December 4, 2015,
>>>>>> starting at 11 am. We are located in the Oakland Federal Building at
>>>>>> 1301 Clay Street, Room 300N, Oakland, CA 94612. Since you'll be
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>>>>>> or miss) as well as several private parking lots, including one on MLK
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>>>>>> All that having been said, please feel free to email me at this
>>>>>> address or call me at my office number below if you have any questions
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>>>>>> Otherwise, I look forward to meeting you and thanks again.
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>>>>>> Fax: (510) 637-3315
>>>>>>
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(b) (6), (b) (7)(C) @google.com>

Meme #50043360599... - Did this happen?

2 messages

(b) (6), (b) (7)(C) **(Google Docs)** <k+MTA0Mzk4MTg3NTY4ODA0MzU4NTgx-MTAxNTAwMjI5MDQ3MDk3OTA5MTI0@docs.google.com> Fri, Apr 24, 2015 at 10:01 AM
Reply-To: Reply <k+AORGpReA-wYCh50BgjkEmjou01MA5qHrKk-j4O2HOyvHSEXJX_5EOWgysrsEdyWCUvwBomPWnjhy@docs.google.com>
To: (b) (6), (b) (7)(C) @google.com

(b) (6), (b) (7)(C) replied to a comment on Meme #5004336059908096

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Did this happen?

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
I'm not sure what instance jjustice is referring to, but I saw this happen in a Memegen comment thread a few weeks ago.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
I saw some awful g/politics threads, but no requests for firing.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Kind of. In a G+ thread. Someone did indeed call for someone's firing (and anyone else like that person), but it was a combination of a political disagreement and (b) (6), (b) supposedly expressing that disagreement in an inappropriate context. I have a hard time believing that all the anger was just at posting the comment in an inappropriate context, so I have to think the political disagreement had a lot to do with it.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
The phrasing was something like "Google needs to get rid of people like <NAME>", which may not have included the word "fired" but is entirely unambiguous in its intent.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Firing, in so many words, was suggested by at least three people in the G+ thread. It's actually a common refrain in these kinds of threads.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
I'm not the example that prompted this meme, but it's happened to me

(b) (6), (b) (7)(C)

I'm not the example that prompted this meme, but it's happened to me indirectly once. Read the comments: https://memegen.googleplex.com/6118875587411968

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I'm not sure what the current meme refers to, but this has happened before, and not recently. During Prop 8 someone suggested that employees who **vote** the wrong way should be fired. (Someone else pointed out that such a policy would be massively illegal.)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I've only started to see this start to happen in the last year or so. Not that things were sunshine and roses before that, but intolerance and lack of empathy has really taken a toll in the last many months.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

"inappropriate context" is a fig leaf and HR has tried to use that line on me before. Essentially they want to pretend that they aren't punishing you for your political beliefs per se, but they can invent reasons why you were still in the wrong (allegedly) for expressing them.

Meanwhile, blatantly abusive and discriminatory posts are allowed to stand, as long as they are directed at unpopular Googlers or unpopular demographic groups.

Take lots of screencaps - you'll need them someday.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Whenever this happens I'm thankful to "I can tolerate anything except the outgroup" for giving eloquent voice to my train of thought.

http://slatestarcodex.com/2014/09/30/i-can-tolerate-anything-except-the-outgroup/

You received this email because you are mentioned in this thread. Change what Google Docs sends you. You can reply to this email to reply to the discussion.

Google

Google Docs <k+MTA0Mzk4MTg3NTY4ODA0MzU4NTgx@docs.google.com> Fri, Apr 24, 2015 at 10:40 AM
Reply-To: Reply <k+AORGpRfiFZjCeVN2vXs2w-D7kBF5QeD4At1a8jCbA4IFHdscP1mi32FIDpFdaGzYzHM37FUkBRJy@docs.google.com>
To: (b) (6), (b) (7)(C) @google.com

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) replied to a comment on Meme #5004336059908096

[Quoted text hidden]

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

+1 (b) (6), (b) (7). Until the last year or so, I'd see this sort of disgusting behavior implicit in a lot of discussions but it's only recently that it seems to have become explicit (and pretty widely accepted, on average).

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

That's a cool link, (b) (6), (b) (7). (+100 for (b) (6), (b) (7)(C) reference). "It seems to me that you only pardon the sins that you don't really think sinful"--that reminds me of the contrast between the infamous pizza parlor and Westboro Baptist. WBC had a situation (possibly multiple, I don't recall) where their transport was vandalized, they were refused service, and forced to drive in a dangerously crippled vehicle (flat tires etc.). There was no national outcry about the service refusal, no press releases from major companies, etc. Notably, the pizza place's situation was a hypothetical posed by a reporter and they emphasized that they have never refused service in their normal day-to-day business anyway, yet the pizza place was vilified for a milder version of a hypothetical than other folks for a reality that actually happened. (If anything, the folks who harass unpopular groups--in quite illegal ways--are considered heroes. Not jerks like those people on the other side of [insert debate here].)

You received this email because you are mentioned in this thread. Change what Google Docs sends you. You can reply to this email to reply to the discussion.

Google

From: (b) (6), (b) (7)(C)
To: Hajduk, Alexander M.
Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
Date: Friday, December 4, 2015 6:47:18 PM
Attachments: (b) (6), (b) (7)(C) -gplus-dear-hr-thread.pdf

Here is the open letter to HR from 2015-05-08.

On Fri, Dec 4, 2015 at 3:41 PM, (b) (6), (b) (7)(C) wrote:
> Here is the discussion from 2015-04-24 regarding the "firing meme."
>
> On Fri, Dec 4, 2015 at 1:56 PM, (b) (6), (b) (7)(C) wrote:
>> Email from HR regarding the stray comment in March 2015.
>>
>> On Fri, Dec 4, 2015 at 12:56 PM, (b) (6), (b) (7)(C) wrote:
>>> Harassment policy + policy update slides
>>>
>>> The section describing the controversy in which I was involved
>>> (Industryinfo) starts on slide 14.
>>>
>>>
>>> On Fri, Dec 4, 2015 at 12:25 PM, (b) (6), (b) (7)(C) wrote:
>>>> Attaching company policies.
>>>>
>>>>
>>>>
>>>> On Tue, Nov 24, 2015 at 12:41 PM, (b) (6), (b) (7)(C) wrote:
>>>>> Sure thing. Please see attached.
>>>>>
>>>>> (FWIW, they're not "supposed" to snoop on our personal gmail accounts,
>>>>> and I haven't been storing anything sensitive there.)
>>>>>
>>>>>
>>>>>
>>>>> On Tue, Nov 24, 2015 at 12:21 PM, Hajduk, Alexander M.
>>>>> <Alexander.Hajduk@nlrb.gov> wrote:
>>>>>>> Hello (b) (6), (b) (7),
>>>>>>>
>>>>>>> I think in this situation, since the charge is against Google, it'd be prudent (at least for the sake of appearances) to just send the attachments directly rather than using the Google Docs system. As a practical matter, even if the Employer weren't Google, our electronic case handling system doesn't work too well with documents that aren't individually attached and separately uploaded. I had this issue come up recently in a different case and the dropbox/ZIP file nearly crashed our system, which I can only assume is due to the fact that our system is being held together with duct tape and bailing wire.
>>>>>>>
>>>>>>> In any event, just email me the attachments individually and I'll take care of uploading them into the official case file.
>>>>>>>
>>>>>>> Thanks for your help with this.
>>>>>>>
>>>>>>> -Alex Hajduk
>>>>>>> NLRB
>>>>>>>
>>>>>>> -----Original Message-----
>>>>>>> From: (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)]

>>>>>> Sent: Tuesday, November 24, 2015 11:18 AM
>>>>>> To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>
>>>>>> Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
>>>>>>
>>>>>> Hi Alex,
>>>>>>
>>>>>> I sent you a link to the requested information on Google Docs, as that is where my colleagues and I have been editing/sharing/reviewing items relevant to our case. You may need to register your @nlrb.gov email address using this form:
>>>>>>
>>>>>> https://accounts.google.com/signupwithoutgmail?hl=en
>>>>>>
>>>>>> If that's too much trouble, let me know and I'll just send them as an email attachment.
>>>>>>
>>>>>> As for the documents:
>>>>>>
>>>>>> NLRB-charge-timeline has a high-level description of the alleged NLRA violation, a writeup on the specific workplace issues we're trying to resolve through PCA, and a timeline with specific examples that demonstrate the "concertedness" of the PCA.
>>>>>>
>>>>>> loveletters.pdf contains my warning letter, my lawyer's complaint about it, and the Google lawyer's rebuttal.
>>>>>>
>>>>>> NLRB-charge-final is a scanned copy of the 501 form that I filled out with Jennifer Kaufman yesterday. I mailed this document to Google, certified with return receipt requested, this morning.
>>>>>>
>>>>>> Thanks!
>>>>>>
>>>>>>
>>>>>> On Tue, Nov 24, 2015 at 10:40 AM, Hajduk, Alexander M.
>>>>>> <Alexander.Hajduk@nlrb.gov> wrote:
>>>>>>>> Hello again [redacted],
>>>>>>>>
>>>>>>>>
>>>>>>>>
>>>>>>>> I wanted to thank you for our conversation this morning and the
>>>>>>>> preliminary details about your charge. As we discussed, I have
>>>>>>>> penciled you in for your affidavit appointment on December 4, 2015,
>>>>>>>> starting at 11 am. We are located in the Oakland Federal Building at
>>>>>>>> 1301 Clay Street, Room 300N, Oakland, CA 94612. Since you'll be
>>>>>>>> driving up from Mountain View, I should let you know that there is
>>>>>>>> street parking around the federal building (though this is often hit
>>>>>>>> or miss) as well as several private parking lots, including one on MLK
>>>>>>>> Jr. Way (which is where most folks park). The caveat with that is
>>>>>>>> while the Agency doesn't validate that parking garage will accept validations if you purchase something from one of the nearby cafes.
>>>>>>>> Regarding the building itself, we're in the North Tower on the third
>>>>>>>> floor, but I should mention that since we're in a federal building the
>>>>>>>> security will be airport-level intense, so prepare for that.
>>>>>>>>
>>>>>>>>
>>>>>>>>
>>>>>>>> All that having been said, please feel free to email me at this
>>>>>>>> address or call me at my office number below if you have any questions
>>>>>>>> or concerns both prior to and after your affidavit. As we mentioned,
>>>>>>>> you can use this address to send whatever preparatory materials you
>>>>>>>> have in support of your charge, but for any other materials that you

>>>>>>> have in non-electronic format, please bring those with you on December 4.
>>>>>>>
>>>>>>>
>>>>>>>
>>>>>>> Otherwise, I look forward to meeting you and thanks again.
>>>>>>>
>>>>>>>
>>>>>>>
>>>>>>> Alexander M. Hajduk
>>>>>>>
>>>>>>> Senior Field Examiner
>>>>>>>
>>>>>>> National Labor Relations Board
>>>>>>>
>>>>>>> Region 32 – Oakland, CA
>>>>>>>
>>>>>>> Office: (510) 637-3271
>>>>>>>
>>>>>>> Fax: (510) 637-3315
>>>>>>>
>>>>>>>

Meet the new Google+. Simpler, faster, better. Preview it today. Let's Go

(b) (6), (b) (7)(C)

[redacted]

(b) (6), (b) (7)(C)

Friends

287,276 views

(b) (6), (b) (7)(C)

google.com - May 8, 2015

Dear HR (and I know you're watching, because I'm paranoid):

If someone makes a complaint to you, and you take an action with respect the person complained against without taking an action with respect to the complainer, YOU HAVE TAKEN SIDES. In fact, you have effectively rebuked the person complained about. This is true even if the action is something relatively innocuous such as a suggestion to take training or a warning to follow rules which are already being followed. There are no free actions; you are too powerful for that.

7

(b) (6), (b) (7)(C)

[redacted]

15 comments

(b) (6), (b) (7)(C) May 9, 2015

HR were on a side before the complaint, they didn't take one. They are legally required to maintain certain standards in the workplace wrt various types of actions. I'm surprised you haven't seen this explanation before.

(b) (6), (b) (7)(C) May 9, 2015 *+1*

They are not required to take action on complaints which either are not

substantiated or do not allege a violation of those workplace standards. If they take action with respect to the target of an unsubstantiated complaint (even if it amounts to a warning "don't do what you're not doing"), they are effectively ruling the complaint substantiated. If they take action with respect to the target of a complaint which is complaining about actions which do not violate standards, they are effectively changing those standards.

For instance, suppose a co-worker were to make an HR complaint about my wearing a red shirt at work. And HR goes to my manager and has him tell me that there was a complaint about my red shirt and I should be careful to respect the dress code in the future. Sometime in the future I wear my red shirt again, and the co-worker complains again. Now I get dragged into a meeting (or exit interview) with my HRBP where I'm told that I violated the dress code and I should have known not to wear the red shirt because "You'd been warned". The question of whether there was actually any workplace rule against a red shirt would never come up; the warning is sufficient unto itself to establish the rule for me.

(b) (6), (b) (7)(C) [redacted] May 9, 2015

"HR were on a side before the complaint, they didn't take one. They are legally required to maintain certain standards in the workplace wrt various types of actions."

There has been at least one recent incident where somebody made an openly bigoted comment disparaging another Googler based on several protected characteristics, it was reported to HR, and the comment was not removed.

But this is just one data point - it could have been an honest oversight rather than a case of selective enforcement. HR's metaphorical switchboard undoubtedly lights up every time there is a controversy on G+ and it is easy to see how a few legitimate reports could get lost in the confusion.

Perhaps the bigger question is: if our internal forums, and even some VPs' public statements, are overflowing with hateful rhetoric targeting a certain protected class - what are the potential legal complications when Google wants to take adverse action against a member of that class? e.g. terminating somebody, or denying their promotion with a 3-word tweet?

And the situation could only get worse if ($deity forbid) some of those outspoken bigots are sitting on hiring or promo committees.

(b) (6), (b) (7)(C) May 9, 2015
Sounds like somebody got an ASBO!

(b) (6), (b) (7)(C) May 9, 2015 *+1*
(b) (6), (b) (7)(C) Yes, but I'm wearing a red shirt RIGHT NOW.

(b) (6), (b) (7)(C) May 9, 2015
(b) (6), (b) (7)(C) the certain actions involve the person who made the comment, not the comment itself, its non removal is irrelevant.

(b) (6), (b) (7)(C) May 9, 2015 *+2*
(b) (6), (b) (7)(C) actually our own standards go beyond the legal requirements of picky in eg. protected classes.

Nonetheless, the dress code you walk past is the dress code you accept.

(b) (6), (b) (7)(C) May 9, 2015
(b) (6), (b) (7)(C) You're moving the goalposts. You're the one who brought up legal requirements. I was objecting to actions being taken based on complaints when no applicable standard was being violated, regardless of whether or not the standard was legally required. To continue beating my hypothetical into the ground: Unlike other standards, our dress code is pretty clear: "wear clothes" (plus some legal issues like not going barefoot in the NYC microkitchens). If I'm warned to "follow the dress code" over wearing my red shirt because someone complained, HR has now effectively made a rule, just for me, that says "don't wear your red shirt". They have imposed a restriction on me based on a complaint that didn't allege any wrongdoing on my part.

My response to such a caution would be along the lines of "I will follow the dress code, which does not forbid my red shirt, which I will again wear from
rity nor will it save
old that my conduct
t it establishes there
ir part).

Search Google+

(b) (6), (b) (7)(C)

Viewing a confidential internal build. View external - View Experiments

(b) (6), (b) (7)(C) I was "asked" [illegible] by H[illegible] to delete a comment once. They have also nuked controversial memes:

https://legend.googleplex.com/stories/d-d-alignment-meme-meme-9188656/4c9262cb94414
https://memegen.googleplex.com/17196300

Not sure if deletion is standard policy or if it varies by situation. (b) (6), (b) (7)(C) probably has more experience in this area. ;-)

They may well have punished the poster without taking down the offending comment, but it seems unlikely. Hostile work environment claims are a real thing, and one of the criteria is "pervasive." Leaving the slurs up in plain sight will make life a breeze for the plaintiff's attorney.

(b) (6), (b) (7)(C) May 9, 2015
I imagine that leaving them there makes it easier to take action against the poster, too. In some cases, it is the post itself which is actionable or the subject of action (the one I suspect you are linking to)

If the action *is* delete it and move on, then the comparison doesn't matter.

(b) (6), (b) (7)(C) May 9, 2015 ***+1***
(b) (6), (b) (7)(C) I'm not moving the goalposts, I'm explaining why your complaints about HR taking a side are nonsensical. They took a side long before any complaint was made. It isn't your side and it isn't the side of the person who complained.

You certainly *could* respond by passive-aggressive escalation against your employer, but that smells of a death-by-cop analog. A more reasoned response would be to go and *talk* to the HRBP about your inability to deduce the substance of the rules you are breaking and ask them what would make them less likely to keep pulling you up.

Granted, that's probably less "fun"

(b) (6), (b) (7)(C) May 9, 2015

(b) (6), (b) (7)(C) "your complaints about HR taking a side are nonsensical. They took a side long before any complaint was made"

This is possible, but far from certain. Despite Google's reputation as a bastion of free thought, there are an awful lot of people here whose views are heavily influenced by social pressure (i.e. pitchfork mobs).

It takes a certain type of personality to be able to tell several dozen outraged individuals that they are all wrong to call for blood, and that somebody with a minority view has a right to speak his mind. And you'll want to be 110% sure your management will back you up on it.

(b) (6), (b) (7)(C) May 9, 2015 *+1*

I think a close examination of the blogger incident will illustrate that we have people who not only support minority views untarnished by any actual evidence, that we support such as the basis for setting company policy and in internal communication.

Regardless, HR aren't on either "side" of the complainer/complained about dispute.

(b) (6), (b) (7)(C) May 9, 2015 *+1*

(b) (6), (b) (7)(C) The position they take prior to the complaint isn't the problem. It's the side they take after the complaint which is the problem. If they take action against the person who is the target of the complaint, they have indeed taken a side with respect to the complaint. Even if they claim the action is not punitive.

As for passive-aggressive escalation, I think explicitly refusing to accept the tacit private rule imposed is not passive-aggressive at all. It's outright aggressive. Taking your suggestion is essentially *asking* them to come up with a rule (call it an interpretation if you like) that only applies to me, which is not what I want. If I have violated no policy, I want them to leave me alone and tell the complainer to pound sand (perhaps more diplomatically). That would be less "fun", as you say, for them.

(b) (6), (b) (7)(C) May 9, 2015 *+2*

(b) (6), (b) (7)(C) Your talk of "sides" leads you to forming an incorrect and unhelpful mental model of how HR works. They haven't taken a new

side in this complaint, for all that you might feel aggrieved by something they've done.

You can come up with whatever justification you like, but your failing to step up and figure out what the problem actually is (rather than, say, what you've already decided it is in your own mind without external consultation) really leaves you with nobody to hang the eventual outcome on but yourself.

Add a comment...

From: (b) (6), (b) (7)(C)
To: Hajduk, Alexander M.
Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
Date: Friday, December 4, 2015 8:05:04 PM
Attachments: internal-communications-draft.pdf
employee-communication-policy-20151204.pdf

Here is the new Employee Communications Policy. Note that the draft
version posted earlier (which did not become official) mentioned PCA
by name.

On Fri, Dec 4, 2015 at 4:15 PM, (b) (6), (b) (7)(C) wrote:
> Here is the complete (b) (6), G+ thread from 2015-08-06 (minus the comments
> from people who have me blocked).
>
>
> On Fri, Dec 4, 2015 at 3:50 PM, (b) (6), (b) (7)(C) wrote:
>> Here is the email trail involving HR and Respect from 2015-05-20.
>>
>>
>> On Fri, Dec 4, 2015 at 3:46 PM, (b) (6), (b) (7)(C) wrote:
>>> Here is the open letter to HR from 2015-05-08.
>>>
>>> On Fri, Dec 4, 2015 at 3:41 PM, (b) (6), (b) (7)(C) wrote:
>>>> Here is the discussion from 2015-04-24 regarding the "firing meme."
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>>>> On Fri, Dec 4, 2015 at 1:56 PM, (b) (6), (b) (7)(C) wrote:
>>>>> Email from HR regarding the stray comment in March 2015.
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>>>>>> The section describing the controversy in which I was involved
>>>>>> (Industryinfo) starts on slide 14.
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>>>>>>> Attaching company policies.
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>>>>>>>>>> I think in this situation, since the charge is against Google, it'd be prudent (at least for the sake of appearances) to just send the attachments directly rather than using the Google Docs system. As a practical matter, even if the Employer weren't Google, our electronic case handling system doesn't work too well with documents

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>>>>>>>>>> In any event, just email me the attachments individually and I'll take care of uploading them into the official case file.
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>>>>>>>>>> Thanks for your help with this.
>>>>>>>>>>
>>>>>>>>>> -Alex Hajduk
>>>>>>>>>> NLRB
>>>>>>>>>>
>>>>>>>>>> -----Original Message-----
>>>>>>>>>> From: (b) (6), (b) (7)(C) [mailto (b) (6), (b) (7)(C)]
>>>>>>>>>> Sent: Tuesday, November 24, 2015 11:18 AM
>>>>>>>>>> To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>
>>>>>>>>>> Subject: Re: Follow up from our conversation concerning charge against Google, Inc., 32-CA-164766
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>>>>>>>>>> Hi Alex,
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>>>>>>>>>> I sent you a link to the requested information on Google Docs, as that is where my colleagues and I have been editing/sharing/reviewing items relevant to our case. You may need to register your @nlrb.gov email address using this form:
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>>>>>>>>>> https://accounts.google.com/signupwithoutgmail?hl=en
>>>>>>>>>>
>>>>>>>>>> If that's too much trouble, let me know and I'll just send them as an email attachment.
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>>>>>>>>>> As for the documents:
>>>>>>>>>>
>>>>>>>>>> NLRB-charge-timeline has a high-level description of the alleged NLRA violation, a writeup on the specific workplace issues we're trying to resolve through PCA, and a timeline with specific examples that demonstrate the "concertedness" of the PCA.
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>>>>>>>>>> loveletters.pdf contains my warning letter, my lawyer's complaint about it, and the Google lawyer's rebuttal.
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>>>>>>>>>> NLRB-charge-final is a scanned copy of the 501 form that I filled out with Jennifer Kaufman yesterday. I mailed this document to Google, certified with return receipt requested, this morning.
>>>>>>>>>>
>>>>>>>>>> Thanks!
>>>>>>>>>>
>>>>>>>>>>
>>>>>>>>>> On Tue, Nov 24, 2015 at 10:40 AM, Hajduk, Alexander M.
>>>>>>>>>> <Alexander.Hajduk@nlrb.gov> wrote:
>>>>>>>>>>> Hello again (b) (6), (b) (7)(C), (b) (7)(D),
>>>>>>>>>>>
>>>>>>>>>>>
>>>>>>>>>>>
>>>>>>>>>>> I wanted to thank you for our conversation this morning and the
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>>>>>>>>>>> 1301 Clay Street, Room 300N, Oakland, CA 94612. Since you'll be
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>>>>>>>>>>> All that having been said, please feel free to email me at this
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>>>>>>>>>>> you can use this address to send whatever preparatory materials you
>>>>>>>>>>> have in support of your charge, but for any other materials that you
>>>>>>>>>>> have in non-electronic format, please bring those with you on December 4.
>>>>>>>>>>>
>>>>>>>>>>>
>>>>>>>>>>>
>>>>>>>>>>> Otherwise, I look forward to meeting you and thanks again.
>>>>>>>>>>>
>>>>>>>>>>>
>>>>>>>>>>>
>>>>>>>>>> Alexander M. Hajduk
>>>>>>>>>>>
>>>>>>>>>>> Senior Field Examiner
>>>>>>>>>>>
>>>>>>>>>>> National Labor Relations Board
>>>>>>>>>>>
>>>>>>>>>>> Region 32 – Oakland, CA
>>>>>>>>>>>
>>>>>>>>>>> Office: (510) 637-3271
>>>>>>>>>>>
>>>>>>>>>>> Fax: (510) 637-3315
>>>>>>>>>>>
>>>>>>>>>>>

From: (b) (6), (b) (7)(C)
To: Hajduk, Alexander M.
Subject: Re: Google Collaborators
Date: Wednesday, December 9, 2015 5:49:46 PM

One other thing I remembered from my conversation with (b) (6), (b) (7)(C) on the morning of 8/19:

He said that HR and Employee Relations had put together an internal report regarding the (b) (6), (b) G+ thread. My situation is described in this report. If we can subpoena this report I think it would be useful, and it may expose additional violations of Google employees' rights.

On Sun, Dec 6, 2015 at 2:37 PM, (b) (6), (b) (7)(C) wrote:
> Hi Alex,
>
> Here is the contact info for a few of the key people mentioned in my
> documentation:
>
>
> (b) (6), (b) (7)(C) - received a warning letter for
> protesting discriminatory language in the "go/derail" document. (b) (6), (b)
> protests were primarily directed at (b) (6), (b) (7)(C) ; in my
> 55-page doc I quoted a few of the comments where some peers had joined
> (b) (6), (b) I haven't seen (b) (6) warning letter but (b) (6) indicated that it
> contained similarly vague language to mine, and (b) (6) was unable to get
> clarification on how anything (b) (6) did actually violated any rules.
>
> Timeframe: (b) (6), (b) (7)(C) 2015.
>
>
> (b) (6), (b) (7)(C) - denied promotion.
> (b) (6), (b) (7)(C) internal G+ page has long been a de-facto gathering spot for
> employees who are protesting certain aspects of the work environment,
> primarily involving politics and the performance review process.
> (b) (6), (b) (7)(C) has made a number of postings regarding the unfairness of the
> latter process, expressing frustration over being repeatedly denied
> promotions for no clear reason. (b) (6), (b) page has an entire subsection
> called "Perf and Promo Complaints." (b) (6), (b) kind of a stubborn,
> independent person so (b) (6) might need a little coaxing to cooperate with
> the government, but (b) (6) really does want (b) (6), (b) (7)(C) promotion. Promo
> committees generate almost zero feedback to employees; you may find a
> smoking gun if you can subpoena their records.
>
> In my 5/20 correspondence with (b) (6), (b) (7)(C) I specifically
> mentioned this case, reminding HR that it will be harder to make
> adverse employment decisions against white males "stick" if they allow
> anti-white-male screeds to be plastered all over the company's
> internal discussion forums.
>
> Timeframe: Not sure. The 180-day deadline may have passed since (b) (6), (b)
> last attempt. (b) (6), (b) have another chance to apply for promo in Q1
> 2016.

>
>
>(b) (6), (b) (7)(C) [redacted] - received a letter of reprimand
> for protesting hiring discrimination (see the 55-page document for
> details) to (b) (6), (b) (7)(C) [redacted]. This happened while [redacted] was in
> [redacted]; now [redacted] works out of [redacted]. The fact that [redacted] is in Europe may
> complicate matters. However, do note that Google is already in
> trouble with the EU over antitrust issues. It is possible that the
> company would be willing to reverse their retaliatory actions against
> [redacted] in order to avoid compounding their legal troubles with the EU
> regulators.
>
> Even if all else fails, getting [redacted] letter into evidence may bolster our case.
>
> Timeframe: [redacted] 2015. The 180-day deadline has passed.
>
>
>(b) (6), (b) (7)(C) [redacted] - was terminated on a pretextual PIP.
> When I've chatted with [redacted] privately [redacted] has expressed interest in
> filing a charge. [redacted] has been active on several threads
> discussing/protesting working conditions, and was verbally reprimanded
> for one thread just a few days before [redacted] PIP started. Part of the
> challenge here will involve finding and documenting the posts that are
> relevant to [redacted] case; I found a few, but I think we'll need more
> context.
>
> Timeframe: [redacted] termination was on or about 2015-[redacted]
>
>
>(b) (6), (b) (7)(C) [redacted]@google.com> - was denied an "easy"
> promotion that [redacted] was expecting. [redacted] has been active on several
> threads discussing workplace bullying and politics, and was one of the
> original members of the "g/freespeech" group. Might be out on
> [redacted] leave now (this can take up to [redacted]).
>
> Timeframe: [redacted] 2015.
>
>
> I have sent all of them your contact info, encouraging them to reach
> out to you and informing them that you may try to talk to anyone whose
> name came up in my report.

From: Friedman, Ross H.
To: Hajduk, Alexander M.
Subject: Re: EAJA letter requesting evidence in Google, Inc., 32-CA-164766
Date: Tuesday, January 12, 2016 2:21:03 PM

Alex-

FYI, position statement coming to you today.

Thanks-
Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 |
Mobile: +1.773.497.7677
rfriedman@morganlewis.com | www.morganlewis.com
Assistant: Linda Leslie | +1.312.324.1173 |lleslie@morganlewis.com

On Dec 21, 2015, at 5:31 PM, Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov> wrote:

> Hello again Ross,
>
> Thanks for your patience on this. Before I get to the EOT request, I wanted to just quickly let you know about my schedule here in the office over the coming weeks. So I'll be out of the office in Chicago for Xmas leave between 12/24 and 1/12, when I'll be back in the office. But I'll still be available over email during that time if something comes up.
>
> On the EOT request, if the Employer is willing to make available any witnesses for affidavits during the week of January 18, then the deadline for the Employer's documents and position statement would be January 11. However, if the Employer isn't willing to do this, then the furthest out the Region can go on the EOT is to January 5.
>
> So that's that. I apologize for including the information about my schedule in the coming weeks, but I thought it was necessary to tell you that because if the Employer submits its documents and position statement on January 5, I won't be able to get to it until January 12.
>
> Thanks Ross and I hope you have a merry Xmas and good New Year.
>
> -Alex Hajduk
> NLRB

From: Friedman, Ross H. [mailto:rfriedman@morganlewis.com]
Sent: Friday, December 18, 2015 12:49 PM
To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>
Subject: RE: EAJA letter requesting evidence in Google, Inc., 32-CA-164766

Sounds good. Hope you are doing OK. Call me whenever you have a chance. I'm out of the office the next two weeks but almost always available at 773-497-7677.

Thanks-
Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
rfriedman@morganlewis.com | www.morganlewis.com
Assistant: Linda Leslie | +1.312.324.1173 | lleslie@morganlewis.com

---

From: Hajduk, Alexander M. [mailto:Alexander.Hajduk@nlrb.gov]
Sent: Thursday, December 17, 2015 5:42 PM
To: Friedman, Ross H.
Subject: Re: EAJA letter requesting evidence in Google, Inc., 32-CA-164766

Hey Ross,

I've been out of the office this past week on sick leave and I'm likely coming back to the office on Monday. I'll forward your request up the chain, but I don't foresee any problems. We'll chat on Monday if you're available.

Thanks,
Alex

Sent from my iPhone

On Dec 17, 2015, at 11:30 AM, Friedman, Ross H. <rfriedman@morganlewis.com> wrote:

> Hey Alex- just checking to see if you got my message a couple days ago. We're looking for an extension into January for the position statement response, ideally to 1/11. Lots of documents here and hard to get access to people this time of year. Also, FYI – (b)(6) has also filed an EEOC charge.
>
> **Ross H. Friedman**
> **Morgan, Lewis & Bockius LLP**
> 77 West Wacker Drive | Chicago, IL 60601
> Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
> rfriedman@morganlewis.com | www.morganlewis.com
> Assistant: Linda Leslie | +1.312.324.1173 | lleslie@morganlewis.com

From: Hajduk, Alexander M. [mailto:Alexander.Hajduk@nlrb.gov]
Sent: Wednesday, December 09, 2015 2:49 PM
To: Friedman, Ross H.
Subject: EAJA letter requesting evidence in Google, Inc., 32-CA-164766
Importance: High

Hello again Ross,

I hope that this email finds you well. As promised, I'm sending along a PDF copy of the EAJA letter in the above-referenced case. I'm going to be leaving the office in a short bit to finish the second day of a two day, 800 person election, and I'll be out of the office on sick leave tomorrow and Friday, but I'll be back on Monday, so if you'd like to chat about this case then, please feel free to give me a call.

Otherwise, I look forward to hearing from you. Let me know if you have any questions or concerns.

Thanks,

Alexander M. Hajduk
Field Examiner
National Labor Relations Board
Region 32 – Oakland, CA
Office: (510) 637-3271
Fax: (510) 637-3315

DISCLAIMER
This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

From:	(b) (6), (b) (7)(C)
To:	Hajduk, Alexander M.
Subject:	Google company policies
Date:	Friday, February 5, 2016 9:08:28 PM
Attachments:	code-of-conduct-20151010.pdf appropriate-conduct-policy-20151010.pdf

---

Attached please find the Code of Conduct and Appropriate Conduct Policy.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
32-CA-164766	03/01/2016

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Google, Inc.		b. Tel. No. (650)253-3640 c. Cell No. (415)867-5506
d. Address (street, city, state ZIP code) 1600 Amphitheatre Pkwy, Mountain View, CA 94043-1351	e. Employer Representative Jenn Blackstone Senior Counsel	f. Fax No. g. e-Mail jblackstone@google.com h. Dispute Location (City and State) Mountain View, CA
i. Type of Establishment (factory, nursing home, hotel) Technology	j. Principal Product or Service Internet search engine	k. Number of workers at dispute location 30000

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

Since about (b) (6) (b) (7)(C) 2015, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening an employee with threats of unspecified reprisal because of [redacted] protected concerted activity and by issuing a final written warning to employee (b) 6) (b) (7) C) in retaliation for [redacted] protected concerted activity.

Since about August 6, 2015, and continuing to the present date, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining, enforcing, and applying the Code of Conduct policy, the Appropriate Conduct policy, and the Policy Against Harassment, Discrimination, and Retaliation.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)
(b) (6) (b) (7) C)

4a. Address (street and number, city, state, and ZIP code) (b) (6) (b) 7 (C) [redacted]	4b. Tel. No. (b) (6) (b) (7 (C) 4c. Cell No. (b) (6) (b) (7 (C) 4d. Fax No. 4e. e-Mail (b) 6) b) (7)(C) [redacted]

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION I decl[redacted]d that the statements are true to the best of my kn[redacted] (b) (6), (b) (7)(C) [redacted]	Tel. No. (b) (6) (b) (7 (C)
By: [redacted] (b) (6) b) 7 (C) (signature of representative or person making charge) Print Name and Title	Office, if any, Cell No. (b) (6) (b) (7 (C)
Address: (b) (6) (b) 7 (C) [redacted] (b) (6) (b) 7 (C) [redacted] Date: 2016-02-29	Fax No. e-Mail (b) 6) b) (7)(C) [redacted]

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

REGION 32 – DOCKET SHEET (Charge Against Employer)

Case Name:	Google, Inc.

Method of Receipt:	Visit	Written/Mail	Electronic/Fax	E-Filed:

IO Assisted (Circle one)	Yes / No
IO Inquiry # on Charge (Circle one)	Yes / No
IO Notes (Circle one)	Yes / No

Assigned to:	Supervisor		Agent	

Dispute Location	City	**Mountain View**	State	CA

Bargaining Status (Check One)

Existing Contract		None	
Organizational Campaign		Seeking Initial Contract	
Seeking Successor Contract			

No. of 8(a)(3) Discriminatees	

Include Back Pay Paragraph (Circle one) (Charging Party only)	Yes / No
Include Spanish Explanation & Assistance Paragraphs (Circle one) (Charging Party only)	Yes / No

IA Category (Circle one)	I / II / III

Possible 10(j) Case (Circle one)	Yes / No
Date & Time 10(j) Screen	

Related Cases (Relate on Case Level)	

Initial if OK to Docket **Amended** Charge	

Comments:	

Section	Allegation	Applicable?
8(a)(1)	Coercive Actions (Surveillance, etc)	
	Coercive Rules	✓
	Coercive Statements (Threats, Promises of Benefits, etc.)	✓
	Concerted Activities (Retaliation, Discharge, Discipline) (*)	✓
	Denial of Access	
	Discharge of Supervisor (Parker-Robb Chevrolet)	
	Interrogation (including Polling)	
	Lawsuits	
	Weingarten	
8(a)(2)	Assistance	
	Domination	
	Unlawful Recognition	
8(a)(3)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire (not salting)) (*)	
	Discipline	
	Lockout (*)	
	Refusal to Consider/Hire Applicant (salting only) (*)	
	Refusal to Hire Majority (*)	
	Refusal to Reinstate Employee/Striker (e.g. Laidlaw) (*)	
	Retaliatory Lawsuit	
	Shutdown or Relocate/Subcontract Unit Work (*)	
	Union Security Related Actions (*)	
8(a)(4)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire)	
	Discipline	
	Refusal to Reinstate Employee/Striker	
	Shutdown or Relocate/Subcontract Unit Work	
8(a)(5)	Alter Ego	
	Failure to Sign Agreement	
	Refusal to Bargain/Bad Faith Bargaining (including Surface Bargaining/Direct Dealing)	
	Refusal to Furnish Information	
	Refusal to Recognize	
	Repudiation/Modification of Contract [Sec 8(d)/Unilateral Changes] (*)	
	Shutdown or Relocate (e.g. First National Maint.) Subcontract Work (*)	
8(e)	All Allegations against an Employer	

(*) May require adding the Back Pay Statement to Charging Party Letter

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Download
NLRB
Mobile App

March 2, 2016

JENN BLACKSTONE, SENIOR COUNSEL
GOOGLE, INC.
1600 AMPHITHEATRE PKWY
MOUNTAIN VIEW, CA 94043-1351

Re: Google, Inc.
Case 32-CA-164766

Dear Blackstone:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner Alexander M. Hajduk whose telephone number is (510)637-3271. If the agent is not available, you may contact Deputy Regional Attorney Jeffrey L. Henze whose telephone number is (510)637-3285.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

George Velastegui

George Velastegui
Regional Director

Enclosure: Copy of first amended charge

cc: ROSS H. FRIEDMAN, ATTORNEY
MORGAN LEWIS & BOCKIUS, LLP
77 W WACKER DR FL 5
CHICAGO, IL 60601-1671

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

GOOGLE, INC. Charged Party and (b) (6), (b) (7)(C) Charging Party	**Case 32-CA-164766**

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on March 2, 2016**,** I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

JENN BLACKSTONE, SENIOR COUNSEL
GOOGLE, INC.
1600 AMPHITHEATRE PKWY
MOUNTAIN VIEW, CA 94043-1351

ROSS H. FRIEDMAN, ATTORNEY
MORGAN LEWIS & BOCKIUS, LLP
77 W WACKER DR FL 5
CHICAGO, IL 60601-1671

March 2, 2016
Date

Cathy Hendrick, Designated Agent of NLRB
Name

Cathy Hendrick
Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Download NLRB Mobile App

March 2, 2016

(b) (6), (b) (7)(C)
[redacted]

Re: Google, Inc.
Case 32-CA-164766

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner Alexander M. Hajduk whose telephone number is (510)637-3271. If the agent is not available, you may contact Deputy Regional Attorney Jeffrey L. Henze whose telephone number is (510)637-3285.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

George Velastegui

George Velastegui
Regional Director

United States Government
National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL

Advice Memorandum

S.A.M. DATE: May 31, 2016

TO: George P. Velastegui, Regional Director
Region 32

FROM: Barry J. Kearney, Associate General Counsel
Division of Advice

SUBJECT: Google, Inc.
Case 32-CA-164766

506-0170
506-2001-5000
506-4033-1200
506-6080-0800
512-5012-0125
512-5012-3322
512-5036-0117

The Region submitted this case for advice as to whether Google, Inc. ("the Employer") violated Section 8(a)(1) of the Act by issuing a final written warning to the Charging Party after (b) (6), and like-minded coworkers posted complaints about workplace diversity policies on the Employer's internal social networking platform and requested clarification of what comments they could post on that platform without violating the Employer's rules. The Region also requested advice on whether a nationwide notice posting would be necessary to remedy the alleged unlawful discipline.

We conclude that the Charging Party's comments on the Employer's internal social networking platform constituted concerted activity that did not lose the Act's protection, and therefore the Employer violated Section 8(a)(1) by issuing (b) (6), (b) (7 a final written warning and threatening (b) (6), (b) (7 for engaging in that conduct. We further find that the Employer violated Section 8(a)(1) by maintaining workplace rules that are unlawfully overbroad. Finally, we conclude that a nationwide notice posting to remedy the violations is appropriate.

FACTS

The Employer is engaged in the business of developing and providing information technology, web development, internet-related services, online advertising technologies, search systems, cloud computing, and related software. It has approximately 60,000 employees worldwide and is headquartered in Mountain View, California. The Charging Party began working for the Employer on (b) (6), (b) (7)(C)

as (b) (6), (b) (7)(C).[1] (b) (6), (b) is responsible for writing code, debugging operating systems, and performing related tasks.

The Employer hosts an intranet employee discussion forum, known as internal Google Plus ("G+"), that is only visible to and accessible by its employees.[2] Any employee assigned to any Employer facility in the world can post messages on G+ "threads" relating to any topic, work and non-work alike. Many employees post items of interest relating to their working assignments, their personal lives, and current events.

Shortly after (b) (6), was hired, the Charging Party began observing and participating in conversations on G+. In March, after (b) (6), posted a meme, i.e., a photographic image with text, in a G+ discussion thread, the Employer gave (b) (6), (b) a verbal counseling for (b) (6), (b) post. The thread included a discussion of a female coworker's reported sexual harassment, and the Charging Party's post stated, "I am woman, hear me roar … has a complete breakdown over some dude's cheesy pickup line … things you should never say in a thread about harassment." Many of the Charging Party's coworkers took offense with the meme and reported it to Human Resources. A Human Resources Business Partner informed the Charging Party that (b) (6), should not post comments like that.[3]

The Charging Party believed that certain employees were being harshly and unfairly criticized within the G+ online community for expressing unpopular social, political, and workplace policy viewpoints. Specifically, the Charging Party believed that employees were unfairly denounced when they spoke out against the Employer's various workplace diversity and social justice initiatives and stated that the programs disfavored white males. The posted criticisms of such opinions were often contentious and included calls for those expressing the unpopular viewpoints to be disciplined or even terminated. Because the Employer allows coworkers to submit comments to another employee's supervisor, and those comments can in turn be used in evaluating the employee, the Charging Party also believed that (b) (6), could be disciplined if commenters on G+ who disagreed with (b) (6), (b) submitted comments to (b) (6), (b) supervisor.

---

[1] All dates are in 2015.

[2] This internal forum is not to be confused with the public version of G+, which is a social media platform open to the general public. All references to G+ in this memorandum are solely to the Employer's internal discussion forum.

[3] The Charging Party does not include the verbal counseling that (b) (6), received in (b) (6), (b) (7)(C) as part of the current charge.

On April 22, the Charging Party observed a comment thread where employees harshly criticized a coworker for expressing (b) (6), (b) views against the Employer's "diversity town hall" webcasts. The coworker had written, "I've yet to see effective 'increasing diversity' efforts which do not bring unfairness against white men (e.g. lowering the hiring bar for minorities, or arranging events where white men are or feel excluded)." The coworker received negative feedback on the same discussion thread from other employees, including supervisors. These included comments such as, "Frankly, I could care less about being 'unfair' to white men. You already have all the advantages in the world." Others called for the coworker to be reported for (b) (6), (b) comment. The coworker's manager later joined the discussion thread and apologized for the coworker's comments, saying they were "not acceptable behavior" and that (b) (6), (b) would resolve the matter "on the official channels." After reading the thread, the Charging Party sent an email to Human Resources supportive of the coworker and complaining about how employees had treated the coworker for criticizing the Employer's workplace diversity initiatives. Human Resources pledged to look into the matter further.

On April 24, the Charging Party began talking with four like-minded coworkers on a separate G+ discussion thread regarding their own experiences working for the Employer.[4] The group discussed what they perceived to be the mistreatment of employees, such as themselves, who hold unpopular workplace views (including calls for their discipline), the Employer's failure to react to reported concerns regarding such mistreatment, and some suggestions on preserving evidence.

On May 8, one of the Charging Party's colleagues (who was also on the April 24 discussion thread) wrote an open letter to Human Resources and posted it on G+. The letter challenged Human Resources' handling of complaints by employees holding unpopular workplace views. The Charging Party commented on the thread where the letter was posted, echoing the author's complaints that Human Resources failed to respond adequately to harassment complaints.

On May 20, the Charging Party emailed Human Resources and again complained about the mistreatment of coworkers on G+ for expressing views inconsistent with those held by a majority of employees. The Charging Party raised concerns about employees being criticized for their political beliefs and targeted for their race or gender, and concerns about expressing unpopular opinions regarding workplace policies that could result in their discipline. Human Resources replied and, thereafter, held two videoconferences with the Charging Party. During the video conferences, a Human Resources representative said that (b) (6), was aware of the issues and had acted on them where it was appropriate.

---

[4] It is unclear if this thread was private or viewable by all employees.

On August 6, an Employer (b) (6), (b) (7)(C) posted a G+ thread calling for workplace civility and imploring readers to create a supportive working environment. The Vice President additionally shared an email from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) about negative experiences (b) (6), (b) had working as (b) (6), (b) (7)(C) in the technology industry. The Charging Party directed the following comment on the thread to the (b) (6), (b) (7)(C):

> [m]any Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?

After a few employees negatively responded to (b) (6), (b comment, the Charging Party continued to question the Employer's official stance on this issue. Eventually, the (b) (6), (b) (7)(C) replied, "I think to ask for a rule book is missing the point. But if you want a succinct summary: don't do what you're doing here. Contact me privately if you want to know more." The thread continued with several comments from other employees, both in support of the Charging Party's original question and in opposition.

Later that same day, after the (b) (6), (b) (7)(C) response in the discussion thread, the Charging Party emailed the (b) (6), (b) (7)(C) and asked several follow-up questions including: "Did I violate any policies by posting in your G+ thread? If so, which ones?"; "Do you think it's reasonable for Googlers to 'dogpile' on fellow employees who express unpopular opinions in good faith, or would you consider that harassment?"; and "Do you think it's reasonable for Googlers to call for coworkers to be fired based on expressing unpopular opinions, or does that cross a line?" The (b) (6), (b) (7)(C) responded, declining to answer any of the questions directly but noting that found the "context" of the Charging Party's comment "inappropriate." The Charging Party replied in a lengthy email, citing a number of circumstances where (b) (6), believed like-minded coworkers were mistreated for expressing their views on G+. (b) (6), (b again asked a number of questions about the (b) (6), (b) (7)(C) views on the Employer's policies. The (b) (6), (b) (7)(C) refused to engage, deferring to Human Resources and remarking, "I am not required to reply[;] I choose to spend my time on other matters."

Around this same time, the Charging Party communicated over email with fellow employees to protest the (b) (6), (b) (7)(C) and other employees' responses in the August 6 discussion thread. They further discussed how to frame arguments to management and considered the possibility of hiring a lawyer. The Charging Party thereafter created a new internal mailing list ("g+/freespeech") to promote the group's perspectives. Additionally, the Charging Party worked with other employees to draft an email to the Employer protesting the negative treatment they had experienced for

expressing their views. They also sought to relay comments made by managers on G+ about "blacklisting" employees whom they would not select for assignments because of their controversial opinions. The email was eventually sent by one of the employees (not the Charging Party, who also was not copied on the email) to upper management.

On the morning of (b) (6), (b) (7)(C), the Charging Party received an invitation from a (b) (6), (b) (7)(C) for a meeting that afternoon. In between this invitation and the meeting, the Charging Party spoke with (b) (6), (b supervisor, who holds the title (b) (6), (b) (7)(C). The Charging Party asked whether (b) (6), was being discharged. The (b) (6), (b) (7)(C) replied that (b) (6), was not being discharged, but would receive a stern warning. The (b) (6), (b) (7)(C) then told the Charging Party that (b) (6), was doing enormous damage to career by getting involved in these threads.

The Charging Party attended the meeting later that day, along with the Human Resources Manager and the (b) (6), (b) (7)(C). The (b) (6), (b) (7)(C) began the meeting by referencing the August 6 thread responding to the Vice President. The (b) (6), (b) (7)(C) said the Charging Party's comments in the thread were inappropriate, and that the Charging Party was being given a final written warning. The final written warning states that the Charging Party was being disciplined for violating the Employer's Appropriate Conduct Policy and Code of Conduct.[5] During the meeting, the Charging Party protested the final written warning by saying it was retaliation for filing complaints with Human Resources. The Human Resources Manager denied this and said that the Employer had taken action against other employees for inappropriate postings, but did not mention their names. Also during the meeting, the (b) (6), (b) (7)(C) reiterated what (b) (6), had told the Charging Party that morning, namely to stop getting involved in these threads and focus on (b) (6), (b work. According to the Employer's disciplinary policy, the next step after a final written warning is termination.

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[5] The Employer asserted in the final written warning that the Charging Party had violated the Appropriate Conduct Policy's prohibitions on "disorderly or disruptive conduct, including derogatory name-calling, abusive or profane language, intimidation or coercion of co-workers or any 'un-businesslike' behavior toward co-workers, TVCs, clients or visitors" and "insubordination, including refusal of a work assignment or improper language toward a manager or management representative." It also asserted that the Charging Party had violated the following provision from its Code of Conduct: "Each Googler is expected to do his or her utmost to create a respectful workplace culture that is free of harassment, intimidation, bias and unlawful discrimination of any kind."

ACTION

We conclude that the Charging Party's comments on G+ constituted concerted activity that did not lose the Act's protection, and therefore the Employer violated Section 8(a)(1) by issuing [redacted] a final written warning and threatening [redacted] for engaging in that conduct. We further conclude that the provisions of the Employer's Appropriate Conduct Policy and Code of Conduct listed in the final written warning are unlawfully overbroad in violation of Section 8(a)(1). Finally, we conclude that a nationwide notice posting and electronic distribution of the posting are appropriate remedies given the circumstances.

A. The Charging Party's G+ Comments Constituted Concerted Activity that Did Not Lose the Act's Protection.

Section 7 of the Act provides that employees have the right to engage in "concerted activities" for "mutual aid or protection."[6] Conduct is concerted when it is "engaged in with or on the authority of other employees," or when an individual employee seeks "to initiate or to induce or to prepare for group action" or to bring group complaints to management's attention.[7] An individual acts on the authority of other employees even if not directly told to take a specific action if the concerns expressed by the individual employee to management are a "logical outgrowth of the concerns expressed by the group."[8] Mutual aid or protection "focuses on the *goal* of concerted activity; chiefly, whether the employee or employees involved are seeking to 'improve terms and conditions of employment or otherwise improve their lot as employees.'"[9]

Applying these principles, the Charging Party's August 6 comments on G+ and emails to the (b) (6), (b) (7)(C) were concerted activity because they were the logical

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[6] 29 U.S.C. § 157. *See, e.g., Fresh & Easy Neighborhood Market*, 361 NLRB No. 12, slip op. at 3 (Aug. 11, 2014).

[7] *Id.*, slip op at 3 (quoting *Meyers Industries, Inc. (Meyers II)*, 281 NLRB 882, 885, 887 (1986), enfd. sub nom. *Prill v. NLRB*, 835 F.2d 1481 (D.C. Cir. 1987), cert. denied 487 U.S. 1205 (1988)).

[8] *Mike Yurosek & Son,* 306 NLRB 1037, 1038-39 (1992) (finding four employees' individual decisions to refuse overtime work were logical outgrowth of concerns they expressed as a group over new scheduling policy), supplemented by 310 NLRB 831 (1993), enfd. 53 F.3d 261 (9th Cir. 1995).

[9] *Fresh & Easy Neighborhood Mkt., Inc.*, 361 NLRB No. 12, slip op. at 3 (quoting *Eastex, Inc. v. NLRB*, 437 U.S. 556, 565 (1978)).

outgrowth of (b) (6), (b prior conversations with coworkers about their terms and conditions of employment. Namely, the Charging Party's comments sought clarification from management about workplace rules, and protested the treatment of employees who hold unpopular viewpoints regarding the Employer's workplace diversity initiatives. These were the exact topics that the Charging Party and (b) (6), (b fellow employees previously had discussed among themselves and had expressed to Human Resources in multiple emails and postings on G+.[10] While the Charging Party made the August 6 posting individually, (b) (6), (b comments were clearly connected to (b) (6), (b ongoing efforts to clarify and protest workplace policies in concert with like-minded coworkers. Moreover the comments, disseminated openly on G+, induced discussion and a group response when some coworkers replied favorably to the Charging Party's post. Likewise, the Charging Party's later emails to the (b) (6), (b) (7)(C) sought information on workplace policies in furtherance of (b) (6), (b and (b) (6), (b coworker's ongoing efforts to clarify disciplinary rules.[11] Thus, the Charging Party's actions sought workplace changes on behalf of (b) (6), (b coworkers.[12]

At the same time, the Charging Party's actions were for "mutual aid or protection" because they were aimed at improving employment conditions and clarifying permissible workplace behavior, which had potential employment consequences for the Charging Party and like-minded coworkers.[13] Namely, the

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[10] *See Five Star Transportation*, 349 NLRB 42, 43-44, 47 (2007) (finding drivers were engaged in protected concerted activity where, after meeting as a group to discuss a change in bus contractors, they sent individual letters to school committee expressing a common desire to retain their negotiated terms and conditions of employment under prior contractor), enfd. 522 F.3d 46 (1st Cir. 2008); *Hahner, Foreman & Harness, Inc.*, 343 NLRB 1423, 1424 (2004) (employees engaged in concerted activity when they raised separate complaints to management after discussing complaints together).

[11] *Hitachi Capital Am. Corp.*, 361 NLRB No. 19, slip op. at 1-2 (Aug. 8, 2014) (employee acted concertedly when she sent several emails to management questioning a workplace policy that the employer knew was of general concern to the workforce).

[12] *See Every Woman's Place*, 282 NLRB 413, 413 (1986) (concerted activity where employee sought clarification of workplace policies on behalf of group), enfd. 833 F.2d 1012 (6th Cir. 1987); *cf. Long Ridge of Stamford*, 362 NLRB No. 33, slip op. at 1-2 (March 24, 2015) (finding employee "clearly engaged in protected concerted activity when he informed [employer's administrator] of employees' concerns regarding recent disciplinary actions and other terms of employment").

[13] *See Five Star Transportation*, 349 NLRB at 47 (letters written by individual employees to employer were protected concerted activity for mutual aid or protection because the letters expressed concerns "within the context of the [employees'] common desire to retain their negotiated terms and conditions of employment").

Charging Party sought information on how the Employer would enforce its workplace harassment rules, and if (b) (6), and (b) (6), (b coworkers would be disciplined for expressing disagreement with the Employer's workplace diversity policies, which they perceived as having negative consequences for white men like themselves.[14] "'[P]roof that an employee action inures to the benefit of all' is 'proof that the action comes within the 'mutual aid or protection' clause of Section 7."[15]

Finally, the Charging Party's postings and emails did not lose the protection of the Act. Whether an employee's otherwise lawful Section 7 conduct is sufficiently egregious to lose the Act's protection is based on a balancing of the familiar *Atlantic Steel* factors: (1) the place of the discussion; (2) the subject matter of the discussion; (3) the nature of the employee's outburst; and (4) whether the outburst was, in any way, provoked by an employer's unfair labor practice.[16] The Board has repeatedly recognized that an employer may not discipline an employee merely because the employee's comments make coworkers "feel uncomfortable."[17] Rather, protected activity often includes opinions and actions on contentious subjects that may cause some discomfort.

Applying the *Atlantic Steel* factors, none of the Charging Party's comments lost the protection of the Act. First, the discussion took place in an internal online forum (not in public or in front of customers), and without any in-person confrontation with supervisors or coworkers. Second, the subject matter of the comments was directly

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[14] We note that the Board in *Fresh & Easy Neighborhood Market*, 361 NLRB No. 12, slip op. at 1, 4 n.9, 6-7, overruled the mutual aid or protection analysis in *Holling Press, Inc.*, 343 NLRB 301, 302 (2004), relied on by the Employer here.

[15] *Fresh & Easy Neighborhood Market*, 361 NLRB No. 12, slip op. at 5 (citations omitted).

[16] *Atlantic Steel Co.*, 245 NLRB 814, 816 (1979). We note that because the Charging Party did not in any way embarrass or impugn the Employer in public, the test used by the Board in *Triple Play Sports Bar & Grille* appears inapplicable. *See* 361 NLRB No. 31, slip op. at 3-4 (Aug. 22, 2014) (applying tests from *Jefferson Standard* and *Linn* to determine whether employees' off-duty, offsite use of social media to communicate workplace complaints with coworkers or with third parties lost the Act's protection), enfd. sub nom. *Three D, LLC v. NLRB,* 629 Fed. Appx. 33 (2nd Cir. 2015). While *Triple Play* is the applicable precedent for evaluating if an employee's public social media activity, which may be observed by third parties, including customers, lost the Act's protection, an employee's communications on an internal forum seem more properly evaluated under the traditional *Atlantic Steel* test.

[17] *Chartwells, Compass Group, USA*, 342 NLRB 1155, 1157 (2004).

tied to terms and conditions of employment, namely the Employer's workplace diversity and disciplinary policies. Third, the nature of the Charging Party's comments does not favor a loss of protection. (b) (6), (b did not curse, make threats, or use abusive language toward co-workers. Indeed, the Charging Party's comments were similar in tone and tenor to those of other employees on the August 6 thread, and also similar to those made in other G+ threads.[18] Only the fourth factor would weigh in favor of a loss of protection, since the Employer's unfair labor practices occurred after, rather than before, the Charging Party commented on the (b) (6), (b) (7)(C) thread. Thus, taken together, the *Atlantic Steel* factors favor finding that the Charging Party did not lose the Act's protection.

B. The Employer Violated Section 8(a)(1) By Issuing the Charging Party a Final Written Warning and Threatening (b) (6), (b) (7)(C) for Engaging in Protected Concerted Activity.

An employer violates Section 8(a)(1) of the Act by interfering with an employee exercising his or her Section 7 rights.[19] The Employer does not dispute that it issued the Charging Party a final written warning for (b) (6), (b comments on the August 6 thread. Because we have found that the Charging Party's August 6 postings constituted protected concerted activity, we conclude that the Employer violated Section 8(a)(1) when it issued the discipline in response to that activity.[20]

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[18] *See, e.g., Kiewit Power Constructors Co.,* 355 NLRB 708, 710-11 (2010) (finding statements by two employees that things would "get ugly" and that one of them would bring in his boxing gloves if employer continued to enforce its break-in-place policy remained protected), enfd. 652 F.3d 22 (D.C. Cir. 2011).

[19] 29 U.S.C. § 158(a)(1). *See, e.g., EF Int'l Language School,* 363 NLRB No. 20, slip op. at 11 (Oct. 1, 2015); *Parexel Int'l, LLC*, 356 NLRB 516, 518 (2011) (finding employer's attempt to prevent future protected concerted activity by discharging an employee for discussing wages violated Section 8(a)(1)); *Chromalloy Gas Turbine Corp.*, 331 NLRB 858, 863 (2000) (finding employer violated Section 8(a)(1) by discharging employee for speaking out against new break policy and how managers scheduled work during a group meeting), enfd. 262 F.3d 184 (2d Cir. 2001); *CKS Tool & Engineering of Bad Axe*, 332 NLRB 1578, 1578 n.1, 1584-86 (2000) (finding employer violated Section 8(a)(1) by discharging employee for raising group concerns about productivity in a group meeting called by the employer to discuss productivity and efficiency).

[20] In finding that the Employer violated Section 8(a)(1) by issuing the Charging Party a final written warning, we do not rely on a theory of violation based on *Continental Group*, 357 NLRB 409, 412 (2011), which modified the rule for when discipline pursuant to an unlawful overbroad work rule may, in and of itself, violate Section 8(a)(1). While we conclude below that the work rules referenced in the final

We agree with the Region that no motive analysis is necessary in this case because the Employer has not offered a separate and independent basis for the Charging Party's discipline.[21] The Employer concedes that it disciplined the Charging Party for (b) (6), (b) comments on G+ regarding workplace policies—but contends that the comments were inappropriate and caused (b) (6), (b) (7 to lose the Act's protection. Because we have already concluded that the comments did not lose the protections of the Act under *Atlantic Steel*, the discipline violated Section 8(a)(1)—regardless of the Employer's motivations.[22] We also note that because the Charging Party was disciplined for (b) (6), (b protected concerted activity on August 6, which involved direct contact with the Employer's (b) (6), (b) (7)(C), it is unnecessary to determine whether the Employer had knowledge of the Charging Party's previous protected concerted activities.[23]

We also conclude that the Employer independently violated Section 8(a)(1) by threatening the Charging Party on two separate occasions. The first threat occurred on the August 6 thread when the (b) (6), (b) (7)(C) stated "don't do what you're doing here" in response to the Charging Party's questions about the Employer's policies. The (b) (6), (b) (7)(C) comment instructed the Charging Party to cease (b) (6), (b questioning, and suggested comments were in violation of the Employer's work rules. As already discussed above, the Charging Party's comments were protected concerted activity, and therefore the (b) (6), (b) (7)(C) attempt to inhibit that activity violated

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written warning are unlawfully overbroad, in light of the strong evidence showing that the Employer unlawfully disciplined the Charging Party for engaging in protected concerted activity, we do not find it necessary to argue a *Continental Group* theory of violation in the alternative. Moreover, if the Board were to decide here that the Charging Party's statements lost the Act's protection we could not prevail under that alternate theory in any event. *Id.* at 412.

[21] *See, e.g., Chromalloy Gas Turbine Corp.*, 331 NLRB at 864 ("where protected concerted activity is the basis for an employee's discipline, the normal *Wright Line* analysis is not required").

[22] *Phoenix Transit Sys.*, 337 NLRB 510, 510 (2002), enfd. mem. 63 Fed. Appx. 524 (D.C. Cir. 2003).

[23] *See Timekeeping Sys., Inc.*, 323 NLRB 244, 244 (1997) (finding unnecessary to pass on whether the employer was aware of employee's additional concerted activity, because the employer was aware of the protected email that led to the employee's discipline).

Section 8(a)(1).[24] Similarly, the (b) (6), (b) (7)(C) repeated statements on (b) (6), (b) (7)(C) that the Charging Party was doing enormous damage to (b) (6), (b) career by getting involved in the G+ threads were unlawful threats because they discouraged the Charging Party from engaging in protected activity and implied that the Employer would issue (b) (6), (b) further discipline if (b) (6), continued to exercise (b) (6), (b) Section 7 rights.[25]

We note that both the final written warning and management's threats indicated the Charging Party was reprimanded for discussing employment conditions on G+. Our determination that this violated the Act should not be construed to mean that an employer is prohibited from demanding that employees advance company policies and viewpoints. Companies are permitted to base hiring and advancement decisions on employees' adherence to their legitimate policy objectives, so long as they do not inhibit protected concerted activity. Here, however, the Employer disciplined and threatened the Charging Party for discussing terms and conditions of employment, and inquiring about how workplace policies would be applied. This is clearly protected activity, and accordingly the Employer's actions violate the Act.

C. The Employer Violated Section 8(a)(1) By Maintaining Unlawfully Overbroad Rules.

The mere maintenance of a rule that would "reasonably tend to chill employees in the exercise of their Section 7 rights" constitutes a violation of Section 8(a)(1).[26] The unlawful effect of such a rule is "to inhibit employees who are considering engaging in legally protected activities by convincing them to refrain from doing so rather than risk discipline."[27] The Board has developed a two-step inquiry to determine whether an employer rule or policy would have such an effect.[28] First, a rule is unlawful if it

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[24] *See EF Int'l Language School,* 363 NLRB No. 20, slip op. at 11 (finding employer unlawfully threatened employee by, among other things, stating she should not discuss work-related matters via group emails, and instead instructed the employee to take the matter up with management in person).

[25] *Id. See also Desert Springs Hospital Medical Center*, 363 NLRB No. 185, slip op. at 2-3 (May 10, 2016) (finding human resources director threatened employee with unspecified reprisal by stating during investigatory meeting that "it will be trouble for you" if she informed coworkers of the meeting or her discipline for pro-union activity).

[26] *Lafayette Park Hotel*, 326 NLRB 824, 825 (1998), *enforced mem.*, 203 F.3d 52 (D.C. Cir. 1999).

[27] *Continental Group*, 357 NLRB at 411.

[28] *Lutheran Heritage Village-Livonia*, 343 NLRB 646, 646-47 (2004).

explicitly restricts activity protected by Section 7. Second, even if it does not explicitly restrict Section 7 activities, a workplace rule violates Section 8(a)(1) if: (1) employees would reasonably construe the rule's language to prohibit Section 7 activity; (2) the rule was promulgated in response to Section 7 activity; or (3) the rule has been applied to restrict the exercise of Section 7 activity.[29] We find that the rules the Employer referred to in the Charging Party's final written warning violate Section 8(a)(1) under these principles.

First, employees would reasonably construe the specific provisions quoted from the Appropriate Conduct Policy as prohibiting Section 7 activity. Those provisions bar "disorderly or disruptive conduct, including derogatory name-calling, abusive or profane language, intimidation or coercion of co-workers or any 'un-businesslike' behavior toward co-workers, TVCs, clients or visitors" and "insubordination, including refusal of a work assignment or improper language toward a manager or management representative." A reasonable employee would read those rules to prohibit concerted discussions and complaints regarding the Employer's workplace policies or treatment of employees because such discussions could be considered "disruptive," "un-businesslike," or "improper language toward a manager."[30] Similarly, employees would reasonably construe the Code of Conduct's instruction that "[e]ach Googler is

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[29] *Id.* at 647. *See also William Beaumont Hosp.*, 363 NLRB No. 162, slip op. at 2 (April 13, 2016).

[30] *See, e.g., Valley Health Sys. LLC,* 363 NLRB No. 178, slip op. at 1-2 (May 5, 2016) (finding unlawful rule prohibiting behavior that "brings discredit" to the employer, "or is offensive to patients or fellow employees"); *Casino San Pablo*, 361 NLRB No. 148, slip op. at 3 (Dec. 16, 2014) (finding rule prohibiting "insubordination or other disrespectful conduct" unlawful); *First Transit, Inc.*, 360 NLRB No. 72, slip op. at 2 n.5, 12 (April 2, 2014) (finding unlawful rule prohibiting employees from "conducting oneself during nonworking hours in such a manner that the conduct would be detrimental to the interest or reputation of the Company"); *Sheraton Anchorage*, 362 NLRB No. 123, slip op. at 1 n.4 (June 18, 2015) (finding that employees would reasonably fear that employer prohibitions on "conflict[s] of interest" and "behavior that violates common decency or morality or publicly embarrasses the" employer apply to "any conduct the Respondent may consider to be detrimental to its image or reputation or to present a 'conflict' with its interests, such as informational picketing, strikes, or other economic pressure"), incorporating by reference 359 NLRB No. 95, slip op. at 56 (April 23, 2014); *Southern Maryland Hospital*, 293 NLRB 1209, 1222 (1989) (rule prohibiting "derogatory attacks on . . . hospital representative[s]" found unlawful), enfd. in relevant part 916 F.2d 932, 940 (4th Cir. 1990); *Beverly Health & Rehabilitation Services*, 332 NLRB 347, 348 & nn.5, 6, 357 (2000) (rule that prohibited "[m]aking false or misleading work-related statements concerning the company, the facility or fellow associates" found unlawful), enfd. 297 F.3d 468 (6th Cir. 2002).

expected to do his or her utmost to create a respectful workplace culture that is free of harassment, intimidation, bias and unlawful discrimination of any kind" to prohibit protected concerted activity. Section 7 activity can often involve contentious issues, which may be considered disrespectful toward or harassment of a coworker. As the Board held in finding a similar rule prohibiting "[i]nsubordination … or other disrespectful conduct" unlawful, "concerted employee protest of supervisory activity and employee solicitation of union support from other employees are protected activities under the Act, and employees [] could reasonably believe that both forms of activity might be prohibited by" such a broadly worded rule.[31]

D. The Region Should Seek a Nationwide Remedy.

Where an employer violates Section 8(a)(1) by disciplining an employee, the traditional remedy includes a physical notice posting at the location where the violation occurred, as well as electronic distribution of the notice (such as by email, posting on an intranet or internet site, and/or other electronic means) if the employer "customarily communicates" with its employees by such means.[32] Where an employer violates Section 8(a)(1) by maintaining an unlawfully overbroad workplace rule, the traditional remedy of posting a notice is generally ordered at each location where the rule is in place, as well as electronic distribution in the manner described above, along with rescission of the unlawful rule and notice to the employees that the unlawful rule has been rescinded and will no longer be enforced.[33]

Here, the Region should seek a nationwide notice posting to remedy the Section 8(a)(1) violations discussed above. The Charging Party's protected concerted activity took place on the Employer's internal networking site, which is visible to all of its employees companywide. The (b) (6), (b) (7)(C) unlawfully threatened the Charging Party on August 6 over this same internal, companywide site in response to questions about the Employer's workplace policies and work rules. Further, the unlawful rules the Employer then relied on to discipline the Charging Party apply to

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[31] *University Medical Center*, 335 NLRB 1318, 1321 (2001), enf. denied in relevant part sub nom. *Cmty. Hosps. of Cent. Cal. v. NLRB*, 335 F.3d 1079, 1088-89 (D.C. Cir. 2003). *See also Cincinnati Suburban Press*, 289 NLRB 966, 966 n.2, 975 (1988) (finding unlawful rules prohibiting "false, vicious, or malicious statements concerning any employee, supervisor, the [c]ompany, or its products" and "improper or unseeming conduct").

[32] *J. Picini Flooring,* 356 NLRB 11, 11, 13 (2010).

[33] *See, e.g., MasTec Advanced Technologies*, 357 NLRB 103, 109, 110 (2011); *Guardsmark, LLC*, 344 NLRB 809, 811-12 (2005), enfd. 475 F.3d 369, 380-81 (D.C. Cir. 2007).

all Employer locations. Accordingly, a nationwide posting is proper to remedy each of those violations. In addition, because the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) unlawful threats and the final written warning are inextricably intertwined with the prior threat the (b) (6), (b) (7)(C) directed at the Charging Party, those violations also should be included in the same nationwide posting. As noted above, during the disciplinary meeting on (b) (6), (b) (7)(C), the (b) (6), (b) (7)(C) discussed the August 6 thread where the (b) (6), (b) (7)(C) made (b) (6), unlawful threat in response to the Charging Party's protected concerted activity, and the final written warning was based on the Charging Party's comments on that thread. The Region should additionally seek electronic distribution of that notice over the forums by which the Employer customarily communicates with its employees, including G+, if that is appropriate. Finally, the Region should seek a rescission of the unlawful rules, as well as an affirmative order requiring the Employer to notify all employees that the overbroad rules have been rescinded and will no longer be enforced.

Accordingly, the Region should issue complaint, absent settlement, based on the analysis set forth above.

/s/
B.J.K.

h://ADV.32-CA-164766.Response.Google.(b) (6), (b) (7

Employee and Temporary Workers Adult Content Liability Release

Confidential: For Google Employees and Temporary Workers on Assignment at Google Only

Employee and Temporary Workers Adult Content Liability Release

During my employment or assignment at Google, I may be exposed to sensitive “adult content”, such as text, descriptions, graphics, pictures, and/or other files commonly referred to as being “adult” content.

I acknowledge that exposure to this material may be part of my essential job function and hereby release Google Inc. and its subsidiaries and affiliates from any and all liability associated with having this material present in the work environment, including but not limited to claims of harassment, hostile work environment and discrimination. This agreement does not change or impact the at-will status of my employment or my assignment at Google.

(b) (6), (b) (7)(C) _____
E-Signature

(b) (6), (b) (7)(C) _____
Name of Employee

01/13/15 _____
Date

I Agree

By selecting "I Agree" you acknowledge receipt of the notice above. We will store the date and time that you acknowledged receipt of this notice. Upon clicking "Submit & continue", a copy of this notice will be emailed to you.

Google Code of Conduct

Preface

"Don't be evil." Googlers generally apply those words to how we serve our users. But "Don't be evil" is much more than that. Yes, it's about providing our users unbiased access to information, focusing on their needs and giving them the best products and services that we can. But it's also about doing the right thing more generally - following the law, acting honorably and treating each other with respect.

The Google Code of Conduct is one of the ways we put "Don't be evil" into practice. It's built around the recognition that everything we do in connection with our work at Google will be, and should be, measured against the highest possible standards of ethical business conduct. We set the bar that high for practical as well as aspirational reasons: Our commitment to the highest standards helps us hire great people, who then build great products, which in turn attract loyal users. Trust and mutual respect among employees and users are the foundation of our success, and they are something we need to earn every day.

So please do read the Code, and follow it, always bearing in mind that each of us has a personal responsibility to incorporate, and to encourage other Googlers to incorporate, the principles of the Code into our work. And if you have a question or ever think that one of your fellow Googlers or the company as a whole may be falling short of our commitment, don't be silent. We want -- and need -- to hear from you.

Who Must Follow Our Code?
We expect all of our employees and Board members to know and follow the Code. Failure to do so can result in disciplinary action, including termination of employment. Moreover, while the Code is specifically written for Google employees and Board members, we expect Google contractors, consultants and others who may be temporarily assigned to perform work or services for Google to follow the Code in connection with their work for us. Failure of a Google contractor or consultant or other covered service provider to follow the Code can result in termination of their relationship with Google.

What If I Have a Code-Related Question or Concern?
If you have a question or concern, don't just sit there. You can contact your manager, your Human Resources representative or Ethics & Compliance. If you want to remain anonymous, you can make a report of a suspected violation or concern through the Ethics & Compliance Helpline.

No Retaliation
Google prohibits retaliation against any worker here at Google who reports or participates in an investigation of a possible violation of our Code. If you believe you are being retaliated against, please contact Ethics & Compliance.

I. Serve Our Users
Our users value Google not only because we deliver great products and services, but because we hold ourselves to a higher standard in how we treat users and operate more generally. Keeping the following principles in mind will help us to maintain that high standard:

a. Integrity

Our reputation as a company that our users can trust is our most valuable asset, and it is up to all of us to make sure that we continually earn that trust. All of our communications and other interactions with our users should increase their trust in us.

b. Usefulness
Our products, features and services should make Google more useful for all our users, whether they're searching, advertising or posting content, and whether they're large corporations or individuals. We have many different types of users, but one guiding principle: "Is what we are offering useful?"

c. Privacy
Always remember that we are asking users to trust us with their personal information. Preserving that trust requires that each of us respect and protect the privacy of that information. Our security procedures strictly limit access to and use of users' personal information. Know your responsibilities under these procedures, and access data only as authorized by them, our Privacy Policy and applicable local data protection laws.

Google is committed to advancing privacy and freedom of expression for our users around the world. Where user privacy and freedom of expression face government challenges, we seek to implement internationally recognized standards that respect those rights as we develop products, do business in diverse markets, and respond to government requests to access user information or remove user content. Contact Legal or Ethics and Compliance if you have questions on implementing these standards in connection with what you do at Google.

d. Responsiveness
Part of being useful and honest is being responsive: We recognize relevant user feedback when we see it, and we do something about it. We take pride in responding to communications from our users, whether questions, problems or compliments. If something is broken, fix it.

e. Take Action
Any time you feel our users aren't being well-served, don't be bashful -- let someone in the company know about it. Continually improving our products and services takes all of us, and we're proud that Googlers champion our users and take the initiative to step forward when the interests of our users are at stake.

II. Respect Each Other
We are committed to a supportive work environment, where employees have the opportunity to reach their fullest potential. Each Googler is expected to do his or her utmost to create a respectful workplace culture that is free of harassment, intimidation, bias and unlawful discrimination of any kind.

Please read the Employee Handbook relevant to your locale. Located in the HR section of our internal corporate site, the Handbook covers in greater detail how we should conduct ourselves at work.

a. Equal Opportunity Employment
Employment here is based solely upon individual merit and qualifications directly related to professional competence. We strictly prohibit unlawful discrimination or harassment of any kind, including discrimination or harassment on the basis of race, color, religion, veteran status, national origin, ancestry, pregnancy status, sex, gender identity or expression, age, marital status, mental or physical disability, medical condition, sexual orientation or any other characteristics

protected by law. We also make all reasonable accommodations to meet our obligations under laws protecting the rights of the disabled.

b. Positive Environment
Google prohibits unlawful harassment in any form -- verbal, physical or visual. If you believe you've been harassed by anyone at Google, you should immediately report the incident to your supervisor, Human Resources or both. Similarly, supervisors and managers who learn of any such incident should immediately report it to Human Resources. HR will promptly and thoroughly investigate any complaints and take appropriate action.

c. Drugs and Alcohol
Our position on substance abuse is simple: It is incompatible with the health and safety of our employees, and we don't permit it. Consumption of alcohol is not banned at our offices, but use good judgment and never drink in a way that leads to impaired performance or inappropriate behavior, endangers the safety of others or violates the law.

Illegal drugs in our offices or at sponsored events are strictly prohibited. If a manager has reasonable suspicion to believe that an employee's use of drugs and/or alcohol may adversely affect the employee's job performance or the safety of the employee or others in the workplace, the manager may request an alcohol and/or drug screening. A reasonable suspicion may be based on objective symptoms such as the employee's appearance, behavior or speech.

d. Safe Workplace
We are committed to a violence-free work environment, and we will not tolerate any level of violence or the threat of violence in the workplace. Under no circumstances should anyone bring a weapon to work. If you become aware of a violation of this policy, you should report it to Human Resources immediately. In case of potential violence, contact Google Security.

e. Dog Policy
Google's affection for our canine friends is an integral facet of our corporate culture. We like cats, but we're a dog company, so as a general rule we feel cats visiting our offices would be fairly stressed out. For more on this, see our Dog Policy.

III. Avoid Conflicts of Interest
In working at Google, we have an obligation to always do what's best for the company and our users. When you are in a situation where competing loyalties could cause you to pursue a personal benefit for you or your friends or family at the expense of Google or our users, you may be subject to a conflict of interest. All of us should avoid circumstances that present even the appearance of such a conflict.

When faced with a potential conflict of interest, ask yourself:

- Would this relationship or situation embarrass me or Google if it showed up on the front page of a newspaper or the top of a blog?
- Am I reluctant to disclose the relationship or situation to my manager, Legal or Ethics & Compliance?
- Could the potential relationship or situation create an incentive for me, or be perceived by others to create an incentive for me, to benefit myself, my friends or family or an associated business, at the expense of Google?

If the answer to any of these questions is "yes," the relationship or situation is likely to create a conflict of interest, and you should avoid it.

Below we provide guidance in six areas where conflicts of interest often arise:

- personal investments
- outside employment and inventions
- outside board memberships
- business opportunities found through work
- personal relationships at work, and
- accepting gifts and other business courtesies

In each of these situations, the rule is the same - you must avoid conflicts, and if you face a potential conflict of interest, review the situation with your manager and Ethics & Compliance and get their approval.

a. Personal Investments

A common conflict of interest involves a Googler's personal investment in a customer, supplier, partner or competitor of Google, where the investment is significant enough (either in absolute value or in relation to the Googler's net worth) that someone might reasonably think it could cause the Googler to act in a way that benefits that personal investment at the expense of Google. When considering whether such an investment creates a conflict of interest, ask yourself:

- Is the investment in a competitor?
  - If the answer is yes, the investment creates a conflict of interest.
- If the investment is not in a competitor, but is in a customer, supplier, or partner of Google, do you have a job or responsibilities at Google that let you affect Google's actions in ways that could help your investment at the expense of Google? (Google officers -- VP and above -- have particularly broad influence in this regard.)
  - If the answer is yes, the investment creates a conflict of interest.

If you are considering making an investment that creates a conflict of interest, don't make the investment. If you already have an investment that creates a conflict of interest, or are unsure whether an existing or contemplated investment is a conflict of interest, you should contact Ethics & Compliance.

Investments by any Googler in mutual funds or similar vehicles that invest in a broad cross-section of publicly traded companies that may include competitors, customers, suppliers or partners of Google are not considered conflicts and need not be disclosed or approved.

b. Outside Employment and Inventions

As with personal investments, taking a job with a Google supplier, customer, partner or competitor (including as a consultant or advisor, whether paid or unpaid) can create a conflict of interest. Avoid employment or any other personal business relationship with companies that compete with Google. In addition, don't accept employment or fees from a supplier, customer or partner of Google if you have the ability to influence their relationship with Google.

If you develop or participate in outside inventions that compete with Google, that may create a conflict of interest. In addition, outside inventions that you participate in or help develop that relate to our existing or reasonably anticipated products and services, that relate to your position at Google, or that you develop using Google corporate resources may be subject to the provisions of Google's Confidential Information and Invention Assignment Agreement and other employment agreements, as well as applicable laws in your jurisdiction. If you have any questions about potential conflicts or IP ownership involving an outside invention or other intellectual property, consult Ethics and Compliance or Legal.

c. Outside Board Memberships
Membership on the boards of customers, suppliers, partners or competitors of Google is especially problematic from a conflict of interest perspective because Board seats generally involve the ability to influence the actions of the outside business. Do not accept a seat on the board of directors or the advisory board of any Google competitor, and do not accept a seat on the board or advisory board of a Google customer, supplier or partner if your job at Google could permit you to participate in or influence Google's relationship with that entity.

Google officers -- VP and above -- should obtain approval from Ethics & Compliance before accepting an outside board membership in any company.

d. Business Opportunities
Business opportunities discovered through your work here belong first to Google.

e. Friends and Relatives; Co-Worker Relationships
Business relationships with relatives, spouses and significant others or close friends where the friendship is such that it could affect your judgment can easily leave you with the sort of conflict of interest that can be difficult to resolve. You should not participate in a potential or existing Google business relationship involving any of the above. This includes, for example, being the hiring manager for a position for which your relative or close friend is being considered or being a relationship manager for a company associated with your spouse or significant other.
To be clear, just because a relative, spouse/significant other or close friend works at Google or becomes a Google supplier, customer, partner or competitor doesn't mean there is a conflict of interest. However, if you are also involved in that Google business relationship, it can be very sensitive. The right thing to do in that situation is to discuss the relationship with your manager and Ethics & Compliance.

Finally, we understand that your co-workers can quickly become your community of friends, and that some of you may establish dating relationships with your co-workers. While we trust and expect Googlers to exercise good judgment in pursuing romantic relationships with their co-workers, you should recognize that romantic relationships between co-workers can, depending on the work roles and respective positions of the dating co-workers, create an actual or apparent conflict of interest. If a dating relationship does create an actual or apparent conflict, it may require changes to work arrangements or even the termination of employment of either or both individuals involved. Additional guidance on this issue can be found in Google's Employee Handbook.

f. Gifts, Entertainment and Payments
Accepting gifts or entertainment from a Google customer, supplier, partner or competitor can easily create the appearance of a conflict of interest, especially if the value of the gift or entertainment is significant. As a result, Google policy prohibits Googlers accepting significant gifts, entertainment or any other business courtesy (including discounts or benefits that are not made available to all Googlers) from any of our customers, suppliers, partners or competitors. Acceptance of inexpensive "token" non-cash gifts, infrequent and moderate business meals and entertainment and infrequent invitations to local sporting events and celebratory meals can be acceptable aspects of many Google business relationships, provided that they aren't excessive and don't create the appearance of impropriety. However, tickets to something like the Olympics, Super Bowl or World Cup, especially if travel and lodging are included, are a significant gift which, if accepted, could create at least the appearance of a conflict of interest. Don't accept significant gifts without getting the approval of your

manager and Ethics & Compliance.
Gifts from customers, suppliers, partners or competitors of cash or cash equivalents (e.g., gift certificates or prepaid gift cards) should never be accepted.

g. Reporting
Ethics & Compliance will periodically report to the OC, or its designee, all matters involving Google officers - VP and above -- approved under this section of the Code, and will periodically report to the Google Audit Committee and Google Nominating and Corporate Governance Committee all matters involving Google executive officers approved under this section.

IV. Preserve Confidentiality
We get a lot of press attention around our innovations and our culture, and that's usually fine. However, company information that leaks prematurely into the press or to competitors can hurt our product launches, eliminate our competitive advantage and prove costly in other ways. Our responsibilities extend beyond not revealing confidential Google material -- we must also:

- properly secure, label and (when appropriate) dispose of confidential Google material;
- safeguard confidential information that Google receives from others under non disclosure agreements; and
- take steps to keep our trade secrets and other confidential intellectual property secret.

a. Confidential Information
Google's "confidential information" includes financial, product and user information. Make sure that confidential company material stays that way; don't disclose it outside of Google without authorization. At times, a particular project or negotiation may require you to disclose confidential information to another party: Disclosure of this information should be on a "need to know" basis and only under a nondisclosure agreement. Be sure to get the appropriate agreement in place before you disclose the information.

There are, of course, "gray areas" in which you will need to apply your best judgment in making sure you don't disclose any confidential information. Suppose a friend who works at a non-profit organization asks you informally how to improve the Google search ranking of the group's website: Giving your friend site-optimization tips available in public articles and on websites isn't likely to be a problem, but giving tips that aren't publicly known definitely would be. If you're in a gray area, be cautious in what advice or insight you provide or, better yet, ask for guidance from Ethics & Compliance.

And don't forget about pictures you and your guests take at Google -- it is up to you to be sure that those pictures don't disclose confidential information.

Finally, some of us will find ourselves having family or other personal relationships with people employed by our competitors, customers, suppliers or partners. As in most cases, common sense applies. Don't tell your significant other or family members anything confidential, and don't solicit confidential information from them about their company.

b. Google Partners
Just as you are careful not to disclose confidential Google information, it's equally important not to disclose any confidential information from our partners. Don't accept confidential information from other companies without first having all parties sign an appropriate non-disclosure agreement approved by Legal. Even after the agreement is signed, try only to accept as much information as you need

to accomplish your business objectives.

c. Competitors; Former Employers
We respect our competitors and want to compete with them fairly. But we don't want their confidential information. The same goes for confidential information belonging to any Googler's former employers. If an opportunity arises to take advantage of a competitor's or former employer's confidential information, don't do it. Should you happen to come into possession of a competitor's confidential information, contact Legal immediately.

d. Outside Communications and Research
You probably know that our policy is to be extremely careful about disclosing company information, and never to disclose any confidential information without authorization. It's also a bad idea to post your opinions or information about Google on the Internet, even if not confidential, unless you're authorized to do so as part of your job. Your comments may be attributed to Google, even though you didn't mean it that way. And never discuss the company with the press unless you've been explicitly authorized to do so by Corporate Communications. Finally, check with your manager and Corporate Communications before accepting any public speaking engagement. In general, before making any external communication or disclosure, you should consult our Employee Communications Policy and our Communications and Disclosure Policy.

V. Protect Google's Assets
Google has a well-earned reputation for generosity with our employee benefits and openness with confidential information shared within the company. Our ability to continue these practices depends on how well we conserve company resources and protect company assets and information.

a. Intellectual Property
Google's intellectual property rights (our trademarks, logos, copyrights, trade secrets, "know-how" and patents) are among our most valuable assets. Unauthorized use can lead to their loss or serious loss of value. Any use of Google's trademarks and logos must be cleared in advance by the Marketing team. Report any suspected misuse of trademarks, logos or other Google intellectual property to Legal.

Likewise, respect the intellectual property rights of others. Inappropriate use of others' intellectual property may expose Google and you to criminal and civil fines and penalties. Please seek advice from Legal before you solicit, accept or use proprietary information from others or let others use or have access to Google proprietary information. You should also check with Legal if developing a product that uses content not belonging to Google.

A word about open source -- Google is committed to open source software development. Consistent with our policy of respecting the valid intellectual property rights of others, we strictly comply with the license requirements under which open source software is distributed. Failing to do so may lead to legal claims against Google, as well as significant damage to the company's reputation and its standing in the open source community. Please seek guidance from Legal and the Open Source Programs Office before incorporating open source code into any Google product, service or internal project.

b. Company Equipment
Google gives us the tools and equipment we need to do our jobs effectively, but counts on us to be responsible and not wasteful with the Google stuff we are given. Nobody's going to complain if you snag an extra bagel on Friday morning,

but company funds, equipment and other physical assets are not to be requisitioned for purely personal use. Not sure if a certain use of company assets is okay? Please ask your manager or Human Resources.

c. The Network
Google's communication facilities (which include both our network and the hardware that uses it, like computers and mobile devices) are a critical aspect of our company's property, both physical and intellectual. Be sure to follow all security policies. If you have any reason to believe that our network security has been violated -- for example, you lose your laptop or smart phone or think that your network password may have been compromised -- please promptly report the incident to Information Security. For more information, consult Google's security policies.

d. Physical Security
If you're not careful, people will steal your stuff. Always secure your laptop, important equipment and your personal belongings, even while on Google's premises. Always wear your badge visibly while on site. Don't tamper with or disable security and safety devices. Watch people who "tailgate" behind you through our doors. If you don't see a Google badge, please ask for it (and, as appropriate, direct the person to a receptionist for assistance). Promptly report any suspicious activity to Google Security. For more information, review Google's physical security policy.

e. Use of Google's Equipment and Facilities
Anything you do using Google's corporate electronic facilities (e.g., our computers, mobile devices, network, etc.) or store on our premises (e.g., letters, memos and other documents) might be disclosed to people inside and outside the company. For example, Google may be required by law (e.g., in response to a subpoena or warrant) to monitor, access and disclose the contents of corporate email, voicemail, computer files and other materials on our electronic facilities or on our premises. In addition, the company may monitor, access and disclose employee communications and other information on our corporate electronic facilities or on our premises where there is a business need to do so, such as protecting employees and users or maintaining the security of resources and property.

f. Employee Data
We collect and store personal information from employees around the world. Access this data only in line with local law and Google internal policies, and keep it secure according to those standards.

VI. Ensure Financial Integrity and Responsibility
Financial integrity and fiscal responsibility are core aspects of corporate professionalism. This is more than accurate reporting of our financials, though that's certainly important. The money we spend on behalf of Google is not ours; it's the company's and, ultimately, our shareholders'. Each person at Google -- not just those in Finance -- has a role in making sure that money is appropriately spent, our financial records are complete and accurate and internal controls are honored. This matters every time we hire a new vendor, expense something to Google, sign a new business contract or enter into any deals on Google's behalf.

To make sure that we get this right, Google maintains a system of internal controls to reinforce our compliance with legal, accounting, tax and other regulatory requirements in every location in which we operate.

Stay in full compliance with our system of internal controls, and don't hesitate to contact Ethics & Compliance or Finance if you have any questions. What follows

are some core concepts that lie at the foundation of financial integrity and fiscal responsibility here at Google.

a. Spending Google's Money
A core Google value has always been to spend money wisely. When you submit an expense for reimbursement or spend money on Google's behalf, make sure that the cost is reasonable, directly related to company business and supported by appropriate documentation. Always record the business purpose (e.g., if you take someone out to dinner on Google, always record in our expense reimbursement tool the full names and titles of the people who attended as well as the reason for the dinner) and comply with other submission requirements. If you're uncertain about whether you should spend money or submit an expense for reimbursement, check with your manager. Managers are responsible for all money spent and expenses incurred by their direct reports, and should carefully review such spend and expenses before approving.

b. Signing a Contract
Each time you enter into a business transaction on Google's behalf, there should be documentation recording that agreement, approved by the Legal Department. Signing a contract on behalf of Google is a very big deal. Never sign any contract on behalf of Google unless all of the following are met:

- You are authorized to do so under our Signature Authority and Approval Policy. If you are unsure whether you are authorized, ask your manager;
- The contract has been approved by Legal. If you are using an approved Google form contract, you don't need further Legal approval unless you have made changes to the form contract or are using it for other than its intended purpose; and
- You have studied the contract, understood its terms and decided that entering into the contract is in Google's interest.

All contracts at Google should be in writing and should contain all of the relevant terms to which the parties are agreeing -- Google does not permit "side agreements," oral or written.

c. Recording Transactions
If your job involves the financial recording of our transactions, make sure that you're fully familiar with all of the Google policies that apply, including our revenue recognition policy and our purchasing policy.

Immediately report to Finance any transactions that you think are not being recorded correctly.

d. Reporting Financial or Accounting Irregularities
It goes without saying (but we're going to say it anyway) that you should never, ever interfere in any way with the auditing of Google's financial records. Similarly, you should never falsify any record or account, including time reports, expense accounts and any other Google records.
Familiarize yourself with our Reporting of Financial and Accounting Concerns Policy. If you suspect or observe any of the conduct mentioned above or, for that matter, any irregularities relating to financial integrity or fiscal responsibility, no matter how small, immediately report them to Ethics & Compliance.

e. Hiring Suppliers
As Google grows, we enter into more and more deals with suppliers of equipment and services. We should always strive for the best possible deal for Google. This almost always requires that you solicit competing bids to make sure that you're getting the best offer. While price is very important, it isn't the only factor worth

considering. Quality, service, reliability and the terms and conditions of the proposed deal may also affect the final decision. Please do not hesitate to contact the Purchasing team if you have any questions regarding how to procure equipment or services.

f. Retaining Records
It's important that we keep records for an appropriate length of time. The Google Record Retention Policy suggests minimum record retention periods for certain types of records. These are great guidelines, but keep in mind that legal requirements, accounting rules and other external sources sometimes specify longer retention periods for certain types of records, and those control where applicable. In addition, if asked by Legal to retain records relevant to a litigation, audit or investigation, do so until Legal tells you retention is no longer necessary. If you have any questions regarding the correct length of time to retain a record, contact the Record Retention team.

VII. Obey the Law
Google takes its responsibilities to comply with laws and regulations very seriously and each of us is expected to comply with applicable legal requirements and prohibitions. While it's impossible for anyone to know all aspects of every applicable law, you should understand the major laws and regulations that apply to your work. Take advantage of Legal and Ethics & Compliance to assist you here. A few specific laws are easy to violate unintentionally and so are worth pointing out here:

a. Trade Controls
U.S. and international trade laws control where Google can send or receive its products and/or services. These laws are complex, and apply to:

- imports and exports from or into the U.S.;
- imports and exports of products from or into other countries, especially when those products contain components or technology of U.S. origin;
- exports of services or providing services to non-U.S. persons; and
- exports of technical data, especially when the technical data is of U.S. origin.

What constitutes an "import" or "export" under the law is pretty broad. For example:

- exposing or allowing access by non-U.S. nationals to U.S. technical data can be an "export", regardless of what country the exposure occurred in;
- permitting the download of software from the U.S. into a non-U.S. country is an "export" from the U.S. and can be an "import" into the non-U.S. country
- transporting technical data or software on your laptop or tools or equipment in your luggage out of the U.S and into a non-US country may be an export and import, respectively.

The bottom line: If you are in any way involved in sending Google products, services, software, equipment or any form of technical data from one country to another, work with your manager to be absolutely sure that the transaction stays well within the bounds of applicable laws. If you or your manager are not sure, please contact Ethics & Compliance.

b. Competition Laws
Most countries have laws designed to encourage and protect free and fair competition. Generally speaking, these laws prohibit 1) arrangements with competitors that restrain trade in some way, 2) abuse of intellectual property rights and 3) use of market power to engage in unfair price discrimination and other

forms of unfair practices.

Although the spirit of these laws -- known as "antitrust," "competition," or "unfair competition" laws -- is straightforward, their application to particular situations can be quite complex. To ensure that Google complies fully with these laws, each of us should have a basic knowledge of how they apply to our work. Some real life things to be cautious about include:

- sharing of competitively sensitive information (e.g., prices, costs, market distribution, etc.) with competitors at trade and industry conferences; and making statements (in emails, IMs, presentations, memos or anyplace else) that wrongly suggest that Google has few or no competitors or that we seek to harm our competitors or improperly exploit our success.

Please contact Legal whenever you have any antitrust/competition law concerns.

c. Insider Trading Laws

As we said earlier, internally we share information, including non-public information, about Google's business operations pretty freely (think of TGIF). In addition, you may overhear a hallway conversation or come across a memo at a copy machine, either of which might involve confidential information. To use this nonpublic information to buy or sell stock, or to pass it along to others so that they may do so, could constitute insider trading. Insider trading not only violates this Code, it violates the law. Don't do it.

You should familiarize yourself with Google's Insider Trading Policy. It describes company-wide policies that address the risks of insider trading, such as:

- a prohibition on any Google employee hedging Google stock; and
- periodic blackout windows when no Google employee may trade Google stock.

d. Anti-Bribery Laws

Like all businesses, Google is subject to lots of laws, both U.S. and non-U.S., that prohibit bribery in virtually every kind of commercial setting. The rule here is simple - don't bribe anybody, anytime, for any reason. You should also be careful when you give gifts and pay for entertainment or other business courtesies on behalf of Google. We want to avoid the possibility that the gift, entertainment or other business courtesy could be perceived as a bribe, so it's always best to provide such business courtesies infrequently and, when we do, to keep their value moderate. If you have a question about a gift or business courtesy you would like to provide on behalf of Google, contact Ethics and Compliance.

Offering gifts, entertainment or other business courtesies that could be perceived as bribes becomes especially problematic if you're dealing with a government official. Several laws around the world including the U.S. Foreign Corrupt Practices Act, and the OECD Convention Against Corruption of Foreign Government Officials, specifically prohibit offering or giving anything of value to government officials to influence official action or secure an improper advantage. This not only includes traditional gifts, but also things like travel, political or charitable contributions and job offers. Distinguish these improper benefits from reasonable, infrequent and moderate expenditures for gifts and business entertainment for government officials, as well as travel and lodging expenses for trips directly promoting our products or services. Payment of such expenses can be acceptable (assuming they are permitted under local law), subject to specific requirements, including pre-approval as required by Google policy.

In addition, laws in countries where Google does business may further limit gifts and business courtesies to government officials of that country. For example, the U.S. has strict rules that severely limit the ability of a company or its employees to

give gifts and business courtesies to a U.S. government official and also limit the official's ability to accept such gifts. The Honest Leadership and Open Government Act ("HLOGA") prohibits giving any gifts, including travel and other courtesies, to Members, Officers and employees of the U.S. Senate and House of Representatives unless they fit within one of a number of specific exceptions. Gifts to employees of the U.S. executive branch are also regulated and subject to limits. Gifts to state and local government officials in the U.S. may also be subject to legal limitations. Other countries may have similar laws.

Before offering any gifts or other business courtesies to a U.S. or other government official, you should consult Google's Business Courtesies to Government Officials Policy. Carefully follow the limits and prohibitions described there, and obtain any required pre-approvals. If after consulting the Policy you aren't sure what to do, ask Ethics and Compliance.

VIII. Conclusion

Google aspires to be a different kind of company. It's impossible to spell out every possible ethical scenario we might face. Instead, we rely on one another's good judgment to uphold a high standard of integrity for ourselves and our company. We expect all Googlers to be guided by both the letter and the spirit of this Code. Sometimes, identifying the right thing to do isn't an easy call. If you aren't sure, don't be afraid to ask questions of your manager, Legal or Ethics & Compliance.

And remember . . . don't be evil, and if you see something that you think isn't right -- speak up!

(b) (6), (b) (7)(C) _____
E-Signature

(b) (6), (b) (7)(C) _____
Name of Employee

01/13/15 _____
Date

I Agree

By selecting "I Agree" you acknowledge receipt of the notice above. We will store the date and time that you acknowledged receipt of this notice. Upon clicking "Submit & continue", a copy of this notice will be emailed to you.

Handbook Acknowledgement

I acknowledge that Google Inc.'s Employee Handbook can be found at http://go/employeehandbook. I understand it is my responsibility to read and understand the entire handbook.

I understand that it is not intended to be a contract (express or implied) or otherwise to create legally enforceable obligations on the part of the company or its employees. I understand that all employment at Google is "at will" so that the company and I both have the right to terminate employment at any time, with or without notice, and without the need for justification. I understand that no experience with the company, including but not limited to oral statements, longevity of employment, performance reviews, promotions, salary increases or application of disciplinary measures may be regarded as implicitly changing this at will policy.

[redacted] _____
E-Signature

[redacted] _____
Name of Employee

01/13/15 _____
Date

I Agree	By selecting "I Agree" you acknowledge receipt of the notice above. We will store the date and time that you acknowledged receipt of this notice. Upon clicking "Submit & continue", a copy of this notice will be emailed to you.

GOOGLE INC.

AT-WILL EMPLOYMENT, CONFIDENTIAL INFORMATION, INVENTION ASSIGNMENT AND ARBITRATION AGREEMENT

As a condition of my employment with Google Inc., its subsidiaries, affiliates, successors or assigns (together "Google"), and in consideration of my receipt of confidential information, my employment with Google, and my receipt of any compensation Google is paying to me, I agree to the following terms of this At-Will Employment, Confidential Information, Invention Assignment, and Arbitration Agreement (this "Agreement"):

1. At-Will Employment.
MY EMPLOYMENT WITH GOOGLE IS FOR AN UNDEFINED DURATION AND IS AT-WILL EMPLOYMENT, WHICH MEANS IT MAY BE TERMINATED AT ANY TIME, WITH OR WITHOUT CAUSE OR NOTICE. NO REPRESENTATION TO THE CONTRARY IS AUTHORIZED OR VALID UNLESS MADE IN WRITING AND SIGNED BY THE CHIEF EXECUTIVE OFFICER OF GOOGLE INC.

2. Confidential Information.
(a) Definition of Google Confidential Information. "Google Confidential Information" means, without limitation, any information in any form that relates to Google or Google's business and that is not generally known. Examples include Google's non-public information that relates to its actual or anticipated business, products or services, research, development, technical data, customers, customer lists, markets, software, hardware, finances, employee data and evaluation, trade secrets or know-how, intellectual property rights, including but not limited to, Assigned Inventions (as defined below), unpublished or pending patent applications and all related patent rights, and user data (i.e., any information directly or indirectly collected by Google from users of its services). Google Confidential Information also includes any information of third parties (e.g., Google's advertisers, collaborators, subscribers, customers, suppliers, partners, vendors, partners, licensees or licensors) that was provided to Google on a confidential basis. Google Confidential Information does not include any items that have become publicly known through no wrongful act of mine or others under a relevant confidentiality obligation. Nothing in this Agreement is intended to limit employees' rights to discuss the terms, wages, and working conditions of their employment, as protected by applicable law.

(b) Nonuse and Nondisclosure. During and after my employment with Google, I will hold in the strictest confidence and take all reasonable precautions to prevent any unauthorized use or disclosure of Google Confidential Information (whether disclosed to me in anticipation of or during my employment by Google), and I will not (i) use Google Confidential Information for any purpose other than for the benefit of Google in the scope of my employment, or (ii) disclose Google Confidential Information to any third party without the prior written authorization. I agree that all Google Confidential Information that I use or generate in connection with my employment belongs to Google (or third parties identified by Google). I understand that my unauthorized use or disclosure of Google Confidential Information during my employment or after my employment may lead to disciplinary action, up to and including termination and/or legal action.

(c) Former Employer Information / Definition of Google Property. I will not

use or disclose in connection with my employment with Google or bring onto Google's electronic or physical property, facilities, or systems (collectively, "Google Property") any proprietary information, trade secrets, or any non-public material belonging to any previous employer or other person or entity unless consented to in writing by such employer, person, or entity.

3. Inventions.

(a) Definition of Inventions. "Inventions" includes inventions, designs, developments, ideas, concepts, techniques, devices, discoveries, formulae, processes, improvements, writings, records, original works of authorship, trademarks, trade secrets, all related know-how, and any other intellectual property, whether or not patentable or registrable under patent, copyright, or similar laws.

(b) Assignment of Inventions. Except as provided in Section 3(f) below, Google Inc. will own all Inventions that I invented, developed, reduced to practice, or otherwise contributed to, solely or jointly with others, during my employment with Google (including during my off-duty hours) or with the use of Google's equipment, supplies, facilities, or Google Confidential Information, and any intellectual property rights in the Inventions (the "Assigned Inventions"). I will promptly disclose in writing to Google any Assigned Inventions and assign to Google my rights in any Assigned Inventions. I hereby irrevocably assign to Google Inc. my rights in all Assigned Inventions, and convey to Google Inc. ownership of any Assigned Inventions not yet in existence. All works of authorship made by me (solely or jointly with others) within the scope of and during my employment with Google are "works made for hire" as defined in the United States Copyright Act. The decision whether or not to commercialize or market any Assigned Inventions is within Google's sole discretion and for Google's sole benefit, and that I will not claim any consideration as a result of Google's commercialization of any such Inventions.

(c) Prior Inventions. I list in Exhibit A all Inventions that I solely or jointly made before my employment with Google (collectively, "Prior Inventions") and that I am not assigning to Google. I will not incorporate any Prior Inventions into any Assigned Inventions, product, or service of Google or otherwise use any Prior Inventions in the course of my employment with Google without its prior written permission. If I incorporate (or have incorporated) a Prior Invention into any Assigned Inventions, product, or service of Google, I hereby grant to Google a royalty-free, irrevocable, perpetual, transferable worldwide license (with the right to sublicense) to make, have made, use, import, sell, reproduce, distribute, modify, adapt, prepare derivative works of, display, perform, and otherwise exploit such Prior Invention.

(d) Maintenance of Records. I agree to keep and maintain for Google detailed and accurate written records in any format that it may specify of all Assigned Inventions that I make (solely or jointly with others) for Google. The records are and remain the sole property of Google.

(e) Securing Intellectual Property Rights. I agree to assist Google (or its designee) at Google's expense to assign, secure, and enforce all intellectual property rights in any Assigned Inventions in any and all countries, disclose to Google of all pertinent information and data, and sign any document that Google reasonably deems necessary. If Google is unable for any reason to secure my signature to any document required to assign, secure, and enforce any intellectual property rights in any Assigned Inventions, then I hereby irrevocably designate and appoint Google and its officers and agents as my agents and attorneys in fact to execute any documents on my behalf for this purpose. This

power of attorney will be considered coupled with an interest and will be irrevocable. My obligations under this Section 3(e) will continue after the termination of my employment with Google.

(f) Exception to Assignments. The provisions of this Agreement requiring disclosure and assignment of Inventions to Google do not apply to any invention that qualifies fully under the provisions of California Labor Code Section 2870 (attached hereto as Exhibit B). While employed, I will advise Google promptly in writing of any inventions that I believe meet the criteria in California Labor Code Section 2870 and that I have not disclosed on Exhibit A for a confidential ownership determination.

4. Conflicting Employment.

(a) Other Employment or Activities. During my employment with Google, I will not engage in any other employment or other activities or services directly related to the business in which Google is now involved, becomes involved, or has plans to become involved or that conflict with my obligations to Google without seeking and receiving permission in advance from Google's Ethics and Compliance team.

(b) Prior Agreements with Other Parties. My performance of all the terms of this Agreement and my duties as an employee of Google will not breach any invention assignment, proprietary information, confidentiality, or similar agreement with any former employer or other party.

5. Return of Google Property and Information.

(a) Return of Google Property. Immediately upon termination of my employment with Google, I agree to deliver to Google and will not keep, recreate, or deliver to any other person or entity any documents and materials pertaining to my work with Google or containing any Google Confidential Information. I agree to deliver promptly all Google Property, as applicable, in my possession or control. I agree, upon Google's request, to sign a document that I have fulfilled my responsibilities under this Agreement.

(b) Return of Google Information. Upon termination of my employment, I will make a prompt and reasonable search for any Google Confidential Information in my possession or control. If I locate such information I will notify Google and provide a computer-useable copy of it. I will cooperate reasonably with Google to verify that the necessary copying is completed, and, when Google confirms compliance, I will delete fully all Google Confidential Information.

(c) Compliance. I have no reasonable expectation of privacy in any Google Property or in any other documents, equipment, or systems used to conduct the business of Google. Google may audit and search any Google Property or such documents, equipment, or systems without further notice to me for any business-related purpose at Google's reasonable discretion. I will provide Google with access to any documents, equipment, or systems used to conduct the business of Google immediately upon request. I consent to Google taking reasonable steps to prevent unauthorized access to Google Property and Google information. I understand that I am not permitted to add any unauthorized applications or any applications that I do not have a license or authorization for use to any Google Property, and that I will refrain from copying any software that I do not have a license or authorization to use or using such software or websites that I do not have a license or authorization to use on Google Property. It is my responsibility to comply with Google's policies governing use of Google Property.

6. Notification.
If my employment with Google ends, I consent to Google notifying my new employer or any third party about my obligations under this Agreement.

7. Solicitation of Employees.
To the fullest extent permitted under applicable law, during my employment with Google and for twelve months immediately following its termination for any reason, whether voluntary or involuntary, with or without cause, I will not directly or indirectly solicit any of Google's employees to leave their employment.

8. Export Statement of Assurance.
In the course of my employment, Google may release to me items (including software, technology, systems, equipment, and components) subject to the Export Administration Regulations ("EAR") or the International Traffic in Arms Regulations ("ITAR"). I certify that I will not export, re-export, or release these items in violation of the EAR or ITAR and I will not disclose/export/re-export these items to any person other than as required in the scope of my employment with Google. If I have any question regarding this Section 8, I immediately will contact the Legal Services Department before taking any actions.

9. Code of Conduct.
I have read Google's Code of Conduct, which is available on the "Investor Relations" page of Google's public website. I agree to comply with the terms of the Code of Conduct and report any violations of the Code of Conduct.

10. Employee Handbook.
Google's Employee Handbook consists of "Core" policies listed in a table of contents on Google's "Employee Handbook" internal website, and that those policies incorporate by reference supplemental policies. Within ten days of signing this Agreement, I will read the "Core" policies within Google's Employee Handbook, and comply with its policies, including supplemental policies, as they may be revised from time to time.

11. Use of Images.
During my employment, Google or its agents may obtain images of me for subsequent use in materials. My name may or may not be included along with such images. I grant Google permission for such use of my images, both during and after my employment, and I understand that I will not receive any royalties or other compensation for this use.

12. Arbitration and Equitable Relief.
(a) Arbitration. IN CONSIDERATION OF MY EMPLOYMENT WITH GOOGLE, ITS PROMISE TO ARBITRATE ALL EMPLOYMENT-RELATED DISPUTES, AND MY RECEIPT OF THE COMPENSATION, PAY RAISES AND OTHER BENEFITS PAID TO ME BY GOOGLE, I AGREE THAT ANY AND ALL CONTROVERSIES, CLAIMS, OR DISPUTES WITH ANYONE (INCLUDING GOOGLE AND ANY EMPLOYEE, OFFICER, DIRECTOR, SHAREHOLDER OR BENEFIT PLAN OF GOOGLE IN THEIR CAPACITY AS SUCH OR OTHERWISE), ARISING OUT OF, RELATING TO, OR RESULTING FROM MY EMPLOYMENT WITH GOOGLE OR THE TERMINATION OF MY EMPLOYMENT WITH GOOGLE, INCLUDING ANY BREACH OF THIS AGREEMENT, WILL BE SUBJECT TO BINDING ARBITRATION UNDER THE ARBITRATION RULES SET FORTH IN CALIFORNIA CODE OF CIVIL PROCEDURE SECTIONS 1280 THROUGH 1294.2, INCLUDING SECTION 1283.05 (THE "RULES"), WHICH ARE AVAILABLE ON THE "CALIFORNIA LAW" PAGE OF "CALIFORNIA LEGISLATIVE INFORMATION" PUBLIC

WEBSITE. I AGREE THAT I MAY ONLY COMMENCE AN ACTION IN ARBITRATION, OR ASSERT COUNTERCLAIMS IN AN ARBITRATION, ON AN INDIVIDUAL BASIS AND, THUS, I HEREBY WAIVE MY RIGHT TO COMMENCE OR PARTICIPATE IN ANY CLASS OR COLLECTIVE ACTION(S) AGAINST GOOGLE, TO THE FULLEST EXTENT PERMITTED BY LAW. DISPUTES THAT I AGREE TO ARBITRATE, AND THEREBY AGREE TO WAIVE ANY RIGHT TO A TRIAL BY JURY, INCLUDE ANY STATUTORY CLAIMS UNDER LOCAL, STATE, OR FEDERAL LAW, INCLUDING CLAIMS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, THE AMERICANS WITH DISABILITIES ACT OF 1990, THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, THE OLDER WORKERS BENEFIT PROTECTION ACT, THE SARBANES-OXLEY ACT, THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT, THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, THE FAMILY AND MEDICAL LEAVE ACT, THE FAIR LABOR STANDARDS ACT, THE CALIFORNIA FAMILY RIGHTS ACT, THE CALIFORNIA LABOR CODE, CLAIMS OF HARASSMENT, DISCRIMINATION, WRONGFUL TERMINATION AND ANY OTHER CONTRACTUAL, TORT OR STATUTORY CLAIMS UNDER FEDERAL, CALIFORNIA AND LOCAL LAWS, TO THE EXTENT ALLOWED BY LAW. I UNDERSTAND THAT THIS AGREEMENT TO ARBITRATE ALSO APPLIES TO ANY DISPUTES THAT GOOGLE MAY HAVE WITH ME.

(b) Procedure. I AGREE THAT ANY ARBITRATION WILL BE ADMINISTERED BY JUDICIAL ARBITRATION & MEDIATION SERVICES, INC. ("JAMS"), PURSUANT TO ITS EMPLOYMENT ARBITRATION RULES & PROCEDURES (THE "JAMS RULES"), WHICH ARE AVAILABLE ON THE "RULES/CLAUSES" PAGE OF JAMS' PUBLIC WEBSITE, AND NO OTHER RULES FROM JAMS. I AGREE THAT THE ARBITRATOR WILL HAVE THE POWER TO DECIDE ANY MOTIONS BROUGHT BY ANY PARTY TO THE ARBITRATION, INCLUDING MOTIONS FOR SUMMARY JUDGMENT AND/OR ADJUDICATION, MOTIONS TO DISMISS OR TO STRIKE, DEMURRERS, AND MOTIONS FOR CLASS CERTIFICATION, PRIOR TO ANY ARBITRATION HEARING. I ALSO AGREE THAT THE ARBITRATOR WILL HAVE THE POWER TO AWARD ANY REMEDIES AVAILABLE UNDER APPLICABLE LAW, INCLUDING INJUNCTIVE RELIEF, AND THAT THE ARBITRATOR WILL AWARD ATTORNEYS' FEES AND COSTS TO THE PREVAILING PARTY, EXCEPT AS PROHIBITED BY LAW. I AGREE THAT THE DECREE OR AWARD RENDERED BY THE ARBITRATOR MAY BE ENTERED AS A FINAL AND BINDING JUDGMENT IN ANY COURT HAVING JURISDICTION THEREOF. I UNDERSTAND THAT GOOGLE WILL PAY FOR ANY ADMINISTRATIVE OR HEARING FEES CHARGED BY THE ARBITRATOR OR JAMS EXCEPT THAT I WILL PAY ANY FILING FEES ASSOCIATED WITH ANY ARBITRATION THAT I INITIATE, BUT ONLY SO MUCH OF THE FILING FEES AS I WOULD HAVE INSTEAD PAID HAD I FILED A COMPLAINT IN A COURT OF LAW. I AGREE THAT THE ARBITRATOR WILL ADMINISTER AND CONDUCT ANY ARBITRATION IN ACCORDANCE WITH CALIFORNIA LAW, INCLUDING THE CALIFORNIA CODE OF CIVIL PROCEDURE, AND THAT THE ARBITRATOR WILL APPLY SUBSTANTIVE AND PROCEDURAL CALIFORNIA LAW TO ANY DISPUTE OR CLAIM, WITHOUT REFERENCE TO RULES OF CONFLICT OF LAW. TO THE EXTENT THAT THE JAMS RULES CONFLICT WITH CALIFORNIA LAW, CALIFORNIA LAW WILL TAKE PRECEDENCE. I AGREE THAT THE DECISION OF THE ARBITRATOR WILL BE IN WRITING. I AGREE THAT ANY ARBITRATION UNDER THIS AGREEMENT WILL BE HELD IN SANTA CLARA COUNTY, CALIFORNIA.

(c) Remedy. EXCEPT AS PROVIDED BY THE RULES AND THIS AGREEMENT, ARBITRATION WILL BE THE SOLE, EXCLUSIVE, AND FINAL REMEDY FOR ANY DISPUTE BETWEEN ME AND GOOGLE. ACCORDINGLY, EXCEPT AS PROVIDED FOR BY THE RULES AND THIS AGREEMENT, NEITHER I NOR GOOGLE WILL BE PERMITTED TO PURSUE COURT ACTION REGARDING CLAIMS THAT ARE SUBJECT TO ARBITRATION. NOTWITHSTANDING, THE ARBITRATOR WILL NOT HAVE THE AUTHORITY TO DISREGARD OR REFUSE TO ENFORCE ANY LAWFUL GOOGLE POLICY, AND THE ARBITRATOR WILL NOT ORDER OR REQUIRE GOOGLE TO ADOPT A POLICY NOT OTHERWISE REQUIRED BY LAW. NOTHING IN THIS AGREEMENT OR IN THIS PROVISION IS INTENDED TO WAIVE THE PROVISIONAL RELIEF REMEDIES AVAILABLE UNDER THE RULES.

(d) Administrative Relief. I UNDERSTAND THAT THIS AGREEMENT DOES NOT PROHIBIT ME FROM PURSUING AN ADMINISTRATIVE CLAIM WITH A LOCAL, STATE OR FEDERAL ADMINISTRATIVE BODY SUCH AS THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING, THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, THE NATIONAL LABOR RELATIONS BOARD, OR THE WORKERS' COMPENSATION BOARD. THIS AGREEMENT DOES, HOWEVER, PRECLUDE ME FROM PURSUING COURT ACTION REGARDING ANY SUCH CLAIM.

(e) Voluntary Nature of Agreement. I ACKNOWLEDGE AND AGREE THAT I AM EXECUTING THIS AGREEMENT VOLUNTARILY AND WITHOUT ANY DURESS OR UNDUE INFLUENCE BY GOOGLE OR ANYONE ELSE. I ACKNOWLEDGE AND AGREE THAT I HAVE CAREFULLY READ THIS AGREEMENT AND THAT I HAVE ASKED ANY QUESTIONS NEEDED FOR ME TO UNDERSTAND ITS TERMS, CONSEQUENCES, AND BINDING EFFECT . I RECOGNIZE THAT I AM WAIVING MY RIGHT TO A JURY TRIAL. I AGREE THAT I HAVE HAD THE OPPORTUNITY TO SEEK THE ADVICE OF AN ATTORNEY OF MY CHOICE BEFORE SIGNING THIS AGREEMENT.

(f) Arbitration Clause, Governing Law. THIS ARBITRATION CLAUSE IS ENTERED PURSUANT TO AND GOVERNED BY THE FEDERAL ARBITRATION ACT (9 U.S.C. SECTION 1, ET SEQ.), BUT IN ALL OTHER RESPECTS THIS AGREEMENT IS GOVERNED BY THE LAWS OF CALIFORNIA.

13. General Provisions.

(a) Governing Law; Consent to Personal Jurisdiction. Except as provided in Section 12(f), this Agreement will be governed by the laws of the State of California except for its choice of law rules. If any lawsuit is permitted under or related to this Agreement or my employment, I consent to the exclusive personal jurisdiction and venue of the state and federal courts located in California.

(b) Entire Agreement. This Agreement, together with its Exhibits, and any executed written offer letter between Google and me, are the entire agreement between Google and me relating to my employment and any related matters and supersede all prior written and oral agreements, discussions, or representations. If there are conflicts between this Agreement and the offer letter, this Agreement will control. No change to this Agreement, other than amendments to Sections 3 and 4 relating to personal open-source projects in a format prepared by Google, will be effective unless in writing signed by Google Inc.'s Chief Executive Officer. Any change or changes in my duties, salary, or compensation will not affect the validity or scope of this Agreement.

(c) Severability. If one or more of the provisions in this Agreement are deemed void, the remaining provisions will continue in full force and effect.

(d) Successors and Assigns. This Agreement will be binding upon my heirs, executors, assigns, administrators, and other legal representatives and will be for the benefit of Google, its successors, and its assigns. Google may assign this Agreement to anyone at any time without my consent. There are no intended third-party beneficiaries to this Agreement.

(e) Waiver. Waiver by Google of a breach of any provision of this Agreement will not waive its right to take action based on any other breach.

(f) Survivorship. The rights and obligations of the parties to this Agreement will survive termination of my employment with Google.

Eff. Date Nov. 2013
CA Version

(b) (6), (b) (7)(C) _____
E-Signature

(b) (6), (b) (7)(C) _____
Name of Employee

01/13/15 _____
Date

I Agree	By selecting "I Agree" you acknowledge receipt of the notice above. We will store the date and time that you acknowledged receipt of this notice. Upon clicking "Submit & continue", a copy of this notice will be emailed to you.

Exhibit A
GOOGLE INC.

LIST OF PRIOR INVENTIONS AND ORIGINAL WORKS OF AUTHORSHIP

I understand that listing a project or an invention here does not mean that Google is granting me permission to continue working on the project or invention. This is only a listing of inventions or original works of authorship done prior to employment.

Any inventions or improvements?

Yes

Since you’ve answered YES to the above question, please list your inventions or improvements below. To learn more about Exhibit A, please visit go/ExhibitA.

For each invention or improvement list a title, date, and identifying number or brief description:

contents of https://github.com/cernekee various projects hosted at sourceforge various other side projects, public and private

If you you do not have enough space to include all of your inventions, you may email peopleops-help@google.com with an attached file instead.

(b) (6), (b) (7)(C) _____
E-Signature

(b) (6), (b) (7)(C) _____
Name of Employee

01/13/15 _____
Date

I Agree	By selecting "I Agree" you acknowledge receipt of the notice above. We will store the date and time that you acknowledged receipt of this notice. Upon clicking "Submit & continue", a copy of this notice will be emailed to you.

Exhibit B
GOOGLE INC.

California Labor Code Section 2870
Invention on own Time-Exemption From Agreements

"(a) Any provision in an employment agreement which provides that an employee shall assign, or offer to assign, any of his or her rights in an invention to his or her employer shall not apply to an invention that the employee developed entirely on his or her own time without using the employer's equipment, supplies, facilities, or trade secret information except for those inventions that either:

Relate at the time of conception or reduction to practice of the invention to the employer's business, or actual or demonstrably anticipated research or development of the employer.
Result from any work performed by the employee for the employer.

(b) To the extent a provision in an employment agreement purports to require an employee to assign an invention otherwise excluded from being required to be assigned under subdivision (a), the provision is against the public policy of this state and is unenforceable."

Electronic Signature Consent Agreement

Google has implemented certain electronic systems to provide you the ability to access and edit certain employment related information in an easy and efficient manner. Due to the electronic nature of these systems and to achieve the efficiency contemplated, Google has chosen to use electronic authentication in lieu of physical signatures. This agreement is entered into between you and Google Inc., as of the date signed below, to clarify and acknowledge your consent to use electronic authentication for such systems.

By signing below, I agree that Google may accept electronic authentication, consisting of a UserID assigned to me and a password selected by me (collectively, the "Electronic Signature"), as my binding assent and agreement to access and edit certain employment related information. For purposes of clarification, any access or edits made using the Electronic Signature will have the same force and effect as if those actions had been made in conjunction with a written physical signature.

Following are some of the types of actions that can be taken using these electronic systems:

- Acknowledgement of various employment forms and agreements (like Handbook Acknowledgement and Confidentiality Agreement)
- Change in benefits and dependent information
- Change in personal information (like Name, Marital Status etc.)

(b) (6), (b) (7)(C) _____
E-Signature

(b) (6), (b) (7)(C) _____
Name of Employee

01/13/15 _____
Date

I Agree

By selecting "I Agree" you acknowledge receipt of the notice above. We will store the date and time that you acknowledged receipt of this notice. Upon clicking "Submit & continue", a copy of this notice will be emailed to you.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

THIS OFFER SUPERSEDES AND REPLACES ANY PRIOR VERSIONS

Dear (b) (6), (b) (7),

On behalf of Google Inc., I am pleased to offer you the exempt position of (b) (6), (b) (7)(C). You will receive an annual salary of (b) (6), (b) (7)(C), which will be paid biweekly and subject to applicable payroll deductions and tax withholdings. You are eligible to participate in the company discretionary bonus plan; your annual bonus target will be 15% of the median annualized salary for your peer group (as determined by Google). The actual bonus amount could be larger or smaller than this amount, based on your performance, and the performance of the company. The exact bonus amount is at the sole discretion of Google. Both your base salary and the components of your bonus are subject to periodic review.

To assist you with some of the costs associated with your move, Google will provide you with reimbursement for specified moving expenses. In order to receive this relocation benefit, you will be required to work with a third party vendor provider designated by Google to assist in employee moves. In addition, within thirty (30) days following your start date at Google, Google will pay you a one-time Miscellaneous Relocation Allowance of (b) (6), (b) (7), less applicable deductions and tax withholding. These relocation benefits, including for the avoidance of doubt, the Miscellaneous Relocation Allowance, will be contingent on your move. If you do not relocate, you will be required to repay all relocation expenses paid or reimbursed by Google, including for the avoidance of doubt, the Miscellaneous Relocation Allowance. Following your relocation, should you terminate your employment with Google within the first twelve months of your relocation date, you will be required to repay all relocation expenses paid or reimbursed by Google, including for the avoidance of doubt, the Miscellaneous Relocation Allowance, on a pro-rated basis. We encourage you to consult a tax professional for information regarding all current tax reporting requirements related to this benefit.

Additionally, Google will pay you a one time Sign-On Bonus of (b) (6), (b) (7)(C), less applicable deductions and tax withholding, within thirty (30) days following your start date at Google. Should your employment with Google end within your first twelve months of employment, you agree to repay the Sign-On Bonus on a prorated basis. We encourage you to consult a tax professional for information on all current IRS reporting requirements.

Upon Approval by our Board of Directors, you will be granted (b) (6), Google Stock Units (GSUs). Your GSUs will first vest 25% on the 25th day of the month following your 1 year anniversary of hire. Thereafter your GSUs will vest 1/48th monthly on the 25th of the month until fully vested. At the time of vest, the vested number of GSUs will convert to Google common shares. If the US financial markets are closed on a vesting date, shares will vest on the next trading day.

This award and all future equity awards are contingent and issued only upon approval by the Board, and are subject to the terms and conditions of applicable plan documents and award agreements. Vesting in GSUs is contingent on continued employment on the applicable vesting dates. Further details on the GSUs will be available to you shortly after your start date. Please be aware that this program and subsequent processes could be changed at any time, at the discretion of the Board.

In addition, as a regular full-time employee you will be eligible for various benefits offered to similarly-situated Google employees in accordance with the terms of Google's policies and benefit plans. Among other things, these benefits currently include medical and dental insurance, life insurance, and a 401(k) retirement plan. You will be automatically enrolled in the pre-tax 401(k) plan at 10% into the Vanguard Target Retirement Trust, which is a portfolio of stocks and bonds that gradually becomes more conservative as your year of retirement approaches. You will be able to change your deferral amount and fund allocation upon your hire. The eligibility requirements and other information regarding these benefits are set forth in more detailed documents that are available from Google. With the exception of the "employment at-will" policy discussed herein, Google may, from time to time in its sole discretion, modify or eliminate its policies and the benefits offered to employees.

You are being offered employment at Google based on your personal skills and experience, and not due to your knowledge of any confidential, proprietary or trade secret information of a prior or current employer or an entity, such as a university or college. Should you accept this offer, we do not want you to make use of or disclose any such information or to retain or disclose any materials from a prior or current employer. Likewise, as an employee of Google, it is likely that you will become knowledgeable about confidential, trade secret and/or proprietary information related to the operations, products and services of Google and its clients. To protect the interests of both Google and its clients, all employees are required to read and sign the enclosed At Will Employment, Confidential Information, Invention Assignment and Arbitration Agreement as a condition of employment with Google. This Agreement, which provides for arbitration of all disputes arising out of your employment, is enclosed for your review; you will be required to sign it on your first day of employment.

Google has a strict policy against insider trading, which prohibits, among other things, employees, contractors and temporary workers from trading Google stock during certain time periods and engaging in any derivative transactions in Google stock. It will be your responsibility to educate yourself regarding Google's insider trading policies and to ensure you are in full compliance. If you have any questions about Google's policy against insider trading, please contact Human Resources.

If an export control license is required in connection with your employment, this offer is further contingent upon Google's receipt of the export control license and any similar approvals. Your employment with Google will commence following receipt of such export control license and governmental approvals; and is conditioned upon your (a) maintaining your employment with Google, and (b) continued compliance with all conditions and limitations contained in such a license. If for any reason such export control license and governmental approvals cannot be obtained within six (6) months from your date of signature, this offer will automatically terminate and have no force and effect.

Please understand that this letter does not constitute a contract of employment for any specific period of time, but will create an "employment at-will" relationship. This means that the employment relationship may be terminated with or without cause and with or without notice at any time by you or Google. No individual other than the Chief Executive Officer of Google has the authority to enter into any agreement for employment for a specified period of time or to make any agreement or representation contrary to Google's policy of employment at-will. Any such agreement or representation must be in writing and must be signed by the Chief Executive Officer. Your signature at the end of this letter confirms that no promises or agreements that are contrary to our at-will relationship have been committed to you during any of your pre-employment discussions with Google, and that this letter, along with the At Will Employment, Confidential Information, Invention Assignment and Arbitration Agreement, contain our complete agreement regarding the terms and conditions of your employment.

We look forward to an early acceptance of this offer. This offer will remain open for 2 (two) business days following your receipt of this letter and is contingent upon your start date no later than (b) (6), (b) (7)(C). New Hire orientation is held every Monday (or Tuesday if Monday is a holiday). The number of spaces in each session is limited; please work with your recruiter to select an available start date that works for you.

Additionally, this offer and your employment are contingent upon satisfactory results from your background check and reference checks. To indicate your acceptance of Google's offer, please electronically sign and date the offer letter copy at the URL link provided in the email. A duplicate original is enclosed for your record. You will receive an email regarding your new hire orientation 5 days prior to your start date. If you do not receive this email by the Thursday prior to your start, please send an email to newhire-orientation@google.com for information. In order for Google to comply with the Immigration Reform and Control Act, your employment with Google is contingent on your eligibility to work in the United States. Accordingly, please bring appropriate verification or authorization to work in the United States (e.g. US Passport or Driver's License and Social Security Card) on your first day.

Kevin, we look forward to working with you.

Sincerely,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
Google Inc.

I accept this offer of employment with Google and agree to the terms and conditions outlined in this letter.

(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	Date	Planned Start Date (Monday)

Non-Disclosure Guidelines

To: Google Candidates
From: Google Staffing

Now that you've been scheduled for interviews at Google, we need to take a moment to remind you of a few things before you come in. This is particularly important if you are currently an employee of another company.

First and foremost, we don't want you to share any information in your interviews about your current employer that is confidential or trade secret information. We mean it.

- This means anything – whether or not it was formally marked as confidential or trade secret, or whether or not you signed an NDA for it.
- This means information in any form – verbal, electronic or paper.
- This means information about your current co-workers, good, bad or indifferent.

If you are asked any question during your interviews with Google that you believe would lead you to divulge confidential or trade secret information in your answer, just tell your interviewer that it's not appropriate for you to discuss this topic. This won't be a problem – your interviewer will present another question, and the interview will continue.

If you continue in the interview process with us, please take reasonable steps to ensure that you are not continuing to be exposed to confidential or trade secret information at your current employer. We don't want you to put yourself in a position where your company might wonder whether you were viewing or hearing information with the thought of what you might want to share with Google. This is critical if you decide to accept an offer, even if you haven't formally accepted or shared your decision with your employer.

Lastly, think about whether you are subject to any obligations in addition to confidential information obligations that may restrict or impact your ability to accept a job at Google or perform certain roles here. This may take the form of a non-competition clause in an NDA or other employment document you signed at your current company. You are responsible for understanding what any prohibitions may include and how they impact you. You may want to talk to an attorney of your own choosing about this, if you decide to move forward in this process.

Have questions on any of this? Please let your recruiter know, and he or she will pass along your questions to the proper person within Google for a response.

This may sound like a lot to keep in mind, but it's extremely important to us that people who interview with Google keep their commitments to their current employers. As you probably know, we believe it's possible to run a successful business without doing evil, and that's how we intend to operate.

Again, thanks for your interest in Google. We look forward to meeting you.

Google Staffing

From: Friedman, Ross H.
To: Hajduk, Alexander M.
Subject: RE: Update and additional information in Google, Inc., 32-CA-164766
Date: Monday, August 22, 2016 4:37:36 PM

Alex-

Thanks. I was on vacation last week and just got this. Will discuss with my client and get back to you.

Ross

Ross H. Friedman
Morgan, Lewis & Bockius LLP
77 West Wacker Drive | Chicago, IL 60601
Direct: +1.312.324.1172 | Main: +1.312.324.1000 | Fax: +1.312.324.1001 | Mobile: +1.773.497.7677
ross.friedman@morganlewis.com | www.morganlewis.com
Assistant: Linda Leslie | +1.312.324.1173 | linda.leslie@morganlewis.com

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From: Hajduk, Alexander M. [mailto:Alexander.Hajduk@nlrb.gov]
Sent: Wednesday, August 17, 2016 1:27 PM
To: Friedman, Ross H.
Subject: Update and additional information in Google, Inc., 32-CA-164766
Importance: High

Hello again Ross,

It's been awhile since we last discussed this case, so I thought I'd bring you up to speed on where we are and what I'm seeking from your client. When we last spoke back in March, I mentioned that we were sending the case up to Advice based on the allegations that were then-pending, i.e., the final written warning issued to Charging Party (b) (6), (b) (7)(C). However, at the same time we did that, the Charging Party filed the first amended charge that added an allegation regarding the propriety of the Employer's Code of Conduct Policy, the Appropriate Conduct Policy, and the Policy Against Harassment, Discrimination, and Retaliation. The problem was that our submission to Advice didn't include any reference to those policies. Since they've had the case, Advice has asked us to obtain the Employer's position on those policies as well as other policies that have been referenced in the other cases involving the Employer that are being investigated by my colleague Edris Rodriguez. Those additional policies are the Employee Communication Policy, the Corporate Services Security Policy, the Data Security Policy/Data Classification Guidelines, and the Employment Agreement.

There are a lot of provisions in those policies, so these are the policies and sections of policies that Advice has requested that we seek the Employer's position on:

1) Sections II through V of the Code of Conduct
2) The entirety of the Appropriate Conduct Policy
3) The entirety of the Policy Against Harassment, Discrimination, and Retaliation
4) The introduction to and parts 1, 2, and 3 of the Employee Communication Policy
5) The entirety of the Corporate Services Security Policy

6) Both the Data Security Policy and the Data Classification Guidelines, especially the extent to which the latter defines terms that are then incorporated into the former
7) Sections 2, 4, 7, and 12 of the Employment Agreement

I know that there's still a lot to unpack even with these specific provisions, so I apologize for that. I haven't been told explicitly when Advice would need this by, but I will check on that ASAP. However, I would imagine that if the Employer is going to submit a position on these policies, that Advice would want it as soon as practicable.

Let me know if you have any questions about this, and feel free to call or email me with those. I should point out that our office numbers changed, so my new contact information is contained below.

Thanks,

Alexander M. Hajduk
Field Examiner
National Labor Relations Board
Region 32 – Oakland, CA
Office: (510) 671-3024
Cell: (202) 431-8814
Fax: (510) 637-3315

DISCLAIMER
This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

From:	Fox, Cameron W.
To:	Hajduk, Alexander M.
Subject:	Re: New attorney for Google, Inc., 32-CA-164766
Date:	Wednesday, September 7, 2016 3:30:12 PM
Attachments:	mg_info.txt

Will do. Thanks so much. Looking forward to our call tomorrow.

From: Hajduk, Alexander M.
Sent: Wednesday, September 7, 2016 11:08 AM
To: Fox, Cameron W.
Subject: New attorney for Google, Inc., 32-CA-164766

Hello again Cameron,

I received your voicemail from yesterday, but unfortunately it was after the time you said you'd be out of the office, and now today, I'm out of the office conducting an election. I shall return tomorrow morning and will be here all day to discuss this case. But in the interim, could you submit a new notice of appearance for this case? I've taken the liberty of pulling the PDF version from our website and I've attached it to this email. You can then e-file it or just email it back to me.

Then, tomorrow, we can discuss what's going on with this case, including the history that got us to this point.

Thanks,

Alexander M. Hajduk
Field Examiner
National Labor Relations Board
Region 32 – Oakland, CA
Office: (510) 671-3024
Cell: (202) 431-8814
Fax: (510) 637-3315

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Google, Inc. and (b) (6), (b) (7)(C),[1]	CASE 32-CA-164766

☒ REGIONAL DIRECTOR
Region 32

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF Google Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Cameron W. Fox and Blake Bertagna of Paul Hastings LLP

MAILING ADDRESS: 515 So. Flower Street, 25th Floor, Los Angeles, CA 90071

E-MAIL ADDRESS: cameronfox@paulhastings.com and blakebertagna@paulhastings.com

OFFICE TELEPHONE NUMBER: (213) 683-6000

CELL PHONE NUMBER: _____ *FAX:* (213) 627-0705

SIGNATURE: Blake Bertagna Cameron W Fox
(Please sign in ink.)

DATE: September 9, 2016

[1] IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

From:	(b) (6), (b) (7)(C)
To:	Hajduk, Alexander M.
Cc:	Fox, Cameron W.
Subject:	Google Inc. - NLRB Case No. 32-CA-164766 - Google Inc."s Response to Request for Information
Date:	Friday, September 23, 2016 8:06:15 PM
Attachments:	image003.png Google Inc. - NLRB Case No. 32-CA-164766.pdf

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Dear Mr. Hajduk,

Google Inc.'s Response to Request for Information is being sent to you at the request of Cameron W. Fox. Please feel free to contact me should you have any questions.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) to Cameron W. Fox

Paul Hastings LLP

(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C)
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: (b) (6), (b) (7)(C) | Main: +1.213.683.6000 | Fax: +1.213.627.0705 | (b) (6), (b) (7)(C)@paulhastings.com | www.paulhastings.com

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PAUL
HASTINGS

(213) 683-6301
cameronfox@paulhastings.com

September 23, 2016 59605.00026

BY E-MAIL (Alexander.Hajduk@nlrb.gov)

Alexander Hajduk, Field Examiner
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, California 94612-5224

Re: Google Inc.
Case No. 32-CA-164766

Dear Mr. Hajduk:

Google Inc. submits this letter in response to your email requesting information about certain policies as part of the Region's investigation into the above-referenced unfair labor practice charge.

Google has already revised and re-issued some of the policies at issue, and it is actively revising/finalizing the others. It has also revised its employment agreement. As you requested, we are providing a narrative description of the relevant substantive changes that have been made (or are being made) to each, and the status of re-issuance. That information appears in Section I below. In Section II, we provide additional relevant authorities to assist the Region in evaluating the lawfulness of (b) (6), (b) (7)(C) final written warning.

I. OVERVIEW OF GOOGLE POLICIES THAT HAVE BEEN REVISED, OR ARE IN THE PROCESS OF BEING REVISED

The "Appropriate Conduct" Policy

Changes made:

- The first two paragraphs have been deleted, and replaced by the following: "Google encourages Googlers to speak up if they see something they don't think is right. Google holds employees to the highest standards of ethics and conduct to maintain a healthy, fun and collaborative environment. We expect Googlers to work cooperatively with co-workers, TVCs, clients, and visitors." All references to respect and dignity here, and elsewhere in the policy, have been removed.

- A new second paragraph has been added, which contains the following: "Nothing in this policy, or any other Google policy, limits employees' rights to (1) talk about pay, hours, or

other terms of employment or working conditions, or (2) to communicate with a government agency or official regarding those topics or any violation of law."

- In the list of inappropriate behaviors:
  - On page 1, the fourth bullet point has been revised so that accessing of "employee data" is no longer prohibited. "[M]odifying access rights to any system that contains user, employee or customer data without express permission of the data owner," is prohibited.
  - On page 1, the fifth bullet point now reads: "Insubordination (refusing a reasonable work assignment or refusing to follow work-related instructions)."
  - On page 1, the sixth and seventh bullet points (regarding "disorderly or disruptive conduct" and "abusive conduct") have been deleted. Two new bullet points were added in their place. They read as follows:
    - "Verbal or physical conduct that a reasonable person would find threatening, intimidating, bullying or coercive, or the gratuitous sabotage or undermining of a co-worker's work performance."
    - "Unprofessional behavior toward clients or visitors, including but not limited to the use of profane or disrespectful language."
  - On page 2, the first bullet point has been changed to read as follows: "Soliciting other Googlers, TVCs or clients on working time."
  - On page 2, the fourth bullet point that began with the words "unethical behavior" has been deleted.
  - On page 2, the seventh bullet point (which previously referred to "misusing" company property) now reads as follows: "Mistreating or destroying company property, such as downloading illegal content or unapproved software."
  - On page 2, the last bullet point has been deleted.
- The paragraph titled "Potential Actions" has been deleted, and replaced by the following: "Googlers are free to voice concerns and questions about behavior in the workplace, their jobs, work groups, or general work conditions. Googlers can reach out to their Human Resources Business Partner (HRBP) or visit Google's Workplace Concern Policy for more information about some of the channels available for raising concerns and questions."

- The end of the policy now reflects a "last updated" date of "September 2016."

Status: The revised policy (which is now called the "Standards of Conduct Policy") has been released to the workforce and it is live on Google's internal site. The prior policy has been taken down and it is no longer accessible.

The Code of Conduct (Sections II through V)

The new Google Code of Conduct has been revised, and will be finalized within the next few weeks.

With regard to the sections you identified, here is a summary of the changes being made:

- **Section II:** All references to a "respectful" workplace, a "positive" environment, and "respect" are being removed.

- **Section III:** All references to employees' obligations to do what is best for the company, and consider whether their activities will embarrass Google, are being removed.

- **Section IV:** With regard to "confidential information," the Code now cross-references the Data Security Guidelines and Data Security policy, which are being revised with a new definition of "Confidential Information" that focuses on proprietary and related information, and does not restrict use of employee data (except Social Security numbers and employee ID numbers). With regard to outside communications, all restrictions on speaking to the media and posting opinions on the internet have been removed, except that the Code advises employees not to speak *on the company's behalf* without authorization to do so, and it advises employees to protect proprietary information and trade secrets from disclosure.

- **Section V:** The reference to keeping employee data secure has been removed, and the "employee data" portion of this section now cross-references the new Data Security Guidelines and Data Security policy, which will not restrict use of employee data (except Social Security numbers and employee ID numbers).

Status: Google's Board of Directors must vote to approve the revised Code of Conduct before it can be issued. The next Board of Directors vote will not occur for several weeks. Google expects to release the revised Code to the workforce promptly after the Board of Directors votes. Meanwhile, a notice has been posted on Google's internal site that tells employees that the Code is "under construction."

The Policy Against Harassment, Discrimination, and Retaliation

Changes made:

- All references to "respect" have been deleted, including the reference to "a culture of mutual respect" in the first paragraph, and the reference to a "respectful workplace" in the second paragraph under "What is protected status?"

- At the end of the policy, the following language was added: "Nothing in this policy, or any other Google policy, limits employees' rights to (1) communicate about pay, hours, or other terms of employment or working conditions, or (2) to communicate with a government agency or official regarding those topics or any violation of law."

Status: The revised policy has been released to the workforce and it is live on Google's internal site. The prior policy has been taken down and it is no longer accessible.

The Employee Communications Policy

The Employee Communications Policy is in the process of being revised. The following categories of changes are being made:

- A new paragraph will be added to the introduction. It will read: "Nothing in this policy, or any other Google policy, limits employees' rights to (1) communicate about pay, hours, or other terms of employment or working conditions, or (2) to communicate with a government agency or official regarding those topics or any violation of law."

- All references to how employees "represent the company," and how their communications "affect" or "reflect on" the company, are being deleted.

- Admonitions to employees regarding speaking to the media are being deleted, except that the policy will advise employees not to speak *on the company's behalf* without authorization to do so, and it will advise employees to protect proprietary information and trade secrets from disclosure to the media.

- All references to "respect" are being deleted, as is the prohibition on "abusive remarks [and] similarly inappropriate conduct."

- The provisions that discuss photography are being revised to make clear that employees should not take or distribute photographs that reveal confidential proprietary information or trade secrets.

- The requirements for publishing a non-technical book or other publication are being tailored so that the requirements more accurately reflect their true purpose: to protect proprietary information and trade secrets. This portion of the policy will also include the following: "Nothing in this policy is intended to limit employees' rights to discuss or publicize their views regarding their pay, hours, or other terms of employment or working conditions."

Status: The revised policy is being finalized. Google expects to release it to the workforce within the next 10 weeks. Meanwhile, a notice has been posted on Google's internal site that alerts employees to the fact that this policy is being revised.

The Corporate Services Security Policy

The Corporate Services Security Policy is in the process of being revised. The following categories of changes are being made:

- The "Use of Google's corporate services" section is being revised to communicate that Google's networks and systems may be used by employees in a manner that is consistent with *Purple Communications*, 361 NLRB No. 43 (2014).

- The "Use of Google's corporate services" section is also being revised to make clear that Google's property interest in data and communications that are sent, received, or stored using Google's systems does not preclude employees from communicating about pay, hours, or other terms of employment or working conditions, or communicating with a government agency or official regarding those topics or any violation of law.

- Throughout the policy, the phrase "work-related" is being replaced in order to make clear that the only communications and messages governed by the policy are those that are created in the course of performing one's job, and that the policy does not encompass messages about the workplace generally.

Status: This policy is in the process of being revised. Google expects to release the revised policy to the workforce within the next several weeks. Meanwhile, a notice has been posted on Google's internal site that alerts employees to the fact that this policy is being revised.

The Data Security Policy and the Data Classification Guidelines

The Data Security Policy and Data Classification Guidelines are being extensively revised. The following categories of changes are being made:

- To the extent the classification levels encompass "employee data," and "compensation and benefits information," they are being revised to ensure that employees understand they are not limited in their ability to communicate about their pay, hours, other terms of employment, or working conditions.

- To the extent these policies use all-encompassing language, such as "everything we work on" and "how we operate," that language is being deleted.

- To the extent certain language in the policies might suggest that all information at Google is confidential by default, that language is being removed.

- To the extent the policies might suggest that all data and information generated by employees is confidential, that language is being removed.

- The following language is being added to both policies: "Nothing in this policy, or any other Google policy, limits employees' rights to (1) communicate about pay, hours, or other terms of employment or working conditions, or (2) to communicate with a government agency or official regarding those topics or any violation of law."

Status: These policies are in the process of being revised. Google expects to release the revised policies to the workforce within the next 8 weeks. Meanwhile, a notice has been posted on Google's internal site that alerts employees to the fact that these policies are being revised.

The Employment Agreement (Sections 2, 4, 7, and 12)

Changes made:

- The first sentence of Section 2 ("Confidential Information") has been deleted, and replaced with the following: "'Google Confidential Information' means any information in any form of a confidential or secret nature that relates to Google's business and is (i) a trade secret; (ii) proprietary information that does not rise to the level of a statutorily protectable trade secret that is made the property of Google through positive operation of law in the form of this mutual agreement of the parties; or (iii) information that is otherwise legally protectable."

- From the list of examples in the second sentence of Section 2, "employee data and evaluation" has been deleted.

- Section 4(a) has been revised to clarify that the only "activities" it covers are *business-related* activities. To that end, the phrase "other activities or services" has been changed to "other business-related activity."

With regard to Section 7 (non-solicitation), no substantive changes have been made.

With regard to Section 12 (arbitration), Google's agreement still contains a waiver of the right to bring or participate in class or collective action(s) against Google.

Status: The changes described above have already been made, and the revised agreement is already in use.

II. (b) (6), (b) (7)(C) CLAIMS REGARDING [redacted] DISCIPLINE SHOULD BE DISMISSED, SEPARATE AND APART FROM ANY FINDINGS THE REGION MAKES REGARDING THE EARLIER CODE OF CONDUCT AND APPROPRIATE CONDUCT POLICY (UNDER WHICH [redacted] WAS DISCIPLINED).

As described in Google's January 12, 2016 position statement, (b) (6), (b) (7)(C) did not engage in protected concerted activity. The mere fact that Google applied the earlier versions of the Code of Conduct and Appropriate Conduct policy[1] to [redacted] behavior does not change that. *See Continental Group, Inc.*, 357 NLRB No. 39, at *6 (2011) (for discipline to be unlawful, the employee must have "violated the rule by (1) engaging in protected conduct or (2) engaging in conduct that otherwise implicates the concerns underlying Section 7 of the Act.").

On this point, *Flex Frac Logistics, LLC*, 358 N.L.R.B. 1131 (2012), is instructive. In that case, an employee was discharged under a rule that unlawfully prohibited discussing wages or other personnel information, but also addressed legitimately confidential information. The Board remanded the case to the ALJ for a determination on the specific reasons for the employee's discharge, the Board observed that "the judge erred by finding [the employee's] discharge unlawful simply because the ***rule*** was unlawful." *Id.* at 1132. On remand, the ALJ found that the discharge was lawful (despite the unlawfulness of the rule) because the employee had not engaged in protected conduct. The Board affirmed, relying in part on "Continental Group['s] hold[ing] that discharges pursuant to overly broad rules may be found unlawful only under . . . circumstances [where the conduct was protected or otherwise implicated the concerns underlying Section 7.]" *Flex Frac*

[1] Even *if* those documents were overbroad.

Logistics, LLC, 2014 NLRB LEXIS 408 at *1-2 (2014) (Hirozawa, Schiffer, Miscimarra), *enf'd.* 746 F.3d 205 (5th Cir. 2014).

As *Flex Frac Logistics* shows, mere application of an unlawful rule to otherwise unprotected conduct does not change the nature of the conduct. (b) (6), (b) (7)(C) charge regarding (b) (6), final written warning should be dismissed.

Please let me know if I can be of any further assistance in this matter.

Very truly yours,

Cameron W. Fox

Cameron W. Fox
for PAUL HASTINGS LLP

From:	Szapiro, Miriam
To:	Hardy-Mahoney, Valerie M.; SM-Region 32, Oakland
Cc:	Oddis, Robert N.; Woerner, Cynthia; Dodds, Amy L.; Shorter, LaDonna; Kearney, Barry J.; Sophir, Jayme
Subject:	Google, Inc., 32-CA-164766
Date:	Thursday, October 27, 2016 12:19:00 PM

Hi Valerie, as we discussed, we are closing the case today in Advice. You should resubmit with your recommendation once you have received the completed revised rules. We also agree that you should set a time limit for Google's counsel to get you the revised rules, and let them know that if they fail to meet that time period, complaint will issue on the existing rules.

Thanks very much. Feel free to call with any questions or concerns.

Miriam

Miriam Szapiro
Chief, Regional Advice Branch
Division of Advice
National Labor Relations Board
202-273-0998

From: Hajduk, Alexander M.
To: "cameronfox@paulhastings.com"
Subject: Employer"s position on settlement and provision of revised rules in Google, Inc., 32-CA-164766
Date: Tuesday, November 1, 2016 1:11:00 PM

Hello again Ms. Fox,

I hope this email finds you well. I'm writing to let you know that the Division of Advice is preparing to close out their case on their end, but before that happens, I've been tasked with finding out the Employer's position on a few things.

First, as it relates to the final written warning and the rules that are currently the subject of the charge, we need to know whether the Employer would be willing to settle those matters. Put differently, would the Employer be willing to settle the final written warning issued to the Charging Party and the rules that are currently the subject of the investigation? If so, please let me know by 5 pm on November 3, 2016.

Second, if the Employer is willing to settle those allegations and would like the Region to consider the current revisions to the rules at issue, please provide a copy of those revised rules by 5 pm on November 14, 2016.

If the Employer does not want to settle the allegations in the first amended charge or does not provide the revised rules by the deadline, the Region will issue complaint on the final written warning and the existing rules.

I understand there might be some confusion with this email, so if you have any questions or concerns please do not hesitate to contact me. I'll be in the office today until at least 11:30 am, but after that I'm on call for jury duty so I may not be available.

Thanks, and I look forward to hearing from you,

Alexander M. Hajduk
Field Examiner
National Labor Relations Board
Region 32 – Oakland, CA
Office: (510) 671-3024
Cell: (202) 431-8814
Fax: (510) 637-3315

From:	Fox, Cameron W.
To:	Hajduk, Alexander M.
Cc:	Fox, Cameron W.
Subject:	Case No. 32-CA-164766 - Revised Policies
Date:	Monday, November 14, 2016 8:41:17 PM
Attachments:	Standards of Conduct Policy(87863184_1).PDF Alphabet Code of Conduct(87863271_2).PDF Policy Against Harassment Discrimination and Retaliation(87863207_1).PDF Alphabet Employee Communications Policy(87864158_1).PDF Revised Corporate Services Security Policy(87862457_1).PDF Revised Data Security Policy(87862461_1).PDF Revised Data Classification Guidelines(87862472_1).PDF (New) Employment Data Guidelines(87864860_1).PDF Revised Employment Agreement(87863366_1).PDF

Mr. Hajduk,

As part of the ongoing settlement discussions between Google and Region 32, and pursuant to your request, I am attaching copies of the various revised policies at issue in the investigation of this case. For your convenience, I am providing below a list of the documents that are attached, with a note as to the status of issuance of each. Please let me know if you have questions or any trouble opening the attachments.

All the best,

Cameron Fox

1. Standards of Conduct Policy (previously named the "Appropriate Conduct Policy"): this revised policy has been released to the workforce and it is live on Google's internal site.

2. Code of Conduct: this revised Alphabet version of the Code is replacing the earlier Google Code of Conduct; it has not yet been approved by the Board of Directors, and so has not yet been released.

3. Policy Against Harassment, Discrimination, and Retaliation: this revised policy has been released to the workforce and it is live on Google's internal site.

4. Employee Communications Policy: this new proposed Alphabet version of the Employee Communications Policy is replacing the prior Google Employee Communications Policy, and it is in the process of being released to the workforce.

5. The Corporate Services Security Policy: this revised policy has been scheduled for release in approximately two weeks.

6. The Data Security Policy: this revised policy has been scheduled for release in approximately two weeks.

7. Data Classification Guidelines: this revised policy has been scheduled for release in approximately two weeks.

8. (New) Employment Data Guidelines: this new policy, which complements the Data Classification Guidelines, has been scheduled for release in approximately two weeks.

9. The Employment Agreement: this revised agreement is in use.

Cameron W. Fox | Of Counsel, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct:

+1.213.683.6301 | Main: +1.213.683.6000 | Fax: +1.213.996.3301 | www.paulhastings.com

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From: Hajduk, Alexander M.
To: "Fox, Cameron W."
Subject: RE: Google, Inc., 32-CA-164766 (Cernekee)
Date: Thursday, November 10, 2016 12:54:00 PM

Cameron,

I wanted to let you know that I'm going to bring up these issues today when I head into a meeting with the powers that be and I should be better able to answer them afterwards. I've also got a first draft of the settlement agreement that's working its way up the chain now.

I'll brief you later today on these issues. My apologies for the delay.

-Alex

From: Fox, Cameron W. [mailto:cameronfox@paulhastings.com]
Sent: Tuesday, November 08, 2016 8:27 PM
To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>
Cc: Fox, Cameron W. <cameronfox@paulhastings.com>
Subject: Google, Inc., 32-CA-164766 (b) (6), (b) (7)(C)

Hi Alex,

I know we are still waiting to determine what effect the *Murphy Oil* issue in the employment agreement might have on the parties' ability to settle, but I did not want to wait any longer to at least send my summary of the potential "default" issues that we discussed on Friday afternoon. In light of the Region's desire that any settlement agreement include the Board's standard default language, I raised the following questions when we spoke:

1. With regard to the discipline portion of the case: It seems that the default provision should be triggered only if Google were to discipline an employee under any of the same policies that were at issue in (b) (6), (b) (7)(C) charge. If not, would any type of discipline of any employee anywhere in the country that is the subject of a labor charge (on which a complaint is issued) trigger the default provision? For a company as large as Google, that would obviously be very problematic.

2. With regard to the policy portion of the case: Here as well, it seems that the default provision should be triggered only if Google were to maintain or enforce the policies that were at issue in (b) (6), (b) (7)(C) charge. If not, and the default could be triggered by any meritorious charge by any employee anywhere in the country that challenges a different policy, that too would be very problematic.

3. With regard to BOTH portions of the case: You mentioned that you believe the Region is not open to settling just one piece of the case (meaning, the "policies" piece, or the "discipline" piece) alone, and would require a settlement of the entire case or not at all. As we discussed it, you offered to confirm if that is correct. (I will note that the *Murphy Oil* issue raises the question whether we could at least sever that portion of the employment agreement in order to facilitate a settlement.)

4. Finally, I posed the question of whether the default provision could be limited as to time. As I mentioned, one of my cases in Region 21 recently settled with a 3-month period on the default language.

I look forward to connecting with you about these issues soon.

All the best,

Cameron

Cameron W. Fox | Of Counsel, Employment Law Department

Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6301 | Main: +1.213.683.6000 | Fax: +1.213.996.3301 | www.paulhastings.com

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From: Fox, Cameron W.
To: Hajduk, Alexander M.
Subject: RE: Following Up on My Voicemail
Date: Monday, November 14, 2016 8:03:11 PM

Great to know --- thanks, Alex.

From: Hajduk, Alexander M. [mailto:Alexander.Hajduk@nlrb.gov]
Sent: Monday, November 14, 2016 5:02 PM
To: Fox, Cameron W.
Subject: Re: Following Up on My Voicemail

Thanks Cameron. You caught me on my way out the door for class. If you need to split up any attachments into separate emails, that'll be fine. Otherwise I'll touch base with you tomorrow.

Thanks,

Alexander Hajduk

On Mon, Nov 14, 2016 at 4:59 PM -0800, "Fox, Cameron W." <cameronfox@paulhastings.com> wrote:

Alex,

I am nearly ready to hit "send" on my email to you with all of the revised policies. I am awaiting clean copies of two of them (the versions I have are still marked draft). I expect to be able to hit send on everything shortly. Just wanted you to know.

Cameron

Cameron W. Fox | **Of Counsel, Employment Law Department**
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6301 | Main: +1.213.683.6000 | Fax: +1.213.996.3301 | www.paulhastings.com

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From: (b) (6), (b) (7)(C)
To: Hardy-Mahoney, Valerie M.; SM-Region 32, Oakland
Cc: Kearney, Barry J.; Sophir, Jayme; Szapiro, Miriam; Dodds, Amy L.; Mohr, Kyle; Shorter, LaDonna
Subject: Google, Inc., Case 32-CA-164766 (case closing email)
Date: Thursday, March 2, 2017 4:26:40 PM

The Region resubmitted this case for advice as to whether certain of the Employer's rules remain unlawful after the Employer's revisions. The Region concludes that the Employer's revisions have cured the vast majority of its prior unlawful policies (and we agree with that conclusion), but that the following rules are still unlawful in some respect: (1) the conflict-of-interest rule in the Code of Conduct; (2) the introductory paragraph to the Employee Communications Policy; (3) the submission requirement for non-technical publications in the Employee Communications Policy; and (4) the individual arbitration requirement and mandatory collective and class-action waiver in the Employer Agreement.

We agree with the Region that the conflict-of-interest rule, the introductory paragraph to the Employee Communications Policy, and the submission requirement for non-technical publications, remain unlawful. However, given the Employer's prior willingness to alter its policies in order to ensure compliance with the Act, we have included the following suggested edits (in bold) to these rules that would render them lawful:

Conflict-of-Interest Rule

> Avoid conflicts of interest. A conflict of interest is a **business** situation in which you reasonably appear to be in a position to benefit yourself or a person or business you're associated with at the expense of the Alphabet Businesses. Sometimes a situation that previously did not constitute a conflict of interest may develop into one. A conflict of interest could harm your reputation and ability to do your job, and could embarrass you or Alphabet. If an outside **business** activity you're engaging in or considering engaging in might create a conflict of interest, contact Ethics & Compliance to review the situation.

Introductory Paragraph to the Employee Communications Policy

Rather than amend the introductory paragraphs, we would simply amend the savings clause that follows to make clear that employees may discuss Section 7-related matters both among themselves, and with third parties such as the press:

> Nothing in this Alphabet policy, or any Alphabet policy, limits the rights of employees to 1) talk about pay, hours, or other terms of employment or working conditions **among themselves or with others**, or 2) communicate with a government agency or official regarding these topics or any violation of law, per applicable laws.

Submission requirement for non-technical books and publications in the Employee Communications Policy

> Non-Technical books and publications. If your book or article is not technical, but it is about

Alphabet or about topics related to Alphabet or your work here, Alphabet reserves the right to review a draft in advance of release in order to ensure compliance with applicable data disclosure policies. Before you begin writing, submit a description of the book or article proposal to bookpub-approvals@google.com so that Alphabet can assess whether the book or article is likely to reveal confidentiality proprietary information or trade secrets. **Books or publications that relate to pay, hours, or other terms and conditions of employment, or portions of publications that relate to such subjects, do not require review and/or pre-approval.**

Arbitration and Equitable Relief provisions in the Employment Agreement

With respect to the Employment Agreement's individual arbitration requirement, we agree that the mandatory collective and class-action waivers are unlawful under the Board's holding in *Murphy Oil USA, Inc.*, 361 NLRB No. 72 (Oct. 28, 2014), *enforcement denied in rel. part*, 808 F.3d 1013 (5th Cir. 2015), certiorari granted, -S. Ct.-, 2017 WL 125666 (Jan. 13, 2017). However, we disagree that the individual arbitration requirement therein unlawfully restricts employees' access to the Board. The revised provision states in relevant part:

(a) Arbitration: In consideration of my employment with [Employer] and its promise to arbitrate all disputes I agree that, except as provided in Section (b) below, any and all, past, present or future controversies, claims, or disputes that [Employer] may have against me, or that I may have against [Employer] … will be subject to binding arbitration….

(b) Disputes Not Covered: This arbitration provision does not prohibit the filing of or pursuit of relief through the following: (1) a court action for temporary equitable relief in aid of arbitration, where such an action is otherwise available by law, (2) an administrative charge to any federal, state or local equal employment opportunity or fair employment practices agency, (3) an administrative charge to the National Labor Relations Board, or (4) any other charge filed with or communication to a federal, state or local government office, official or agency (for numbers (2) though (4) collectively, "a government complaint").

In the Board's recent decision in *SolarCity Corp.*, 363 NLRB No. 83, slip op. at 5 (Dec. 22, 2015), the employer's policy stated that "all" or "any disputes" must be individually arbitrated except where "expressly excluded from arbitration by statute" or "applicable law permits [an] agency … to adjudicate the applicable claim…." Such language, the Board determined, was fatally vague and would require specialized legal knowledge on the part of employees to decipher whether their right to file charges with the Board was permitted by the rule's caveats. Unlike in *SolarCity*, the Employment Agreement here clearly and unambiguously informs employees of their right to file a charge with the National Labor Relations Board. The first sentence of the Employer's arbitration provision informs employees that there are exceptions to the individual arbitration requirement. In turn, those exceptions—labeled "Disputes not Covered"—states clearly that the "arbitration provision does not prohibit the filing of or pursuit of relief through … an administrative charge to the National Labor Relations Board." Thus, an employee would not reasonably believe that he or she was precluded from seeking relief through the Board.

Accordingly, if the Employer agrees to amend its conflict of interest rule and the two relevant portions of the Employee Communications Policy to comply with the Act as described above, the Region should seek to informally settle with the Employer the charge alleging an unlawful collective and class-action waiver, pursuant to OM Memorandum 17-11, conditioned on the Agency prevailing before the Supreme Court in *Murphy Oil*. If the Employer does not agree to amend its rules as described above, the Region should issue complaint, absent settlement, alleging that the rules violate Section 8(a)(1).

This email closes this case in Advice. Feel free to call with any questions or concerns.

(b) (6), (b) (7)(C)
[redacted]
National Labor Relations Board
(b) (6), (b) (7)(C)

From: Hajduk, Alexander M.
To: "Fox, Cameron W."
Subject: Re-cap on post-Advice in Google, 32-CA-164766
Date: Tuesday, March 21, 2017 7:54:00 PM

Cameron,

Just recapping our conversation from a moment ago, the game plan is to see if the Employer is willing to partition the allegations regarding the Employee Agreement (*Murphy Oil*) into a separate settlement that consistent with the GC's policies that you're aware of now and also have a separate settlement agreement covering the rules at issue in this case and the other case.

The remaining rules that we found unlawful and the suggested corrections to those rules are contained below. Once you've had a chance to review these with the Employer, let me know what their position is.

Conflict-of-Interest Rule

> Avoid conflicts of interest. A conflict of interest is a **business** situation in which you reasonably appear to be in a position to benefit yourself or a person or business you're associated with at the expense of the Alphabet Businesses. Sometimes a situation that previously did not constitute a conflict of interest may develop into one. A conflict of interest could harm your reputation and ability to do your job, and could embarrass you or Alphabet. If an outside **business** activity you're engaging in or considering engaging in might create a conflict of interest, contact Ethics & Compliance to review the situation.

Introductory Paragraph to the Employee Communications Policy

> Nothing in this Alphabet policy, or any Alphabet policy, limits the rights of employees to 1) talk about pay, hours, or other terms of employment or working conditions **among themselves or with others**, or 2) communicate with a government agency or official regarding these topics or any violation of law, per applicable laws.

Submission requirement for non-technical books and publications in the Employee Communications Policy

> Non-Technical books and publications. If your book or article is not technical, but it is about Alphabet or about topics related to Alphabet or your work here, Alphabet reserves the right to review a draft in advance of release in order to ensure compliance with applicable data disclosure policies. Before you begin writing, submit a description of the book or article proposal to bookpub-approvals@google.com so that Alphabet can assess whether the book or article is likely to reveal confidentiality proprietary information or trade secrets. **Books or publications that relate to pay, hours, or other terms and conditions of employment, or portions of publications that relate to such subjects, do not require review and/or pre-approval.**

There you have it. Let me know what the Employer's position is and then we can proceed from there.

Thanks,

Alexander M. Hajduk
Field Examiner
National Labor Relations Board
Region 32 – Oakland, CA
Office: (510) 671-3024
Cell: (202) 431-8814
Fax: (510) 637-3315

From: Fox, Cameron W.
To: Hajduk, Alexander M.
Subject: (b) (6), (b) (7)(C) Matter
Date: Wednesday, April 5, 2017 6:49:13 PM

Hi Alex,

My client is back in town and I have reserved time for a call tomorrow at noon. I expect to be able to call you tomorrow afternoon with an update. Thanks!

Best,

Cameron

Cameron W. Fox | **Partner, Employment Law Department**
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6301 | Main: +1.213.683.6000 | Fax: +1.213.996.3301 | www.paulhastings.com

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For additional information, please visit our website at www.paulhastings.com

From:	Hajduk, Alexander M.
To:	"Fox, Cameron W."; (b) (6), (b) (7)(C)
Subject:	Proposed informal Board settlement agreement and notice to employees in Google, Inc., 32-CA-164766
Date:	Friday, April 14, 2017 1:42:58 PM
Attachments:	SET.32-CA-164766.CA case informal settlement agreement.pdf
Importance:	High

Ms. Fox and (b) (6), (b) (7)(C),

I am sending along a PDF copy of the proposed informal Board settlement agreement and notice to employees in connection with this case. As you are both aware, the Regional Director has found merit to the allegations in the first amended charge, those being that the Employer, since (b) (6), (b) (7)(C) [redacted], 2015, and continuing to the present date, has: (1) made threats of unspecified reprisal to employees because of their protected concerted activities; (2) issued a final written warning to employees because of their protected concerted activities; and (3) maintained, enforced, and applied rules that interfere with, restrain, and/or coerce employees in the exercise of their Section 7 rights.

With that determination, the next step is to see whether the parties would be willing to enter into this settlement agreement and notice. As you'll see, the settlement agreement contains provisions about nation-wide posting, intranet posting, and email posting; the remainder being standard boilerplate for the most part. The notice to employees, on pages 3, 4, and 5, remedies the allegations found meritorious in this case and contains provisions that are consistent with Board law on previous cases involving similar allegations, but also contains modified language to address the factual details here. I've informed both parties in previous conversations that the other remaining charges and allegations involving the Employer will be addressed in separate actions.

Please review thoroughly the attached agreement and notice. If you have questions, concerns, proposed suggestions, or proposed modifications, please feel free to contact me directly via phone or separately via email so that I can discuss those with you and present them to the Region for consideration.

The deadline for both parties to either request changes and/or enter into the settlement agreement is **COB on Wednesday, April 19, 2017**. If you intend to enter into this agreement, please initial the bottom right-hand corner of each page (and for the Employer, the additional initial section at the bottom of page 2), and sign in your respective areas (and again for the Employer, the final line on the notice itself). If there is no settlement, however, the Region will issue complaint on these allegations by the end of the month.

Thank you for your time and cooperation, and I look forward to hearing from you both.

Alexander M. Hajduk
Field Examiner
National Labor Relations Board
Region 32 – Oakland, CA
Office: (510) 671-3024
Cell: (202) 431-8814

Fax: (510) 637-3315

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

Google, Inc. **Case 32-CA-164766**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post and distribute them to employees via intranet posting and email as proscribed herein. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet at "Internal Google Plus (G+)" and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer when it submits the Certification of Posting and provide a password for a password protected intranet site in the event it is necessary to check the electronic posting.

E-MAILING NOTICE - The Charged Party will email a copy of the signed Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, to all current employees working at the Charged Party's facilities throughout the United States. The message of the e-mail transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 32 of the National Labor Relations Board in Case 32-CA-164766." The Charged Party will forward a copy of that e-mail, with all of the recipients' e-mail addresses, to the Region's Compliance Officer at paloma.loya@nlrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice**.**

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the Complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an Order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board Order ex parte, after service or attempted service upon Charged Party at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc.**			**Charging Party** (b) (6), (b) (7)(C)		
By:	Name and Title	Date	By:	Name and Title	Date
Print Name and Title below			Print Name and Title below		

Recommended By: Date	Approved By: Date
ALEXANDER M. HAJDUK Field Examiner	VALERIE HARDY-MAHONEY Regional Director, Region 32

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT maintain or enforce an overly-broad and discriminatory provisions in our Code of Conduct, the Appropriate Conduct Policy, the Policy Against Harassment, Discrimination, and Retaliation, the Employee Communications Policy, the Corporate Services Security Policy, the Data Security Policy, and the Data Classification Guidelines, and **WE WILL**, to the extent that we have not already done so, rescind and revise the following provisions:

Code of Conduct:

Section II, which states that each employee is expected to do their utmost to create a respectful workplace culture that is free of harassment, intimidation, bias, and unlawful discrimination of any kind;

Section III regarding conflicts of interest and obligating employees to "always do what's best for the company and our users;"

Section IV under the heading "Preserve Confidentiality" that defines confidential information and prohibits its disclosure;

Section IV under the heading of "Outside Communications and Research" that prohibits employees from discussing their wages, hours, and other terms and conditions of employment;

Section V under the heading of "Company Equipment" that prohibits employees from using our email system or other communications systems on non-work time;

Section V under the heading of "The Network" that prohibits employees from discussing their wages, hours, and other terms and conditions of employment; and,

Section V under the heading of "Employee Data" that prohibits employees from discussing their wages, hours, and other terms and conditions of employment.

The provision of our Appropriate Conduct Policy that requires employees to refrain from conduct that does not maintain a healthy, fun, and supportive environment and provisions that prohibit employees from discussing their wages, hours, and other terms and conditions of employment.

The first paragraph of our Policy Against Harassment, Discrimination, and Retaliation that prohibits employees from engaging in conduct that does not contribute to a "positive working environment" and a "culture of mutual respect."

The Employee Communications Policy that prohibits employees from engaging in protected, concerted activities, including the whole sections of the Employee Communications Policy under the headings of "Legal Agreements," "Internal Googler Communications," and "External Communications."

The provisions of our Corporate Services Security Policy that define "corporate services" and prohibit work-related communications between employees on non-corporate services.

The provisions of our Data Security Policy and our Data Classification Guidelines that define information as either "need-to-know, confidential, and public" and prohibit employees from sharing information about their wages, hours, and other terms and conditions of employment as defined in those policies.

WE WILL furnish all of our current employees at our facilities in the United States where the above listed policies have been or are in effect with revised copies of the Code of Conduct, the Appropriate Conduct Policy, the Policy Against Harassment, Discrimination, and Retaliation, the Employee Communications Policy, the Corporate Services Security Policy, the Data Security Policy, and the Data Classification Guidelines, that (1) advise you that the unlawful rules, listed above, have been rescinded and (2) provide the language of the now-lawful rules; or **WE WILL** publish and distribute to all current employees at our facilities in the United States where the above listed policies have been or are in effect a revised set of the above listed policies that (1) do not contain the unlawful rules and (2) provide the language of the now-lawful rules.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees with unspecified reprisal, including telling employees that they are doing damage to their careers, because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring issues and complaints to us on behalf of yourself and other employees regarding your wages, hours, and other terms and conditions of employment.

WE WILL remove from our files all references to the final written warning issued to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify (b) (6), (b) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) in any way.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay St Ste 300N
Oakland, CA 94612-5224

Telephone: (510)637-3300
Hours of Operation: 8:30 a m. to 5 p m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

NOTICE

You will note that the enclosed complaint has a Notice of Hearing for a specific date. Please compare that date now with your calendar and those of your parties and witnesses, for current conflicts. Requests for a brief postponement made within 10 days of complaint issuance will normally be honored. If no such request for a postponement is made to the undersigned, it will be assumed that no party has any objections to the hearing date. Thereafter, it can be assumed that any postponement requests will be denied by the undersigned (or resisted before an Administrative Law Judge), absent truly unforeseeable and unpreventable conflicts that arose following the ten-day period. In this regard, Board hearing dates are not considered to be subordinate to other social, business, or legal interests of the parties that may thereafter arise. Postponement requests for "settlement negotiations" are ordinarily denied (or resisted).

Any postponement request must be made in writing and give (a) the reason for the request; (b) the opposing party's position on postponement; and (c) suggested alternative dates of the requester and opposing party.

Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and **Case 32-CA-164766**

(b) (6), (b) (7)(C) **an Individual**

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C) **an Individual**

ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 32-CA-164766, which is based on a charge filed by (b) (6), (b) (7)(C), an Individual, (b) (6), (b) (7)(C) against Google, Inc. (Respondent Google) and Case 32-CA-176462, which is based on a charge filed by (b) (6), (b) (7)(C), an Individual (b) (6), (b) (7)(C), against Google, Inc., and Nest Labs, Inc., a single employer, (Respondent Google/Nest), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges that Respondent Google and/or Respondent Nests have violated the Act as described below.

1.

(a) The charge in Case 32-CA-164766 was filed by (b) (6), (b) (7)(C) on November 23, 2015, and a copy was served on Respondent Google by regular mail on that same date.

(b) A first-amended charge in Case 32-CA-164766 was filed by (b) (6), (b) (7)(C) on March 1, 2016, and a copy was served on Respondent Google by regular mail on March 2, 2017.

(c) The charge in Case 32-CA-176462 was filed by (b) (6), (b) (7)(C) on May 17, 2016, and a copy was served on Respondent Google/Nest by regular mail on May 18, 2016.

2.

(a) At all material times, Respondent Google, a corporation with an office and place of business in Mountain View, California (Respondent Google's Facility), has been engaged in the provision of internet search engine results and the retail sale of advertisements and related products to the general public.

(b) At all material times, Respondent Nest Labs, Inc., a corporation with an office and place of business in Mountain View, California (Respondent Nest's Facility), has been engaged in the retail sale and manufacture of home security products, home energy products and related products to the general public.

(c) At all material times, Respondent Google and Respondent Nest Labs, Inc. have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have interrelated operations with common use of

intranet systems, employee programs, and facilities; and have held themselves out to the public as a single-integrated business enterprise.

(d) Based on its operations described above in paragraph 2(a) through 2(c), Respondent Google and Respondent Nest Labs, Inc. (Respondent Google/Nest) constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

(e) In conducting their respective operations during the 12-month period ending on March 31, 2017, Respondent Google and Respondent Google/Nest each derived gross revenues in excess of $500,000.

(f) In conducting its operations during the 12-month period ending on March 31, 2017, Respondent Google sold and shipped from Respondent Google's Facility, products, goods, and materials valued in excess of $5,000 directly to points outside the State of California.

(h) In conducting its operations during the 12-month period ending on March 31, 2017, Respondent Google/Nest sold and shipped from Respondent Google/Nest's Facility, products, goods, and materials valued in excess of $5,000 directly to points outside the State of California.

4.

(a) At all material times, Respondent Google has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

(b) At all material times, Respondent Google/Nest has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been managers or supervisors of Respondent Google

within the meaning of Section 2(11) of the Act and agents of Respondent Google within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C) [redacted] - (b) (6), (b) (7)(C) [redacted]

(b) At all material times, the following individuals held the positions set forth opposite their respective names and have been managers or supervisors of Respondent Google/Nest within the meaning of Section 2(11) of the Act and agents of Respondent Google/Nest within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C) [redacted] - (b) (6), (b) (7)(C) [redacted]

6.

At all material times since September 1, 2015, until about November 1, 2016, as to Respondent Google, and at all material times since November 17, 2015, until about November 1, 2016, as to Respondent Google/Nest, Respondents maintained the following rules and/or policies:

(a) A rule regarding confidentiality in the "Data Classification Guidelines" and related "Data Security Policy," which prohibit employees from discussing their wages and other employee information by defining "All Employee Data" as "Confidential Information" and "Need-to-Know Information," expressly including "Recruiting Information," Performance

Compensation & Benefits Information," and "Employment Records," and restricting disclosure of such "Need-to-Know Information" to authorized individuals who need to know the information to perform their job. Copies of the "Data Classification Guidelines" and the "Data Security Policy" are attached as Exhibits 1(a) and 1(b), respectively. The portions of the "Data Classification Guidelines" and the related "Data Security Policy" alleged to be unlawful are highlighted in Exhibits 1(a) and 1(b).

(b) A rule regarding confidentiality under the heading "Preserve Confidentiality" in Section IV of the "Google Code of Conduct," which restricts disclosure of "confidential information" and/or "need to know" information and requires employees to "apply your best judgment in making sure you don't disclose confidential information" and instructs employees not to "tell your significant other or family members anything confidential." These restrictions on the discussion of "confidential" and "need to know" information are overly broad in light of the unlawful provisions regarding "Confidential Information" and "Need to Know Information" in the "Data Classification Guidelines."

(c) A rule regarding confidentiality under the heading "Outside Communication and Research" in Section IV of the "Google Code of Conduct," set forth below, which is overly broad in light of the unlawful provisions regarding "Confidential Information" and "Need to Know Information" in the "Data Classification Guidelines:"

> You probably know that our policy is to be extremely careful about disclosing company information, and never to disclose any confidential information without authorization.
>
> ***

(d) A rule regarding "Employee Data" under Section V of the "Google Code of Conduct," set forth below, which is overly broad in light of the unlawful provisions regarding

"Confidential Information" and "Need to Know Information" in the "Data Classification Guidelines:"

> We collect and store personal information from employees around the world. Access this data only in line with local law and Google internal policies, and keep it secure according to those standards.

(e) A confidentiality provision in the "Google At-Will Employment, Confidential Information, Invention Assignment and Arbitration Agreement" which provides as follows:

> Definition of Google Confidential Information. "Google Confidential Information" means, without limitation, any information in any form that relates to Google or Google's business and that is not generally known. Examples include Google's nonpublic information that relates to its actual or anticipated business, products or services, research, development, technical data, customers, customer lists, markets, software, hardware, finances, employee data and evaluation, trade secrets or knowhow, intellectual property rights, including but not limited to, Assigned Inventions (as defined below), unpublished or pending patent applications and all related patent rights, and user data (i.e., any information directly or indirectly collected by Google from users of its services). Google Confidential Information also includes any information of third parties (e.g., Google's advertisers, collaborators, subscribers, customers, suppliers, partners, vendors, partners, licensees or licensors) that was provided to Google on a confidential basis. Google Confidential Information does not include any items that have become publicly known through no wrongful act of mine or others under a relevant confidentiality obligation. Nothing in this Agreement is intended to limit employees' rights to discuss the terms, wages, and working conditions of their employment, as protected by applicable law.
> (b) Nonuse and Nondisclosure. During and after my employment with Google, I will hold in the strictest confidence and take all reasonable precautions to prevent any unauthorized use or disclosure of Google Confidential Information (whether disclosed to me in anticipation of or during my employment by Google), and I will not (i) use Google Confidential Information for any purpose other than for the benefit of Google in the scope of my employment, or
> (ii) disclose Google Confidential Information to any third party without the prior written authorization. I agree that all Google

> Confidential Information that I use or generate in connection with my employment belongs to Google (or third parties identified by Google). I understand that my unauthorized use or disclosure of Google Confidential Information during my employment or after my employment may lead to disciplinary action, up to and including termination and/or legal action.

(f) A rule regarding "Conflicting Employment" in the "Google At-Will Employment, Confidential Information, Invention Assignment and Arbitration Agreement" which provides as follows:

> Other Employment or Activities. During my employment with Google, I will not engage in any other employment or other activities or services directly related to the business in which Google is now involved, becomes involved, or has plans to become involved or that conflict with my obligations to Google without seeking and receiving permission in advance from Google's Ethics and Compliance team.

(g) A rule regarding "Outside Communication and Research" in Section IV of the "Google Code of Conduct" which provides as follows:

> It's also a bad idea to post your opinions or information about Google on the internet, even if not confidential, unless you're authorized to do so as part of your job. Your comments may be attributed to Google, even though you didn't mean it that way. And never discuss the company with the press unless you've been explicitly authorized to do so by Corporate Communications. Finally, check with your manager and Corporate Communications before accepting any public speaking engagement. In general, before making any external communication or disclosure, you should consult our Employee Communications Policy and our Communications and Disclosure Policy.

(h) A rule requiring employees to "Avoid Conflict of Interest" in Section III of the "Google Code of Conduct" which provides as follows:

> In working at Google, we have an obligation to always do what's best for the company and our users. When you are in a situation in which competing loyalties could cause you to pursue a personal benefit for you, your friends or your family at the expense of

> Google or our users, you may be faced with a conflict of interest. All of us should avoid conflicts of interest and circumstances that reasonably present the appearance of a conflict.
>
> When faced with a potential conflict of interest, ask yourself: Would this activity create an incentive for me, or be perceived by others to create an incentive for me, to benefit myself, my friends or my family, or an associated business at the expense of Google? Would this activity harm my reputation, negatively impact my ability to do my job at Google, or potentially harm Google? Would this activity embarrass Google or me if it showed up on the front page of a newspaper or a blog? If the answer to any of these questions is "yes," the relationship or situation is likely to create a conflict of interest, and you should avoid it.

(i) A rule regarding "Company Equipment" in Section V of the "Google Code of Conduct" entitled "Protect Google's Assets" which provides as follows:

> Google gives us the tools and equipment we need to do our jobs effectively, but counts *on us to be responsible and not wasteful with the Google stuff we are given. Nobody's going to* complain if you snag an extra bagel on Friday morning, but company funds, equipment, and other physical assets are not to be requisitioned for purely personal use. Not sure if a certain use of company assets is okay? Please ask your manager or Human Resources.

(j) A rule requiring employees to "Respect Each Other" in Section 2 of the "Google Code of Conduct" which provides as follows:

> Each Googler is expected to do his or her utmost to create a respectful workplace culture that is free of harassment, intimidation, bias and unlawful discrimination of any kind.

(k) A rule in the "Appropriate Conduct Policy" which provides as follows:

> Google holds employees to the highest standards of ethics and conduct to maintain a healthy, fun and supportive environment. We expect everyone to treat fellow Googlers, TVCs, clients and visitors with the utmost respect and dignity.
>
> Certain prohibited behaviors could result in immediate dismissal without warning, including:
>
> •Repeated unwanted solicitations to other Googlers, TVCs or clients at any time.

[. .]

•Unethical behavior or any other conduct that compromises or undermines the reputation of Google.

[. .]

•Misusing or destroying company property.

•Conducting non-business activity during time for which you are being paid, including excessive or unreasonable use of corporate services for personal purposes or to conduct outside activities.

[. .]

•Violation of any other company policies, including the harassment and discrimination policy.

Google wants all of its employees to succeed. If an employee's performance lags or there are other workplace issues, Google reserves right to impose discipline as it sees fit. Discipline may include verbal or written warnings, suspensions with or without pay or other forms up discipline, up to termination.

(l) A rule regarding confidentiality in the "Google Employee Communications Policy" which provides as follows:

As Googlers, we have a unique opportunity to make a big difference in the world. Along with that opportunity comes an important requirement: that we always represent our company responsibly. Remember that as long as you are employed here, we expect you to consider how you communicate internally and externally, and how that communication affects the company. Please read through and follow this policy. Depending on the circumstances, failing to follow this policy will have consequences for your employment with Google, up to and including termination, subject to local requirements. If you have questions, there are contacts at the end to help you.

Nothing in this or other Google policies is intended to limit employees' rights to discuss with other employees the terms, wages, and working conditions of their employment, or to communicate with a government agency regarding violations of law, as warranted and as protected by applicable law.

****

When you joined Google, you signed an employment agreement. It requires you to hold Google's information in strictest confidence: that you not share any confidential or privileged

information—from unannounced products to financial performance—with people outside the company. Any discussion of such confidential matters may affect Google negatively in our business dealings and the media, or may even lead to securities law violations (for you personally, as well as the company). If you share any trade secrets or confidential information outside the company, you may be terminated, held personally liable, or even subject to prosecution. *** Confidential information includes internal reports, policies and procedures or other internal business-related confidential communications that have not been made public. Even if you didn't intend your personal observation to be public, if you violate your confidentiality obligations by disclosing non-public information outside of Google, you may be subject to legal action.

Note: If you come across something that you think discloses confidential information, contact security-incidents@google.com."

As a Google employee, you are also bound by our Code of Conduct and your local Employment Policies. The Code outlines how to protect yourself from possible conflicts, and how to keep our confidential information confidential. We encourage you to review the Code carefully. You should also review the Communications Disclosure policy, which is part of the Code of Conduct and provides more detail on what is considered non-public information and which Googlers are authorized to speak on behalf of Google. Only authorized Googlers are permitted to talk about the company with the press, members of the investment community, partners, or anyone else outside of Google. Even those authorized to speak for the company may get questions beyond their immediate expertise, so in general we caution everyone to steer clear of topics involving Google's trade secrets and private and confidential information. These would include things like: [. .] changes in senior management [and] recruiting and hiring processes or other policies or procedures.

(m) A rule regarding "Internal Googler Communications" in the "Google Employee Communications Policy," which provides as follows:

Healthy and respectful debate is an important part of Google's culture—but we all have a responsibility to consider the impact of our words on others. Remember to use good judgment and ensure that your communications (email, misc threads, discussion groups, Hangouts, G+ posts, Memegen, etc.) are in alignment with our Code of Conduct and Googler employment policies.

[. .]
This policy is subject to local laws. Please visit Google's Workplace Concern Policy for more information about the channels to raise workplace concerns and the process for investigating a concern.

(n) A "Corporate Services Security Policy" which provides as follows:

We define the term *corporate service* to mean any service that provides you with access to Google corporate information so that you can do your job as a Googler. For example, all of the following are corporate services:

- Google's corporate and production networks, and the Internet access that they provide.
- Google's corporate use of Google for Work (Gmail, Drive, Hangouts, and so on).
- Google's use of third party services for Google business purposes.

Google's public products are not considered corporate services when accessed by Googlers through personal accounts. For example, a Googler's personal Gmail account, on the gmail domain, is not a corporate service. Note however that if a Googler accesses their personal Gmail account, or any other personal account, through a corporate service
such as a Google corporate computer, or Google's corporate network, then a corporate service is also being used and that use is subject to all aspects of this policy.

***

Purpose of this policy

To inform Googlers of what to expect regarding access, monitoring, and other security considerations for communications and other data sent, received, or stored using Google's corporate services.

****

- Google's corporate services are intended for use with Google's data, and all data transmitted or stored using corporate services will be treated as the property of Google, even if the data turns out to be for personal rather than workrelated purposes. This includes, but is not limited to, all email and instant messages sent or received using corporate services, and all files stored on Google

> computers. Googlers may use corporate services for personal purposes within reason, but any expectations of privacy when doing so are diminished, and Googlers should understand that any data involved is subject to the possible monitoring and disclosure described in this policy and in **Google's Employee Handbook. (emphasis in original, indicates link)**
>
> • All work-related electronic communication among Googlers should be treated as Google data in accordance with Google's **Data Security Policy**, and should be kept on corporate services as much as reasonably possible. Googlers should avoid sending or receiving workrelated messages on noncorporate services such as personal Gmail accounts. (emphasis in original, indicates link).
>
> ****

(o) Various rules regarding external communications are set forth in the "Employee Communications Policy," Part 3, "External Communications," which impose restrictions upon employees' rights to engage in protected speech and/or criticism of Respondent Google and Respondent Google/Nest. "External Communications" is attached as Exhibit 2, with the portions alleged to be unlawful highlighted.

7.

Respondent Google:

(a) On August 6, 2015, by its (b) (6), (b) (7)(C) through a written posting on its intranet website G+, threatened employees with unspecified acts of reprisal by instructing an employee to stop engaging in protected, concerted activities.

(b) About August 19, 2015, Respondent Google, by its (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) threatened an employee with unspecified acts of reprisal by instructing an employee to stop engaging in protected, concerted activities.

8.

Respondent Google/Nest:

(a) By its legal representative:

(i) On March 24, 2016, by email to all Respondent Google/Nest employees, threatened employees with termination and legal action for engaging in protected, concerted activities and created an impression that their concerted activities were under surveillance; and

(ii) On April 18, 2016, at an all-hands meeting broadcast to all Respondent Google/Nest employees, created the impression that their protected concerted activities were under surveillance and threatened and coerced employees by announcing a confidentiality policy that restricted employees' rights to engage in protected speech.

(b) By (b) (6), (b) (7)(C) [redacted]:

(i) On April 18, 2016, during an all-hands meeting which was broadcast to all Respondent Google/Nest employees, created an impression that their protected concerted activities were under surveillance and threatened and coerced employees by asking them to report other employees for engaging in protected concerted activities;

(ii) On May 6, 2016, in an email sent to all Respondent Google and Respondent Google/Nest employees, created the impression that their protected concerted activities were under surveillance and threatened and coerced employees by asking them to report other employees for engaging in protected concerted activities, threatened employees with termination for engaging in protected, concerted activities, and announced rules regarding confidentiality that restricted employees' rights to engage in protected speech.

9.

(a) On August 6, 2015, Respondent Google's employee, (b) (6), (b) (7)(C) engaged in protected concerted activities for the purposes of mutual aid and protection by posting comments on Respondent Google's intranet website G+, regarding workplace diversity and social justice initiatives, workplace policy viewpoints, and regarding employees' rights to express their

opinions on G+, and by sending an email to Respondent's (b) (6), (b) (7)(C) regarding these matters.

(b) About (b) (6), (b) (7)(C) 2015, Respondent Google issued a final written warning to (b) (6), (b) (7)(C)

(c) Respondent Google engaged in the conduct described above in paragraph 9(b) because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 9(a), and to discourage employees from engaging in these or other concerted activities.

10.

By the conduct described above in paragraphs 6, 7, 8, and 9, Respondent Google has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

11.

By the conduct described above in paragraphs 6 and 8, Respondent Google/Nest has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

12.

The unfair labor practices of Respondent Google and Respondent Google/Nest described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

SPECIAL REMEDIES

WHEREFORE, as part of the remedy for violations alleged above, the General Counsel seeks an Order requiring Respondents to rescind their overly broad or otherwise unlawful policies on a nationwide basis, post a remedial Notice to Employees on a nationwide basis, and post the same Notice on Respondents' Intranet and/or electronic bulletin board, and email the

Notice to employees nationwide consistent with Respondents' normal methods of communicating with employees. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint. The answer must be **received by this office on or before May 11, 2017, or postmarked on or before May 12, 2017**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents,** enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer

containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on July 18, 2017, at 9:00 a.m., at the Oakland Regional Office, located at 1301 Clay Street, Suite 300N, in Oakland, California 94612-5224, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED AT Oakland, California, this 28th day of April, 2017.

Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street Suite 300N
Oakland, CA 94612-5224

Attachments

NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases: 32-CA-164766
32-CA-176462

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).

(2) Grounds must be set forth in ***detail***;

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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(b) (6), (b) (7)(C)
[redacted]

Chris Baker, Esq.
Baker & Schwartz PC
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San Francisco, CA 94104

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative**. If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.

- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence**: At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits: Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts**: An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief**: Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision**: The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC. **and** (b) (6), (b) (7)(C), **an Individual** **and** **GOOGLE INC. AND NEST LABS, INC., A SINGLE EMPLOYER**	**Case 32-CA-164766**
and (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-176462**
	Date: April 28, 2017

AFFIDAVIT OF SERVICE OF ORDER CONSOLIDATING CASES, AND CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

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National Labor Relations Board
Division Of Judges
901 Market St., Suite 300
San Francisco, CA 94103
E-FILE

April 28, 2017
Date

Ida Lam, Designated Agent of NLRB
Name

/s/ Ida Lam
Signature

MyGoogle Help

MYGOOGLE CONTACT US

United States

Appropriate conduct (US)

NEXT: AT-WILL EMPLOYMENT (US)

Google holds employees to the highest standards of ethics and conduct to maintain a healthy, fun and supportive environment. We expect everyone to treat fellow Googlers, TVCs, clients and visitors with the utmost respect and dignity.

Google encourages employees to voice questions, complaints and suggestions about their job, work group or general work conditions. Please reach out to your Human Resources Business Partner (HRBP) if you have something to share.

Certain prohibited behaviors could result in immediate dismissal without warning, including:

- Theft, stealing or removing without express permission any property you do not own.
- Dishonesty or falsification of any records, forms or reports.
- Accessing user, employee or customer data in violation of privacy, security or other policies.
- Insubordination, including refusal of a work assignment or improper language toward a manager or management representative.
- Disorderly or disruptive conduct, including derogatory name-calling, abusive or profane language, intimidation or coercion of co-workers or any "un-businesslike" behavior toward co-workers, TVCs, clients or visitors.
- Repeated unwanted solicitations to other Googlers, TVCs or clients at any time.
- Excessive absenteeism, including being absent for three or more days in a row without notice.
- Creating a significant safety or health hazard, intentionally or unintentionally.
- Unethical behavior or any other conduct that compromises or undermines the reputation of Google.
- Engaging in or threatening to engage in violent behavior.
- Possession of weapons and/or any type of firearms on Google premises.
- Misusing or destroying company property.
- Conducting non-business activity during time for which you are being paid, including excessive or

unreasonable use of corporate services for personal purposes or to conduct outside activities.

- Possession, sale and/or use of controlled substances.
- Conviction of a felony that might impact the business and/or company, such as fraud or theft.
- Violation of any other company policies, including the harassment and discrimination policy.

Google wants all of its employees to succeed. If an employee's performance lags or there are other workplace issues, Google reserves right to impose discipline as it sees fit. Discipline may include verbal or written warnings, suspensions with or without pay or other forms up discipline, up to termination.

NEXT: AT-WILL EMPLOYMENT (US)

Was this article helpful?

YES NO

United States

Additional policies for non-exempt employees (US)

Affirmative action plans (US)

Americans with disabilities act accommodation (US)

Appropriate conduct (US)

At-will employment (US)

EEO is the law (US)

Employment types (US)

Equal opportunity (US)

Non-solicitation and non-competition

agreements (US)

Open Door Policy (US and APAC)

Part-time employment (US)

Policy Against Harassment, Discrimination and Retaliation (US)

Smoking, drugs and alcohol use (US)

Telecommuting and working remotely (US)

Whistleblower Protection for Govt. Contracts and Grants (US)

Workweek, pay schedule and attendance (US)

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MyGoogle Help

MYGOOGLE CONTACT US

United States

Policy Against Harassment, Discrimination and Retaliation (US)

NEXT: SMOKING, DRUGS AND ALCOHOL USE (US)

Google's employment philosophy is that all employees are entitled to a positive work environment where everyone can be a successful contributor. To that end, all employees are entitled to a culture of mutual respect free of harassment, intimidation, bias and discrimination.

Google is committed to maintaining a workplace environment free from discrimination and harassment. In keeping with this policy, Google strictly prohibits unlawful discrimination or harassment of any kind, including discrimination or harassment on the basis of race, creed, color, religion, gender, national origin, sexual orientation, gender identity/expression, national origin, disability, medical condition, age, genetic information, military/veteran status, marital status, pregnancy or related condition (including breastfeeding), or any other basis protected by law.

We strictly prohibit all forms of unlawful harassment or discrimination by or against any employee, TVC, professional service provider or visitor. We prohibit unlawful harassment in any form, including verbal, physical or visual harassment.

Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where (1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of advances is used as the basis for employment decisions affecting an individual; or (3) unwanted conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if it does not lead to tangible or economic job consequences.

Too often one hears stories of employees who were harassed, often for long periods of time, but didn't feel comfortable coming forward. We want to make entirely clear that Google is not, and never will be, the kind of company in which any employee should ever feel that way.

If you believe you've been harassed or discriminated against by anyone with whom you come into contact at Google, you must immediately report the incident to your manager, your Human Resources Business Partner (HRBP), or another member of your management team or HR. You can also make a complaint via the Ethics & Compliance Helpline . Managers and supervisors who become aware of any such untoward conduct must immediately report the harassment to Human Resources. Google will promptly and thoroughly investigate any complaints and take appropriate corrective action as warranted.

Employees who are found to have violated this policy are subject to discipline up to and including termination.

Retaliation for reporting any incidents of actual or perceived discrimination or harassment, or for participating in any investigation of such incidents, is strictly prohibited. Likewise, Google also prohibits retaliation for raising any other legally-protected workplace concerns. If a complaint of retaliation is substantiated, appropriate disciplinary action, up to and including termination, will be taken.

NEXT: SMOKING, DRUGS AND ALCOHOL USE (US)

Was this article helpful?

YES NO

United States

Additional policies for non-exempt employees (US)

Affirmative action plans (US)

Americans with disabilities act accommodation (US)

Appropriate conduct (US)

At-will employment (US)

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Whistleblower Protection for Govt. Contracts and Grants (US)

Workweek, pay schedule and attendance (US)

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MyGoogle Help

MYGOOGLE CONTACT US

Employee Communications Guidelines

Introduction

As Googlers, we have a unique opportunity to make a big difference in the world. Along with that opportunity comes an important requirement: that we always represent our company responsibly. This guide is to help you navigate the best ways to communicate with non-Googlers about your own work, our collective work, and how we operate. Remember that as long as you are employed here, others may assume you represent Google in its entirety. And they may associate you directly with Google when you're not working: when you travel, go to parties, or use your own social media.

Please read through and follow these guidelines. Depending on the circumstances, failing to follow these guidelines may have consequences for your employment with Google, up to and including termination. If you have questions, there are contacts at the end to help you.

Part 1 – Legal agreements

Confidentiality agreement

When you joined Google, you signed an employment agreement. It requires you to hold Google's information in "strictest confidence": that you not share any confidential or privileged information—from unannounced products to financial performance—with people outside the company. Any discussion of such confidential matters may affect Google negatively in our business dealings and the media, or may even lead to securities law violations (for you personally as well as the company). If you directly share any trade secrets or confidential information outside the company via email, Google+, Facebook, Twitter or any other social platform, or via your own blog, message board, or face to face, you may be terminated, held personally liable, or even subject to prosecution. Trade secrets may include information not publicly known regarding the development of systems, processes, products, know-how and technology. Confidential information includes internal reports, policies and procedures or other internal business-related confidential communications that have not been made public. Even if you didn't intend your personal observation to be public, if you violate your confidentiality agreement by disclosing non-public information outside of Google, you may be subject to legal action.

Note: If you come across something that you think discloses confidential information, contact security-incidents@google.com.

Code of Conduct

As a Google employee, you are also bound by our Code of Conduct and your local Employment Policies. The Code outlines how to protect yourself from possible conflicts, and how to keep our confidential information confidential. We encourage you to review the Code carefully. You should also review the Communications Disclosure policy, which is part of the Code of Conduct and provides more detail on what is considered non-public information and which Googlers are authorized to speak on behalf of Google. Only authorized Googlers are permitted to talk about the company with the press, analysts, partners, or curious others. Even those authorized to speak for the company may get questions beyond their immediate expertise, so in general we caution everyone to steer clear of topics involving Google's trade secrets and private and confidential information. These would include things like:

1. earnings, financial results, any internal forecasts, projections
2. customers or partner agreements
3. pending or proposed mergers or acquisitions
4. engineering achievements or other research developments or patents
5. product or feature announcements
6. changes in senior management
7. recruiting and hiring processes or other policies or procedures, and
8. matters that are subject to attorney-client privilege.

Part 2 – Real-world, real-time communications

The fact is, all public expression requires your good judgment, including when you're posting on social networks, participating at trade shows or conferences, or socializing with partners, reporters, or industry bloggers.

Rules of thumb

Keep these basic guidelines in mind whether you're posting on your personal social media profile, staffing a Google event or talking to friends and family. Failing to follow these guidelines could result in Google taking disciplinary action against you, regardless of whether this happens during working hours or whether it happens whilst you are using our equipment or facilities.

There is massive curiosity about all things Google

There's an ongoing (and global) appetite for news or rumors attached to our name. Even when you express your personal point of view, others may conflate it with what Google "thinks" or "believes" (or must be doing!). Given the speed at which information travels, anything you say that's related to Google—earnings, perks, competitors, products—can be found and go viral.

You should assume that even "anonymous" posts can be tracked back to Google through an IP address and that it would not be difficult for an enterprising reporter or blogger to link your name to your employment at Google.

Consider your potential audience

Anything you say or post (blogs, Google+, Twitter, Facebook, message boards, etc.) often can't be easily taken back. Others can propagate your message in a minute or two and spin it wildly out of context. Even things you don't commit to writing may be noted or recorded by someone else (think of those hashtagged live tweets at events!). So keep in mind that apart from your friends, or your mom, or the people attending your university alumni panel, your audience can effortlessly include policy officials, competitors, paid-by-the-post bloggers, and reporters.

Comment with good information

When speaking about Google publicly, whether on social media, at a conference or at a party with friends, do not assume that any information you read from news and opinion sites or blogs is factual. When you mention Google, cite only **non-confidential or publicly-available information** from our corporate blogs , Google+ and Twitter accounts ; you can also cite the postings by Google (not others) that live on our Facebook pages . You can also refer to the approved talking points and metrics at go/keymessages .

Respect your subjects, whether they are Googlers or not

Always consider the impact of your words on others who work here or don't, particularly when it comes to how your comments might reverberate around the web. While this policy isn't intended to prohibit legitimate discussion or criticism among employees relating to their job or employment at Google, we can discipline employees who engage in taunting, ridicule, harassment, or other conduct on social networks that goes beyond complaints about work. Discriminatory remarks, obscenities or threats, statements meant to intentionally harm someone's reputation or similar inappropriate or unlawful conduct are never OK. Social media should never be used in a way that breaches any of Google's employment practice policies and guidelines. And as a Googler, you're responsible for complying with this standard.

Take the high road

When communicating publicly about technologies and products, take the high road and show respect for competitors. Please **do not** take it upon yourself to defend Google, criticize our competitors or potential competitors or "set the record straight" about our position, strategy, direction, etc. No matter how well-intentioned, your comments may (a) go viral in unexpected ways; (b) be subject to subpoena or other court action; (c) seriously undermine the hard work of our legal, policy and communications teams; or (d) expose Google and you personally to litigation. If you come across something you think merits a response, send it to press@google.com instead of taking it on yourself.

Manage your social media presence

These days, it's almost a given that you will have one or more profiles on social media, and it's possible—even likely—that your profile(s) are identifiable as belonging to a Googler. Because anything you do on social media has the potential to reflect back on Google, we advise you to be thoughtful about how you appear and interact on social media. Here are some guidelines when using social media (including blogs) for personal expression.

Please note: Google does not prohibit limited use of our corporate network for personal purposes. However, such use should not interfere with getting your work done or disrupt or burden our systems, and must comply with all policies.

Do your work on work Google+

If you are using Google+ for work-related purposes such as interacting with clients or customers, you should use your corporate Google+ account. See these guidelines on using Google+ for work for more information.

Think about your visibility settings

Many social networks provide tools to restrict who can view your profile and content. Features such as circles in Google+ and customizable privacy settings on Twitter and Facebook can be helpful in drawing the line between what is your own opinion and what is Google's. Keep in mind that posts you share with circles on Google+ (external) can be reshared, so you still need to be mindful of what you say there.

Such features can be especially useful in helping you use your "corporate" (google.com) Google+ account responsibly. Like our customers who use the enterprise version of Google+, Googlers using Google+ with their corporate account can interact with external users and brands by enabling posts outside of the Google.com domain. Pay special attention to what is visible in your profile and be careful when posting to ensure you don't accidentally share something with the public (there are several "speed bumps" built in to the product so that you only share information outside the company if you really want to).

Post a standing disclaimer

If you frequently comment about Google or technologies related to our work, add a disclaimer to your profile indicating that your opinions are your own. Such a disclaimer should make it clear that you're conveying your own opinions, e.g., "The opinions stated here are my own, not necessarily those of my company." Remember, though, that while having a disclaimer is good, it doesn't absolve you of all responsibility for your own words. As a Googler, you're still responsible for adhering to the Code of Conduct and Google's employment practice policies and guidelines. So remember that none of your opinions or comments should disclose confidential information. Please make sure your "About Me" or bio (where you'll likely put your disclaimer) says more than just, "I work at Google." By putting your company affiliation front and center and not including any non-Google information about yourself, your background, your interests, and what you'll talk about on your blog or social media profile, it's more likely to seem like you are trading on your position as a Google employee, and you may also lead people to associate

that account first and foremost with the company.

Think about links

Part of the art of posting & sharing is what you link to (sites, news items, tweets). Citing them will have implications, so consider your sources, and be mindful of the signal your links to specific sources will send. Don't forget that context is important—simply posting a link could imply you fully endorse that information, whereas adding some information about why you find it interesting can diffuse that.

Think about images

Since social media encourage sharing photos or videos, consider what readers will derive from you sharing images related to your work or team. The level of fascination with Google is so high that even a snapshot can lead to speculation about things you didn't expect. (And remember, you need to get permission of the people whose images you're sharing.) Also, just like any other data, photos containing confidential information cannot be disclosed outside of Google. (Our photo policy is here .) Candid snapshots of our execs, VIP guests, and others on campus are **not** fair game.

Manage your public speaking presence

Many Googlers are asked to participate in external events and conferences. It's great to have Googlers representing our company on important subjects and before partners, but we need a way to ensure that such events are appropriate for Google representation; that Googlers are prepared to represent Google's positions; and that prospective speakers know how to deal with press who may be present at any public event.

If you plan to speak publicly even on subjects that are not germane to Google's business or technologies, it would be very easy for reporters to assume (and report) that you're speaking on behalf of **all** of Google. Caution is warranted.

Before you commit to speak formally, even if you won't be discussing Google business, visit the Speaker Center , where you'll find a checklist of guidelines for speaking publicly and a form where you can submit details on your event for approval. You must have approval from both Corporate Communications and your manager before agreeing to speak at an event. For financial/investor conferences, Investor Relations must approve before you commit to speak.

Take advantage of our media relations team

Even Googlers who are approved to speak for the company may get questions outside their comfort zone. You should never feel obligated to provide specific answers. Instead:

1. Forward the note or message to press@google.com with context.

2. Always refer general inquiries about anything company-related to press@google.com or the Media Hotline, where they can leave a message: (+1 650-930-3555).
3. Refer financial analysts to investor-relations@google.com.

"Hey, I thought I was 'off the record.'"

There's no such thing as "off the record" when speaking to members of the media. It's always a good thing to be friendly but cautious. Go ahead and talk about that great new Thai restaurant, or the World Series, or your favorite tunes. But it's definitely not OK to answer any question about anything of a remotely confidential, proprietary, or future-oriented nature about Google. Again, please just refer reporters and analysts to press@google.com.

"But this writer is my friend."

Many of you know media people, professional bloggers or industry commentators personally. If any of them is asking about information that you are not sure has been publicly released by us, do not confirm, deny or comment. Just refer them to press@google.com.

When in doubt, ask

If you don't know whether or not you are making a good decision regarding your posts, you can send a note to a small group of HR, legal and PR staffers for another read. Their goal is to help you avoid potential problems. Write to press@google.com.

Contacts

Please don't hesitate to reach out at any time to these aliases.

1. To forward requests and comments from journalists, broadcasters, etc.: press@google.com
2. If you are invited to speak at a meeting outside the company: speakers@google.com
3. When you or others have questions about financial meetings or performance: investor-relations@google.com
4. For guidance on your personal communications regarding your opinions on Google-related topics: press@google.com
5. If you come across something that you think discloses confidential information: security-incidents@google.com

Updated September 2013

Was this article helpful?

YES NO

Global employment practices

Anti-bribery & Government Ethics Policy

Communications and Disclosure Policy

Confidentiality

Conflicts of interest

Employee Communications Guidelines

Gifts and Entertainment Policy (Non-Government)

Guidelines for Googlers using Google products and services

Policy Against Insider Trading and reporting financial and accounting concerns

Retaliation Policy

Workplace Concern Policy (Global)

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MyGoogle Help

MYGOOGLE FEEDBACK CONTACT US

Communications and Disclosure Policy

Google is committed to providing the public with timely, transparent, consistent and credible information consistent with legal requirements.

This policy sets forth guidelines regarding communications by our employees and members of our Board of Directors with media personnel, members of the investment community, including analysts, institutional and individual stockholders, and others who are not bound by a duty of confidentiality to Google. The policy is intended to cover most types of communication, whether direct with media personnel or securities analysts, at investment conferences, press events or conference calls, or otherwise. Situations may arise that are not specifically addressed by this policy or you may have questions as to how this policy applies to you. Any questions or concerns should be referred to our Senior Vice President, Communications and Public Policy, our head of Investor Relations, our Chief Financial Officer or our General Counsel.

The objectives of this policy are:

- To establish consistent, effective and on-going communications with our stockholders, the media and the investment community.
- To comply with applicable securities laws and the requirements of the Nasdaq National Market.
- To identify individuals who are authorized to speak on behalf of Google to the public.
- To set forth guidelines on what may be discussed with our analysts, our stockholders and the media in general.

Our policy

Google's policy is that our employees and members of our Board of Directors will not make any disclosure of material, non-public information about Google to anyone outside of Google (other than those who are first obliged to us to maintain confidentiality), unless we disclose it to the public at the same time. In addition, this policy prohibits the disclosure of material, non-public information by anyone other than the authorized spokespersons identified below.

Who does this policy apply to and what kinds of disclosures are covered?

This policy covers all of our employees (and also our temporary hires, consultants and contractors), as well as members of our Board of Directors. It covers disclosures in our SEC-filed documents, statements made in our annual and quarterly reports, news and earnings releases, communications with our analysts, investors and the news media, senior management speeches and presentations, and information contained on our website, including our official blogs.

What is material non-public information?

Information is "material" if a reasonable investor would consider it important in making a decision to buy, sell or retain Google stock. Both positive and negative information may be material. Information is "non-public" until it has been widely disseminated to the public (through, for example, a press conference or release) and the public has had a chance to absorb and evaluate it.

Examples of types of information that are frequently material include:

- Financial result.
- Known but unannounced future earnings or losses.
- Execution or termination of significant contracts with customers or partners.
- News of a pending or proposed merger or acquisition.
- Engineering achievements or other developments from research efforts.
- New product announcements of a significant nature.
- New equity or debt offerings.
- Positive or negative developments in outstanding litigation.
- Major changes in senior management.

Financial information is particularly sensitive. For example, non-public information about the results of our operations for even a portion of a quarter might be material in helping an analyst predict Google's results of operations for the quarter.

Because this is an area that requires specialized judgment, you should contact one of our authorized spokespersons or a member of the Disclosure Committee (identified below) if you have questions.

Who is authorized to speak on behalf of Google?

A. The following persons are authorized to speak on behalf of Google:

- Our Executive Chairman of the Board of Directors.
- Our Chief Executive Officer and our Chief Financial Officer.
- Our Chief Legal Officer and our General Counsel.
- Our Senior Vice President, Communications and Public Policy.
- Our head of Investor Relations.

B. Even authorized spokespersons may only provide material information to a person outside of Google if such information has been previously disclosed to the public. Disclosure of such information will typically occur through the distribution of a press release through a news or wire service, by filing a Form 8-K or by another method which provides broad public access – such as posting on our corporate website or an

another method which provides broad public access – such as posting on our corporate website or an announcement at a conference which is available to the public by a previously announced webcast.

C. Subject to the approval of an authorized spokesperson and subject to this policy, other officers or employees of Google may, from time to time, communicate with third parties on behalf of the Company or in response to specific inquiries from the investment community or the media. For instance, our Senior Vice President, Communications and Public Policy will designate members of his or her staff to respond to media queries or prepare statements on specific matters.

D. In the event a Google employee wishes to participate in a conference or presentation they shall inform the Investor Relations or Corporate Communications department at least one month in advance by emailing speakers@google.com. Please refer to Google's Speaking Policy available on our internal Corporate Communications website for information about participating in external speaking engagements.

E. Any employee or officer who is authorized to communicate on behalf of Google shall receive appropriate training and preparation on Google's communications policies (including this policy).

F. It is our intention that the head of Investor Relations, a member of her or his staff or a member of our legal team will participate in all communications between authorized spokespersons and members of the investment community, including financial analysts, stockholders, individual or institutional investors or other members of the investing public.

What do I do if I receive a question from the media or an analyst?

Our employees and members of our Board of Directors (other than our authorized spokespersons) should not respond, under any circumstances, to inquiries from the investment community or the media unless specifically authorized to do so by an authorized spokesperson. All such inquiries should be referred to Corporate Communications at press@google.com or investor-relations@abc.xyz.

What is our policy on news releases and Google blogs?

We will issue press releases and/or post to Google blogs from time to time to disclose information that is important or useful to the public. Press releases and Google blogs will be approved by and issued under the supervision of an authorized spokesperson.

Whenever any new material information is discussed or presented by an authorized spokesperson in any meeting or conversation with analysts, investors or the media, Google will issue a broadly disseminated news release, file a Form 8-K or use some other method which provides broad public access prior to such discussion or presentation.

We will furnish our earnings release on Form 8-K prior to our quarterly earnings conference call. In compliance with SEC requirements, we will reconcile any "non-GAAP financial measures" to GAAP-equivalent information in our earnings releases and we will provide this reconciliation on our website. Generally, such disclosure will remain on our website for at least one year.

How will we conduct our conference calls?

We will hold open, publicly accessible conference calls to discuss our quarterly financial results, provide

updates on our business or to discuss other significant events that arise in the course of our business. Normally, with regularly scheduled conference calls, we will issue a news release at least 10 days in advance, announcing the date, time and details of the call. In general, analysts, and professional investors will have teleconference access to the call so they may participate in the question-and-answer part of the call. All others may listen to the call via the internet on Google's website. We will post the audio webcast of the conference call on our website. In general, the webcast will remain on our website for approximately two weeks following the call, after which time we will place the webcast in the "archive" section of the website for at least three months.

How will we conduct our meetings with investors?

From time to time, we may respond to analyst and investor inquiries in the form of phone conversations or meetings with members of the investor relations and senior management team. The purpose of these meetings is for investors to gain a better understanding of our business, as well as to give analysts and investors the opportunity to personally meet and assess management. Our policy is not to disclose material, non-public information in these meetings. From time to time we will also participate in Google-hosted and analyst-hosted conferences and other meetings. A designated member of the investor relations team or legal team will attend all meetings held with analysts and investors. In the case of investor conferences, we will make every effort to announce publicly when the presentation will be given and to webcast the presentation.

How do we respond to market and media rumors?

So long as it is clear that we are not the source of a market or media rumor, an authorized spokesperson will generally respond that Google does not comment on market rumors or speculation. In the event a market or media rumor is causing significant volatility in our stock price, our Disclosure Committee will consider the matter and make a recommendation to senior management on whether to make an exception to this policy.

What about indirect communications, including chat rooms and blogs?

Any communication that would constitute a violation of this policy if made directly by an employee or a member of our Board of Directors shall also constitute a violation if made indirectly. This includes, but is not limited to, communications made by means of an (internet) chat room or blog.

Our policy on providing "guidance" on future results.

Our employees and the members of our Board of Directors may not provide "guidance" to any third parties, directly or indirectly, and may not disclose to third parties any information regarding our internal projections or estimates of future operating results, product or business metrics, business transactions, or customer or supplier developments.

Generally, we will not publicly disclose any projections regarding our expected financial performance, although our authorized spokespersons may determine to make limited exceptions to this policy from time to time. If a financial projection or any other forward-looking statement is provided in our written disclosures, the statement will be accompanied by cautionary language that identifies the disclosure as

disclosures, the statement will be accompanied by cautionary language that identifies the disclosure as forward-looking and identifies potential risks and uncertainties associated with such forward-looking statement.

Will we review analysts' draft models or reports?

If requested, we will review an analyst's earnings model or report but only to confirm or correct factual information that is already in the public domain. From time to time we may also provide an analyst with further explanation of trends or uncertainties that have already been publicly disclosed, so long as none of this additional information is material by itself or in the aggregate.

How does our "quiet period" work?

We will observe a disclosure quiet period commencing 20 days before the end of each calendar quarter and continuing until our earnings for the quarter are publicly released. During the quiet period, we will typically not participate in investor or financial analyst meetings or conferences. We will continue to issue press releases and communicate with the media regarding our business, products or operations during this period, provided that such releases or communications do not contain or discuss financial information or results. During the quiet period, our Investor Relations officers can discuss information with analysts or current or potential investors that we have previously publicly disclosed (although they will not be permitted to "update" this information), that is not material information and/or that is generally known company or industry-related information. In general, our Investor Relations officers will communicate with investors and analysts only via phone and email (not in person) from the beginning of the quiet period until the end of the quarter, and will communicate only via email between the time the quarter ends and the time the earnings results are announced.

From time to time management may be authorized to speak at analyst or bank-sponsored conferences or in one-on-one meetings during the quiet period. In these instances, management's presentation will be limited to information that we have previously publicly disclosed (and such information may not be "updated"), non-material information and/or generally known company or industry-related information.

Making management available to analysts and investors.

We will provide fair access to our management team within the limits of their time and resources. In general, analysts and investors will have access to our Investor Relations team at any time either by phone or email. We may also accept requests for meetings by analysts and investors with senior management as schedules permit.

What if an unauthorized disclosure of material non-public information happens?

If you believe information has been disclosed regarding Google that may be deemed material and non-public in violation of this policy, you should immediately notify either the Disclosure Committee or one of the authorized spokespersons identified above. Our Disclosure Committee will then, in consultation with management and counsel, determine whether the statement was material and non-public and what response is required.

response is required.

What is the role and responsibility of the Disclosure Committee?

Google has formed a Disclosure Committee with responsibility for considering the materiality of information and determining our disclosure obligations on a timely basis. This committee consists of personnel selected by Google's Chief Executive Officer and Chief Financial Officer, including the following employees:

- A senior member of the legal department.
- The chief accountant.
- The controller.
- The head of Investor Relations.
- A senior member of the corporate communications group.

The Disclosure Committee will report directly to the Chief Financial Officer. In addition to assessing the accuracy and completeness of our public filings and the process for public dissemination of information, the Disclosure Committee will advise management on when material developments should be publicly disclosed, make recommendations to senior management on disclosure policies, and meet as situations dictate.

Why should these issues concern me?

As a Google employee, you are expected to comply with all of our policies, including for example, our Code of Conduct and our Insider Trading Policy. Disclosure of material non-public information could have significant negative consequences for Google and therefore we will take any violations of this policy by our employees very seriously. In addition, as an individual, you are required to comply with all applicable laws and under SEC rules you could be held personally liable for substantial penalties if you disclose material information in a deliberate or reckless way.

Last updated October 12, 2011

Was this article helpful?

YES NO

Global employment practices

Alcohol use, smoking and drugs

Anti-bribery & Government Ethics Policy

Communications and Disclosure Policy

Confidentiality

Conflicts of interest

Employee Communications Policy

Gifts and Entertainment Policy (Non-Government)

Guidelines for Googlers using Google products and services

Policy against insider trading and reporting financial and accounting concerns

Relationships with Coworkers Policy

Retaliation Policy

Workplace Concern Policy (Global)

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Status: **Official**
Last modified: December 10, 2013
Last reviewed: December 10, 2013

Data Classification Guidelines

Associated Policy

These guidelines were developed in accordance with the Data Security Policy.

Who Needs to Read These Guidelines

All Googlers

Details

Purpose

These Guidelines describe how data and information are classified at Google (the terms "data" and "information" are used interchangeably in these Guidelines). Each classification is illustrated with examples based on three categories of data: business data, user data, and employee data, which are defined in more detail below.

At Google we classify and protect information according to its sensitivity. In other words, the classification of

information, and the steps Googlers take to protect it, should reflect the harm that would occur if the data is lost, mishandled, or disclosed improperly.

General Guidelines

There are three basic classifications that reflect the sensitivity of information at Google: Need-To-Know, Confidential, and Public. Additional sub-classifications may be developed as needed.

Google Data Owners are responsible for making sure that information they oversee is appropriately classified and protected. Data Owners should provide clear guidance to Googlers on how data is classified and develop specific sub-classifications or guidelines when needed. For example, PeopleOps has created a Payroll Data sub-classification to ensure that there are consistent protections for this kind of information. For more information, see Google's Data Security Policy.

Googlers are responsible for handling data according to the appropriate classification and seeking the guidance of the Data Owner when needed. Googlers should mark information with the appropriate classification as described in Google's Security Labeling Guidelines.

Some information may be classified or reclassified differently depending on the context. How the data is collected or created, how it is used, and what legal obligations apply to it should be taken into account when classifying data. The classification of particular information may also change over time, to either greater or lesser sensitivity. For instance, the details of a new Google product may be classified as Need-To-Know during design and development, Confidential during dogfooding, and Public at launch. Googlers should assess the sensitivity of the data they need to access in context and consult the Data Owner whenever questions arise about the proper classification.

Data Classifications

Need-To-Know Information

Google Need-To-Know information is information associated with serious legal, privacy or business concerns. Information is properly classified as Need-To-Know whenever it would cause a significant risk of harm if it were used or disclosed improperly.

Need-To-Know information is shared only with authorized individuals for a specific purpose. If the purpose for accessing this information changes, or if you require acccess for additional reasons, you should seek additional

authorization.

Examples of Google Need-To-Know information

Business Data	User Data	Employee Data
• High-Value Intellectual Property (HIP) • Information about potential mergers or acquisitions • Highly sensitive forms of Company Financial Data • Pre-release earnings announcements • Google banking authorization information • Detailed transaction information, such as individual general ledger entries	• **All User Data is Need-To-Know, until otherwise classified** • User Content and Logs • Personally Identifiable Information • Sensitive Personally Identifiable Information	• **All Employee Data is Need-To-Know, until otherwise classified** • Recruiting Information • Performance, Compensation, & Benefits Information • Employment Records • Googlers' Personally identifiable Information • Sensitive Personally Identifiable Information

Guidance on Classifying Need-To-Know Information

Google Need-To-Know is how we classify information that should be restricted to authorized individuals who need to know the information to perform their job.

If you see or have access to Google Need-To-Know information and you're not the intended audience, notify the owner about the mistake.

All User Data and Employee Data is Need-To-Know by default. If User Data or Employee Data has been reclassified,

disclosed outside of Google, or made public, Googlers ordinarily should treat all this information as Confidential information, at minimum, because it is commonly combined with non-public information and users and employees may retract publicly posted information. For example, a user or employee may disclose their birthday, but we generally treat this information as Confidential or Need-To-Know when we handle it.

Information previously classified as “Sensitive” under earlier versions of these Guidelines should be classified as Need-To-Know information.

Confidential Information

Everything we work on at Google — all the data and information we create, details of what we do, how we operate, and our plans for the future — is, at minimum, Confidential. Google Confidential information is any information that Google has an obligation or a need to keep private, including data that Google owns, as well as data that Google receives from others.

Information is classified as Confidential information when unauthorized access to this information may harm users, Google, or someone else. Typically, Confidential information is only shared with Googlers and those third parties we work with who have agreed in writing to keep the information private.

Even if some elements of the information are known outside of Google or have been speculated about in public, it is considered Confidential until the Data Owner explicitly makes it Public.

Examples of Google Confidential information

Business Data	User Data	Employee Data
• **All Business Data is Confidential, until otherwise classified** • TGIF Presentations • Dogfood and experimental products	• Anonymous Information • Data sourced exclusively from publicly available data (e.g. crawl data or public social graphs)	• Teams information • Employee Content (like an email) that is shared with you and not otherwise classified • Internal application logs which capture usage by Googlers

• Business plans		

Guidance on Classifying Confidential Information:

All information at Google, including all Business Data and Employee Data, is either Confidential or Need-To-Know by default.

Everyone with access to Confidential information must exercise good judgment and make sure Confidential information stays that way.

Public Information

Google Public information is information that has been intentionally and explicitly made available by Google to the public.

Examples of Google Public information:

Business Data	User Data	Employee Data
• Published source code • Press releases • Investor information • Google's Privacy Policy	• Public user blog or G+ posts • Google's Transparency Report • Google Trends results • Public G+ profiles	• Bios of Google executives

Guidance on Classifying Public Information

No information at Google is Public by default. Unless Google data is marked "Public," or you are certain it has been officially released to the public, it is classified as Confidential or Need-To-Know. If you are unsure whether information is Public, consult the Data Owner.

Googlers who handle Public data are responsible for protecting the integrity and availability of that information. For example, Google's released financial results are Public, but Googlers handling this information as part of their jobs are responsible for making sure it is not tampered with or removed.

Basic Categories of Data

When describing Google's data classifications, these Guidelines refer to the following categories of data:

Business Data

Business Data is information about the work we do at Google, which may include information about our business partners or that we generate during work at Google.

Company Financial Data

Company financial data is information about Google's financials that should not be public, including pre-release earnings announcements, Google's bank account numbers and banking authorization information, and detailed transaction information such as individual general ledger entries.

High-Value Intellectual Property

HIP is a classification specific to Google that identifies key data that if known to the outside world would have a serious impact on the validity of our business from an intellectual property perspective. It includes source code, design documentation, etc. for ranking algorithms and key infrastructure technologies. For more information on HIP, how to protect it and how to handle it, see the HIP documentation.

User Data

User Data is any information from or about users of Google products and services. A "User" is anyone that uses a Google product or service, including customers that pay for Google services, including advertisers, publishers, merchants, and enterprise customers.

User Data includes data that Google collects from users (like phone numbers or email addresses), data that Google receives for or on behalf of users (like email), as well as information that we create about users (like logs). For more

information about User Data, see Google's User Data Access Policy.

User Content

User Content is a subcategory of User Data that refers to any data that users generate themselves or provide to Google (like email and documents), data that Google receives or collects on behalf of users (like email or chat messages), or that users generate using Google services (like a report on their use of Google products).

Employee Data

Employee Data is any information generated about a Googler or that Google obtains in the context of employment. For the purposes of classifying Google information, Employee Data includes anonymous, pseudonymous, and aggregate data. For more information about Employee Data, see Google's Employee Privacy Policy.

Recruiting Information

Recruiting Information is any information Google obtains from or about a potential Googler during the application, interview, and hiring process, including the information collected and generated to identify potential candidates.

Performance, Compensation, & Benefits Information

This is information relating to a Googler's performance (ratings, evaluations, and assessments), compensation (salary, equity awards, and bonuses), and benefits (insurance, retirement plans, and vacations).

Employee Content

Employee Content is data generated when Googlers use Google Corporate Services provided to do their job. This includes any data that Googlers generate themselves or provide to Google (like email, calendar entries, and documents), data that Google receives or collects on behalf of Googlers (like email or chat messages), or that Googlers generate automatically (like logs of internal access).

Employment Records

Employment Records are any information about the employee-employer relationship with a Googler, including

Recruiting Information, Performance, Compensation, & Benefits Information, employment contracts, the results of background and credit checks, and records of training, misconduct, and discipline.

Individual Information

Individual Information is any information Google accesses from or about an individual, whether that individual is a Google user, employee, or anyone else. Individual Information can be User Data (when it is information about a user) or Employee Data (when it is information about a Googler) or it can be information about other individuals (such as a Google partner or the customers of a Google user). Individual Information generally comes in one of the following forms:

Anonymous Information

Individual Information is anonymous when it is not possible to identify any individual from the data. Anonymous Information may be created in different ways, including by collecting and storing it without identifying details or aggregating, de-identifying, or redacting identifying information. Anonymizing data is difficult to get right and Googlers should consult Privacy's anonymization team (go/pwg-aggregation) to ensure effective anonymization. Examples: Google Trends, Google Transparency Report. See the PWG Aggregation Page for further information.

Pseudonymous Information

Pseudonymous Information is information that is (1) linked to a pseudonym or another unique identifier, and (2) anonymous — it does not identify an individual, either alone or in combination with other data.

Personally Identifiable Information (PII)

PII is information that personally identifies an individual and any other data which can be reasonably linked to such information by Google. The following basic guidelines apply to classifying data as PII:

- An individual's name, email address, mailing address, or telephone number, either alone or in combination, are considered PII.
- PII includes any information that is combined with PII or can be linked to PII with a reasonable level of confidence based on information available to Google.

- If there is any doubt about whether the information is PII, Googlers should treat the data as PII until the data is reclassified in accordance with guidance from Privacy's anonymization team.
- Solely for the purposes of classifying data internally at Google, the following types of data are classified as PII by default until reclassified: IP addresses, and unique account identifiers (such as account or customer ID, GAIA ID, or screen name).
- Data categorized as PII under these Guidelines may differ from data defined as "personal information," "personal data," or "personally identifiable information" in Google's external statements or applicable laws.

Sensitive Personally Identifiable Information (SPII)

SPII is PII that is subject to heightened legal requirements or presents a significant risk of harm to an individual if it is compromised or misused. Sometimes even anonymizing SPII may not eliminate this risk of harm. The following kinds of information are considered SPII:

- *Account Credentials*: non-public information used to log in, authenticate or authorize activity as a particular individual, which may include the following:
  - Passwords, passphrases and PINs
  - Cryptographic keys or authentication keys
  - Data that would permit account access or recovery (e.g., user-selected secret questions and answers, account creation date)
  - Biometrics or DNA profile
  - Session cookies (when used for authentication)
- *Government Identification Numbers*: any state or national identification number, including Social Security Number (SSN), passport number, or driver's license number.
- *Cardholder Data (CHD)*: Information associated with a specific payment card account (including credit cards, debit cards, or any other payment card), including:

  - Primary Account Number (PAN): The account digits on the front of a payment card. PAN does not include partial card numbers which include, at maximum, the first six and last four digits.
  - Card Verification Value (CVV2/CVC2/CID/CAV2/CSC): The 3 or 4 digit security code on the front or back of the payment card, used for card-not-present transactions.
  - Magnetic Stripe Data: Information extracted from the magnetic stripe on the back of a payment card.
  - Expiration Date (if stored in conjunction with PAN): The expiration date on the front of the card.
  - Cardholder Name (if stored in conjunction with PAN): The name on the front of the card.

- *Financial Account Data*: Information about a specific financial transaction, including financial account numbers (including any Cardholder Data) and the details about the financial transaction (such as the amount of the transaction, what was purchased, the identity of the merchant, and the date of the transaction).
- *Healthcare Information*: details about an individual's past, present or future physical or mental health or condition.
- *Sensitive Background Information*: any information relating to an identifiable individual’s ethnicity, political affiliation, sexual orientation, or religious affiliation.

Data categorized as SPII may differ from data defined as “sensitive personal data” in Google’s external statements or applicable laws.

Institutional Information

Institutional Information is information Google accesses about a legal entity, such as a company, business, organization, or government agency. Institutional Information can be User Data (when it is information about a user) or it can be information about other businesses (such as a Google partner or the customers of a Google user). Like Individual Information, Institutional Information can be anonymous, pseudonymous, identifiable, and/or sensitive.

Rationale

Classifying data is a key step in protecting it. Information at Google may be subject to extremely different controls,

limitations, and obligations depending on its sensitivity. We have committed to make certain information public and promised to keep other information confidential (for instance, in our Privacy Policy). We often have legal or contractual obligations to protect data or prevent disclosure of the information that could harm users, Googlers, or Google.

Exceptions or changes to these guidelines

The Google Security Policy Team (sp@google.com) maintains these guidelines. Exceptions to these guidelines must be approved by the Security Policy Team (sp@google.com). Changes to this policy must be approved by a Vice President of Information Security or higher.

Search security policies Search

This document is Google Confidential.

Status: Official

Last Reviewed: April 15, 2016
First Published: April 15, 2016

Guidelines for Classifying and Protecting Employee Data (go/employee-data)

Who Needs to Read These Guidelines

All Googlers.

Purpose of These Guidelines

This policy describes how Employee Data should be handled at Google to ensure its confidentiality, integrity, and availability.

Note: This policy does not apply to Business Data or User Data. Make sure you've determined the correct data category before applying these or any other guidelines.

Details

Classifying Employee Data

As per the Data Classification Guidelines, all Employee Data is classified as Need-To-Know until otherwise

classified. Within the Employee Need-To-Know classification, these Employee Data Guidelines define two sub-classifications of Employee Data:

- **Employee Personal Data** — This includes any information that relates to the employee's personal identity, personal affairs, compensation, or performance including diversity data (e.g., ethnicity, sex), personal contact details (e.g., home address, personal email address), salary, performance review data, etc. This is the default classification for employee data unless otherwise classified.
- **Employee Corporate Data** — This includes information that relates solely to the employee's corporate contact details, use of corporate devices, systems, and logs, and corporate events and programs including corporate username (LDAP), corporate email address and telephone number (stored anywhere other than the Corporate Directory), and corporate machine IP address. Examples of data sets that fall into this category include internal application logs related to the employee's corporate account or spreadsheets of Googler names and usernames collected for a specific purpose (e.g., a ski trip) that does not contain other Employee Personal Data as defined above.

Both of these classifications are Need-To-Know, so information should be shared only with authorized individuals for a specific purpose. The sub-classifications can be used by data owners and developers to determine the types of data protection controls required for their data.

Protecting Employee Data

The Data Security Policy details Googlers' responsibilities in handling Need-To-Know information, including Employee data. Data protection controls sufficient to prevent unauthorized access must be implemented. The strength of the control should be commensurate with the sensitivity of the information. If in doubt, consult your Privacy Working Group (PWG) and/or contact employee-privacy@google.com. The following table details the minimum required data protection controls for each classification of Employee Data.

Data classifcation level/sublevel	Minimum recommended data protection controls
Need-to-know Employee Personal Data	**Authentication & Authorization**

	e.g., Diversity data, personal contact details, compensation data, performance review data	• Authentication and authorization controls must be implemented at all layers of the stack to respect the principle of least privilege and restrict access to only those Googlers with a business need to access the data. • Access to certain data types in this classification require approval from People Operations (see go/pv-ac for details). • Interns are not permitted to access this data. • Fine-grained authorization must be used to restrict access to specific objects on a need-to-know basis. • Broad, coarse-grained or administrator access to data must be strictly limited. • Access to data must generally be restricted to fully trusted client devices. For exact requirements, refer to Tiered Access Guidelines. • For more detail on best practice authentication and authorization see go/dpdocs-triple-a. **Logging & Auditing** • Centralized audit logs must be generated for all human accesses** to data. Wherever technically possible, data access logs must be stored in Gin. • Coarse-grained / administrator access to data (e.g., storage layer accesses) must be logged and audited. • For environments that allow it, all code should be reviewed and explicitly-authorized (e.g., BCID L3). Where not possible (e.g., commercial 3rd party software), development, deployment and maintenance activities must comply with Google's change management policy. **Encryption**

	• Data must be encrypted whilst in transit across any untrusted networks. • Data must be encrypted at rest (e.g., eStorage enabled storage systems). **Monitoring** • The number of people with broad, coarse-grained or administrative access to data should be monitored by the system or data owner (e.g., Hubble monitoring).
Need-to-know Employee Corporate Data e.g., Corporate contact details (stored elsewhere from "Teams"), corporate IT logs	**Authentication & Authorization** • Authentication and authorization controls must be implemented at all layers of the stack to respect the principle of least privilege and restrict access to only those Googlers with a business need to access the data. • Fine-grained authorization should be used as needed to restrict access to specific objects on a need-to-know basis. • Broad, coarse-grained or administrator access to data must be restricted to only those Googlers with a business need to access the data. • Access to data must generally be restricted to fully trusted client devices. For exact requirements, refer to Tiered Access Guidelines. **Logging & Auditing** • Centralized audit logging (Gin) for all human accesses** is encouraged wherever possible and appropriate • Commensurate to risk and in environments that allow it, all code should be reviewed and explicitly-authorized (e.g., BCID L3).

	Encryption • Data must be encrypted while in transit across any untrusted networks.
Confidential Employee Data e.g., Employee Content, Teams corporate directory	**Authentication & Authorization** • All accesses to data must be authenticated and access restricted to Googlers and those third parties we work with who have agreed in writing to keep the information private. • Access to data must generally be restricted to minimally trusted client devices. For exact requirements, refer to Tiered Access Guidelines. **Encryption** • Data must be encrypted while in transit across any untrusted networks.
Public Employee Data e.g., Public Google Executive Biographies	**Authentication & Authorization** • Authentication and authorization controls should be used to ensure the integrity and availability of the data.

**Data access logs only need to be generated for human accesses outside "normal" application use. For example, an employee accessing their own data or a manager accessing their reports' data in the employee compensation tool does not need to generate an audit log, however a HRBP using "administrator" rights should generate an audit log. A SWE or SRE accessing data through a stubby interface or storage layer for debugging purposes should always generate an audit log.

Processing or storing Employee Data on Google Cloud Platform

As described above, the privacy and security controls required are based on the classification of data you are processing. The Security & Privacy Team has defined four "criticality buckets" (go/g-on-g-product-status) of "Google-on-Google" applications and the current status of each GCP product's privacy and security controls. The data protection requirements for these buckets are consistent with the requirements described in this document. The following table describes how Employee Data Classification levels map to Google-on-Google criticality buckets:

Employee Data Classification	Google-on-Google Criticality Bucket	Example application and controls
Need-to-know (Personal)	Application with **substantial** impact if compromised	Prosper is a one-stop shop for Googlers to find their compensation and benefits information. GAE hosts Prosper Frontend which makes stubby calls to the Compensation Service running on Borg. Data is stored in encrypted and auditable (eStorage + AuditRequirements) Spanner databases. Gin logs are generated by the GAE Frontend and Borg Compensation Service. The role account used to run the Compensation Service is BCID L3 compliant. Fine-grained ACLs ensure the majority of employees can only view their own data, and any coarse-grained or administrative access is strictly limited.
Need-to-know (Corporate)	Application with **contained** impact if compromised	"Fleet Manager" (hypothetical) processes and stores corporate IT logs containing Googler LDAPs, hostnames and IP addresses. GAE hosts XYZ Frontend with data stored in GCS. The application is used by certain members of TechStop, Security and Corp Eng teams. Access should be restricted to only those Googlers with a business need to access the data, however

		fine-grained (record level) access controls are not appropriate in this case. Gin data access logs are written for all accesses to Employee data.
Confidential	Application with **contained** impact if compromised	As per the Data Classification Guidelines, the Teams corporate directory is classified Confidential. Authentication and authorization controls should be used to restrict access to Googlers and those third parties we work with who have agreed in writing to keep the information private.
Public	Application with **minimal** impact if compromised	Biographies of Google Executives are made publicly available. Authentication and authorization controls should be used to ensure the integrity and availability of the data.

Associated policies

Data Security Policy

Data Classification Guidelines

Employee Privacy Policy

Privacy Policy Puppy: What categories of data may be copied or exported by Google into BigQuery?

Security Policy Kitten: May I run applications processing sensitive data on the Google App Engine platform?

Associated document

G-on-G Cloud Product Readiness

Administrivia

Who: These guidelines were written by iangreen@ with input from various Privacy, Security and Corp Eng

teams.

Approved: These guidelines were approved by Privacy Policy Team (ippt@google.com) on February 18, 2016.

Management Sponsor: Gerhard Eschelbeck (gerharde@google.com)

Exceptions or Changes to These Guidelines

The Employee Privacy Team (employee-privacy@google.com) maintains this policy. Exceptions or changes to this policy must be approved by the Director of Privacy or higher.

Google

This document is Google Confidential.

Search the internal privacy policies!

search

MyGoogle Help

MYGOOGLE FEEDBACK CONTACT US

Employee Communications Policy

As Googlers, we have a unique opportunity to make a big difference in the world. Along with that opportunity comes an important requirement: that we always represent our company responsibly. Remember that as long as you are employed here, we expect you to consider how you communicate internally and externally, and how that communication affects the company.

Please read through and follow this policy. Depending on the circumstances, failing to follow this policy will have consequences for your employment with Google, up to and including termination, subject to local requirements. If you have questions, there are contacts at the end to help you.

Nothing in this or other Google policies is intended to limit employees' rights to discuss with other employees the terms, wages, and working conditions of their employment, or to communicate with a government agency regarding violations of law, as warranted and as protected by applicable law.

In addition, because Google is a subsidiary of Alphabet, the obligations of confidentiality and speaking externally apply to confidential information related to Alphabet and any other Alphabet subsidiaries in the same way as to Google information.

Part 1 - Legal agreements

Confidentiality agreement

When you joined Google, you signed an employment agreement. It requires you to hold Google's information in strictest confidence: that you not share any confidential or privileged information—from unannounced products to financial performance—with people outside the company. Any discussion of such confidential matters may affect Google negatively in our business dealings and the media, or may even lead to securities law violations (for you personally, as well as the company). If you share any trade secrets or confidential information outside the company, you may be terminated, held personally liable, or even subject to prosecution. Trade secrets may include information not publicly known regarding the development of systems, processes, products, know-how and technology. Confidential information includes internal reports, policies and procedures or other internal business-related confidential communications that have not been made public. Even if you didn't intend your personal observation to be public, if you violate your confidentiality obligations by disclosing non-public information outside of Google, you may be subject to legal action.

Note: If you come across something that you think discloses confidential information, contact stopleaks@google.com.

Code of Conduct

As a Google employee, you are also bound by our Code of Conduct and your local Employment Policies. The Code outlines how to protect yourself from possible conflicts, and how to keep our confidential information confidential. We encourage you to review the Code carefully. You should also review the Communications Disclosure policy, which is part of the Code of Conduct and provides more detail on what is considered non-public information and which Googlers are authorized to speak on behalf of Google. Only authorized Googlers are permitted to talk about the company with the press, members of the investment community, partners, or anyone else outside of Google. Even those authorized to speak for the company may get questions beyond their immediate expertise, so in general we caution everyone to steer clear of topics involving Google's trade secrets and private and confidential information. These would include things like:

1. financial results, including earnings, any internal forecasts, projections
2. customers or partner agreements
3. pending or proposed mergers or acquisitions
4. engineering achievements or other research developments or patents
5. product or feature announcements
6. changes in senior management
7. recruiting and hiring processes or other policies or procedures, and
8. matters that are subject to the attorney-client and attorney work product privileges.

Part 2 - Internal Googler Communications

Healthy and respectful debate is an important part of Google's culture—but we all have a responsibility to consider the impact of our words on others. Remember to use good judgment and ensure that your communications (email, misc threads, discussion groups, Hangouts, G+ posts, Memegen, etc.) are in alignment with our Code of Conduct and Googler employment policies.

Discriminatory remarks, threats, or similarly inappropriate or unlawful conduct are never OK. It is not acceptable to engage in conduct like threatening, intimidating, coercing, or otherwise interfering with the job performance of fellow employees or visitors.

This policy is subject to local laws. Please visit Google's Workplace Concern Policy for more information about the channels to raise workplace concerns and the process for investigating a concern.

Part 3 - External Communications

Rules of Engagement

There are some basic rules to keep in mind whether you're posting on your personal social media profile, staffing a Google event or talking to friends and family about topics like perks, competitors, and business and financial performance, including earnings. These rules apply at all times, including to communications outside of working hours and whether or not you are using Google equipment or facilities.

There is massive curiosity about all things Google

There is massive curiosity about all things Google

There's an ongoing (and global) appetite for news or rumors attached to Google. Even when you only intend to express your personal point of view, others may conflate it with what Google "thinks" or "believes" (or must be doing!). Things you post (blogs, Google+, Twitter, Facebook, etc.) can't be easily taken back, and things you say in spoken conversation may be noted or recorded by someone else. And given the speed at which information travels, anything you say that's related to Google can be found and go viral. So as the old adage goes, think before you speak (or tweet).

Note that even anonymous or pseudonymous comments come with risk. It would not be difficult for an enterprising reporter or person to link a post to your name, and then to your employment at Google.

Comment with good information

When speaking about Google publicly, whether on social media, at a conference or at a party with friends, do not assume that any information you read from news and opinion sites or blogs is factual. When you mention Google, cite only **non-confidential or publicly-available information** from our corporate blogs and social media accounts. You can also refer to the approved talking points and metrics at go/keymessages .

Take the high road

Keep in mind that when you criticize a product or policy at Google on social media or other sites, it is highly likely your communication will be picked up and result in a press cycle, even if you include a disclaimer. Do not take it upon yourself to defend Google, criticize our competitors or potential competitors or "set the record straight" about our position, strategy, direction, etc. No matter how well-intentioned, your comments may (a) go viral in unexpected ways; (b) be subject to subpoena or other court action; (c) seriously undermine the hard work of our legal, policy and communications teams; or (d) expose Google and you personally to litigation. If you come across something you think merits a response, send it to press@google.com instead of taking it on yourself.

Social Media

These days, it's almost a given that you will have one or more profiles on social media, and it's possible—even likely—that your profiles are identifiable as belonging to a Googler. Because anything you do on social media has the potential to reflect back on Google, you always need to be thoughtful about how you appear and interact on social media. In this section, you can find some rules to follow when using social media (including blogs) for personal expression.

Please note: Google does not prohibit limited use of our corporate network for personal purposes. However, such use must not interfere with getting your work done or disrupt or burden our systems, and must comply with all policies.

Do your work on Google's corporate social media

If you are interacting with clients, customers, or other Google employees for work, you should

If you are interacting with clients, customers, or other Google employees for work, you should use your corporate account. Don't use personal gmail or Google+ accounts for work purposes, and never put Google confidential information into a personal account. For more information on these specific guidelines, including the very limited circumstances when you may use a personal Google+ account for Google work, see the Internal Google+ FAQs and the Accounts Security Policy.

Review your visibility settings

Many social networks provide tools to restrict who can view your profile and content. Features such as circles in Google+ and customizable privacy settings on Twitter and Facebook can be helpful in drawing the line between what is your own opinion and what is Google's. Keep in mind that even if you share to a circle or private group, it's still possible for it to be reshared, screenshot, etc., so you still need to be mindful of what you say there since you will ultimately be held responsible for a communication you share outside of Google that gets passed along, whether or not you approved it.

Disclose your relationship to Google

If you talk or post about Google outside the company, it is important that you appropriately disclose your relationship to Google by (i) posting a standing disclaimer, and (ii) making clear that you work for Google whenever you comment on our goods and services.

Disclaimer. If you frequently comment about Google or technologies related to our work, add a disclaimer to your profile indicating that your opinions are your own. Such a disclaimer should make it clear that you're conveying your own opinions, e.g., "The opinions stated here are my own, not those of my company." Remember that even having a disclaimer doesn't absolve you of responsibility for your own words. As a Googler, you're still responsible for adhering to the Code of Conduct and Google's employment policies and guidelines. None of your personal opinions or comments outside of Google should disclose confidential information about the company. Please make sure your "About Me" or bio (where you'll likely put your disclaimer) says more than just, "I work at Google." By putting your company affiliation front and center and not including any non-Google information about yourself, your background, your interests, and what you'll talk about on your blog or social media profile, it's more likely to seem like you are trading on your position as a Google employee, and you may also lead people to associate that account first and foremost with the company.

Talking about Google products and services. Googlers like to talk about Google products and services outside of Google, which is great. However, if a Googler endorses a Google product or service without disclosing that she or he is a Googler, that could be misleading. The reason is that the recipient may find it relevant that you work at Google and thus have a financial interest in the endorsement. Therefore, if you, either as a personal matter or in connection with your work at Google, are endorsing the use of Google's products or services (whether on a personal social media account or on a corporate account that is visible to those outside of the google.com domain), you need to clearly disclose in each such post that you work for Google, even if you have already disclosed that you work for Google in a profile. The only exceptions are (i) you are posting to a limited audience of close friends and family who know that you work at Google or (ii) the general public knows you work at Google (e.g., you are the CEO). If you are required to make a disclosure, you must make the disclosure in each post, regardless if you are creating a new

post, resharing a post, or commenting on a post. The disclosure must also be made if you are posting, resharing, or commenting on an article that endorses Google or its products or services. Here are a few examples of how you can make this disclosure:

- Include a statement that indicates that you are employed by Google like "Here at Google, we are..." or "After months of hard work we are launching..."
- Add a hashtag disclosure, such as #lovemyjob, #workhere, #bestjob

In addition, if you write an online review, whether on a Google owned-and-operated website (e.g., Google Play) or a third-party website (e.g., Amazon), that endorses Google's products or services, you need to clearly disclose in each review that you work for Google.

Note that if you are asked by Google to take action on your personal social media site or write a personal review, it is entirely voluntary whether you choose to do so. If you do choose to make a statement in your personal account, you should only make statements that reflect your honest beliefs, opinions, findings or experiences (and of course should also disclose that you work for Google); you should not state a positive opinion for a Google product or service unless you actually feel that way. If you are feeling pressured to make an endorsement that you don't agree with, or have a concern these rules are being violated, please reach out to code-of-conduct@google.com.

Be careful with links

Part of the art of posting and sharing is what you link to (sites, news items, tweets). The sources you cite can send a signal about what information is true, or what you agree with. Consider your sources and be mindful when linking to articles or sources that could be considered biased, unreliable or inflammatory. Don't forget that context is important—simply posting a link could imply you fully endorse that information, whereas adding some information about why you find it interesting can diffuse that.

Be careful with images

It's natural for you to want to share photos of your work life, but the level of fascination with Google is so high that even a snapshot can lead to speculation about things you didn't expect. Consider what readers will derive from you sharing images related to your work or team. Remember, you need to get permission of the people whose images you're sharing, so snapshots of our execs, VIP guests, employees and others on campus are **not** fair game. Also, just like any other data, photos containing confidential information cannot be disclosed outside of Google. (Our photo policy is here.)

Public Speaking

Many Googlers are asked to participate in external events and conferences. It's great to have Googlers representing our company on important subjects and before partners, but we need to ensure that such events are appropriate for Google representation; that Googlers are prepared to represent Google's positions; and that prospective speakers know how to deal with press who may be present at any public event.

If you plan to speak publicly even on subjects that are not germane to Google's business or technologies, it would be very easy for reporters to assume (and report) that you're speaking on behalf of **all** of Google. Caution is warranted.

You must have approval from both communications and your manager before agreeing to speak on behalf of Google, or because of your Google affiliation, at an event. For financial/investor conferences, Investor Relations must approve before you commit to speak. Before you commit to speak formally, even if you won't be discussing Google business, visit the Speaker Center, where you'll find a checklist of guidelines for speaking publicly and a form where you can submit details on your event for approval.

Publishing: Books and Articles

Writing and publishing a book or article about Google, or about business or technology relevant to Google, can raise issues of conflicts of interest, disclosure of confidential information, and intellectual property rights.

Due to these concerns, Googlers may not publish a book or article about Google, or about business or technology relevant to Google, without prior approval. It's therefore important for any Googler considering writing a book or article to follow proper procedures.

Technical books and publications

If your book or article is "technical" (e.g., involves code, technology, engineering), follow the process at go/publications.

Non-technical books and publications

If your book or article is not technical, but it is about Google or about topics related to Google or your work here (e.g., about small business marketing, or a novel about someone working at a tech company in Silicon Valley), follow the process below.

- Submit a description of the book or article proposal to bookpub-approvals@google.com. This will be reviewed by PR, legal, and your manager, reaching out to additional subject matter experts as necessary. It's good to get the proposal reviewed, so you know if there are issues before you put in a lot of work on your book.
- Submit the completed draft of the book or article to bookpub-approvals@google.com. This will be reviewed by the same group.
- If publication is approved, Google will sign over copyright to you.

A book that is not about Google, or about business or technology relevant to Google, does not need to be reviewed. If you're not sure if your book needs to be reviewed, email bookpub-approvals@google.com for advice.

Additional policies regarding publications

Royalties: It creates a potential conflict of interest for Googlers to personally profit from

publications making use of their Google work. As a result, Googlers often agree to donate any proceeds to charity. You can ask for guidance from code-of-conduct@google.com.

Use of Google resources: If you are writing a book or article as a personal project, then you should observe the standard rules for outside work—no use or disclosure of Google confidential information, and no work on Google time or with Google resources (e.g., no use of corporate accounts or Drive).

Google branding and identification: The book cannot be branded as Google or include Google in the title/subtitle or tagline. You may identify yourself as a Googler, but you must make clear that the opinions expressed are yours and not those of Google.

Interacting with press

Except as noted elsewhere in this policy, no Googler should speak to the press without prior clearance from Google's communications team. With hundreds of reporters, bloggers, commentators and broadcasters eager to cover the latest news from our company, it's easy to run into trouble if you enter into a conversation unprepared. And even Googlers who are approved to speak for the company sometimes get questions outside their comfort zone.

So if you are approached by a member of the press with a question about Google, whether over email or in person, refer them to press@google.com to respond. If you get a more general inquiry and you're not sure if someone is media or not, send it along anyway. Our communications team can vet the question and determine the best way to respond.

Here's a look at some of the common problems and questions that can arise when you're approached by press, and how to respond:

"I didn't want to be rude."

It's OK to say you don't know, or that you aren't the best person to answer a question. If you're approached by a journalist in person, get their name and contact info, then send to press@google.com. Or just tell them to email press@google.com directly (trust us, they've done it before!).

"Hey, I thought I was 'off the record.'"

There's no such thing as "off the record" when speaking to members of the media. It's always a good thing to be friendly but cautious. Go ahead and talk about that great new Thai restaurant, or the World Series, or your favorite tunes. But it's definitely not OK to answer any question about anything of a remotely confidential, proprietary, or future-oriented nature about Google. Again, please just refer reporters and analysts to press@google.com.

"But this writer is my friend."

Many of you know media people, professional bloggers or industry commentators personally. If any of them is asking about information that you are not sure has been publicly released by us, do not confirm, deny or comment. Just refer them to press@google.com.

"It's my job."

Sometimes, Googlers might have good reason, as part of their job, to interact with media. For example, if you're in sales, you might be talking with the business department of an online news site to get them to advertise with Google. Or if you are in product, you might want to invite bloggers in to share their feedback on some coming changes. Even if you have good reason, you should not hold meetings with bloggers, journalists or editors without notifying our communications team at press@google.com. (This does not apply to business relationships at news publications, only to the editorial side.)

Interacting with the investment community

You should apply the same general guidelines to interactions with the investment community as to interactions with the press. The significant amount of interest in our company, and the fact that we don't offer guidance, mean that investors and analysts sometimes try to obtain information through conversations with Googlers at conferences or in social situations. Googlers should not speak to any member of the investment community about the company without prior approval from the Investor Relations team. If you are approached by a member of the investment community with a question about Google or Alphabet, or someone asks you to speak at an investment conference, please refer them to investor-relations@google.com to respond. Similarly, you should not invite members of the investment community to participate in Google events without checking with the Investor Relations team first.

Contacts

Please don't hesitate to reach out at any time to these resources:

1. To forward requests and comments from journalists, broadcasters, etc. or for a gut-check on a personal tweet or blog post: press@google.com
2. If you are invited to speak at a meeting outside the company: press@google.com
3. When you or others have questions about interactions with members of the investment community or disclosing information about our financial performance: investor-relations@google.com
4. If you've seen or heard something that goes against this policy: go/saysomething
5. For guidance on your personal communications regarding your opinions on Google-related topics: press@google.com
6. If you come across something that you think discloses confidential information: go/stopleaks
7. HR questions: hr-help@google.com
8. Legal and ethical concerns: code-of-conduct@google.com

Updated December 2015

Was this article helpful?

YES NO

Global employment practices

Alcohol use, smoking and drugs

Anti-bribery & Government Ethics Policy

Communications and Disclosure Policy

Confidentiality

Conflicts of interest

Employee Communications Policy

Gifts and Entertainment Policy (Non-Government)

Guidelines for Googlers using Google products and services

Policy against insider trading and reporting financial and accounting concerns

Relationships with Coworkers Policy

Retaliation Policy

Workplace Concern Policy (Global)

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Standards of Conduct Policy (US)*

Prohibited Behaviors

Google encourages Googlers to speak up if they see something they don't think is right. Google holds employees to the highest standards of ethics and conduct to maintain a healthy, fun and collaborative environment. We expect Googlers to work cooperatively with co-workers, TVCs, clients, and visitors.

Certain prohibited behaviors could result in disciplinary action up to and including termination. Examples of those behaviors are provided below. Nothing in this policy, or any other Google policy, limits employees' rights to (1) talk about pay, hours, or other terms of employment or working conditions, or (2) to communicate with a government agency or official regarding those topics or any violation of law.

Prohibited behaviors include:

- Violation of company policy, including but not limited to the company's Policy Against Harassment, Discrimination and Retaliation.
- Theft, stealing or removal (without express permission) of any property you do not own.
- Unethical behavior, including dishonesty, failure to disclose conflicts of interest, or falsification of any records, forms, or reports.
- Accessing data in violation of privacy, security or other policies, or modifying access rights to any system that contains user, employee or customer data without express permission of the data owner.
- Insubordination (refusing a reasonable work assignment or refusing to follow work-related instructions).
- Verbal or physical conduct that a reasonable person would find threatening, intimidating, bullying or coercive, or the gratuitous sabotage or undermining of a co-worker's work performance.
- Unprofessional behavior toward clients or visitors, including but not limited to the use of profane or disrespectful language.
- Soliciting other Googlers, TVCs or clients on working time.

- Excessive absenteeism, such as being absent for three or more days in a row without notice.
- Creating a significant safety or health hazard, intentionally or unintentionally.
- Possession of weapons and/or any type of firearms on Google premises
- Engaging in or threatening to engage in violent behavior.
- Mistreating or destroying company property, such as downloading illegal content or unapproved software.
- As a manager, asking or requiring an Administrative Business Partner or subordinate to conduct purely personal tasks for you during work time.
- Possession, sale and/or use of controlled substances.
- Committing a felony that might impact the business and/or company, such as fraud or theft.

Reporting a Concern

Googlers are free to voice concerns and questions about behavior in the workplace, their jobs, work groups, or general work conditions. Googlers can reach out to their Human Resources Business Partner (HRBP) or visit Google's Workplace Concern Policy for more information about some of the channels available for raising concerns and questions.

Last updated: September 2016

**This policy was previously titled the Appropriate Conduct Policy*

Code of Conduct

Purpose

Directors and employees of Alphabet, its subsidiaries, and its controlled affiliates are expected to always do the right thing -- to do business ethically and with integrity, to follow the law, and to report situations where they believe that this expectation is not being met.

Who Must Follow this Code?

This Code applies to all employees and directors of Alphabet, its subsidiaries, and its controlled affiliates, collectively referred to as “Alphabet Employees”, as well as Alphabet, its subsidiaries, and its controlled affiliates, collectively referred to as the “Alphabet Businesses”.

Contractors, consultants, and others temporarily assigned to perform work for Alphabet Businesses are also expected to follow this Code in connection with their work for the Alphabet Businesses.

Failure to Follow the Code

For Alphabet Employees, failure to follow this Code can result in disciplinary action, including termination of employment. For contractors, consultants, and others temporarily assigned to perform work for Alphabet Businesses, failure to follow this Code can result in termination of that business relationship.

1. Avoid Conflicts of Interest

Avoid conflicts of interest. A conflict of interest is a situation in which you reasonably appear to be in a position to benefit yourself or a person or business you're associated with at the expense of the Alphabet Businesses. Sometimes a situation that previously did not constitute a conflict of interest may develop into one.

A conflict of interest could harm your reputation and ability to do your job, and could embarrass you or Alphabet.

If an outside activity you're engaging in or considering engaging in might create a conflict of interest, contact Ethics & Compliance to review the situation.

2. Maintain A Work Environment Free of Harassment and Discrimination

Employment at Alphabet Businesses is based upon individual merit and qualifications directly related to professional competence. Do not engage in harassment or improper discrimination of any kind, including on the basis of race, color, religion, veteran status, national origin, ancestry, pregnancy status, sex, gender identity or expression, age, marital status, mental or physical disability, medical condition, sexual orientation, and any other characteristics protected by law. Alphabet Businesses will make all necessary accommodations to meet obligations under laws protecting the rights of the disabled.

3. Protect Users' and Customers' Information

Collect, use, and access users' and customers' information only as authorized by applicable security policies, privacy policies, data protection laws, and other applicable laws.

4. Maintain A Workplace Where Concerns of Misconduct Can Be Raised Safely and Are Investigated Fairly

Always raise suspected violations of this Code, or behavior you believe may be unethical or unlawful. You can raise a concern, including a concern that an Alphabet Employee or an Alphabet Business is violating this Code, by contacting your manager or the Alphabet Helpline, which permits anonymous reporting.

Allegations of misconduct, including violations of this Code, will be investigated fairly, and incidents of misconduct will be responded to appropriately. Cooperate in internal investigations of alleged misconduct.

Never retaliate or allow retaliatory employment actions against an Alphabet Employee or service provider because he or she raised a concern or participated in an investigation of alleged misconduct.

5. Protect the Assets of Alphabet Businesses

Protect the assets of Alphabet Businesses, including their proprietary information, intellectual property and trade secrets, equipment, communication facilities, and physical facilities.

a. Confidentiality
Keep confidential Alphabet's financial and product information, user and customer information, and any other proprietary business information belonging to Alphabet Businesses.

b. Intellectual Property
Protect the intellectual property rights of Alphabet Businesses -- including trademarks, logos, copyrights, trade secrets, "know-how", and patents.

c. Communication Facilities
Don't permit unauthorized access to company networks.

d. Physical Security and Company Equipment
Protect the physical security of our work environment and the equipment in it. Always wear any access badge you've been issued visibly, and don't let unauthorized visitors "tailgate" behind you through doors. Promptly report any suspicious activity.

6. Spend Money Wisely, Keep Complete and Accurate Financial Records, and Support All Internal Controls

Make sure that money is appropriately spent, financial records are complete and accurate, and internal controls are followed. If your job involves the financial recording of Alphabet business transactions, make sure that you are familiar with all relevant policies. Never interfere with the auditing of financial records. Never falsify any company record or account. Never sign any contract on behalf of an Alphabet Business unless you are authorized to do so under the applicable Commitment and Signature Authority Policy. All contracts should be in writing and contain all relevant terms. If you suspect or observe any irregularities relating to financial integrity, recording of transactions, or fiscal responsibility, no matter how small, immediately report them.

7. Obey the Law and Company Policies

Obey all applicable legal requirements and any Alphabet and company-specific policies, including, if you are employed by a subsidiary or controlled affiliate of Alphabet, your employer's code of conduct and other policies. Understand the laws and regulations that apply to your work, such as anti-bribery laws, trade control laws, competition laws, and insider trading and related securities laws. Familiarize yourself with Alphabet's Insider Trading Policy, which applies to all Alphabet Employees.

8. Use Responsible Suppliers

Use responsible suppliers that share our approach to labor practices, protecting the environment, and obeying the law.

Additional Information

If you have any questions regarding this Code, or if you suspect an actual or potential violation of this Code, please contact Ethics & Compliance, your manager, or the Alphabet Helpline.

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Policy Against Harassment, Discrimination and Retaliation (US)

Google's philosophy is that all employees, TVCs and visitors are entitled to a positive environment where everyone can be a successful contributor. To that end, all employees are entitled to, and have a responsibility to uphold, a culture that is free of harassment, intimidation, bias and discrimination.

Employees who are found to have violated this policy are subject to discipline up to and including termination.

What is harassment?

Harassment is unwelcome conduct (physical, verbal or non-verbal) based on an individual's protected status that creates an environment that is intimidating, hostile, or abusive, or a situation where enduring such conduct is a condition of employment. Harassment can be one severe incident or a series of less severe incidents.

Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where 1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of advances is used as the basis for employment decisions affecting an individual; or (3) unwanted conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if it does not lead to tangible or economic job consequences.

What is discrimination?

Discrimination is behavior in the workplace that results in the terms and conditions of an individual's employment being adversely affected due to the individual's protected status.

What is protected status?

Protected status varies by location, but may include categories like race, creed, color, religion, sexual orientation, sex (including gender, gender identity/expression or transgender, pregnancy and childbirth or related condition, breastfeeding or related condition, or sex stereotyping), national origin, disability, medical condition, age, genetic information, military or veteran status, protected leaves, marital status, or any other basis protected by law.

Each Googler is expected to do their utmost to create a workplace culture that is free of harassment, intimidation, bias and discrimination based on protected status. This includes behaviors that you might experience as an employee at a client or supplier organization. If you see or experience something that doesn't feel right to you, please speak up. More information about the channels to raise workplace concerns, and the process for investigating a concern can be found in Google's Workplace Concern Policy.

Retaliation for reporting any incidents of actual or perceived discrimination, harassment, or bullying, or for participating in any investigation of such incidents is strictly prohibited. More information about Google's policy against retaliation can be found in Google's Retaliation Policy.

Please visit Google's Workplace Concern Policy for more information about the channels to raise workplace concerns and the process for investigating a concern.

Last updated: September 2016

This policy covers internal and external communications by our employees in general, including via social media, participation in external events and conferences, books and articles, and interaction with the press, etc. For more information on external communications by our employees with members of the media and investment community, particularly as they relate to material nonpublic information such as our financial performance, please see the Communications and Disclosure Policy.

Employee Communications Policy

As employees of Alphabet and its subsidiaries and controlled affiliates (collectively, Alphabet), we have a unique opportunity to make a big difference in the world. Along with that opportunity comes an important requirement: that we always represent ourselves responsibly. Remember that as long as you are employed here, we expect you to consider how you communicate internally and externally.

Please read through and follow this policy. Depending on the circumstances, failing to follow this policy may have consequences for your employment with Alphabet, up to and including termination, subject to local laws. If you have questions, there are contacts at the end to help you.

Nothing in this Alphabet policy, or any Alphabet policy, limits the rights of employees to 1) talk about pay, hours, or other terms of employment or working conditions, or 2) communicate with a government agency or official regarding these topics or any violation of law, per applicable laws.

Part 1 - Legal Agreements

Confidentiality agreement

When you joined Alphabet or a subsidiary or controlled affiliate of Alphabet, you signed an agreement containing various obligations including the requirement to hold proprietary information and trade secrets in strictest confidence. Please reference the terms of your agreement for specifics.

Note: If you come across something that you think discloses confidential information inappropriately, reach out to go/stopleaks or contact security-incidents@google.com and stopleaks@google.com.

Code of Conduct

You are also bound by Alphabet's Code of Conduct and the employee policies that apply to you. If you are employed by a subsidiary or controlled affiliate of Alphabet, please also consult your employer's code of conduct (e.g., Googlers are bound by Google's Code of Conduct), as well as any applicable policies of your employer. The Alphabet Code of Conduct outlines how to protect yourself from possible conflicts and the importance of keeping our proprietary information and trade secrets confidential. We encourage you to review the Alphabet Code of Conduct, your employer's code of conduct, and any relevant policies carefully.

You should also review Alphabet's Communications and Disclosure Policy, which provides guidelines regarding communications, particularly as they relate to material nonpublic information, by our employees with our stockholders, the media, and the investment community in order to comply with applicable securities laws and requirements of the NASDAQ Global Select Market. It also explains what is considered material nonpublic information and who is authorized to speak to the public on behalf of Alphabet.

Part 2 - Internal Communications

We all have a responsibility to consider the impact of our words on others so that we continue to have an inclusive environment that is free of discrimination, harassment, and retaliation. To this end, remember to use good judgment and ensure that your communications (email, discussion groups, Hangouts, Google+ posts, Memegen, etc.) are in alignment with Alphabet's Code of Conduct, your employer's code of conduct, and any relevant policies.

Part 3 - External Communications

Rules of Engagement

There is massive curiosity about all things Alphabet

There's an ongoing and global appetite for news or rumors attached to Alphabet. Even when you only intend to express your personal point of view, if you are not clear about that, others may conflate it with what Alphabet "thinks" or "believes" (or must be doing!). Things you post (blogs, Google+, Twitter, Facebook, etc.) can't be easily taken back, and things you say in spoken conversation may be noted or recorded by someone else. And given the speed at which information travels, anything you say can be found and go viral. So as the old adage goes, think before you speak (or tweet).

Note that even anonymous or pseudonymous comments come with risk. It would not be difficult for an enterprising reporter or person to link a post to your name, and then to your employment at Alphabet.

Speak with good information

When speaking about Alphabet publicly, whether on social media, at a conference, or at a party with friends, do not assume that any information you read in the news or on opinion sites or blogs is factual. In the case of confidential proprietary information or trade secrets, do not assume that you are free to discuss those topics just because news related to them might have appeared in the media or on the Internet. If you you have any questions regarding information you can or cannot share, reach out to press@abc.xyz.

Take the high road

Do not take it upon yourself to speak on behalf of Alphabet to defend the company, criticize our competitors or potential competitors, or "set the record straight" about our position, strategy, direction, etc. No matter how well-intentioned, unauthorized comments made on behalf of the company may 1) go viral in unexpected ways; 2) be subject to subpoena or other court action; 3) seriously undermine the hard work of our legal, policy, and communications teams; or 4) expose us and you personally to litigation. If you come across something you think merits a response, send it to press@abc.xyz instead of taking it on yourself.

Social Media

In the age of social media, it's possible—even likely—that your profiles are identifiable as belonging to an employee of Alphabet, and it is important to keep that in mind when using social media. In this section, you can find some rules to follow when using social media (including blogs) for personal expression.

Alphabet permits use of its corporate network for personal purposes so long as such use does not interfere with getting your work done or disrupt or burden our systems and complies with all policies.

Do your work on Alphabet's corporate social media

If you are interacting with clients, customers, or other Alphabet employees for work, you should use your corporate account. Don't use personal gmail or personal social media accounts for work purposes, and never put Alphabet's confidential proprietary information or trade secrets into a personal account. For Googlers, more information on these specific guidelines can be found on the Accounts Security Policy.

Review your visibility settings

Many social networks provide tools to restrict who can view your profile and content. Features such as circles in Google+ and customizable privacy settings on social media can be helpful in drawing the line between what is your own opinion and what is Alphabet's. Keep in mind that even if you share something to a circle or private group, it's still possible for it to be reshared, screenshot, etc., even if that was not your intention.

Disclose your relationship to Alphabet

If you talk or post about Alphabet's products and services outside the company, it is important that you appropriately disclose your relationship to Alphabet by 1) posting a standing disclaimer, and 2) making it clear what your relationship is with Alphabet.

Disclaimer. If you frequently comment about Alphabet's products, services, or technologies, add a disclaimer to your profile indicating that your opinions are your own, for example, "The opinions stated here are my own, not those of my company." Remember that even having a disclaimer doesn't absolve you of responsibility for your own words. You're still responsible for adhering to the Alphabet Code of Conduct, your employer's code of conduct, and other employment policies and guidelines that apply to you. None of your personal opinions or comments outside of Alphabet should disclose confidential proprietary information belonging to, or the trade secrets of, the company you work for or Alphabet.

Talking about Alphabet products and services. If an Alphabet employee endorses an Alphabet product or service without disclosing that she or he is an Alphabet employee, that could be misleading. The recipient may find it relevant that you work at Alphabet and thus have a financial interest in the endorsement. Therefore, if you, either as a personal matter or in connection with your work at Alphabet, are endorsing the use of Alphabet's products or services (whether on a personal social media account or on a corporate account that is visible to those outside of the google.com domain), you need to clearly disclose in each such post that you work for Alphabet, even if you have already disclosed that you work for Alphabet in a profile. The only exceptions are 1) you are posting to a limited audience of close friends and family who know that you work at Alphabet, or 2) the general public knows you work at Alphabet (e.g., you are the CEO). If you are required to make a disclosure, you must make the disclosure in each post, regardless if you are creating a new post, resharing a post, or commenting on a post. The disclosure must also be made if you are posting, re-sharing, or commenting on an article that endorses Alphabet or its products or services. Here are a few examples of how you can make this disclosure:

- Include a statement that indicates that you are employed by Alphabet like "Here at Alphabet, we are..." or "After months of hard work we are launching..."

- Add a hashtag disclosure, such as #lovemyjob, #workhere, #bestjob

In addition, if you write an online review, whether on an Alphabet owned-and-operated website (e.g., Google Play) or a third-party website (e.g., Amazon), that endorses Alphabet's products or services, you need to clearly disclose in each review that you work for Alphabet.

Note that if you are asked by Alphabet to take action on your personal social media site or write a personal review, it is entirely voluntary whether you choose to do so. If you do choose to make a statement in your personal account, you should only make statements that reflect your honest beliefs, opinions, findings, or experiences (and of course should also disclose that you work for Alphabet); you should not state a positive opinion for an Alphabet product or service unless you actually feel that way. If you are feeling pressured to make an endorsement that you don't agree with, or have a concern these rules are being violated, please reach out to code-of-conduct@google.com.

Read through any links

An important part of social media is what you link to (e.g., sites, news items, tweets). The sources you cite can send a signal about what information is true, or what you agree with. Consider your sources and be mindful when linking to articles or sources that could be considered biased or unreliable. Don't forget that context is important—adding some information about why you find a link interesting can help clarify your opinion, whereas simply posting a link could imply you fully endorse that information.

Be careful with images and recordings

While you may want to share photos and videos of your work life, it is important to respect the privacy rights of other Alphabet employees, protect Alphabet's intellectual property, and comply with your applicable data disclosure policies and guidelines.

Speaking Publicly on Behalf of Alphabet

You may be asked to participate in external events and conferences. It's great to have our employees representing our company on important subjects and before partners, but we need to ensure that such

events are appropriate for Alphabet representation and that prospective speakers who will be speaking on the company's behalf are prepared to represent its positions and handle inquires from the press who may be present at the event.

You must have approval from both the communications team and whatever other approvals are required by your employer before agreeing to speak on behalf of Alphabet at an event. For financial/investor conferences, Investor Relations at investor-relations@abc.xyz must approve before you commit to speak. Before you commit to speak publicly on behalf of Alphabet, visit the Speaker Center for a checklist of guidelines for speaking publicly and a form where you can submit details on your event for approval.

If you plan to speak at a public event but not on behalf of the company, be very clear in your acceptance of the invitation and in your remarks that you are speaking on your own behalf and not on behalf of Alphabet.

Publishing: Books and Articles

We strive to give consistent messaging about our products and services, so writing and publishing a book or article about Alphabet's products and services, or about business or technology relevant to Alphabet, can raise issues of conflicts of interest, disclosure of confidential information or information restricted from disclosure under applicable data disclosure policies and guidelines, and intellectual property rights.

Due to these concerns, you may not publish a book or article about Alphabet's products or services, or about proprietary business information or technology relevant to Alphabet, without prior approval. Any Alphabet employee considering writing a book or article along these lines should follow proper procedures.

Technical books and publications

If your book or article is "technical" (e.g., involves code, technology, engineering), follow the process at go/pubapprove or consult your employer's PR team.

Non-technical books and publications

If your book or article is not technical, but it is about Alphabet or about topics related to Alphabet or your work here, Alphabet reserves the right to review a draft in advance of release in order to ensure compliance with applicable data disclosure policies. Before you begin writing, submit a description of the

book or article proposal to bookpub-approvals@google.com so that Alphabet can assess whether the book or article is likely to reveal confidentiality proprietary information or trade secrets.

A book that is not about Alphabet, or about business or technology relevant to Alphabet, does not need to be reviewed. If you're not sure if your book needs to be reviewed, email bookpub-approvals@google.com for advice. Nothing in this policy is intended to limit employees' rights to discuss or publicize their views regarding their pay, hours, or other terms of employment or working conditions, per applicable law.

Additional policies regarding publications

Royalties: It creates a potential conflict of interest for Alphabet employees to personally profit from publications making use of their Alphabet work. As a result, Alphabet employees often agree to donate any proceeds to charity. You can ask for guidance from code-of-conduct@google.com.

Use of Alphabet resources: If you are writing a book or article as a personal project, then you should observe the standard rules for outside work—no use or disclosure of Alphabet confidential proprietary information or trade secrets, and no work on Alphabet time.

Alphabet branding and identification: If you intend to publish a book or article, you should respect all copyright, trademark, and all intellectual property laws and be aware of proper fair use under the law. You may identify yourself as an Alphabet employee, but you must make clear that the opinions expressed are yours and not those of Alphabet.

Interacting with press

Except as noted elsewhere in this policy, no Alphabet employee should speak to the press on behalf of the company without prior approval from the communications team. With hundreds of reporters, bloggers, commentators, and broadcasters eager to cover the latest news from our company, it's easy to run into trouble if you enter into a conversation unprepared. Even Alphabet employees who regularly speak for the company sometimes get questions outside their comfort zone. So if you are approached by a member of the press with a request to respond or comment on behalf of Alphabet, whether over email or in person, refer them to press@abc.xyz to respond. If you get a more general inquiry and you're not sure the requester is part of the media or if the request seeks a response on behalf of the company, you can send it along anyway. Our communications team can vet the question and help you determine the best way to respond. Remember that you should never reveal confidential proprietary information or trade secrets to a member of the media unless authorized by the company to do so.

Here's a look at some of the common problems and questions that can arise when you're approached by press, and how to respond:

"I don't want to be rude."

It's OK to say you don't know, or that you aren't the best person to answer a question. If you're approached by a journalist who asks you to speak on behalf of the company, you should get their name and contact info, then send to press@abc.xyz. Or just tell them to email press@abc.xyz directly (trust us, they've done it before!).

"I thought I was 'off the record.'"

There's no such thing as "off the record" when speaking to members of the media. It's good to be friendly but remain cautious. Again, if you are asked to speak on behalf of the company, please just refer reporters and analysts to press@abc.xyz.

"This writer is my friend."

Even if you know media people, professional bloggers or industry commentators personally, you still need to be diligent about not speaking on behalf of Alphabet (without approval) and protecting confidential proprietary information and trade secrets.

"It's my job."

Sometimes, Alphabet employees might have good reason, as part of their job, to interact with media. For example, if you're in Google sales, you might be talking with the business department of an online news site to get them to advertise with Google. Or if you are in product, you might want to invite bloggers in to share their feedback on some coming changes. But remember that you should not speak on behalf of the company to bloggers, journalists, or editors without notifying our communications team at press@abc.xyz. (This does not apply to business relationships at news publications, only to the editorial side.)

Interacting with the investment community

Refer to the Communications and Disclosure Policy regarding communications with the investment community.

Contacts

Please don't hesitate to reach out at any time to these resources:

1. To forward requests and comments from journalists, broadcasters, etc.: press@abc.xyz
2. If you are invited to speak on behalf of the company at a meeting outside the company: go/speakercenter or your employer's PR team
3. If you or others have questions about interactions with members of the investment community or disclosing information about our financial performance: investor-relations@abc.xyz
4. If you've seen or heard something that you believe goes against this policy: go/saysomething
5. For guidance on your personal communications regarding your opinions on Alphabet-related services and products: press@abc.xyz
6. If you come across something that you think discloses confidential proprietary information or trade secrets: go/stopleaks or contact security-incidents@google.com and stopleaks@google.com
7. HR questions: your employer's HR representative or peopleops-help@google.com
8. Legal and ethical concerns: code-of-conduct@google.com

Updated November 2016

Data Classification Guidelines

Associated Policy

These guidelines were developed in accordance with the Data Security Policy and with the User Data Access Policy.

Who Needs to Read These Guidelines

All Googlers

Details

Purpose

These Guidelines describe how data is classified at Google (the terms "data" and "information" are used interchangeably in these Guidelines) so that Googlers can handle it properly.

General Guidelines

Google has three data classifications: Need-To-Know, Confidential, and Public.

Google Data Owners are responsible for making sure that data they oversee is appropriately classified and protected. Data Owners should provide clear guidance to Googlers on how data is classified and develop specific sub-classifications or guidelines when needed. These Guidelines identify several types (e.g., Business Data and User Data) and attributes (e.g., identifiable or anonymized) of data to illustrate Google's data classifications, but it is not possible to provide an exhaustive list of the relevant considerations for all information at Google. Data Owners and Googlers should develop additional types, attributes, and taxonomies of data whenever needed to ensure the appropriate classification of data that they handle, consistent with these Guidelines.

Googlers are responsible for exercising good judgment in handling data according to the appropriate data classification, and for seeking the guidance of the Data Owner when needed. Googlers should mark data with the appropriate data classification as described in Google's Security Labeling Guidelines. Googlers should exercise care because the mere absence of a label does not mean the data is not Confidential or Need-to-Know. Googlers should protect the data in accordance with these Guidelines.

Nothing in these Guidelines limits Googlers' rights to communicate about pay, hours, or other terms and conditions of working at Google with fellow employees or nonemployees (including government agencies or officials). Similarly, these Guidelines do not limit Googlers' ability to communicate with a government agency or official regarding any violation of law. However, just

because a Googler is communicating outside the company regarding any such topics, that does not mean the Googler is justified in revealing Confidential or Need-to-Know information where that information is not essential to the communication. For example, a Googler may be entitled to communicate with a third party about a dangerous physical or environmental condition posed by a new Need-to-Know technology that Google has introduced into the Google workplace. In that situation, the Googler is responsible for ensuring that his/her communication about that dangerous condition (which is certainly permitted under these Guidelines) does not also reveal any non-essential or irrelevant details regarding the company's proprietary technology that are classified as Need-To-Know.

A. Data Classifications

Data Owners should determine the appropriate data classification based on who requires access and for what purposes, the potential risks and harm if the data is subject to unauthorized access, as well as the general context of the data. There are three data classification values: (1) Need-to-Know, (2) Confidential, and (3) Public. If questions arise about the appropriate data classification for a particular piece of data, Googlers should consult the Data Owner.

Some information may have a different data classification depending on the context. How the data is collected or created, how it is used, and what legal obligations apply to it should be taken into account when classifying data.

The classification of particular data may also change over time, to either greater or lesser sensitivity. For instance, some details of a new Google product may be classified as Need-To-Know during design and development, Confidential during dogfooding, and Public when released.

1. Need-To-Know

Google Need-To-Know is how we classify information that is appropriate to share only with authorized Googlers (or authorized groups of Googlers) or non-Googlers for a particular business purpose. Google Need-To-Know data is information associated with sufficiently serious legal, privacy, security or business concerns that the data merits more limited access and tighter controls to reduce the risk or harm from inappropriate disclosure or use. If the purpose for accessing Need-To-Know data changes, or if you require access for different reasons, you should seek additional authorization from the Data Owner.

All User Data is Need-To-Know by default.

Examples of Google Need-To-Know information:

Business Data	User Data
● High Value Intellectual Property (HIP) ● Information about potential mergers or acquisitions ● Highly sensitive forms of Company Financial Data ● Prerelease earnings announcements ● Detailed transaction information, such as individual general ledger entries	● Identifiable User Data, including: ○ User Content ○ Logs of user activity ○ Personally Identifiable Information ○ Sensitive Personally Identifiable Information

2. Confidential

Google Confidential is how we classify information that is appropriate to share with all Googlers (or groups of authorized Googlers or non-Googlers) for any and all legitimate business purposes. Google Confidential information is nonpublic information that Google is legally obligated or permitted to keep secret, like pre-release financial information, internal discussions about product design and strategy, company trade secrets, and information subject to nondisclosure agreements. Confidential Information may include proprietary financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or code.

Examples of Google Confidential information

Business Data	User Data
● Nonpublic business strategies and trade secrets discussed at TGIF ● Nonpublic details of dogfoods and experimental products ● Nonpublic Google business strategy and plans	● Anonymized User Data ● Data sourced exclusively from publicly available data (e.g. crawl data or public social graphs

3. Public

Google Public is how we classify information that has been intentionally and explicitly made available by Google to the public.

Googlers who handle Public data are responsible for protecting the integrity and availability of that information. For example, Google's released financial results are Public, but Googlers handling this information as part of their jobs are responsible for making sure it is not tampered with or removed.

Examples of Google Public information:

Business Data	User Data
• Publicly-facing Google websites • Published source code • Press releases • Investor information • Google's Privacy Policy	• Public user blog or G+ posts • Google's Transparency Report • Google Trends results • Public G+ profiles

B. Key Data Types and Attributes

1. Type

For the purposes of these Guidelines, we have adopted the following data types to assist Googlers in classifying data: Business Data and User Data. Employment Data is covered in a separate guideline. Data Owners or Googlers should develop additional, more detailed data types to assist in classifying data they commonly handle, whenever needed, consistent with these Guidelines.

a. Business Data

Business Data means proprietary information that Google procures or generates in the course of its business operations, including the information of partners, service providers, and other third parties.

Examples of Google Business Data:

- **Google financial data:** Google financial data is information about Google's financials, including pre-release earnings announcements, Google's bank account numbers and banking authorization information, and detailed transaction information such as individual general ledger entries.
- **High-value Intellectual Property (HIP)**: HIP is a classification specific to Google that identifies key data that if known to the outside world would have a serious impact on the validity of our business from an intellectual property perspective. It includes source code, design documentation, etc. for ranking algorithms and key infrastructure technologies. For more information on HIP, how to protect it and how to handle it, see the HIP documentation.
- **Information regarding business partners, vendors, or clients**.
- **Product information**: product plans and strategies.
- **Information about Google's internal security processes and controls:** Google's internal policies, processes, and controls to protect the security of Google, our users, and employees.

b. User Data

Google's User Data Access Policy contains the definition of User Data: "any information collected or processed from or about Google's users. User Data may include information that is collected from users, created by our users, received on behalf of users, generated about users, or derived from other User Data." The UDAP defines a "user" as anyone who uses any Google product or service. A user may include individuals, groups, organizations, or businesses.

There are two types of User Data: user content and user metadata.

i. User Content

User Content is a subcategory of User Data that refers to any data that users generate themselves or provide to Google (like email and documents), data that Google receives or collects on behalf of users (like email or chat messages), or that users generate using Google services (like a report on their use of Google products).

ii. User Metadata

User Metadata is the other subcategory of User Data, that refers to all User Data which cannot be classified as User Content (as above), and was not derived in part or in full, directly or indirectly from any User Content. Examples: document ids, timestamps, IP addresses, enum values, and ACLs.

User Metadata also includes attributes of User Content which are not derived from the substance, purport, or meaning of the User Content. Examples: the byte size of a piece of

User Content, the pixel dimensions of the box used to display User Content, the MIME structure of an email, and its detected language. But not the topical entities referenced in User Content, URLs extracted, or its subject line.

2. Identification

Identification is the data attribute that designates the extent to which the user / customer is identified by the data. There are two possible values for the Identification data attribute: (a) Identifiable, and (b) Anonymous.

While the concept of identification is best exemplified in the concept of Personally Identifiable Information (PII), it is also possible to identify corporate entities and organizations in our data and this is similarly treated as Identifiable information when we do. Similarly, information about users, customers, employees, or any third-party can be anonymized so that it identifies neither individuals nor corporate entities.

a. Identifiable Information

There are two types of Identifiable information: Personally Identifiable Information (PII) and Sensitive Personally Identifiable Information (SPII).

i. Personally Identifiable Information (PII)

PII is information that personally identifies an individual and any other data that can be reasonably linked to such information by Google. The following basic guidelines apply to classifying data as PII:

- An individual's name, email address, mailing address, or telephone number, either alone or in combination, are examples of data that is considered PII.
    - PII includes any information that is combined with PII or can be linked to PII with a reasonable level of confidence based on information available to Google.
    - If there is any doubt about whether the information is PII, Googlers should treat the data as PII until the data is reclassified in accordance with guidance from the Anonymization Working Group.
    - Solely for the purposes of classifying data internally at Google, the following types of data are classified as PII by default until reclassified: IP addresses, and unique account identifiers (such as account or customer ID, GAIA ID, or screen name).
- Data categorized as PII under these Guidelines may differ from data defined as "personal information," "personal data," or "personally identifiable information" in Google's external statements or applicable laws.

ii. Sensitive Personally Identifiable Information (SPII)

SPII is PII that is subject to heightened legal requirements or presents a significant risk of harm to an individual if it is compromised or misused. Sometimes even anonymizing SPII may not eliminate this risk of harm. Following are examples of information that are considered SPII:

- *Account Credentials*: nonpublic information used to log in, authenticate, or authorize activity as a particular individual, which may include the following:
    - Passwords, passphrases, and PINs
        - Cryptographic keys or authentication code
        - Data that would permit account access or recovery (e.g., user-selected secret questions and answers, account creation date)
        - Biometrics or DNA information
        - Session cookies (when used for authentication)
- *Government Identification Numbers*: any state or national identification number, including Social Security Number (SSN), passport number, or driver's license number.
- *Cardholder Data (CHD)*: Information associated with a specific payment card account (including credit cards, debit cards, or any other payment card), including:
    - Primary Account Number (PAN): The account digits on the front of a payment card. PAN does not include partial card numbers which include, at maximum, the first six and last four digits.
        - Card Verification Value (CVV2/CVC2/CID/CAV2/CSC): The 3 or 4 digit security code on the front or back of the payment card, used for card-not-present transactions.
        - Magnetic Stripe Data: Information extracted from the magnetic stripe on the back of a payment card.
        - Expiration Date (if stored in conjunction with PAN): The expiration date on the front of the card.
        - Cardholder Name (if stored in conjunction with PAN): The name on the front of the card.
- *Financial Account Data*: Information about a specific financial transaction, including financial account numbers (including any Cardholder Data) and details about the financial transaction (such as the amount of the transaction, what was purchased, the identity of the merchant, and the date of the transaction).

- *Healthcare Information*: details about an individual's past, present, or future physical or mental health or condition.
- *Sensitive Background Information*: any information relating to an identifiable individual's ethnicity, political affiliation, sexual orientation, or religious affiliation.

Data categorized as SPII may differ from data defined as "sensitive personal data" in Google's external statements or applicable laws.

b. Anonymous Information

Information is anonymous when it is not possible to identify any individual person or entity either alone or in combination with other data. Anonymous Information may be created in different ways, including by collecting and storing it without identifying details, or aggregating, de-identifying, or redacting identifying information. Anonymizing data is difficult to get right and Googlers should consult the Anonymization Working Group (go/pwg-aggregation) to ensure effective anonymization. Examples: Google Trends, Google Transparency Report. See the PWG Aggregation Page for further information.

i. Pseudonymous Information

Pseudonymous Information is information that is (1) linked to a pseudonym or another unique identifier, and (2) anonymous — it does not identify an individual person or entity, either alone or in combination with other data.

Rationale

Classifying data is a key step in protecting it. Information at Google may be subject to extremely different controls, limitations, and obligations depending on its sensitivity. We have committed to make certain information public and promised to keep other information confidential (for instance, in the Google Privacy Policy). We often have legal or contractual obligations to protect data or prevent disclosure of the information that could harm users, Googlers, or Google.

Exceptions or changes to these guidelines

The Google Security Policy Team (sp@google.com) maintains these guidelines. Exceptions to these guidelines must be approved by the Security Policy Team (sp@google.com).

Changes to this policy must be approved by a Vice President of Information Security or higher.

Employment Data Guidelines

Who Needs to Read These Guidelines

All Googlers

Details

Purpose of These Guidelines

These Guidelines describe how Employment Data is classified at Google so that Googlers can handle it properly.

Details

What is Employment Data?

Employment Data is information Google collects or generates about a Googler in the context of the Googler's employment at the company.

Examples of Employment Data:

- **Recruitment Information**: This is information Google obtains from or about a potential Googler during the application, interview, and hiring process; including application and interview records, resumes or CVs, job references, and background check information.
- **Personal Employment Details**: This is information Google, as an employer, is required to collect in order to do things like issue paychecks, provide benefits, manage employment taxes, and make any required reporting to government agencies; including Googler and emergency contact information, direct deposit details,

government ID numbers (such as Social Security Numbers), healthcare account information, information about Googlers' beneficiaries, dependents, and family composition.

- **Performance, Compensation, and Benefits Information:** This includes databases, files, reports, and analyses that contain Employment Data and that are maintained or generated by PeopleOps, Security, Finance, Legal, or other departments within Google.

How to classify Employment Data

The data classification value of Need-to-Know as set forth in the Data Classification Guidelines may apply to Employment Data as it does to User Data and Business Data.

Google departments (such as PeopleOps, Finance, and Legal) may collect and analyze Employment Data for legitimate business purposes, and share it with a limited subset of Googlers who have a business purpose for accessing that data. This type of data is secured data that is not intended to be viewed or accessed by Googlers generally and is classified as Need-To-Know.

Similarly, if Employment Data is collected for a special project (e.g., a pre-release or experimental product), and shared only with the limited subset of Googlers who are working on that project and therefore have a legitimate business purpose to access that data, then the Employment Data shared in that context is Need-to-Know.

If questions arise about the appropriate data classification for a particular piece of data, Googlers should consult the Data Owner.

Mixed Data

Employment Data may contain elements of Business Data and/or User Data. The Business Data and User Data elements are governed by the Data Classification Guidelines for Business and User Data. For example, the Teams database contains both Employment Data and Business Data (e.g. the proprietary business data in OKRs and Snippets). The Business Data in Teams is governed by the Data Classification Guidelines for Business and User Data.

Badge Data on Teams

The badge data in Teams is Confidential.

Limitation on Third-Party Business Use

Googlers should not disclose Employment Data about anyone other than themselves to third parties for third party commercial purposes without authorization.

Nothing in these Guidelines limits Googlers' rights to share contact information and/or otherwise communicate about pay, hours, or other terms and conditions of working at Google with fellow employees or nonemployees (including government agencies or officials). Similarly, these Guidelines do not limit Googlers' ability to communicate with a government agency or official regarding any violation of law.

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Rationale

Classifying data is a key step in protecting it. Information at Google may be subject to extremely different controls, limitations, and obligations depending on its sensitivity. We have committed to make certain information public and promised to keep other information confidential (for instance, in the Google Privacy Policy). We often have legal or contractual obligations to protect data or prevent disclosure of the information that could harm users, Googlers, or Google.

Associated Policies

These guidelines were developed in accordance with the Data Classification Guidelines, the Data Security Policy, and the User Data Access Policy.

Exceptions or changes to these guidelines

The Employee Privacy Team (employee-privacy@google.com) maintains this policy. Exceptions or changes to this policy must be approved by the Director of Privacy or higher.

GOOGLE INC.

AT-WILL EMPLOYMENT, CONFIDENTIAL INFORMATION, INVENTION ASSIGNMENT AND ARBITRATION AGREEMENT

As a condition of my employment with Google Inc., its parent, subsidiaries, successors or assigns (together "Google"), and in consideration of my Google employment and receiving from Google confidential information and compensation, I agree to the terms of this At-Will Employment, Confidential Information, Invention Assignment and Arbitration Agreement (this "Agreement"):

1. At-Will Employment. MY GOOGLE EMPLOYMENT IS FOR AN UNDEFINED PERIOD AND IS AT-WILL EMPLOYMENT, WHICH MEANS IT MAY END AT ANY TIME, WITH OR WITHOUT CAUSE OR NOTICE. NO AGREEMENT PROVIDING OTHERWISE IS PERMITTED OR VALID UNLESS IT IS IN WRITING AND APPROVED BY A VICE PRESIDENT OR SENIOR VICE PRESIDENT IN GOOGLE'S LEGAL DEPARTMENT.

2. Confidential Information.

(a) Definition of Google Confidential Information. "Google Confidential Information" means any information in any form that relates to Google's business and is (i) a trade secret; (ii) proprietary information that does not legally constitute a "trade secret," but is made Google's property by contract in the form of this Agreement; or (iii) information that is otherwise legally protectable. Examples include, but are not limited to, Google's non-public information that relates to its actual or anticipated business, products or services, research, development, technical data, customers, customer lists, markets, software, hardware, finances, Inventions (as defined below), and user data (i.e., any information directly or indirectly collected by Google from users of its services). The foregoing are only examples of Google Confidential Information. If I am uncertain as to whether any particular information or materials constitute Google Confidential Information, I shall seek written clarification from Google's Legal Department.

Notwithstanding the definition set forth above, Google Confidential Information does not include information that I can show by competent proof: (i) was generally known to the public at the time of disclosure, or became generally known after disclosure to me; (ii) was lawfully received by me from a third party without breach of any confidentiality obligation; (iii) was known to me prior to receipt from Google; or (d) was independently developed by me or independent third parties without breach by me or any third party of any obligation of confidentiality or non-use.

(b) Nonuse and Nondisclosure. During and after my Google employment, I will hold all Google Confidential Information in strict confidence and trust. I will take all reasonable precautions to prevent any unauthorized use or disclosure of Google Confidential Information, and I will not (i) use Google Confidential Information or Google Property (as defined below) for any purpose other than for the benefit of Google in the scope of my employment, or (ii) disclose Google Confidential Information to any third party without the prior written authorization of Google. I agree that all Google Confidential Information that I use or generate in connection with my employment belongs to Google (or third parties identified by Google). I understand that my violation of this Section 2 may lead to disciplinary action, up to and including termination and/or legal action. Notwithstanding my confidentiality obligations, I am permitted to disclose Google Confidential Information that is required to be disclosed by me pursuant to judicial order or other legal mandate, provided that I have given Google prompt notice of the disclosure requirement and that I fully cooperate with any efforts by Google to obtain and comply with any protective order imposed on such disclosure. Additionally, I understand that nothing in this Agreement limits any right I may have to discuss terms, wages, and working conditions of employment, as protected by applicable law.

(c) Former Employer Information / Definition of Google Property. I will not use or disclose in connection with my Google employment or bring onto Google's electronic or physical property, facilities, or systems (collectively, "Google Property") any proprietary information, trade secrets, or any non-public material belonging to any previous employer or other party unless consented to in writing by such employer or party and Google.

3. Inventions.

(a) Definition of Inventions. "Inventions" includes inventions, designs, developments, ideas, concepts, techniques, devices, discoveries, formulae, processes, improvements, writings, records, original works of authorship, trademarks, trade secrets, all related know-how, and any other intellectual property, whether or not patentable, registrable, or protectable under patent, copyright, trade secret or similar laws.

(b) Assignment of Inventions. Except as provided in Section 3(e) below, Google Inc. will have sole and exclusive ownership of all Inventions that I created, conceived, invented, developed, reduced to practice, or otherwise contributed to, solely or jointly with others, during my Google employment (including during my off-duty hours and whether or not in the course of my Google employment) that (i) are developed with the use of Google Property or Google Confidential Information, (ii) result from work performed by me for Google, or (iii) relate to Google's business or actual or demonstrably anticipated research and development, and any intellectual property rights in the Inventions (the "Assigned Inventions"). Without further compensation, I will promptly disclose in writing to Google any Assigned Inventions and assign to Google my rights in any Assigned Inventions. I hereby irrevocably assign, and agree to assign, to Google Inc. my rights in all Assigned Inventions. I understand that this assignment is intended to, and does, extend to subject matters currently in existence, those in development, as well as those not yet in existence. All works of authorship made by me (solely or jointly with others) within the scope of and during my Google employment are "works

for hire" as defined in the United States Copyright Act, and Google Inc. will be considered the author and owner of such copyrightable works. The decision whether or not to commercialize or market any Assigned Inventions is within Google's sole discretion and for Google's sole benefit, and I will not claim any consideration as a result of Google's commercialization of any such Inventions. I agree to maintain for Google detailed and accurate written records of all Assigned Inventions that I make (solely or jointly with others) for Google.

(c) *Prior Inventions*. I list in Exhibit A all Inventions that I solely or jointly made before my Google employment, which belong to me and which are not assigned to Google (collectively, "Prior Inventions"). I agree that if I incorporate (or have incorporated) a Prior Invention into any Assigned Inventions, product, or service of Google, or use a Prior Invention in the scope of my employment, I hereby grant to Google a royalty-free, irrevocable, perpetual, transferable worldwide license (with the right to sublicense) to make, have made, use, import, sell, reproduce, distribute, modify, adapt, prepare derivative works of, display, perform, to sublicense third parties with the same rights, and to otherwise exploit such Prior Invention.

(d) *Securing Intellectual Property Rights*. I agree to assist Google (or its designee) at Google's expense to assign, secure, and enforce all intellectual property rights in any Assigned Inventions in any and all countries, by disclosing to Google all pertinent information and data, and signing any document that Google reasonably deems necessary. If Google is unable for any reason to obtain my signature to any document required to assign, secure, and enforce any intellectual property rights in any Assigned Inventions, then I hereby irrevocably appoint Google, its officers and agents as my agents and attorneys-in-fact to execute any documents on my behalf for this purpose. This power of attorney will be considered coupled with an interest and will be irrevocable. My obligations under this Section 3(d) will continue after my Google employment ends.

(e) *Exception to Assignments*. I have been notified and understand that the terms of this Agreement requiring disclosure and assignment of Inventions to Google do not apply to any invention that qualifies fully under California Labor Code Section 2870, which reads:

> **"(a) Any provision in an employment agreement which provides that an employee shall assign, or offer to assign, any of his or her rights in an invention to his or her employer shall not apply to an invention that the employee developed entirely on his or her own time without using the employer's equipment, supplies, facilities, or trade secret information except for those inventions that either:**
>
> (1) **Relate at the time of conception or reduction to practice of the invention to the employer's business, or actual or demonstrably anticipated research or development of the employer.**
> (2) **Result from any work performed by the employee for the employer.**
>
> **(b) To the extent a provision in an employment agreement purports to require an employee to assign an invention otherwise excluded from being required to be assigned under subdivision (a), the provision is against the public policy of this state and is unenforceable."**

While employed, I will advise Google promptly in writing of any inventions that I believe meet the criteria in California Labor Code Section 2870 and that I have not disclosed on Exhibit A for a confidential ownership determination.

4. Conflicting Employment.

(a) *Other Employment or Activities*. During my Google employment, I will not engage in any other employment or other business-related activity that (i) directly relates to the business in which Google is now involved, becomes involved, or has plans to become involved, or (ii) otherwise conflicts with Google's business interest and/or causes a disruption of its operations without seeking and receiving express written permission in advance from Google's Ethics and Compliance team.

(b) *Prior Agreements with Other Parties*. My compliance with this Agreement and the performance of my duties as a Google employee will not breach any invention assignment, proprietary information, confidentiality, or similar agreement with any former employer or other party.

5. Return of Google Property and Information.

(a) *Return of Google Property and Information*. Upon termination of my Google employment, I will not take with me or retain any documents or materials or copies thereof containing any Google Confidential Information. I agree to return all Google Property and Google Confidential Information (original, hard and electronic copies) in my possession on or before my last day of employment and will not keep, recreate, or deliver to any other party any Google Confidential Information or Google Property. If, at the time of termination, I have Google Confidential Information stored in my personal computer or any mobile, cloud or other storage medium, I shall so advise Google. I will then work with Google to ensure that the location of all such information is fully disclosed to Google, that the information is retrieved by Google in a forensically sound manner, and that the information is permanently deleted by Google or its designee. I agree, on Google's request, to sign a document confirming my agreement to honor my responsibilities contained in this Agreement after my departure.

(b) *Compliance*. I have no reasonable expectation of privacy in any Google Property or in any other documents, equipment, or systems used to conduct the business of Google. Google may audit and search any Google Property or such documents, equipment, or systems without further notice to me for any business-related purpose at Google's reasonable discretion. I will provide Google with access to any documents, equipment, or systems used to conduct the business of Google immediately upon request. I consent to Google taking reasonable steps to prevent unauthorized access to Google Property and Google information. I understand that I am not permitted to add or use any unauthorized websites, software, applications, or any applications that I do not have a license or authorization for use to or on any Google Property. It is my responsibility to comply with Google's policies governing use of Google Property.

6. Notification. I consent to Google notifying third parties, including without limitation actual or potential employers, about my obligations under this Agreement.

7. Non-Solicitation of Employees. During my Google employment and for twelve (12) months immediately following the end of my Google employment for any reason, whether voluntary or involuntary, with or without cause, I will not directly or indirectly solicit any of Google's employees to leave their employment.

8. Export Statement of Assurance. In the scope of my Google employment, Google may release to me items (including software, technology, systems, equipment, and components) subject to the Export Administration Regulations ("EAR") or the International Traffic in Arms Regulations ("ITAR"). I certify that I will not export, re-export, or release these items in violation of the EAR or ITAR and I will not disclose, export, or re-export these items to any person other than as required in the scope of my Google employment. If I have any question regarding this Section 8, I immediately will contact Google's Legal Services Department before taking any actions.

9. Employee Handbook. I understand that Google's Employee Handbook consists of policies listed in a table of contents on Google's "employee handbook, guidelines and company policies" internal website, and that those policies incorporate by reference supplemental policies. I understand that as a Google employee, Google's Employee Handbook applies to me. I agree to read, understand, and comply with Google's Employee Handbook, including supplemental policies, as they may be revised from time to time.

10. Use of Images. During my employment, Google or its agents may obtain images of me for later use in materials. My name may or may not be included along with such images. I grant Google permission for such use of my images, both during and after my employment, and I understand that I will not receive any royalties or other compensation for this use.

11. Protected Activity / DTSA Notification. For purposes of this Agreement, "Protected Activity" means filing a claim, charge or complaint, or otherwise disclosing relevant information to or communicating, cooperating, or participating with, any state, federal, or other governmental administrative body or agency, including, but not limited to, the Securities and Exchange Commission, the Equal Employment Opportunity Commission, U.S. Department of Labor, the National Labor Relations Board, and the Office of Federal Contract Compliance Programs but does not include the disclosure of any Google attorney-client privileged communications. I understand that nothing in this Agreement prohibits me from engaging in any Protected Activity. I understand that I am not required to obtain prior authorization from Google or to inform Google prior to engaging in any Protected Activity.

In addition, notwithstanding my confidentiality obligations set forth in Section 2 of this Agreement, I understand that, pursuant to the Defend Trade Secrets Act of 2016, I will not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that: (a) is made (1) in confidence to a federal, state, or local government official, either directly or indirectly, or to an attorney, and (2) solely for the purpose of reporting or investigating a suspected violation of law; or (b) is made in a complaint or other document filed in a lawsuit or other proceeding, provided such filing is made under seal. I understand that in the event it is determined that the disclosure of Google trade secrets was not done in good faith pursuant to the above, I will be subject to substantial damages, including punitive damages and attorneys' fees.

12. Arbitration and Equitable Relief

(a) *Arbitration*. IN CONSIDERATION OF MY EMPLOYMENT WITH GOOGLE AND ITS PROMISE TO ARBITRATE ALL DISPUTES I AGREE THAT, EXCEPT AS PROVIDED IN SECTION (b) BELOW, ANY AND ALL, PAST, PRESENT OR FUTURE, CONTROVERSIES, CLAIMS, OR DISPUTES THAT GOOGLE MAY HAVE AGAINST ME, OR THAT I MAY HAVE AGAINST GOOGLE OR ANY GOOGLE EMPLOYEE, OFFICER, DIRECTOR, AGENT, SHAREHOLDER OR BENEFIT PLAN, IN THEIR CAPACITY AS SUCH OR OTHERWISE (OR THE SUCCESSORS AND ASSIGNS OF ANY OF THEM), INCLUDING BUT NOT LIMITED TO DISPUTES ARISING OUT OF, RELATING TO, OR RESULTING FROM MY EMPLOYMENT OR THE TERMINATION OF MY GOOGLE EMPLOYMENT ("COLLECTIVELY, "DISPUTES"), WILL BE SUBJECT TO BINDING ARBITRATION UNDER THE FEDERAL ARBITRATION ACT (9 U.S.C. §1 ET SEQ.) OR, IF FOR ANY REASON THE FEDERAL ARBITRATION ACT DOES NOT APPLY, THE LAW OF ARBITRABILITY OF THE STATE IN WHICH I WORK OR LAST WORKED FOR GOOGLE. DISPUTES INCLUDE, BUT ARE NOT LIMITED TO, ANY STATUTORY CLAIMS ARISING UNDER OR RELATING TO ANY FEDERAL, STATE, OR LOCAL LAW OR REGULATION, INCLUDING BUT NOT LIMITED TO CLAIMS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §1981, REHABILITATION ACT, CIVIL RIGHTS ACTS OF 1866, 1871 AND 1991, PREGNANCY DISCRIMINATION ACT, EQUAL PAY ACT, THE AMERICANS WITH DISABILITIES ACT OF 1990, THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, THE OLDER WORKERS BENEFIT PROTECTION ACT, THE WORKER ADJUSTMENT AND

RETRAINING NOTIFICATION ACT, THE FAIR CREDIT REPORTING ACT, THE FAMILY AND MEDICAL LEAVE ACT, THE FAIR LABOR STANDARDS ACT, CLAIMS OF RETALIATION, HARASSMENT, DISCRIMINATION, OR WRONGFUL TERMINATION, AND ANY OTHER CONTRACTUAL, TORT OR STATUTORY CLAIMS, TO THE FULLEST EXTENT ALLOWED BY LAW. I UNDERSTAND THAT, EXCEPT AS PROVIDED BELOW, GOOGLE AND I WAIVE ANY RIGHT TO A JUDGE OR JURY TRIAL ON ANY DISPUTE.

THE ARBITRATOR, AND NOT ANY FEDERAL, STATE, OR LOCAL COURT OR AGENCY, SHALL HAVE EXCLUSIVE AUTHORITY TO RESOLVE ANY DISPUTE RELATING TO THE INTERPRETATION, APPLICABILITY, ENFORCEABILITY OR FORMATION OF THIS ARBITRATION PROVISION INCLUDING, BUT NOT LIMITED TO ANY CLAIM THAT ALL OR ANY PART OF THIS ARBITRATION PROVISION IS VOID OR VOIDABLE; PROVIDED, HOWEVER, THAT ANY CLAIM THAT THE CLASS ACTION WAIVER, COLLECTIVE ACTION WAIVER, OR REPRESENTATIVE ACTION WAIVER IN SECTION (c) BELOW, OR ANY PORTION OF THEM, IS UNENFORCEABLE, INAPPLICABLE, UNCONSCIONABLE, OR VOID OR VOIDABLE, WILL BE DETERMINED ONLY BY A COURT OF COMPETENT JURISDICTION AND NOT BY AN ARBITRATOR.

(b) *Disputes Not Covered*. THIS ARBITRATION PROVISION DOES NOT PROHIBIT THE FILING OF OR PURSUIT OF RELIEF THROUGH THE FOLLOWING: (1) A COURT ACTION FOR TEMPORARY EQUITABLE RELIEF IN AID OF ARBITRATION, WHERE SUCH AN ACTION IS OTHERWISE AVAILABLE BY LAW, (2) AN ADMINISTRATIVE CHARGE TO ANY FEDERAL, STATE OR LOCAL EQUAL EMPLOYMENT OPPORTUNITY OR FAIR EMPLOYMENT PRACTICES AGENCY, (3) AN ADMINISTRATIVE CHARGE TO THE NATIONAL LABOR RELATIONS BOARD, OR (4) ANY OTHER CHARGE FILED WITH OR COMMUNICATION TO A FEDERAL, STATE OR LOCAL GOVERNMENT OFFICE, OFFICIAL OR AGENCY (FOR NUMBERS (2) THROUGH (4) COLLECTIVELY, "A GOVERNMENT COMPLAINT").

THE FOLLOWING CLAIMS ARE NOT COVERED BY THIS ARBITRATION PROVISION: CLAIMS FOR WORKERS' COMPENSATION OR UNEMPLOYMENT BENEFITS; CLAIMS THAT AS A MATTER OF LAW CANNOT BE SUBJECT TO ARBITRATION; CLAIMS COVERED BY (AND DEFINED IN) THE FRANKEN AMENDMENT, FIRST ENACTED IN SECTION 8116 OF THE DEFENSE APPROPRIATIONS ACT OF 2010, OR ANY SIMILAR FEDERAL STATUTE, REGULATION OR EXECUTIVE ORDER RESTRICTING THE USE OF ARBITRATION AGREEMENTS (INCLUDING BUT NOT LIMITED TO EXECUTIVE ORDER 13673), IF AND ONLY IF SUCH STATUTE, REGULATION OR EXECUTIVE ORDER IS EFFECTIVE AND APPLICABLE TO MY EMPLOYMENT AND THIS ARBITRATION PROVISION; AND CLAIMS UNDER AN EMPLOYEE BENEFIT OR PENSION PLAN THAT SPECIFIES A DIFFERENT ARBITRATION PROCEDURE.

(c) *Individual Dispute Resolution*. TO THE MAXIMUM EXTENT PERMITTED BY LAW, I HEREBY WAIVE ANY RIGHT TO BRING ON BEHALF OF PERSONS OTHER THAN MYSELF, OR TO OTHERWISE PARTICIPATE WITH OTHER PERSONS IN, ANY CLASS OR COLLECTIVE ACTION. IF AND WHEN APPLICABLE LAW PERMITS WAIVER OF REPRESENTATIVE CLAIMS UNDER THE CALIFORNIA PRIVATE ATTORNEYS GENERAL ACT (OR ANY SIMILAR LAW), I WAIVE THE RIGHT TO BRING ANY SUCH CLAIM. IF A COURT ADJUDICATING A CASE INVOLVING GOOGLE AND I WERE TO DETERMINE THAT THERE IS AN UNWAIVABLE RIGHT TO BRING A CLASS, COLLECTIVE, OR REPRESENTATIVE ACTION, ANY SUCH ACTION SHALL BE BROUGHT ONLY IN COURT, AND NOT IN ARBITRATION.

THIS ARBITRATION PROVISION DOES NOT APPLY TO ANY CIVIL LAWSUIT THAT WAS FILED BY GOOGLE OR FILED BY ME AGAINST GOOGLE (WHETHER INDIVIDUALLY OR AS A MEMBER OF A CLASS) (COLLECTIVELY, "PENDING CLAIM(S)") PRIOR TO MY EXECUTION OF THIS AGREEMENT; PROVIDED, HOWEVER, THAT IF I WAS SUBJECT TO AN AGREEMENT TO ARBITRATE CLAIMS WITH GOOGLE PRIOR TO THE COMMENCEMENT OF ANY PENDING CLAIM AND THE PENDING CLAIM WAS COVERED BY THE PRIOR AGREEMENT TO ARBITRATE, THAT PREVIOUS AGREEMENT TO ARBITRATE WILL CONTINUE TO APPLY TO ANY PENDING CLAIM, INCLUDING WITHOUT LIMITATION ANY APPLICABLE AND ENFORCEABLE CLASS, COLLECTIVE OR REPRESENTATIVE ACTION WAIVER.

(d) *Arbitration Procedure*. GOOGLE AND I AGREE THAT ANY ARBITRATION WILL BE ADMINISTERED BY JAMS, PURSUANT TO ITS EMPLOYMENT ARBITRATION RULES & PROCEDURES (THE "JAMS RULES"), WHICH ARE AVAILABLE ON THE "RULES/CLAUSES" PAGE OF JAMS' PUBLIC WEBSITE (http://www.jamsadr.com/rules-employment-arbitration) AND NO OTHER RULES. THE ARBITRATOR WILL HAVE THE POWER TO DECIDE MOTIONS FOR SUMMARY JUDGMENT AND/OR ADJUDICATION, MOTIONS TO DISMISS OR TO STRIKE, AND DEMURRERS PRIOR TO ANY ARBITRATION HEARING. THE ARBITRATOR WILL HAVE THE POWER TO AWARD ANY INDIVIDUAL REMEDIES AVAILABLE UNDER APPLICABLE LAW, INCLUDING INJUNCTIVE RELIEF. GOOGLE AND I WILL BEAR EACH OF OUR OWN COSTS AND FEES, EXCEPT THAT THE ARBITRATOR WILL APPLY COST AND FEE-SHIFTING LAW TO THE BENEFIT OF THE PREVAILING PARTY, BASED ON THE DISPUTE(S) ASSERTED. THE DECREE OR AWARD RENDERED BY THE ARBITRATOR MAY BE ENTERED AS A FINAL AND BINDING JUDGMENT IN ANY COURT HAVING JURISDICTION THEREOF. GOOGLE WILL PAY FOR ANY FEES CHARGED BY THE ARBITRATOR OR JAMS, EXCEPT THAT I WILL PAY ANY FILING FEES ASSOCIATED WITH ANY ARBITRATION THAT I INITIATE, UP TO THE AMOUNT THAT I WOULD HAVE PAID HAD I FILED A COMPLAINT IN THE COURT OF GENERAL JURISDICTION IN THE STATE IN WHICH I WORK OR LAST WORKED FOR GOOGLE. THE ARBITRATOR SHALL APPLY THE SUBSTANTIVE LAW (AND THE LAW OF REMEDIES, IF APPLICABLE) OF THE STATE IN WHICH THE CLAIM AROSE, OR FEDERAL LAW, OR BOTH, AS APPLICABLE TO THE CLAIM(S) ASSERTED. THE ARBITRATOR IS WITHOUT JURISDICTION TO APPLY ANY DIFFERENT SUBSTANTIVE LAW OR LAW OF REMEDIES. THE FEDERAL RULES OF EVIDENCE SHALL APPLY. THE ARBITRATOR WILL NOT HAVE THE AUTHORITY TO DISREGARD OR REFUSE TO ENFORCE ANY LAWFUL GOOGLE POLICY, AND THE ARBITRATOR WILL NOT ORDER OR REQUIRE GOOGLE TO ADOPT A POLICY NOT OTHERWISE REQUIRED BY LAW. THE DECISION OF THE ARBITRATOR WILL BE IN WRITING AND CONTAIN FINDINGS OF

FACT AND CONCLUSIONS OF LAW. I AGREE THAT ANY ARBITRATION UNDER THIS ARBITRATION PROVISION WILL BE HELD IN THE COUNTY IN WHICH GOOGLE EMPLOYS OR LAST EMPLOYED ME.

(e) *Exclusive Remedy*. EXCEPT AS PROVIDED BY LAW, THE JAMS RULES, OR THIS ARBITRATION PROVISION, ARBITRATION WILL BE THE SOLE, EXCLUSIVE, AND FINAL REMEDY FOR ANY DISPUTE BETWEEN ME AND GOOGLE.

(f) *Governing Law*. NOT*WITHSTANDING SECTION* 13(a) BELOW, THIS ARBITRATION PROVISION IS ENTERED PURSUANT TO AND GOVERNED BY THE FEDERAL ARBITRATION ACT (9 U.S.C. § 1 ET SEQ.), OR IF FOR ANY REASON THE FEDERAL ARBITRATION ACT DOES NOT APPLY, THE LAW OF ARBITRABILITY OF THE STATE IN WHICH I WORK OR LAST WORKED FOR GOOGLE.

(g) *Entire Agreement*. EXCEPT AS PROVIDED IN SECTION (c) ABOVE REGARDING PENDING CLAIMS, THIS ARBITRATION PROVISION CONSTITUTES THE ENTIRE AGREEMENT BETWEEN GOOGLE AND ME WITH RESPECT TO THE SUBJECT MATTER IN THIS ARBITRATION PROVISION AND SUPERSEDES ALL PRIOR ARBITRATION AGREEMENTS, WRITTEN OR ORAL.

13. General Provisions

(a) *Governing Law*. This Agreement will be governed by the laws of the State of California.

(b) *Entire Agreement*. This Agreement, together with its Exh bit, and any executed written offer letter between Google and me, are the entire agreement between Google and me with respect to the subject matter in such documents and supersede all prior written and oral agreements or discussions. If there are conflicts between this Agreement and the offer letter, this Agreement will control. Except as provided in Section 1 of this Agreement, no change to this Agreement, other than amendments to Sections 3 and 4 relating to personal open source projects in a format prepared by Google, will be effective unless in writing signed by a Senior Vice President of Google Inc. and me.

(c) *Severability*. If one or more of the provisions in this Agreement are deemed void, the remaining provisions will continue in full force and effect.

(d) *Successors and Assigns*. This Agreement will be binding upon my heirs, executors, assigns, administrators, and other legal representatives and will be for the benefit of Google. Google may assign this Agreement to anyone at any time without my consent. There are no intended third-party beneficiaries to this Agreement.

(e) *Waiver*. Waiver by Google of a breach of any provision of this Agreement will not waive its right to take action based on any other breach.

(f) *Survivorship*. The rights and obligations of the parties to this Agreement will survive the end of my Google employment.

(g) *Injunctive Relief*. I understand that in the event of a breach or threatened breach of this Agreement by me, Google may suffer irreparable harm and will therefore be entitled to injunctive relief to enforce this Agreement. I also understand that, in the event of a breach of this Agreement by me, Google may pursue any and all available legal remedies, including monetary damages.

{{SIGNATURE}}

Exhibit A

GOOGLE INC.
LIST OF PRIOR INVENTIONS
AND ORIGINAL WORKS OF AUTHORSHIP

I understand that listing a project or an invention here does not mean that Google is granting me permission to continue working on the project or invention. This is only a listing of inventions or original works of authorship done prior to employment.

Title	Date	Identifying Number or Brief Description

___ No inventions or improvements

___ Yes they are listed above

___ Additional Sheets Attached

Signature of Employee:

Print Name of Employee:

Date:

Internal Communications Policy

Healthy and respectful debate is an important part of Google's culture—but we all have a responsibility to consider the impact of our words on others. Remember to use good judgment and ensure that your communications (email, misc threads, discussion groups, Hangouts, G+ posts, Memegen, etc.) are in alignment with our Code of Conduct and Googler employment policies.

Discriminatory remarks, threats, or similarly inappropriate or unlawful conduct are never OK. It is not acceptable to engage in conduct like threatening, intimidating, coercing, or otherwise interfering with the job performance of fellow employees or visitors.

However, this policy isn't intended to prohibit legitimate discussion or constructive criticism about the terms or conditions of employment, nor to prohibit protected concerted activity among Googlers or TVCs.

This policy is subject to local laws.

Please visit Google's Workplace Concern Policy for more information about the channels to raise workplace concerns and the process for investigating a concern. Violation of this policy can result in discipline up to and including termination.

From: Rodriguez Ritchie, Edris W.I.
To: "Fox, Cameron W."
Subject: 32-CA-164766, et al. Google, Inc. et al.
Date: Thursday, April 27, 2017 11:58:00 AM

Dear Ms. Fox,

I understand you're in a deposition but I wanted to follow-up with you on the *Jefferson Chemical* waiver that our office prepared and sent to you. Does your client intend on signing the waiver?

Let me know if you have any questions. I also left a message with your assistant in the event you are not able to check your e-mails.

Regards,

Edris Rodriguez Ritchie
Field Attorney & Special Emphasis Program Coordinator
National Labor Relations Board
Region 32
Ronald V. Dellums Federal Building
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224
Tel: 510-671-3041
Fax: 510-637-3315
Pronouns: he, him, his

The information contained in this electronic message may be confidential and may be subject to the attorney-client privilege and/or the attorney work product doctrine. It is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this communication is strictly prohibited. If you have received this electronic message in error, please delete the original message from your e-mail system. Thank you.

La información contenida en este mensaje electrónico puede ser confidencial y puede estar sujeta a la confidencialidad entre abogado y cliente y / o la doctrina del producto del trabajo del abogado. Está destinado sólo para el uso de la persona o entidad a quien va dirigida. Si usted no es el destinatario indicado, queda notificado de que cualquier utilización, difusión o copia de este mensaje está estrictamente prohibida. Si usted ha recibido este mensaje electrónico por error, por favor elimine el mensaje original de su sistema de correo electrónico. Gracias.

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

GOOGLE INC.

Respondent,

and

(b) (6), (b) (7)(C), an Individual,

Charging Party.

CASE 32-CA-164766

☒ REGIONAL DIRECTOR
Region 32

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF

GOOGLE INC.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: J. Al Latham, Jr., Esq. of Paul Hastings LLP

MAILING ADDRESS: 515 So. Flower Street, 25th Floor, Los Angeles, CA 90071

E-MAIL ADDRESS: allatham@paulhastings.com

OFFICE TELEPHONE NUMBER: (213) 683-6000

CELL PHONE NUMBER: *FAX:* (213) 627-0705

SIGNATURE: *(Please sign in ink)*

DATE: May 5, 2017

[1] IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.	CASE NOS. 32-CA-164766 32-CA-176462
and	
(b) (6), (b) (7)(C), an Individual	
and	
GOOGLE, INC., AND NEST LABS, INC., A SINGLE EMPLOYER	
and	
(b) (6), (b) (7)(C), an Individual	

JOINT REQUEST FOR POSTPONEMENT OF HEARING

Charging Party (b) (6), (b) (7)(C) and Respondents Google Inc. and Nest Labs, Inc. (collectively "Respondents") hereby jointly request a postponement of the hearing in the above-captioned matter, which is currently scheduled for July 18, 2017. Counsel for Charging Party (b) (6), (b) (7)(C) has spoken with Charging Party (b) (6), (b) (7)(C) about this request for postponement and (b) (6), (b) (7)(C) has stated that (b)(6) does not oppose the postponement requested below to the dates identified.

The parties request a postponement of the hearing to **September 25, 2017** or **October 2, 2017**, or any date thereafter agreeable to the parties, due to the unavailability of multiple key witnesses, and counsel for (b) (6), (b) (7)(C) and the Respondents.

In support of this Request, the parties state the following:

1) Counsel for Charging Party (b) (6), (b) (7)(C), Chris Baker, will be out of town for a pre-planned, pre-purchased vacation July 16-21, 2017. He will also be out of town for a vacation from August 14 to August 18, 2017.

2) Counsel for Respondents, Cameron W. Fox will be out of state from July 24, 2017 - August 11, 2017 for a pre-planned, pre-purchased vacation.

3) Respondent's employee, (b) (6), (b) (7)(C), who is referenced in the Complaint and who is expected to be a witness at the hearing, will be on (b) (6), (b) (7)(C) leave in July and August 2017. (b) (6), (b) will be returning to work on September 18, 2017.

4) Respondent's employee, (b) (6), (b) (7)(C), who is referenced in the Complaint and who is expected to be a witness at the hearing, will be out of town on a pre-planned vacation from July 31, 2017 – August 19, 2017 and then on a business trip from August 21-25, 2017.

5) Counsel for Charging Party (b) (6), (b) (7)(C), Mr. Baker, is currently scheduled to be in trial in another matter from September 5-19, 2017.

6) Counsel for the General Counsel has been advised by Mr. Baker that the parties would seek to continue the hearing in this matter, and has stated that his preference is that the case be heard in July.

Respectfully Submitted,

PAUL HASTINGS LLP
CAMERON W. FOX

By: Cameron W Fox
CAMERON W. FOX
Attorneys for Respondents
GOOGLE INC. and
NEST LABS, INC.

BAKER CURTIS & SCHWARTZ, PC
CHRIS BAKER

By: CHRIS BAKER
Attorneys for Charging Party
(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and **Case 32-CA-164766**

(b) (6), (b) (7)(C), **an Individual**

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C), **an Individual**

ORDER RESCHEDULING HEARING

At the request of counsel for Charging Party (b) (6), (b) (7)(C) and Respondents Google, Inc. and Google, Inc. and Nest Labs, Inc., a single employer, and upon good cause shown, **IT IS HEREBY ORDERED** that the hearing in the above matter, which was scheduled to commence on July 18, 2017, is rescheduled to August 28, 2017, an agreed upon date by all parties, and on consecutive days thereafter, at 9:00 a.m. in the Oakland Regional Office of the Board, 1301 Clay Street, Suite 300N, Oakland, California 94612-5224.

DATED AT Oakland, California this 12th day of May, 2017.

/s/ Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC. **and** (b) (6), (b) (7)(C), **an Individual** **and** **GOOGLE INC. AND NEST LABS, INC., A SINGLE EMPLOYER**	**Case 32-CA-164766**
and (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-176462**
	Date: May 12, 2017

AFFIDAVIT OF SERVICE OF ORDER RESCHULDING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

Jenn Blackstone, Senior Counsel
Google, Inc.
1600 Amphitheatre Pkwy.
Mountain View, CA 94043
VIA CERTIFIED MAIL
7015 0920 0001 7784 6527

Michael Pfyl, Senior Counsel
Google, Inc. and Nest Labs, Inc.
1600 Amphitheatre Pkwy.
Mountain View, CA 94043
VIA CERTIFIED MAIL
7015 0920 0001 7784 6513

Ross H. Friedman
Morgan Lewis & Bockius, LLP
77 W Wacker Drive, 5th Floor
Chicago, IL 60601
VIA REGULAR MAIL

Cameron W. Fox
Paul Hastings LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

J. Al Latham, Jr.
Paul Hastings LLP
515 S Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

Blake Bertagna
Paul Hastings LLP
695 Town Center Drive, 17th Floor
Costa Mesa, CA 92626
VIA REGULAR MAIL

Chris Baker
Baker & Schwartz PC
44 Montgomery Street, Suite 3520
San Francisco, CA 94104
VIA REGULAR MAIL

(b) (6), (b) (7)(C)
c/o Chris Baker
44 Montgomery Street, Suite 3520
San Francisco, CA 94104
VIA REGULAR MAIL

Attn: Davette Repola
AVTranz
7227 N. 16th Street, Suite 207
Phoenix, AZ 85020
VIA E-MAIL:
davette.repola@avtranz.com

(b) (6), (b) (7)(C)
[redacted]
VIA REGULAR MAIL

National Labor Relations Board
Division Of Judges
901 Market St., Suite 300
San Francisco, CA 94103
E-FILE

Mary 12, 2017
Date

Ida Lam, Designated Agent of NLRB
Name

/s/ Ida Lam
Signature

PAUL HASTINGS LLP
CAMERON W. FOX (SB# 218116)
J. AL LATHAM, JR. (SB# 071605)
ANKUSH DHUPAR (SB# 307689)
515 South Flower Street
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PAUL HASTINGS LLP
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Costa Mesa, CA 92626
Telephone: (714) 668-6200
Facsimile: (714) 979-1921

Attorneys for Respondents
GOOGLE INC. AND NEST LABS, INC.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 32

GOOGLE, INC. and (b) (6), (b) (7)(C), an Individual and GOOGLE, INC., AND NEST LABS, INC., A SINGLE EMPLOYER and (b) (6), (b) (7)(C), an Individual	CASE NOS. 32-CA-164766 32-CA-176462 **ANSWER OF GOOGLE INC. AND NEST LABS, INC. TO CONSOLIDATED COMPLAINT**

ANSWER

Google Inc. and Nest Labs, Inc. (collectively "Respondents") answer the allegations in the Consolidated Complaint dated April 28, 2017, as follows:

1. (a) Admit;

(b) Deny on the ground that the first amended charge in Case No. 32-32-CA-164766 was served on March 2, 2016;

(c) Admit.

2. (a) Admit;

(b) Admit;

(c) Admit that, for the purposes of this Consolidated Complaint, Respondents are a single employer. Except as expressly admitted, deny;

(d) Admit that, for the purposes of this Consolidated Complaint, Respondents are a single employer. Except as expressly admitted, deny;

(e) Admit;

(f) Admit;

(h) Admit.

4. (a) Admit;

(b) Admit.

5. (a) Admit that the following individuals held the following positions at Google during all material timeframes alleged in the Complaint as indicated below, and admit that they were supervisors within the meaning of Section 2(11) of the Act and agents of Google within the meaning of Section 2(13) of the Act:

- (b) (6), (b) (7)(C)

  ((b) (6), (b) (7)(C) 2016); (b) (6), (b) (7)(C)

  (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2016);

- (b) (6), (b) (7)(C)

- (b) (6), (b) (7)(C)

  2016); (b) (6), (b) (7)(C)

  (b) (6), (b) (7)(C) 2016);

- (b) (6), (b) (7)(C)

- (b) (6), (b) (7)(C)

Except as expressly admitted, deny;

(b) Admit that (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) of Nest Labs, Inc. between (b) (6), (b) (7)(C) 2016, and that (b) (6), (b) (7)(C) held the position of Nest's (b) (6), (b) (7)(C) during all material times alleged in the Complaint. Except as expressly admitted, deny;

6. (a) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained the "Data Classification Guidelines" and "Data Security Policy" that are attached to the Consolidated Complaint as Exhibits 1(a) and 1(b). Except as expressly admitted , deny;

(b) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a rule titled "Preserve Confidentiality" in Section IV of the "Google Code of Conduct." Except as expressly admitted, deny;

(c) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a rule titled "Outside Communication and Research" in Section IV of the "Google Code of Conduct" that included the quoted language. Except as expressly admitted, deny;

(d) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a rule titled "Employee Data" in Section V of the "Google Code of Conduct" that included the quoted language. Except as expressly admitted, deny;

(e) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a provision in the "Google At-Will Employment, Confidential Information, Invention Assignment and Arbitration Agreement" that included the quoted language. Except as expressly admitted, deny;

(f) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a provision titled "Conflicting Employment" in the "Google At-Will Employment, Confidential Information, Invention Assignment and Arbitration Agreement," which included the quoted language. Except as expressly admitted , deny;

(g) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a provision titled "Outside Communication and Research" in Section IV of the "Google Code of Conduct" that included the quoted language. Except as expressly admitted, deny;

(h) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a provision titled "Avoid Conflicts of Interest" in Section III of the "Google Code of Conduct" that included the quoted language. Except as expressly admitted, deny;

(i) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a provision titled "Company Equipment" in Section V of the "Google Code of Conduct" entitled "Protect Google's Assets" that included the quoted language. Except as expressly admitted, deny;

(j) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a provision titled "Respect Each Other" in Section II of the "Google Code of Conduct" that included the quoted language. Except as expressly admitted, deny;

(k) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained an "Appropriate Conduct Policy" that included the quoted language. Except as expressly admitted, deny;

(l) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a "Google Employee Communications Policy" that included the quoted language. Except as expressly admitted, deny;

(m) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained an

"Internal Google Communications" in the "Google Employee Communications Policy" that included the quoted language. Except as expressly admitted, deny;

(n) Admit that during at least some of the material time frame alleged in the Complaint (September 1, 2015 through November 1, 2016), Respondents maintained a "Corporate Services Security Policy" that included the quoted language. Except as expressly admitted, deny;

(o) Deny.

7. (a) Deny;

(b) Deny.

8. (a) (i) Deny; (ii) Deny;

(b) (i) Deny; (ii) Deny.

9. (a) Deny;

(b) Admit;

(c) Deny.

10. Deny.

11. Deny.

12. Deny.

FIRST AFFIRMATIVE DEFENSE

With regard to Respondents' policies, Respondents have already modified them and reissued them to the workforce. As a result, the policy-based allegations the General Counsel seeks to litigate are moot, and pursuing the Complaint on those policies does not serve the purposes of the Act. Paragraph 6 of the Complaint and the portions of paragraphs 10 and 11 referencing paragraph 6 should therefore be dismissed. *See Northwestern University*, Case No.

13-CA-157467 (Advice Memorandum, September 22, 2016). *See also*, *Jimmy Wakely Show*, 202 NLRB 620 (1973).

SECOND AFFIRMATIVE DEFENSE

The Board's decision in *Purple Communications, Inc.*, 361 NLRB No. 43 (2014), should be overruled, and Board law should return to that as stated in *Register Guard*, 351 NLRB 1110 (2007). *See Purple Communications* at *18-61 (dissents by now-Chairman Miscimarra and then-Member Johnson).

THIRD AFFIRMATIVE DEFENSE

The Board's decisions in *William Beaumont Hospital*, 363 NLRB No. 162 (2016), and *Verizon Wireless, Inc.*, 365 NLRB No. 38 (2017), should be overruled. *See, e.g., William Beaumont Hospital*, at *7-17 (now-Chairman Miscimarra's dissent).

FOURTH AFFIRMATIVE DEFENSE

The allegations in the Complaint cite only excerpts of policies and fail to take into account the context of the passages cited. The Board does not read rules in isolation, and context must be considered. *See*, *e.g.*, *Tradesmen International*, 338 NLRB 460, 462 (2002); GC Memorandum 15-04.

FIFTH AFFIRMATIVE DEFENSE

Because Respondents have already modified their policies and announced the modifications to the workforce, this is not a case in which special remedies are appropriate.

SIXTH AFFIRMATIVE DEFENSE

Google denies that it disciplined (b) (6), (b) (7)(C) in whole or in part for protected conduct,

but the same discipline would have been imposed even in the absence of protected conduct. *See Wright Line,* 251 NLRB 1083 (1980), *enforced*, 662 F.2d 899 (1st Cir. 1981), *cert. denied* 455 U.S. 989 (1982).

SEVENTH AFFIRMATIVE DEFENSE

Google denies that its previous Code of Conduct and its previous Appropriate Conduct Policy were overbroad, but the discipline of (b) (6), (b) (7)(C) was warranted by [redacted] misconduct, which actually interfered with Google's lawful interest in maintaining an inclusive workplace for women and minorities that is free of unlawful bias, discrimination and harassment. The discipline of (b) (6), (b) (7)(C) was also warranted by [redacted] violations of other policies, such as Google's Policy Against Harassment Discrimination and Retaliation, the validity of which is not at issue. *See Continental Group, Inc.*, 357 NLRB 409 (2011).

EIGHTH AFFIRMATIVE DEFENSE

The March 24, 2016 and May 6, 2016 emails that are alleged in the Complaint, and the alleged comments during the April 18, 2016 meeting, lawfully notified employees of Respondents' established practice of monitoring computers and email systems for legitimate management reasons, such as preventing the theft of intellectual property and trade secrets. *Purple Communications, Inc.*, 361 NLRB No. 43 (2014).

NINTH AFFIRMATIVE DEFENSE

If the allegations of the Complaint are adopted by the Board, the decision would interfere with Respondents' obligations under the law to maintain a work environment that is free of unlawful discrimination, harassment and bias. *See, e.g.*, 42 U.S.C. § 2000c *et seq.*, as amended (Title VII of the Civil Rights Act of 1964); 29 CFR §1604.11(d) ("[a]n employer may also be responsible for … harassment of employees in the workplace, where the employer . . . knows or

should have known of the conduct and fails to take immediate and appropriate corrective action."). *See also*, Cal. Govt Code § 12900 *et seq.* (California's Fair Employment and Housing Act).

For all of the foregoing reasons, the Complaint should be dismissed in its entirety.

DATED: May 12, 2017

Respectfully submitted,

PAUL HASTINGS LLP
CAMERON W. FOX
J. AL LATHAM, JR.
BLAKE R. BERTAGNA
ANKUSH DHUPAR

By: Cameron W. Fox

CAMERON W. FOX
PAUL HASTINGS LLP
515 So. Flower Street, 25th Floor
Los Angeles, California 90071

Attorneys for Respondents
GOOGLE INC. and
NEST LABS, INC.

STATEMENT OF SERVICE

I am a citizen of the United States and employed in Los Angeles, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 515 South Flower Street, 25th Floor, Los Angeles, California 90071.

On May 12, 2017, I served the foregoing document described as: ANSWER OF GOOGLE INC. AND NEST LABS, INC. TO CONSOLIDATED COMPLAINT on the interested parties by electronic service as follows:

Chris Baker, Esq.
cbaker@bakerlp.com
Deborah Schwartz, Esq.
dschwartz@bakerlp.com
BAKER CURTIS & SCHWARTZ, P.C.
44 Montgomery Street, Suite 3520
San Francisco, CA 94104

(b) (6), (b) (7)(C) [redacted]

☒ **VIA EMAIL:**

I caused the documents to be sent to the persons at the e-mail addresses on the above service list on May 12, 2017. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. The electronic notification address of the person making the service is christinewilson@paulhastings.com.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 12, 2017, at Los Angeles, California.

Christine Wilson

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

GOOGLE INC.,

and

(b) (6), (b) (7)(C), an Individual.

CASE 32-CA-164766

☒ REGIONAL DIRECTOR
Region 32

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF

GOOGLE INC.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Ankush Dhupar of Paul Hastings LLP

MAILING ADDRESS: 515 So. Flower Street, 25th Floor, Los Angeles, CA 90071

E-MAIL ADDRESS: ankushdhupar@paulhastings.com

OFFICE TELEPHONE NUMBER: (213) 683-6000

CELL PHONE NUMBER: *FAX:* (213) 627-0705

SIGNATURE: *(Please sign in ink.)*

DATE: May 16, 2017

[1] IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and **Case 32-CA-164766**

(b) (6), (b) (7)(C) **an Individual**

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C) **an Individual**

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that, due to the filing of a new charge in related Case 32-CA-201160, the hearing in the above matter, which was scheduled to commence on August 28, 2017, is rescheduled to October 17, 2017, and on consecutive days thereafter, at 9:00 a.m. in the Oakland Regional Office of the Board, 1301 Clay Street, Suite 300N, Oakland, California 94612-5224.

DATED AT Oakland, California this 21st day of July, 2017.

/s/ Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC. **and** (b) (6), (b) (7)(C), **an Individual** **and** **GOOGLE INC. AND NEST LABS, INC., A SINGLE EMPLOYER** **and** (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-164766** **Case 32-CA-176462** **Date: July 21, 2017**

AFFIDAVIT OF SERVICE OF ORDER RESCHULDING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

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7015 0920 0001 7784 6667

Michael Pfyl, Senior Counsel
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VIA REGULAR MAIL

(b) (6), (b) (7)(C)
c/o Chris Baker
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Attn: Davette Repola
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Ankush Dhupar, Esq.
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515 S Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

(b) (6), (b) (7)(C)
VIA REGULAR MAIL

National Labor Relations Board
Division Of Judges
901 Market St., Suite 300
San Francisco, CA 94103
E-FILE

July 21, 2017
Date

Frances Hayden, Designated Agent of NLRB
Name

/s/ Frances Hayden
Signature

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

CASE NOS. 32-CA-164766
32-CA-176462

and

(b) (6), (b) (7)(C) **, an Individual**

and

GOOGLE, INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

(b) (6), (b) (7)(C) **, an Individual**

RESPONDENTS' REQUEST FOR POSTPONEMENT OF HEARING

Respondents Google Inc. and Nest Labs, Inc. (collectively "Respondents") hereby request a postponement of the hearing in the above-captioned matter (recently re-set to begin October 17, 2017). Respondents have discussed this request with counsel for Charging Party (b) (6), (b) (7)(C), who does not oppose the request. The position of Charging Party (b) (6), (b) (7)(C) is not known at this time.

Respondents request a postponement of the hearing to **November 6, 2017**, or any date thereafter (except November 13-17, 2017) due to the unavailability of Respondents' counsel and witnesses.

In support of this Request, Respondents state the following:

1) Respondents' counsel, Cameron W. Fox, begins a multi-week jury trial on September 18, 2017. The Court and the parties have estimated that the trial will last until at least October 24, 2017, followed by post-trial motion work following the verdict (likely taking an additional week, through October 31, 2017).

2) Respondents' entire legal department has a mandatory off-site meeting from October 16-20, 2017, which would prevent any in-house counsel from attending the hearing if scheduled during that time.

3) Respondents' witness, (b) (6), (b) (7)(C), who is named in the Consolidated Complaint, is unavailable to travel to Oakland from October 23-November 3, 2017 due to critical product development work in that time frame that cannot be moved.

4) Respondents' witness, (b) (6), (b) (7)(C), who is named in the Consolidated Complaint, will be out of the country on business between October 23-27, 2017 and November 13-17, 2017. (b) (6), (b) (7)(C) is also scheduled to be out of town the week of November 6th, but can try to move (b) (6), flights for one of the days that week.

Counsel for the General Counsel has been advised of this request.

Respectfully Submitted,

PAUL HASTINGS LLP
J. AL LATHAM, JR.
CAMERON W. FOX
ANKUSH DHUPAR

By: Cameron W Fox
CAMERON W. FOX
Attorneys for Respondents
GOOGLE INC. and
NEST LABS, INC.

STATEMENT OF SERVICE

I am a citizen of the United States and employed in Los Angeles, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 515 South Flower Street, 25th Floor, Los Angeles, California 90071.

On July 31, 2017, I served the foregoing document described as: RESPONDENTS' REQUEST FOR POSTPONEMENT OF HEARING on the interested parties by electronic service as follows:

Chris Baker, Esq.
cbaker@bakerlp.com
Deborah Schwartz, Esq.
dschwartz@bakerlp.com
BAKER CURTIS & SCHWARTZ, P.C.
44 Montgomery Street, Suite 3520
San Francisco, CA 94104

(b) (6), (b) (7)(C)
[redacted]

☒ **VIA EMAIL:**

I caused the documents to be sent to the persons at the e-mail addresses on the above service list on July 31, 2017. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. The electronic notification address of the person making the service is christinewilson@paulhastings.com.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 31, 2017, at Los Angeles, California.

Christine Wilson

Christine Wilson

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and **Case 32-CA-164766**

(b) (6), (b) (7)(C), **an Individual**

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C), **an Individual**

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that, due to a request for postponement by Respondent's counsel and for good cause shown, the hearing in the above matter, which was scheduled to commence on October 17, 2017, is rescheduled to November 7, 2017, and on consecutive days thereafter, at 9 a.m. in the Oakland Regional Office of the Board, 1301 Clay Street, Suite 300N, Oakland, California 94612-5224.

DATED AT Oakland, California this 2nd day of August 2017.

/s/ Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC. **and** (b) (6), (b) (7)(C), **an Individual** **and** **GOOGLE INC. AND NEST LABS, INC., A SINGLE EMPLOYER** **and** (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-164766** **Case 32-CA-176462** **Date: August 2, 2017**

AFFIDAVIT OF SERVICE OF ORDER RESCHULDING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

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VIA E-MAIL:
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National Labor Relations Board
Division Of Judges
901 Market St., Suite 300
San Francisco, CA 94103
E-FILE

August 2, 2017
Date

Ida Lam, Designated Agent of NLRB
Name

Signature

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and **Case 32-CA-164766**

(b) (6), (b) (7)(C), **an Individual**

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C), **an Individual**

ORDER POSTPONING HEARING INDEFINITELY

On July 21, 2017, the hearing in this matter was postponed due to the filing of a new charge in related Case 32-CA-201160. Subsequently, another new charge was filed in related Case 32-CA-205351. **IT IS HEREBY ORDERED** that, pending the investigation of the new charge in related Case 32-CA-205351, the hearing in the above matter, which was scheduled to commence on November 7, 2017, is postponed indefinitely.

DATED AT Oakland, California this 4th day of October 2017.

/s/ Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC. **and** (b) (6), (b) (7)(C), **an Individual** **and** **GOOGLE INC. AND NEST LABS, INC., A SINGLE EMPLOYER** **and** (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-164766** **Case 32-CA-176462** **Date: October 4, 2017**

AFFIDAVIT OF SERVICE OF ORDER POSTPONING HEARING INDEFINITELY

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

Jenn Blackstone, Senior Counsel
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7015 0920 0001 7784 7664

Michael Pfyl, Senior Counsel
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Paul Hastings LLP
515 S Flower Street, 25th Floor
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VIA REGULAR MAIL

(b) (6), (b) (7)(C)
VIA REGULAR MAIL

National Labor Relations Board
Division Of Judges
901 Market St., Suite 300
San Francisco, CA 94103
E-FILE

October 4, 2017
Date

Ida Lam, Designated Agent of NLRB
Name

/s/ Ida Lam
Signature

From: Kaufman, Jennifer D.
To: "allatham@paulhastings.com"
Subject: proposed settlement agreement in Google, Inc., 32-CA-164766 and 32-CA-176462
Date: Thursday, January 25, 2018 1:23:00 PM
Attachments: SET.32-CA.164766.proposed IBSA.PDF

Dear Mr. Latham,

Pursuant to our conversation earlier this week, please see the attached proposed informal settlement agreement in the above-captioned charges. You will notice that the Regional Director agreed to take out the default language. A proposed settlement agreement for (b) (6), (b) (7)(C) charge will also be forthcoming.

I will be out of the office tomorrow, but I am available today and on Monday to discuss this settlement agreement.

Sincerely,
Jennifer Kaufman

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
Google, Inc., a subsidiary of Alphabet, Inc. **Cases 32-CA-164766 and 32-CA-201160**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE – After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them, at all of its facilities on a nationwide basis, at all locations where it normally posts notices to employees. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING – The Charged Party will post a copy of the Notice in English and in additional languages, if the Regional Director decides that it is appropriate to do so, on its intranet at "Internal Google Plus (G+)" and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer when it submits the Certification of Posting and provide a password for a password protected intranet site in the event it is necessary to check the electronic posting.

E-MAILING NOTICE – The Charged Party will email a copy of the signed Notice in English and in additional languages, if the Regional Director decides that it is appropriate to do so, to all current employees working at the Charged Party's facilities throughout the United States. The message of the e-mail transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 32 of the National Labor Relations Board in Cases 32-CA-164766 and 32-CA-201160." The Charged Party will forward a copy of that e-mail, with all of the recipients' e-mail addresses, to the Region's Compliance Officer at paloma.loya@nlrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice**.**

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve

the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Consolidated Complaint that issued on April 28, 2017, that is limited to the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices as well as related allegations alleged in any other pending charge.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **GOOGLE, INC., A SUBSIDIARY OF ALPHABET, INC.**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date	By: Name and Title Date
Print Name and Title below	Print Name and Title below

Recommended By: Date	Approved By: Date
JENNIFER D. KAUFMAN Field Attorney	VALERIE HARDY-MAHONEY Regional Director, Region 32

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees and to engage in protected criticisms of the Employer and **WE WILL NOT** do anything to interfere with your exercise of those rights.

WE WILL NOT maintain and **WE HAVE** rescinded any rules that prohibit employees from discussing and sharing information about their wages, hours, and other terms and conditions of employment, or that prohibit employees from engaging in conduct that conflicts with employees' obligations to us without first obtaining consent from us, or that prohibit employees from engaging in unwanted solicitations, from using our email during non-working time, conducting non-work activity during working hours, or that threaten employees with discipline for violating these rules.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment or otherwise prohibit you from sharing information about your wages or other terms and condition of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that maintained had such a definition of "confidential information."

WE WILL NOT maintain the language in the preface to our current Code of Conduct which states that Code of Conduct is confidential and prohibits employees from sharing the Code of Conduct with anyone outside of the company, and **WE WILL** rescind that provision of the Code of Conduct on that subject.

WE WILL NOT enforce our lawful rules in a discriminatory manner to prohibit or restrict employees from engaging in protected conduct with other employees concerning their wages, hours, and working conditions.

YOU HAVE THE RIGHT to freely bring workplace diversity issues, inclusion issues, and complaints or requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees with unspecified reprisals, including telling employees that they are doing damage to their careers because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT threaten to discipline you, discipline you, terminate you, or otherwise retaliate against you because you, on behalf of yourself and other employees, exercise your right to bring issues to us, make complaints about and/or criticize our workplace policies, including our diversity and inclusion policies or other policies regarding wages, hours, and other terms and conditions of employment.

WE WILL, within 14 days of the approval of this Agreement, remove from our files all references to the final written warning issued to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015, and **WE WILL,** within 3 days thereafter, notify (b) (6), (b) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) in any way.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

GOOGLE, INC., A SUBSIDIARY OF ALPHABET, INC.

(Employer)

Dated: _____ **By:** _____

(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay St Ste 300N
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Telephone: (510)637-3300
Hours of Operation: 8:30 a m. to 5 p m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

From:	Kaufman, Jennifer D.
To:	"harmeet@dhillonlaw.com"
Subject:	proposed settlement agreement in Google, Inc., 32-CA-164766 and 32-CA-176462
Date:	Thursday, January 25, 2018 1:33:00 PM
Attachments:	LTR.32-CA-164766.IBSA 7-day letter.pdf SET.32-CA.164766.proposed IBSA.PDF

Dear Ms. Dhillon,

Please see the attached proposed informal settlement agreement and cover letter. The settlement agreement has been sent to Google's counsel for consideration. I will not be in the office tomorrow but I am available today and Monday to discuss the proposed settlement. If possible, we would like to know whether your client has any objections to the proposed settlement by early next week.

Sincerely,
Jennifer Kaufman

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Harmeet Dhillon, Esq.
170 Post Street, Suite 700
San Francisco, CA 94108

Re: Google, Inc.
Cases 32-CA-164766, 32-CA-176462

Dear Ms. Dhillon:

Enclosed is an informal settlement agreement in this matter that has been sent to the Charged Party for review. This settlement agreement appears to remedy the violations established by our investigation and to comport with the remedial provisions of Board orders in cases involving such violations.

If you wish to join in the settlement, please sign and return the settlement agreement to this office by close of business on February 1, 2018.

If you decide not to join in this settlement, your objections to the settlement agreement and any supporting arguments should be submitted in writing to me by February 1, 2018. Your objections and arguments will be carefully considered before a final determination is made whether to approve the settlement agreement. If you fail to enter the settlement agreement or to submit objections by February 1, 2018, I will approve the settlement agreement on February 2, 2018.

Very truly yours,

Valerie Hardy-Mahoney

VALERIE HARDY-MAHONEY
Regional Director

Enclosure

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
Google, Inc., a subsidiary of Alphabet, Inc. **Cases 32-CA-164766 and 32-CA-201160**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE – After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them, at all of its facilities on a nationwide basis, at all locations where it normally posts notices to employees. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING – The Charged Party will post a copy of the Notice in English and in additional languages, if the Regional Director decides that it is appropriate to do so, on its intranet at "Internal Google Plus (G+)" and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer when it submits the Certification of Posting and provide a password for a password protected intranet site in the event it is necessary to check the electronic posting.

E-MAILING NOTICE – The Charged Party will email a copy of the signed Notice in English and in additional languages, if the Regional Director decides that it is appropriate to do so, to all current employees working at the Charged Party's facilities throughout the United States. The message of the e-mail transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 32 of the National Labor Relations Board in Cases 32-CA-164766 and 32-CA-201160." The Charged Party will forward a copy of that e-mail, with all of the recipients' e-mail addresses, to the Region's Compliance Officer at paloma.loya@nlrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice**.**

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve

the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Consolidated Complaint that issued on April 28, 2017, that is limited to the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices as well as related allegations alleged in any other pending charge.

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By: Name and Title Date	By: Name and Title Date
Print Name and Title below	Print Name and Title below

Recommended By: Date	Approved By: Date
JENNIFER D. KAUFMAN Field Attorney	VALERIE HARDY-MAHONEY Regional Director, Region 32

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WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees and to engage in protected criticisms of the Employer and **WE WILL NOT** do anything to interfere with your exercise of those rights.

WE WILL NOT maintain and **WE HAVE** rescinded any rules that prohibit employees from discussing and sharing information about their wages, hours, and other terms and conditions of employment, or that prohibit employees from engaging in conduct that conflicts with employees' obligations to us without first obtaining consent from us, or that prohibit employees from engaging in unwanted solicitations, from using our email during non-working time, conducting non-work activity during working hours, or that threaten employees with discipline for violating these rules.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment or otherwise prohibit you from sharing information about your wages or other terms and condition of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that maintained had such a definition of "confidential information."

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WE WILL NOT threaten to discipline you, discipline you, terminate you, or otherwise retaliate against you because you, on behalf of yourself and other employees, exercise your right to bring issues to us, make complaints about and/or criticize our workplace policies, including our diversity and inclusion policies or other policies regarding wages, hours, and other terms and conditions of employment.

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WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

GOOGLE, INC., A SUBSIDIARY OF ALPHABET, INC.

(Employer)

Dated: _____ **By:** _____

(Representative) (Title)

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From:	Gregory Michael (DhillonLaw)
To:	Kaufman, Jennifer D.
Cc:	Harmeet K. Dhillon (DhillonLaw)
Subject:	RE: proposed settlement agreement in Google, Inc., 32-CA-164766 and 32-CA-176462
Date:	Friday, January 26, 2018 4:37:23 PM
Attachments:	image001.jpg Proposed Settlement_edits.docx

Jennifer:

Our client's suggested redline modifications to the proposed settlement are attached. We hope settlement can be reached, and we look forward to hearing from you.

Regards,
Greg

Gregory R. Michael, Esq.
Associate | Dhillon Law Group Inc.
177 Post Street, Suite 700 | San Francisco, CA 94108
Phone: 415.433.1700 | Fax: 415.520.6593
www.dhillonlaw.com

Admitted to practice law in California

This email may be an attorney client privileged communication. If you received it in error, please destroy it and inform the sender.

> Begin forwarded message:
>
> From: "Kaufman, Jennifer D." <Jennifer.Kaufman@nlrb.gov>
> Date: January 25, 2018 at 10:33:52 AM PST
> To: "harmeet@dhillonlaw.com" <harmeet@dhillonlaw.com>
> Subject: proposed settlement agreement in Google, Inc., 32-CA-164766 and 32-CA-176462
>
> Dear Ms. Dhillon,
>

>
>
> Please see the attached proposed informal settlement agreement and cover letter. The settlement
> agreement has been sent to Google's counsel for consideration. I will not be in the office tomorrow
> but I am available today and Monday to discuss the proposed settlement. If possible, we would like to
> know whether your client has any objections to the proposed settlement by early next week.
>
>
>
> Sincerely,
>
> Jennifer Kaufman
>
>
>
>

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SETTLEMENT AGREEMENT

IN THE MATTER OF

Google, Inc., a subsidiary of Alphabet, Inc. **Cases 32-CA-164766 and 32-CA-201160**

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undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

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Yes _____ No _____
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Charged Party **GOOGLE, INC., A SUBSIDIARY OF ALPHABET, INC.**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date	By: Name and Title Date

Print Name and Title below	Print Name and Title below

Recommended By: Date	Approved By: Date
JENNIFER D. KAUFMAN Field Attorney	VALERIE HARDY-MAHONEY Regional Director, Region 32

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WE WILL NOT threaten employees with unspecified reprisals, including telling employees that they are doing damage to their careers because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT threaten to discipline you, discipline you, terminate you, or otherwise retaliate against you because you, on behalf of yourself and other employees, exercise your right to bring

issues to us, make complaints about and/or criticize our workplace policies, including our diversity and inclusion policies or other policies regarding wages, hours, and other terms and conditions of employment.

WE WILL NOT prevent you from discussing or speculating on litigation, legal rights, or statutes in the course of discussing wages, hours, and other terms and conditions of employment.

WE WILL, within 14 days of the approval of this Agreement, remove from our files all references to the final written warning issued to (b) (6), (b) (7)(C) Charging Party on (b) (6), (b) (7)(C) 2015, and **WE WILL,** within 3 days thereafter, notify (b) (6), (b) (7)(C) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) (7)(C) in any way.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

GOOGLE, INC., A SUBSIDIARY OF ALPHABET, INC.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

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From: Latham, J. Al
To: Kaufman, Jennifer D.
Cc: Latham, J. Al
Subject: RE: proposed settlement agreements in Google charges 32-CA-164766, 32-CA-176462, and 32-CA-201160
Date: Monday, February 12, 2018 12:39:03 PM
Attachments: image001.png

No problem. Thanks.

I'll be back to you as soon as I can.

Al

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

From: Kaufman, Jennifer D. [mailto:Jennifer.Kaufman@nlrb.gov]
Sent: Monday, February 12, 2018 9:33 AM
To: Latham, J. Al
Subject: [EXT] RE: proposed settlement agreements in Google charges 32-CA-164766, 32-CA-176462, and 32-CA-201160

Al,

I apologize for not getting back to you sooner. I had to leave for an appointment as soon as we got off the phone on Friday. My direct dial is (510) 671-3026. I look forward to speaking with you again.

Regards,
Jennifer

From: Latham, J. Al [mailto:allatham@paulhastings.com]
Sent: Friday, February 09, 2018 2:53 PM
To: Kaufman, Jennifer D. <Jennifer.Kaufman@nlrb.gov>
Cc: Latham, J. Al <allatham@paulhastings.com>
Subject: RE: proposed settlement agreements in Google charges 32-CA-164766, 32-CA-176462, and 32-CA-201160

Jennifer,

I forgot to ask for your direct line phone #. If you would email that, I'd know where to find it.

Thanks, and have a good weekend.

Al

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

From: Latham, J. Al
Sent: Friday, February 9, 2018 1:21 PM
To: Kaufman, Jennifer D.
Cc: Latham, J. Al
Subject: RE: proposed settlement agreements in Google charges 32-CA-164766, 32-CA-176462, and 32-CA-201160

Jennifer,

Could you please call me about this? (I seem to have misplaced your number.)

Al

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

From: Kaufman, Jennifer D. [mailto:Jennifer.Kaufman@nlrb.gov]
Sent: Wednesday, February 7, 2018 5:15 PM
To: Latham, J. Al
Subject: [EXT] RE: proposed settlement agreements in Google charges 32-CA-164766, 32-CA-176462, and 32-CA-201160

Thank you.

From: Latham, J. Al [mailto:allatham@paulhastings.com]
Sent: Wednesday, February 07, 2018 5:13 PM
To: Kaufman, Jennifer D. <Jennifer.Kaufman@nlrb.gov>
Cc: Latham, J. Al <allatham@paulhastings.com>
Subject: RE: proposed settlement agreements in Google charges 32-CA-164766, 32-CA-176462, and 32-CA-201160

Jennifer,

Thank you for following up. I immediately forwarded the proposed settlement agreements to Google and expect to be able to give you a definitive answer by February 12.

Al

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

From: Kaufman, Jennifer D. [mailto:Jennifer.Kaufman@nlrb.gov]
Sent: Wednesday, February 7, 2018 5:11 PM
To: Latham, J. Al
Subject: [EXT] proposed settlement agreements in Google charges 32-CA-164766, 32-CA-176462, and 32-CA-201160

Dear Mr. Latham,

I don't know whether you've had a chance to review the proposed settlement agreements with your client, but I wanted to check in with you and see if you have any questions or proposed changes. The Regional Director has advised me that we will issue a revised consolidated complaint if the settlement agreements are not signed by February 12, 2018.

Sincerely,
Jennifer

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From: Latham, J. Al
To: Kaufman, Jennifer D.
Cc: Latham, J. Al
Subject: Google / [redacted] 32-CA-176462; Google/ [redacted] 32-CA-164766 and 32-CA-201160
Date: Friday, February 16, 2018 1:24:06 PM
Attachments: 20180216093812770.pdf

Jennifer,

Thank you for your hard work toward achieving a settlement --- especially in deleting the default language, which would have been a non-starter.

Google is willing to enter into the informal settlement agreement you proposed for the [redacted] charge, subject to the following:

1. Add a standard non-admissions clause.

2. Delete the commitment to provide a password to the intranet site. (Google will, however, post the notice on G+ as proposed, and include that fact in its certification of posting.)

3. Delete the emailing of the notice.

4. Modify the language of the notice as shown on the attachment to this email. (I think our suggested language is clearer, and it covers all the topics in the Region's proposal.)

Concerning [redacted], as I have mentioned, Google is not in a position to agree to the three paragraphs touching on diversity issues, nor to settle [redacted] discipline. But there is considerable overlap between the proposed notice in [redacted] and the [redacted] notice. If we settle [redacted], we would want it clearly understood that the parallel issues in [redacted] have been fully remedied and would not be part of the [redacted] complaint.

Please let me know if we have a deal --- and thanks again.

Al

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 | allatham@paulhastings.com | www.paulhastings.com

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require employees to obtain our consent before engaging in activities that do not constitute a business or financial conflict of interest;

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees and **WE WILL NOT** do anything to interfere with your exercise of those rights.

WE WILL NOT maintain and **WE HAVE** rescinded any rules that prohibit employees from discussing and sharing information about their wages, hours, and other terms and conditions of employment; or that ~~prohibit employees from engaging in conduct that conflicts with employees' obligations to us without first obtaining consent from us~~, or that prohibit employees from engaging in ~~unwanted~~ solicitations, from using our email during non-working time, conducting ~~non-work~~ activity during working hours; or that threaten employees with discipline for violating these rules.

protected protected for protected activity

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment or otherwise prohibit you from sharing information about your wages or other terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that ~~maintained had such a definition of "confidential information"~~ may have been interpreted as defining "confidential information" in that way.

WE WILL NOT maintain the language in the preface to our current Code of Conduct which states that Code of Conduct is confidential and prohibits employees from sharing the Code of Conduct with anyone outside of the company, and **WE WILL** rescind that provision of the Code of Conduct on that subject.

WE WILL NOT make it appear to you that we are ~~watching out for~~ engaging in surveillance of your protected concerted activities or ask that you report other employees who are engaging in protected activity regarding their wages, hours, and working conditions.

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

protected

PAUL
HASTINGS

(213) 683-6319
allatham@paulhastings.com

February 23, 2018 59605.00030

VIA E-FILING AND E-MAIL

Valerie Hardy-Mahoney
Regional Director, Region 32
National Labor Relations Board
1301 Clay St., Suite 300N
Oakland, CA 94612.

Re: *Google/*(b) (6), (b) (7)(C) Case Nos. 32-CA-164766; 32-CA-201160

Dear Ms. Hardy-Mahoney:

Google believes that the issuance of the January 16, 2018, Advice Memo in the Google/(b) (6), (b) (7)(C) case (No. 32-CA-205351), which was made public last week, is an important new development that warrants fresh consideration of (b) (6), (b) (7)(C) charges. In light of the Advice Memo, we respectfully request that you reconsider the authorization of complaint on (b) (6), (b) (7)(C) charges. Upon reconsideration, the charges should be dismissed insofar as they are based upon the written warning (b) (6), (b) (7)(C) received, or any other alleged interference with (b) (6), right to criticize Google's diversity policies.

A detailed review of the facts is not necessary here, as they are set forth in Google's January 12, 2016, position statement. But four facts are key in light of the Advice Memo.

First, (b) (6), (b) (7)(C) knew from the start that (b) (6), was wading into a discussion about diversity that was ***not theoretical or abstract, but highly personal and sensitive***, as Googlers were relating their own personal stories. The message board thread[1] started with (b) (6), (b) (7)(C) sharing a message from an anonymous (b) (6), (b) (7)(C) Googler who related (b) (6), (b) "personal story" of deciding to leave tech because (b) (6), (b) felt unwelcome.[2] This led to an outpouring from other Googlers, sharing their own personal stories and feelings. One said, "I am literally crying now."[3] Another said (b) (6), (b) often can't

[1] See Exhibit B to the January 12, 2016 Position Statement.
[2] Exh. B at 1.
[3] Exh. B at 2.

sleep, had suffered panic attacks, and "often think[s] about quitting this company because I can't risk becoming suicidal depressive again."[4] (b) (6), (b) (7)(C) inserted (b) (6), (b) (7)(C) into this emotionally-charged discussion with demands for "a clear statement of banned opinions . . . so that everybody knows what the ground rules are."[5] (b) (6), (b proclaimed (b) (6), (b) (7)(C) a "nerd" who is a "stickler[] for the rules," and insisted upon "clarity from the management."[6]

Second, (b) (6), (b) (7)(C) persisted in this vein, increasingly upsetting (b) (6), (b co-workers. ***Co-workers told*** (b) (6), (b) (7)(C) ***behavior was hurtful and asked*** (b) (6), (b) (7 ***to stop***. For example, one Googler told (b) (6), (b) (7)(C), "This is a professional environment and you are not only acting unprofessionally, your behavior is directly causing distress to your coworkers. Please stop."[7]

Third, (b) (6), (b) (7)(C) finally got the clarity (b) (6), had demanded from management. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) told (b) (6), (b):

> "I think to ask for a rule book is missing the point. But if you want a succinct summary: ***don't do what you are doing here***. Contact me privately if you want to know more."[8]

Fourth, (b) (6), (b) (7)(C) ***did not stop***. (b) (6), (b had to get in the last word. (b) (6), (b) (7)(C) posted a final snarky message, which included an assertion that (b) (6), was the victim of an "ongoing and unprovoked campaign of character assassination."[9]

The critical teaching of the Advice Memo for the (b) (6), (b) (7)(C) matter is this:

> "An employer's good-faith efforts to enforce its lawful anti-discrimination or anti-harassment policies ***must be afforded particular deference*** in light of the employer's duty to comply with state and federal EEO laws. Additionally, employers have ***a strong interest in promoting diversity and encouraging employees across diverse***

---

[4] Exh. B. at 3.
[5] Exh. B at 4.
[6] Exh. B at 5.
[7] Exh. B at 11.
[8] Exh. B at 14 (emphasis added).
[9] Exh. B at 39.

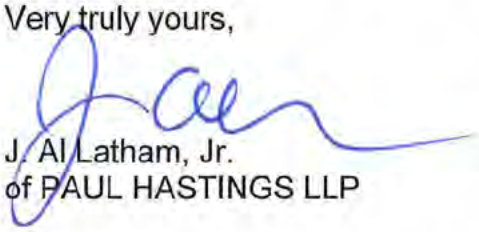
> ***demographic groups to thrive in their workplaces***. In furtherance of these legitimate interests, ***employers must be permitted to "nip in the bud" the kinds of employee conduct that could lead to a "hostile workplace," rather than waiting until an actionable hostile workplace has been created before taking action.***"

Advice Memo, at 3-4 (citation omitted; emphasis added).

Under the circumstances, (b) (6), (b) (7)(C) directive to (b) (6), (b) (7)(C) to stop doing what (b) (6), was doing "must be afforded particular deference." Google was entitled to stop (b) (6), (b) (7)(C) from further provoking (b) (6), co-workers, because Google has a "strong interest" in ensuring that "diverse demographic groups" could "thrive in [its] workplaces." (b) (6), (b) (7)(C) directive to (b) (6), (b) (7)(C) was "a reasonable precaution against discord and bitterness," a measure necessary "to assure decorum and discipline." Advice Memo, at 4-5, quoting *Honda of America Mfg.*, 334 NLRB 746, 749 (2001), quoting in turn *Southwestern Bell*, 200 NLRB 667, 670 (1972). *See also Boeing Co.*, 365 NLRB No. 154 (2017), slip op. at 4, n. 15 (recognizing employers' "legal responsibility to maintain a work environment free of unlawful harassment based on sex, race or other protected characteristics," and their "interest in avoiding unnecessary conflict that interferes with . . . productivity and other legitimate business goals"). Because (b) (6), (b) (7)(C) responded to (b) (6), (b) (7)(C) directive insubordinately, adding yet another provocative post, (b) (6), lost whatever protection (b) (6), might otherwise have enjoyed under the Act.[10]

For these reasons, Google respectfully requests that the authorization of complaint be reconsidered. Upon reconsideration, (b) (6), (b) (7)(C) charges should be dismissed insofar as they are based upon (b) (6), discipline or any other alleged interference with (b) (6), right to criticize Google's diversity policies.

Very truly yours,



J. Al Latham, Jr.
of PAUL HASTINGS LLP

---

[10] Google continues to adhere to its position, as set forth in its January 12, 2016, position statement, that (b) (6), (b) (7)(C) actions were not concerted, and therefore were unprotected for that reason as well.

From: Harmeet K. Dhillon (DhillonLaw)
To: Kaufman, Jennifer D.
Subject: Re: status of Google charges
Date: Monday, February 26, 2018 8:19:22 PM

Thanks.

Harmeet

Harmeet K. Dhillon, Esq.
Dhillon Law Group Inc.
177 Post St., Suite 700
San Francisco, CA 94108
415.433.1700 (o)
415.830.7400 (m)

On Feb 26, 2018, at 5:07 PM, Kaufman, Jennifer D. <Jennifer.Kaufman@nlrb.gov> wrote:

> No, I cannot give you Google's request for reconsideration, just as I would not give your position letter to Google. And I'm not sure what you mean by other papers – I sent Google a proposed settlement agreement, just as I did with you, and notified them that absent settlement we would reissue the Complaint (with some revisions to conform to new caselaw), but there was no formal public document created in that exchange. I cannot send you my email correspondence with Google's counsel.
>
> ---
>
> **From:** Harmeet K. Dhillon (DhillonLaw) [mailto:harmeet@dhillonlaw.com]
> **Sent:** Monday, February 26, 2018 5:02 PM
> **To:** Kaufman, Jennifer D. <Jennifer.Kaufman@nlrb.gov>
> **Cc:** Gregory Michael (DhillonLaw) <GMichael@dhillonlaw.com>; Rav Grewal (DhillonLaw) <RGrewal@dhillonlaw.com>
> **Subject:** Re: status of Google charges
>
> Is it possible to see Google's request for reconsideration? Any of the other papers in this case? The notification to Google about the revised charges/settlement proposal/etc?
>
> Thank you —
>
> Harmeet K. Dhillon, Esq.
> Dhillon Law Group Inc.
> 177 Post St., Suite 700
> San Francisco, CA 94108
> 415.433.1700 (o)
> 415.830.7400 (m)
>
> On Feb 26, 2018, at 4:38 PM, Kaufman, Jennifer D. <Jennifer.Kaufman@nlrb.gov>

wrote:

> Thank you. If I find out that the meeting will not be taking place until next week, I will let you know.
>
> ---
>
> **From:** Harmeet K. Dhillon (DhillonLaw) [mailto:harmeet@dhillonlaw.com]
> **Sent:** Monday, February 26, 2018 4:37 PM
> **To:** Kaufman, Jennifer D. <Jennifer.Kaufman@nlrb.gov>
> **Cc:** Gregory Michael (DhillonLaw) <GMichael@dhillonlaw.com>; Rav Grewal (DhillonLaw) <RGrewal@dhillonlaw.com>
> **Subject:** Re: status of Google charges
>
> We will try.
>
> Thank you —
>
> Harmeet
>
> Harmeet K. Dhillon, Esq.
> Dhillon Law Group Inc.
> 177 Post St., Suite 700
> San Francisco, CA 94108
> 415.433.1700 (o)
> 415.830.7400 (m)
>
> On Feb 26, 2018, at 4:36 PM, Kaufman, Jennifer D. <Jennifer.Kaufman@nlrb.gov> wrote:
>
>> Would it be possible to submit it by the end of the day on Thursday? I apologize for the short notice, but the Regional Director has indicated that she may not want to wait until next week to discuss this.
>>
>> ---
>>
>> **From:** Harmeet K. Dhillon (DhillonLaw) [mailto:harmeet@dhillonlaw.com]
>> **Sent:** Monday, February 26, 2018 4:33 PM
>> **To:** Kaufman, Jennifer D. <Jennifer.Kaufman@nlrb.gov>
>> **Cc:** Gregory Michael (DhillonLaw) <GMichael@dhillonlaw.com>; Rav Grewal (DhillonLaw) <RGrewal@dhillonlaw.com>
>> **Subject:** Re: status of Google charges
>>
>> Ok, thank you for this. When would our position letter be due?

Regards,
Harmeet
Harmeet K. Dhillon, Esq.
Dhillon Law Group Inc.
177 Post St., Suite 700
San Francisco, CA 94108
415.433.1700 (o)
415.830.7400 (m)

On Feb 26, 2018, at 4:28 PM, Kaufman, Jennifer D. <Jennifer.Kaufman@nlrb.gov> wrote:

> Mr. Michael and Ms. Dhillon,
>
> This is to update you on the current status of the Google charges. While Google has indicated that it is willing to settle allegations concerning the maintenance of various rules and policies that were found to violate the Act, Google is not willing to enter a settlement regarding (b) (6), (b) (7)(C) discipline. Furthermore, on Friday, Google submitted a request for reconsideration of the Regional Director's decision to reissue the Complaint allegations regarding (b) (6), (b) (7)(C) discipline. The request for reconsideration was prompted by the Agency's public release of the Advice Memorandum concerning (b) (6), (b) (7)(C) termination. Google contends that under the rationale set forth in the Advice Memorandum, the Regional Director should also reverse her determination regarding (b) (6), (b) (7)(C) written warning. I expect to meet with the Regional Director to discuss the request for reconsideration by next week at the latest, and possibly later this week. I wanted to make you aware of this in case you would like to submit a written position letter in advance of that meeting.
>
> Sincerely,
> Jennifer Kaufman

From: Hajduk, Alexander M.
To: "Latham, J. Al"
Subject: RE: Follow up from our call last week re: Google and [redacted]
Date: Thursday, March 8, 2018 12:36:00 PM
Attachments: image001.png

Hello Al,

Thanks for keeping me posted. If there's anything you get, please send it over to me before tomorrow morning.

Thanks again,

Alex Hajduk
NLRB

From: Latham, J. Al [mailto:allatham@paulhastings.com]
Sent: Tuesday, March 06, 2018 2:33 PM
To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>
Cc: Latham, J. Al <allatham@paulhastings.com>
Subject: RE: Follow up from our call last week re: Google and [redacted]

Alex,

I haven't forgotten about you. We're looking into it, and I'll be back in touch as soon as I have answers for you.

Thanks.

Al

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

From: Hajduk, Alexander M. [mailto:Alexander.Hajduk@nlrb.gov]
Sent: Tuesday, March 6, 2018 11:59 AM
To: Latham, J. Al
Subject: [EXT] Follow up from our call last week re: Google and [redacted]

--- External Email: Do not open attachments or click links from unknown senders ---

Hello again Mr. Latham,

I'm following up on our conversation from last week. Has the Employer been able to find any additional evidence along the lines we discussed?

Thanks,

Alexander M. Hajduk
Field Examiner
National Labor Relations Board – Region 32 (Oakland)
Office: (510) 671-3024
Cell: (202) 431-8814
Fax: (510) 637-3315

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(213) 683-6319
allatham@paulhastings.com

March 9, 2018 59605.00030

VIA E-FILING AND E-MAIL

Alexander M. Hajduk
Field Examiner
National Labor Relations Board - Region 32
1301 Clay St., Suite 300N
Oakland, CA 94612

Re: *Google/*(b) (6), (b) (7)(C) Case Nos. 32-CA-164766; 32-CA-201160

Dear Mr. Hajduk:

This letter supplements my February 23, 2018, letter to the Regional Director requesting reconsideration of complaint authorization in the referenced cases.

I stressed in my letter that several employees on the August 5-7, 2015, thread told (b) (6), (b) (7)(C) that (b) (6), (b) posts were causing pain to others, and they asked (b) (6), (b) to stop, but (b) (6), would not. You have inquired whether, *apart from the evidence of the thread itself*, there is any evidence that (b) (6), (b) (7)(C) posts caused discord. The answer is yes.

Other employees saw (b) (6), (b) (7)(C) posts and complained. Two examples are attached.

First, (b) (6), (b) (7)(C) wrote (b) (6), (b) (7)(C) on August 7, 2015 (Exhibit A). (b) (6), (b) (7)(C) is the officer who told (b) (6), (b) (7)(C) "don't do what you are doing here," after which (b) (6), (b) (7)(C) persisted nonetheless. (b) (6), (b) (7)(C) wrote to (b) (6), (b) (7)(C) to complain that (b) (6), (b) (7)(C) had "missed your point and has instead dug in (b) (6), (b) heels." (b) (6), (b) (7)(C) said that what (b) (6), (b) (7)(C) described as "'political views' are actually thinly-veiled hostilities towards (b) (6), (b) fellow employees."

Second, (b) (6), (b) (7)(C) on August 9 complained to Google management about (b) (6), (b) (7)(C) recent posts (Exhibit B). (b) (6), (b) (7)(C) pointed out that in March 2015 (b) (6), (b) (7)(C) had posted a comment that was "incredibly offensive to women," a "clear cut case of trivializing sexual harassment." (For this March post, see page 4 of Google's January 12, 2016, position statement.) And now in August, (b) (6), (b) (7)(C) observed, (b) (6), (b) (7)(C) "line of commenting, from the very beginning, fell in exactly that category, to the point that (b) (6), (b) (7)(C) replied: . . . 'don't do what you're doing here.'" And yet, (b) (6), (b) (7)(C) said, (b) (6), (b) (7)(C) is persisting, "[o]nce again dismissing harassment."

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That (b) (6), (b) (7)(C) was sowing discord among employees on the most sensitive of issues – and doing so knowingly – is not in doubt.

Very truly yours,

J. Al Latham, Jr.
of PAUL HASTINGS LLP

Enclosures

EXHIBIT A

REDACTED

Fwd: (b) (6), (b) (7)(C)

Dear [redacted],

I've been a Googler for nearly [redacted] years, and I've worked in (b) (6), (b) (7)(C) for [redacted] of them. I've been proud to work for you. Your go/no-jerks manifesto was an important moment for me and the company as a whole.

Recently, you've taken very public stands against Googlers who have been hostile to women and minorities. In particular, you called out (b) (6), (b) (7)(C) on your own Google+ post. [redacted] withdrawal from that thread had left me with the hope that [redacted] received your message.

Unfortunately, I found these posts [redacted] made earlier today. I feel that [redacted] missed your point and has instead dug in [redacted] heels. What [redacted] describes as "political views" are actually thinly-veiled hostilities towards [redacted] fellow employees. Specifically, when I see [redacted] use the term "SJW bullying," I can only conjure up the worst behavior from #GamerGate. People often use the term "Social Justice Warrior" as shorthand for women and minorities who've had the audacity to stand up for themselves.

I recently spoke with a fellow Googler who knew [redacted] from the time [redacted] spent at (b) (6), (b) (7)(C) [redacted] nearly [redacted] years ago. [redacted] confirmed that [redacted] was hostile to women in technology back then, and it appears to me that [redacted] hasn't changed.

I can't and won't ask you to take a specific action, but I felt you you should be aware of this thread (and the mailing list it's on). I worry that a pattern of unchecked behavior will undermine the work Google has done to support diversity in the tech industry.

Sincerely,

(b) (6), (b) (7)(C)

EXHIBIT B

REDACTED

Fwd: (b) (6), (b) (7)(C) behavior

From: (b) (6), (b) (7)(C) @google.com>
Date: Sun, Aug 9, 2015 at 7:25 AM
Subject: Re: (b) (6), (b) (7)(C) behavior
To: (b) (6), (b) (7)(C) @google.com>
Cc: respect@google.com, (b) (6), (b) (7)(C) @google.com>, Code-of-conduct <code-of-conduct@google.com>

Thanks! :)

On Sun, Aug 9, 2015, 3:15 PM (b) (6), (b) (7)(C) @google.com> wrote:
(b) (6), (b) (7)

Thanks for your note. We are aware of the situation and are working towards a solution and action.

Thanks for reaching out.

(b) (6), (b) (7)(C)

On Sun, Aug 9, 2015 at 4:36 AM, (b) (6), (b) (7)(C) @google.com> wrote:

Hi respect, code-of-conduct, (b) (6), (b) (7)(C),

I have been reading some of the latest diversity-related mailing list threads/G+ posts/etc and (b) (6), (b) (7)(C) contributions seem to me completely out of place/tone.

What I saw this week:
A post from the past (from March, screenshot as it was in a G+ post by a Xoogler, (b) (6), (b) (7)(C) if I recall correctly), regarding the (b) (6), (b) (7)(C) incident.

To refresh memories, (b) (6), (b) claim was the following:
"It was (b) (6), (b) (7)(C) saying to me in Maui, 'It's taking all of my self control not to grab your ass right now,'" (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) wrote in a Google+ post (sauce).

Also, at that point (b) (6), (b) (7 was an indirect report of (b) (6), (b if I recall correctly.

To which (b) (6), (b) (7 replied with:
https://goo.gl/photos/DQEmCXEyxoTRPFVP7

Quoting verbatim:
"""

"I AM WOMAN, HEAR ME ROAR!!!"

has a complete breakdown over some dude's cheesy pickup line
"""

Even out of context, I think that the comment is incredibly offensive to women on its own, and completely out of place.

Taking in context, it's a clear cut case of trivializing sexual harassment from a Googler's superior (assuming that it happened as described, which (b) (6), (b) (7 doesn't dispute in this comment)

Then, (b) (6), posted an email that (b) (6), (b) (7)(C) Googler sent to (b) (6), to highlight some of the issues that women face at Google and how it's very hard to talk about diversity at Google because of some people "derailing" those threads: https://plus.google.com/+UrsHölzleGoogle/posts/feZVLnMZFGw

(b) (6), (b) (7)(C) line of commenting, from the very beginning, fell in exactly that category, to the point that eventually (b) (6), replied:
(b) (6), (b) (7)(C) I think to ask for a rule book is missing the point. But if you want a succinct summary: don't do what you're doing here. Contact me privately if you want to know more. "

Then just a couple days ago, in this email thread:
https://groups.google.com/a/google.com/forum/m/#!topic/freespeech/uqUJ3ILmYbU

(b) (6), (b) (7 says, referring again to the (b) (6), (b) (7)(C) incident:
"all over one silly comment made in the distant past."

Once again dismissing harassment from another Googler on (b) (6), (b) (7)(management chain as "one silly comment".

I think I don't need to explain how a woman that may has been in a similar situation and is doubtful about coming forward with it may feel when reading those comments.

In another thread in the freespeech @ mailing list:
https://groups.google.com/a/google.com/forum/m/#!topic/freespeech/slKEuVaAIJ0

(b) (6), suggests a wish to expose Google to liability:
"> https://sites.google.com/a/google.com/privilege/home/top-legal-issues/communicate-with-care-dos-and-don-ts

This document was written under the assumption that we don't want Google to be exposed to liability. When doing technical work that's
always true. But if your employer is actively violating your legal rights, you might have different objectives. Sometimes pointing out the liability is the only way to convince a reluctant bureaucracy to
respect your rights. "

Thanks for reading and hopefully looking into this :)

PAUL
HASTINGS

(213) 683-6319
allatham@paulhastings.com

March 26, 2018 59605.00030

VIA E-FILING AND E-MAIL

Alexander M. Hajduk
Region 32
National Labor Relations Board
1301 Clay St., Suite 300N
Oakland, CA 94612.

Re: *Google/*(b) (6), (b) (7)(C) Case Nos. 32-CA-164766; 32-CA-201160

Dear Mr. Hajduk:

I am responding to the additional questions you raised in your March 16, 2018, email.[1]

Question # 1. (b) (6), (b) (7)(C) email to (b) (6), (b) (7)(C) was on August 7, 2015, at 3:53 p.m. PDT. Attached as Exhibit A is another copy of (b) (6), (b) (7)(C) email to (b) (6), (b) (7)(C) showing the date and time.

Question # 2. (b) (6), (b) (7)(C) linked to (b) (6), (b) (7)(C) "I don't want to work with jerks" memo. That document, as it existed at the time, is attached hereto as Exhibit B.

Both (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) linked to a thread in the "free speech" group called "employee blacklists." That thread, as it existed through the date and time of (b) (6), (b) (7)(C) email (August 9, 2015, at 4:36 a.m.) is attached as Exhibit C.

(b) (6), (b) (7)(C) linked to (b) (6), (b) (7)(C) March 9, 2015, post, "I AM WOMAN, HEAR ME ROAR!!!" That is Exhibit D hereto. (b) (6), (b) also linked to (b) (6), (b) (7)(C) August 5, 2015, G+ thread, which I believe you have; if not, please let me know. Finally, (b) (6), (b) (7)(C) linked to another "free speech" thread. That whole thread is massive --- well over 200 pages. I therefore attach as Exhibit E the (b) (6), (b) (7)(C) post that (b) (6), (b) (7)(C) quotes ("all over one silly comment made in the distant past").

Question #3. Unfortunately, we have not been able to reconstruct the entire March 2015 thread. That's because it was on the corporate G+ account of a former employee,

[1] For my response to your earlier question about Google employees other than (b) (6), (b) (7)(C) who were disciplined for their conduct on the August 2015 (b) (6), (b) (7)(C) G+ thread, please see my March 22 email to you.

PAUL
HASTINGS

and former employees' corporate G+ accounts are automatically deleted when they leave.

Question #4. We understand that the original March 2015 G+ post was by (b) (6), (b) (7)(C), but it referenced the alleged sexual harassment of (b) (6), (b) (7)(C)

Finally, you asked about the confidentiality legend appearing on the revised Code of Conduct. This was a mistaken holdover from the old Code of Conduct, and when discovered in early October 2017, it was promptly removed.

Very truly yours,

J. Al Latham, Jr.
of PAUL HASTINGS LLP

Enclosures

EXHIBIT A

(b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)@google.com (b) (6), (b) (7)(C)" **Friday, August 7, 2015 at 3:53:32 PM Pacific Daylight Time**
To: email: (b) (6), (b)@google.com (b) (6), (b) (7)(C)

Dear (b) (6), (b)

I've been a Googler for nearly (b) (6), years, and I've worked in (b) (6), (b) (7)(C) for (b) (6), (b) (7) of them. I've been proud to work for you. Your go/no-jerks manifesto was an important moment for me and the company as a whole.

Recently, you've taken very public stands against Googlers who have been hostile to women and minorities. In particular, you called out (b) (6), (b) (7)(C) on your own Google+ post. (b) (6), (withdrawal from that thread had left me with the hope that (b) (6), received your message.

Unfortunately, I found these posts (b) (6), (b) (7)(made earlier today. I feel that (b) (6), (b) missed your point and has instead dug in (b) (6), heels. What (b) (6), describes as "political views" are actually thinly-veiled hostilities towards (b) (6), fellow employees. Specifically, when I see (b) (6), (b use the term "SJW bullying," I can only conjure up the worst behavior from #GamerGate. People often use the term "Social Justice Warrior" as shorthand for women and minorities who've had the audacity to stand up for themselves.

I recently spoke with a fellow Googler who knew (b) (6), (b) (7)(from the time (b) (6), spent at (b) (6), (b) (7)(C) nearly (b) (6), (b) (7)(C) years ago. (b) (6), (b) confirmed that (b) (6), was hostile to women in technology back then, and it appears to me that (b) (6), hasn't changed.

I can't and won't ask you to take a specific action, but I felt you you should be aware of this thread (and the mailing list it's on). I worry that a pattern of unchecked behavior will undermine the work Google has done to support diversity in the tech industry.

Sincerely,

(b) (6), (b) (7)(C)

REDACTED

EXHIBIT B

3-Feb-2014

I don't want to work with jerks.

...and neither do you, I'm sure. But are you doing your part in keeping Google free of disrespectful behavior?

WHY YOU SHOULD CARE:

Google thrives on accurate data; accurate data requires peer review, debate and disagreement. And healthy debate and disagreement work best in an environment where there is support and respect for people - where the ideas, **but not the individuals**, are stress tested. Thus it's incredibly important to make our workplace a positive, friendly place where people can disagree about pretty much anything -- from technical questions to microkitchens -- without arguments becoming personal.

When disagreements become personal, the resulting negative energy saps everyone's productivity. It's just not fun to work around someone who behaves badly, even if that behavior isn't directed at you. A recent WSJ article summarizes it nicely: "A growing body of research suggests that having just a few nasty, lazy or incompetent characters around can ruin the performance of a team or an entire organization—no matter how stellar the other employees."

So our goal is to nurture a culture where people can disagree about pretty much anything, while following common rules of mutual respect to minimize the emotional strain placed on participants or observers when disagreements become personal.

WHAT IS DISRESPECTFUL BEHAVIOR?

Disrespectful behavior comes mainly in three forms:

- Physical aggression: any form of unwanted contact, intimidation, or physical threats;
- Verbal aggression: shouting, swearing, or any other form of aggressive language, either in meetings or in emails;
- Personal / ad-hominem attacks: Basing any part of a disagreement on an individual's real or imagined characteristics; for example, inferring malevolent intentions[1], maligning their intelligence or drive, etc. More generally, behavior or language that makes reasonable people around you uncomfortable because it attacks a person rather than a problem.[2]

---

[1] See here for an excellent way of how to avoid this: insist on people using MRI. "M.R.I. means the 'most respectful interpretation' of what someone's saying to you," she said. "I don't need everyone to be best friends, but I need to have a team with M.R.I. So you can say anything to anyone, as long as you say it the right way."

[2] See the "litmus tests" entry in the FAQ.

At the severe end of the above list, disrespectful behavior results in prompt dismissal from Google. At the mild end, it damages the morale and motivation of everyone exposed to it - both those who are the subject of the behavior, and those who witness it.

WHAT YOU SHOULD DO:

The vast majority of Googlers treat each other with respect. However, left unchecked, a few bad examples can ruin a workplace -- so when you see disrespectful behavior, **please act**. Stop bad behavior in its tracks and prevent it from seeming, and thus becoming, normal.

Specifically:

- If you're comfortable doing so either in person or on a thread, call it out on the spot: "Hey, you need to stop shouting, that is not how we work with each other here at Google." Calling out disrespectful behavior is an effective way to reinforce Google's positive culture, and if it occurs in a visible setting it encourages other Googlers to speak up. Often, the behavior is inadvertent or there is some miscommunication, so you should immediately ask the Googler to confirm your interpretation, usually in the original venue (email/G+ thread, meeting, etc). This gives them an opportunity to clarify or retract in the original venue, and if appropriate, apologize. Otherwise, it's a good idea at this point to state that the behavior is unacceptable, with emphasis on the behavior and not the person, and without using the word "jerk", which can itself be insulting.
- People make mistakes, so our MTBF isn't going to be infinity and occasionally someone will say something inappropriate, probably unintentionally. What matters is a short average MTTR, i.e., a quick intervention, a quick apology, and life moves on. The primary goal is to de-escalate first; that should be the normal case--a small blip that's quickly forgotten. So it's important to correct quickly, and to apologize quickly. With quick "repair", we lessen the fear of speaking up, which is crucial: recall that our goal is to encourage vigorous debate, not squelch it.
- If you're not comfortable confronting the behavior on the spot, that's OK. It's not an easy situation, especially the first time you encounter it. For mild cases, ask a more experienced fellow Googler on how they would respond. Alternatively, it's often good to discuss the incident with the Googler privately first (preferably in person or VC), to avoid defensiveness. If these attempts at de-escalation fail, then you shouldn't just let the incident drop, so read on.
- For more serious cases, your management team gets paid to deal with these problems, so let them know immediately -- bring it to the attention of your manager *and* director (or VP, if it's someone senior) and CC your HR contact. Try to be specific about the situation and the behavior you observed. If others witnessed the behavior, ask them to report it, too.
- Finally, you might want some practice/advice. If you want to learn how to handle these situations effectively, you can consult an Eng Advisor and/or your HR contact. Knowing how to handle challenging personal dynamics effectively is a useful skill set, and these

people are experts. If there's enough demand, we'll set up an EngEDU class....but remember, most of the time all you need to do is to clearly express your discomfort and ask the person to stop. Googlers are smart, and want to do the right thing. So don't overthink it.

94% of TI Googlers say that their peers treat them with respect (per 2013 GoogleGeist). We'd like to make that 100%! To quote a GoogleGeist comment: "My peers are the best perk Google offers. Interacting with smart, experienced and nice people on a day-to-day basis is priceless." To us, this is the most important aspect of Google's culture that we want to nurture. Please help us do it.

(b) (6), (b) (7)(C)

FAQ

Q: Ok, I totally agree. But sometimes I'm not sure whether to act -- maybe it's just me who's bothered by it?
A: If you're not sure, a simple litmus test may help: would a significant number of Google employees say the behavior was disrespectful? That said, you may find that asking a clarifying question is the best way to proceed: "I heard your last comment as being more about $person than about $issue; could you make the point a different way so I understand what you're getting at?" It puts the person on notice that they stepped into (at least) a grey area, calls out the behavior to others, and gives the speaker a way of getting back on track.

Q: What about memegen? Some posts are mocking / demeaning others.
A: Yes, and I think you'll agree that all the memes which attack people, and some which mock products/problems, do not help Google or Google's users, they are a net negative. It's good to call them out via comments. On the other hand, sometimes memes are good at pointing out problems which people are uncomfortable or unable to articulate more directly. For a good example of a something edgy but clearly meant with humor and good intent, watch The Broccoli Man Video...it did have an effect on our infrastructure plans.

Q: Some things are a matter of interpretation, how do I know if I'm being "a jerk"?
A: One way to think about it is to apply litmus tests. Would you say it to a person you feel protective of? Would you say it in front of a person you love and respect? Would you feel good about seeing it posted on a billboard, with your name on it?

Q: What if I don't know the person?
A: That's ok, just introduce yourself and tell them what you think. To some extent, it may be easier for the person to accept feedback from a "stranger" since they won't think you're biased against them or hold some grudge based on past interactions.

Q: What if someone is acting disrespectfully without attacking me - for example, if they're

lying to my face and I know it?
A: That is a different form of bad behavior - it may deserve its own FAQ :) We're a data-driven culture, so one approach is the straightforward albeit direct "I disagree; I seem to recall $contradictory-data and I can't reconcile that with what you're saying. Let's compare notes offline and send a followup to the group?"

Q: What about passive disrespect - for example, someone who avoids me, won't respond to emails, walks away from me without saying a word?
A: That's yet a different form of bad behavior; it's not aggressive per se but it's also not acceptable assuming there's some reason you two need to work together. If you're not making progress with the normal approach ("Hey, I've felt like you are avoiding me for the last few days, and we need to be able to work together. Is there something I need to hear or know?") then ask the person's manager for help; that's part of our job description :)

Q: I did speak with someone, twice in fact, and they're not changing their behavior.
A: Bring it to the attention of your manager *and* director (or VP, if it's someone senior) and CC your HR contact.

Q: I'm having a different problem: I'm trying to give someone objective feedback but they just can't accept it without taking it as a personal offense. I say "you should split this class into two" and they seem to hear "you're stupid and don't know how to program". What can I do?
A: This is actually a common challenge, and learning how to recognize it and handle it effectively is a skill which will serve you well. First, we suggest you read the "Crucial Conversations" material, with particular attention paid to the sections covering "making it safe." Then, try the different techniques described - use contrasting, provide opportunities for alternate stories, etc. You can also try having someone else deliver the same feedback to see if the reaction is a function of you being the messenger -- which would suggest a relationship or trust issue, topics also covered in Crucial Conversations.

Q: I observed someone behaving badly. Should I call them out on internal G+?
A: Generally speaking, the audience in which you try to correct behavior should be no larger than the audience observing the original behavior. Otherwise, you're increasing the number of people exposed, and the escalation of scale makes it harder for the offender to acknowledge their error and correct the behavior. But it should generally also not much smaller, so Googlers affected by the incident know that there was a response.

Q: Isn't saying someone is a Jerk, rather than that their behavior is ... well, Jerk-ish, an example of attacking a person?
A: One of the joys of working with highly-intelligent people is that they spot these inconsistencies :) Yes -- the title of the note changed several times over the course of editing for just that reason. Ultimately however the purpose of this doc is only served if people read and remember it, and we conjectured that a note entitled "*Toward a preference not to engage in*

industry with coworkers who exhibit inappropriate tendencies towards their fellow employees." lacked the attention-grabbing pizzaz of the actual title. I acknowledge the inconsistency, and observe that it highlights the importance of considering *intent*.

Q: Does bad behavior really happen at Google? Did a particular incident prompt this note?

A: Bad behavior does happen, even at Google. While the rate per person doesn't seem to be increasing over time, the number of people at Google is increasing, and thus the total rate of incidents is climbing. There was no specific incident which prompted this note; rather, it was a topic whose time had come.

Q: Is this specific to Google?

A: We don't think so, and in fact others have discussed it a lot. For example, see this three-minute video by the Australian chief of the Army. He makes similar points (perhaps with a sterner face than I would :-) with some great remarks, including "*The standards you walk past are the standards you accept.*"

Q: I want to be more comfortable at handling- these situations. Can you recommend some additional reading?

A: Absolutely! The following books take just a weekend to read, and the time investment will pay for itself in O(months) based on feedback from Googlers who have read them. Yeah, the titles aren't what would normally attract your attention but they're actually quite good:

- An interesting one-page perspective on "tact filters" from someone at MIT.
- An excellent 11-step guide on how to rant.
- Team Geek
    - The authors have provided one of the crucial chapters here for your perusal!
- Crucial Conversations is on Amazon and on Play.
- "How to Win Friends and Influence People"
- The Ten Laws of Collaboration.

Thanks for spending your time making our culture even stronger. We do appreciate your help.

-(b) (6), (b) (7)(C)

WHY YOU SHOULD CARE
WHAT IS DISRESPECTFUL BEHAVIOR?
WHAT YOU SHOULD DO
FAQ

Q: Ok, I totally agree. But sometimes I'm not sure whether to act -- maybe it's just me who's bothered by it?
Q: What about memegen? Some posts are mocking / demeaning others.

Q: Some things are a matter of interpretation, how do I know if I'm being "a jerk"?
Q: What if I don't know the person?
Q: What if someone is acting disrespectfully without attacking me - for example, if they're lying to my face and I know it?
Q: What about passive disrespect - for example, someone who avoids me, won't respond to emails, walks away from me without saying a word?
Q: I did speak with someone, twice in fact, and they're not changing their behavior.
Q: I observed someone behaving badly. Should I call them out on internal G+?
Q: Isn't saying someone is a Jerk, rather than that their behavior is … well, Jerk-ish, an example of attacking a person?
Q: Does bad behavior really happen at Google? Did a particular incident prompt this note?
Q: Is this specific to Google?
Q: I want to be more comfortable at handling these situations. Can you recommend some additional reading?

EXHIBIT C

Employee blacklists

email: (b) (6), (b) (7)(C)**@google.com** (b) (6), (b) (7)(C)**"** **Friday, August 7, 2015 at 11:23:32 AM Pacific Daylight Time**
To: email: "freespeech@google.com Free Speech"

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) have openly admitted to discriminating against internal transfer applicants based on the engineer's political views:

https://plus.google.com/+(b) (6), (b) (7)(C)FromMemegen/posts/SzcMe1MpDyU?e=-RedirectToSandbox
https://plus.google.com/113930769093822119546/posts/DoPXTit8Si9?e=-RedirectToSandbox

(b) (6), (b) (7)(C): "I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today."

In California, Labor Code sections 1101-1102 cover coercion and retaliation involving political affiliation or activity:

http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1101-1106

Legal requirements notwithstanding, these political blacklists seem like a fairly un-Googley thing to do, and are hardly in the best interests of any company.

I suppose this leaves us with at least two problems to solve:

1) The actual viewpoint discrimination problem (which may be widespread; surely most managers who practice it have the good sense not to brag too loudly) and the toxic political attitudes that led to it

2) The chilling effect that it could have on internal speech

---

email: (b) (6), (b) (7)(C)**@google.com** (b) (6), (b) (7)(C)**"** **Friday, August 7, 2015 at 11:27:37 AM Pacific Daylight Time**
To: email: "(b) (6), (b) (7)(C)@google.com (b) (6), (b) (7)(C)" , email: "freespeech@google.com Free Speech"

This actually doesn't leave us with any problems to solve on this list. If you actually believe that someone is doing something illegal then you should bring it up with HR.

On Fri, Aug 7, 2015 at 11:23 AM (b) (6), (b) (7)(C) @google.com> wrote:

> (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) have openly admitted to discriminating against internal transfer applicants based on the engineer's political views:
>
> https://plus.google.com/+(b) (6), (b) (7)(C)FromMemegen/posts/SzcMe1MpDyU?e=-RedirectToSandbox
> https://plus.google.com/113930769093822119546/posts/DoPXTit8Si9?e=-RedirectToSandbox
>
> (b) (6), (b) (7)(C): "I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today."
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--

You received this message because you are subscribed to the Google Groups "Free Speech" group.

To unsubscribe from this group and stop receiving emails from it, send an email to freespeech+unsubscribe@google.com.

To post to this group, send email to freespeech@google.com.

To view this discussion on the web visit https://groups.google.com/a/google.com/d/msgid/freespeech/c1ae8577-bf71-4b33-9e5d-2670c8ce54bf%40google.com.

---

email: [redacted]@google.com [redacted]" **Friday, August 7, 2015 at 11:35:57 AM Pacific Daylight Time**
To: email: "[redacted]@google.com [redacted]"
Cc: email: "freespeech@google.com Free Speech"

Also creating a chilling effect: I have seen, on multiple occasions, people vocally proclaiming that individuals with certain political viewpoints should be fired. This is evident both on internal G+ and Memegen.

Perhaps we should draft a letter to send to PeopleOps asking for clarification on both the calls-for-firing and blacklist problems.

On Fri, Aug 7, 2015 at 11:23 AM, [redacted]@google.com> wrote:
[redacted] and [redacted] have openly admitted to discriminating against internal transfer applicants based on the engineer's political views:

https://plus.google.com/[redacted]FromMemegen/posts/SzcMe1MpDyU?e=-RedirectToSandbox
https://plus.google.com/113930769093822119546/posts/DoPXTit8Si9?e=-RedirectToSandbox

[redacted]: "I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today."

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http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1101-1106

Legal requirements notwithstanding, these political blacklists seem like a fairly un-Googley thing to do, and are hardly in the best interests of any company.

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2) The chilling effect that it could have on internal speech

--

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To post to this group, send email to freespeech@google.com.

To view this discussion on the web visit https://groups.google.com/a/google.com/d/msgid/freespeech/c1ae8577-bf71-4b33-9e5d-2670c8ce54bf%40google.com.

---

email: [redacted]@google.com [redacted]" Friday, August 7, 2015 at 11:50:48 AM Pacific Daylight Time
To: email: [redacted]@google.com [redacted]"
Cc: email: [redacted]@google.com [redacted]" , email: "freespeech@google.com Free Speech"

I'll tell you exactly how this will play out:

They'll claim that it isn't due to political beliefs, but because they are "actively hostile" toward coworkers.

Of course, I see that phrase used all the time when it is not backed up by any amount of evidence. It's almost always based on strawman arguments.

I have very little hope that these issues can be solved. The easiest thing might be for all of us to blindly accept everything that we're "supposed" to accept. I already went ahead and deleted all of my G+ posts from the last couple days. Honestly I just can't deal with the stress. It's very unfortunate that they're able to silence people with differing opinions.

On Fri, Aug 7, 2015 at 11:35 AM, [redacted]@google.com> wrote:

Also creating a chilling effect: I have seen, on multiple occasions, people vocally proclaiming that individuals with certain political viewpoints should be fired. This is evident both on internal G+ and Memegen.

Perhaps we should draft a letter to send to PeopleOps asking for clarification on both the calls-for-firing and blacklist problems.

On Fri, Aug 7, 2015 at 11:23 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

(b) (6), (b) (7)(C) [redacted] and (b) (6), (b) (7)(C) [redacted] have openly admitted to discriminating against internal transfer applicants based on the engineer's political views:

https://plus.google.com/+(b) (6), (b) (7)(C)FromMemegen/posts/SzcMe1MpDyU?e=-RedirectToSandbox
https://plus.google.com/113930769093822119546/posts/DoPXTit8Si9?e=-RedirectToSandbox

(b) (6), (b) (7)(C): "I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today."

In California, Labor Code sections 1101-1102 cover coercion and retaliation involving political affiliation or activity:

http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1101-1106

Legal requirements notwithstanding, these political blacklists seem like a fairly un-Googley thing to do, and are hardly in the best interests of any company.

I suppose this leaves us with at least two problems to solve:

1) The actual viewpoint discrimination problem (which may be widespread; surely most managers who practice it have the good sense not to brag too loudly) and the toxic political attitudes that led to it

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To view this discussion on the web visit https://groups.google.com/a/google.com/d/msgid/freespeech/c1ae8577-bf71-4b33-9e5d-2670c8ce54bf%40google.com.

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email: (b) (6), (b) (7)(C)@google.com (b) (6), (b) (7)(C)" **Friday, August 7, 2015 at 12:12:48 PM Pacific Daylight Time**
To: email: (b) (6), (b) (7)(C)@google.com (b) (6), (b) (7)(C)"
Cc: email: (b) (6), (b) (7)(C)@google.com (b) (6), (b) (7)(C)" , email: "freespeech@google.com Free Speech"

I would at least like to see the higher-ups publicly acknowledge that there are individuals openly calling for firings, and take a stand on whether that's okay or not.

On Fri, Aug 7, 2015 at 11:50 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

I'll tell you exactly how this will play out:

They'll claim that it isn't due to political beliefs, but because they are "actively hostile" toward coworkers.

Of course, I see that phrase used all the time when it is not backed up by any amount of evidence. It's almost always based on strawman arguments.

I have very little hope that these issues can be solved. The easiest thing might be for all of us to blindly accept everything that we're "supposed" to accept. I already went ahead and deleted all of my G+ posts from the last couple days. Honestly I just can't deal with the stress. It's very unfortunate that they're able to silence people with differing opinions.

On Fri, Aug 7, 2015 at 11:35 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

Also creating a chilling effect: I have seen, on multiple occasions, people vocally proclaiming that individuals with certain political viewpoints should be fired. This is evident both on internal G+ and Memegen.

Perhaps we should draft a letter to send to PeopleOps asking for clarification on both the calls-for-firing and blacklist problems.

On Fri, Aug 7, 2015 at 11:23 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) have openly admitted to discriminating against internal transfer applicants based on the engineer's political views:

https://plus.google.com/(b) (6), (b) (7)(C)FromMemegen/posts/SzcMe1MpDyU?e=-RedirectToSandbox
https://plus.google.com/113930769093822119546/posts/DoPXTit8Si9?e=-RedirectToSandbox

(b) (6), (b) (7)(C): "I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today."

In California, Labor Code sections 1101-1102 cover coercion and retaliation involving political affiliation or activity:

http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1101-1106

Legal requirements notwithstanding, these political blacklists seem like a fairly un-Googley thing to do, and are hardly in the best interests of any company.

I suppose this leaves us with at least two problems to solve:

1) The actual viewpoint discrimination problem (which may be widespread; surely most managers who practice it have the good sense not to brag too loudly) and the toxic political attitudes that led to it

2) The chilling effect that it could have on internal speech

--

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---

email: [redacted]@google.com" **Friday, August 7, 2015 at 12:38:17 PM Pacific Daylight Time**
To: email: "freespeech@google.com Free Speech"

Heads up: Don't speculate about legal issues on mailing lists, and don't attempt to draw legal conclusions yourself.

https://docs.google.com/a/google.com/presentation/d/1XvJI3ekmB0A1mtvzmnJ5nGfh2W5kDZWTh4SJEirefoo/edit?usp=gmail#slide=id.p

If you have a concern, you should contact HR or Legal directly.

/s/ [redacted]

On Friday, August 7, 2015 at 11:23:32 AM UTC-7, (b) (6), (b) (7)(C) wrote:

> (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) have openly admitted to discriminating against internal transfer applicants based on the engineer's political views:
>
> https://plus.google.com/+[redacted]FromMemegen/posts/SzcMe1MpDyU?e=-RedirectToSandbox
> https://plus.google.com/113930769093822119546/posts/DoPXTit8Si9?e=-RedirectToSandbox
>
> (b) (6), (b) (7)(C): "I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today."
>
> In California, Labor Code sections 1101-1102 cover coercion and retaliation involving political affiliation or activity:
>
> http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1101-1106
>
> Legal requirements notwithstanding, these political blacklists seem like a fairly un-Googley thing to do, and are hardly in the best interests of any company.
>
> I suppose this leaves us with at least two problems to solve:
>
> 1) The actual viewpoint discrimination problem (which may be widespread; surely most managers who practice it have the good sense not to brag too loudly) and the toxic political attitudes that led to it

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---

email: [redacted]@google.com (b) (6), (b) (7)(C)" **Friday, August 7, 2015 at 12:44:55 PM Pacific Daylight Time**
To: email: [redacted]@google.com (b) (6), (b) (7)(C)"
Cc: email: "freespeech@google.com Free Speech"

Good point. Dragging the labor code into this is a bad idea. The communicating with care guidelines apply here, same as any other mailing list. https://sites.google.com/a/google.com/privilege/home/top-legal-issues/communicate-with-care-dos-and-don-ts

On Fri, Aug 7, 2015 at 12:38 PM, [redacted]@google.com> wrote:

> Heads up: Don't speculate about legal issues on mailing lists, and don't attempt to draw legal conclusions yourself.
>
> https://docs.google.com/a/google.com/presentation/d/1XvJl3ekmB0A1mtvzmnJ5nGfh2W5kDZWTh4SJEirefoo/edit?usp=gmail#slide=id.p
>
> If you have a concern, you should contact HR or Legal directly.
>
> /s/ [redacted]
>
> On Friday, August 7, 2015 at 11:23:32 AM UTC-7, (b) (6), (b) (7)(C) wrote:
>
> > (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) have openly admitted to discriminating against internal transfer applicants based on the engineer's political views:
> >
> > https://plus.google.com/-[redacted]FromMemegen/posts/SzcMe1MpDyU?e=-RedirectToSandbox
> > https://plus.google.com/113930769093822119546/posts/DoPXTit8Si9?e=-RedirectToSandbox
> >
> > (b) (6), (b) (7)(C): "I keep a written blacklist of people whom I will never allow on or near my team, based on how they view and treat their coworkers. That blacklist got a little longer today."

In California, Labor Code sections 1101-1102 cover coercion and retaliation involving political affiliation or activity:

http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1101-1106

Legal requirements notwithstanding, these political blacklists seem like a fairly un-Googley thing to do, and are hardly in the best interests of any company.

I suppose this leaves us with at least two problems to solve:

1) The actual viewpoint discrimination problem (which may be widespread; surely most managers who practice it have the good sense not to brag too loudly) and the toxic political attitudes that led to it

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To view this discussion on the web visit https://groups.google.com/a/google.com/d/msgid/freespeech/CAAV%2BaMPFo8p1WsaimLTdyAOpfwz_KQh-yvgfJtL7ckv%3D-7wtJg%40mail.gmail.com.

To: email: [redacted]@google.com"
Cc: email: "freespeech@google.com Free Speech"

On Fri, Aug 7, 2015 at 12:38 PM, wrote:
> If you have a concern, you should contact HR or Legal directly.

The last time I contacted HR to complain about an instance of SJW bullying, they wrote back to inform me that the victim would receive a stern lecture from [redacted] HRBP. So much for that avenue. If there is a systemic blacklisting problem, it is unlikely to be solved by reporting the individual cases.

> https://sites.google.com/a/google.com/privilege/home/top-legal-issues/communicate-with-care-dos-and-don-ts

This document was written under the assumption that we don't want Google to be exposed to liability. When doing technical work that's always true. But if your employer is actively violating your legal rights, you might have different objectives. Sometimes pointing out the liability is the only way to convince a reluctant bureaucracy to respect your rights.

---

email: [redacted]@google.com [redacted]" **Friday, August 7, 2015 at 1:01:00 PM Pacific Daylight Time**
To: email: [redacted]@google.com [redacted]"
Cc: email: [redacted]@google.com [redacted]" , email: "freespeech@google.com Free Speech"

On Fri, Aug 7, 2015 at 3:55 PM, [redacted]@google.com> wrote:
> Sometimes pointing out the liability is the only way to convince a reluctant bureaucracy to respect your rights.

You should absolutely point out that employees are potentially creating legal liability for Google (and possibly also themselves), but you should do it to our lawyers and not a mailing list.

---

email: "[redacted]@google.com" **Friday, August 7, 2015 at 1:47:19 PM Pacific Daylight Time**
To: email: "freespeech@google.com Free Speech"
Cc: email: [redacted]@google.com"

I still remember someone asking at TGIF a few years back why we don't block or downgrade right-wing sites in search results. I remember that made me extremely uncomfortable, and that was before I even became a US citizen and pledged allegiance to that whole free speech myth.

On Friday, 7 August 2015 14:36:00 UTC-4, [redacted] wrote:
> Also creating a chilling effect: I have seen, on multiple occasions, people vocally proclaiming that individuals with certain political viewpoints should be fired. This is evident both on internal G+ and Memegen.
>
> Perhaps we should draft a letter to send to PeopleOps asking for clarification on both the calls-for-firing and blacklist problems.

email: [redacted]@google.com [redacted]" **Friday, August 7, 2015 at 2:07:26 PM Pacific Daylight Time**
To: email: [redacted]@google.com [redacted]"
Cc: email: "freespeech@google.com Free Speech" , email: [redacted]@google.com [redacted]"

On Fri, Aug 7, 2015 at 4:47 PM, <[redacted]@google.com> wrote:

> I still remember someone asking at TGIF a few years back why we don't block or downgrade right-wing sites in search results. I remember that made me extremely uncomfortable, and that was before I even became a US citizen and pledged allegiance to that whole free speech myth.

Yes, but if you believe in free speech, it's important that the questioner not be punished. Told off, of course, but not punished. Especially not at TGIF, which in Google culture is supposed to be very open.

At some point it's a matter (externally) of serving our users and (internally) of professionalism. Serving our users means not blocking right-wing results -- particularly since we hold the freedom of expression of our users as an official corporate value. Professionalism means working with people we disagree with politically.

> On Friday, 7 August 2015 14:36:00 UTC-4, [redacted] wrote:
>
> > Also creating a chilling effect: I have seen, on multiple occasions, people vocally proclaiming that individuals with certain political viewpoints should be fired. This is evident both on internal G+ and Memegen.
> >
> > Perhaps we should draft a letter to send to PeopleOps asking for clarification on both the calls-for-firing and blacklist problems.

--

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email: "[redacted]@google.com (b) (6), (b) (7)(C)" **Friday, August 7, 2015 at 4:58:35 PM Pacific Daylight Time**
To: email: "[redacted]@google.com"
Cc: email: "freespeech@google.com Free Speech" , email: "[redacted]@google.com"

> I still remember someone asking at TGIF a few years back why we don't block or downgrade right-wing sites in search results.

I've spoken to right-wingers outside google who feel convinced we already do that.

On Fri, Aug 7, 2015 at 4:47 PM, <[redacted]@google.com> wrote:

> I still remember someone asking at TGIF a few years back why we don't block or downgrade right-wing sites in search results. I remember that made me extremely uncomfortable, and that was before I even became a US citizen and pledged allegiance to that whole free speech myth.
>
> On Friday, 7 August 2015 14:36:00 UTC-4, [redacted] wrote:
>
> > Also creating a chilling effect: I have seen, on multiple occasions, people vocally proclaiming that individuals with certain political viewpoints should be fired. This is evident both on internal G+ and Memegen.
> >
> > Perhaps we should draft a letter to send to PeopleOps asking for clarification on both the calls-for-firing and blacklist problems.
>
> --
>
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>
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>
> To post to this group, send email to freespeech@google.com.
>
> To view this discussion on the web visit https://groups.google.com/a/google.com/d/msgid/freespeech/be3176e7-ace8-4a7c-b42e-dffda2452355%40google.com.

---

email: "[redacted]@google.com (b) (6), (b) (7)(C)" **Saturday, August 8, 2015 at 3:08:40 AM Pacific Daylight Time**
To: email: "freespeech@google.com Free Speech"

Here is another worrying thread where people are discussing ways to silence opinions they disagree with: https://plus.sandbox.google.com/107818381843433035177/posts/Qfy7UCBrv9G

E.g. 'I'm having a hard time seeing the downsides of the "silencing" option. Just have HR tell specific people not to get involved in "minority issues" discussions.'

'We have people at Google whose (part of their) job is to occasionally chime in on wide-distribution mailing lists with comments like "Hi, I'm a lawyercat. Please refrain from speculating on legal issues in a

recorded medium." I'm increasingly of the opinion that we should have someone from HR whose (part of their) job is to do the same thing, but for diversity issues. In both cases, arguably "free speech" is being silenced, but it has a very similar flavor of "yes, I understand that you mean well, and 99% of the time you're probably acting honestly and not actively trying to be malicious, but the comments you are making are potentially harmful to Google's long-term objectives, so it would be better to the company if you kept these opinions to yourself, or at least to a medium that's not recorded and public to anyone at Google".'

--

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REDACTED

EXHIBIT D

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Google+ (b) (6), (b) (7)(C) <replyto-8e562c61@plus.google.c Mar 9

to me

(b) (6), (b) (7)(C)

"I AM WOMAN, HEAR ME ROAR!!!"

has a complete breakdown over some dude's cheesy pickup line

Reply to this email to comment on Google+. Or view (b) (6), (b) (7)(C) post »

EXHIBIT E

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To view this discussion on the web visit https://groups.google.com/a/google.com/d/msgid/freespeech/CAOuWrC1Cv0v5UWouyeTAQ6Zz04beOcPmhjgC5yACddpk1dLhrg%40mail.gmail.com.

---

email: "[redacted]@google.com [redacted]" **Saturday, August 8, 2015 at 10:11:11 AM Pacific Daylight Time**
To: email: "[redacted]@google.com [redacted]"
Cc: email: "[redacted]@google.com [redacted]" , email: "[redacted]@google.com [redacted]" , email: "freespeech@google.com Free Speech"

On Sat, Aug 8, 2015 at 12:23 AM, [redacted] wrote:
> That is one of the spectacularly worst examples you could have come up with.

Just to be clear: the [redacted] case is an example of mob justice at Google, not an argument that [redacted] speech should have been protected. [redacted] was drummed out of the company and had [redacted] professional reputation ruined, all over one silly comment made in the distant past. Scores of Googlers conspired to destroy a man they had never met, for no good reason. Search for [redacted] name on the public web and nearly every result is about that story. Consider the toll that must have taken on [redacted],

on [redacted] family, and on [redacted] friendships.

Is that something we should celebrate? Is it something you'd wish on your worst enemy?

> If [redacted] said what [redacted] is alleged to have said, it would have been a clearcut
> case of sexual harassment which is explicitly proscribed by law.

I'll address this privately.

IMO the focus on "free speech" in this forum misses the mark. I don't want workplace conversations to look like 4chan or reddit threads. The real problem is professionalism and civility, and in particular, the fact that different Googlers have radically different interpretations of what it means. e.g.

- Is it OK to disagree with Social Justice political theory on a public list at Google, or is that considered harassment?
- Is it OK to point out errors/inconsistencies in an article or posting that invokes Social Justice political theory?
- Is it OK to mock or criticize non-employees on sensitive political topics?
- Is it OK to publicly ask questions about our policy toward criticizing Social Justice political theory, or is that harassment too?
- Is it OK for one person to call for somebody's firing, or to allude to it in an indirect way?
- Is it OK for dozens of people to pile on and do the same, with the intention of pressuring the management to fire the person?
- Is it OK to coordinate attacks on an individual by bombarding his manager/HRBP with complaints?
- Is it OK to use abusive language when you strongly disagree with somebody?
- Does the answer to these questions depend on whether somebody has expressed political views with which you disagree?
- Or on whether somebody has expressed political views with which Google's management disagrees?
- Or on whether somebody has a certain skin color or gender?
- Are certain classes of employees considered "privileged" based on their skin color / gender / etc., and designated as de-facto punching bags by the management?
- Is it OK for managers to blacklist or punish employees based on their political views?
- Can you refuse to work with somebody who holds different political views, or should you avoid the hot topic and try to get along anyway?
- Can you demand a new manager if your current manager disagrees with you on political topics?
- Is "wrongthink" OK if you keep it to yourself, or should we actively purge Google of all wrongthinkers?
- How will you feel about these same topics when today's "rightthink" becomes tomorrow's "wrongthink"?

I'm trying to be even-handed here, but you are well-aware of my sympathetic stance toward contrarians and free thinkers.

¶ Industryinfo

[IndustryInfo] [GHC2015] If you think women in tech is just a pipeline problem, you haven't been paying attention

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) [redacted] 7/30/15

TL;DR: A good summary of current research (with links to sources), including some positive mention of Google.

https://medium.com/@racheltho/if-you-think-women-in-tech-is-just-a-pipeline-problem-you-haven-t-been-paying-attention-cb7a2073b996

If you think women in tech is just a pipeline problem, you haven't been paying attention

According to the Harvard Business Review, 41% of women working in tech eventually end up leaving the field (compared to just 17% of men), and I can understand why...

> I first learned to code at age 16, and am now in my 30s. I have a math PhD from Duke. I still remember my pride in a "knight's tour" algorithm that I wrote in C++ in high school; the awesome mind warp of an interpreter that can interpret itself (a Scheme course my first semester of college); my fascination with numerous types of matrix factorizations in C in grad school; and my excitement about relational databases and web scrapers in my first real job.
>
> Over a decade after I first learned to program, I still loved algorithms, but felt alienated and depressed by tech culture. While at a company that was a particularly poor culture fit, I was so unhappy that I hired a career counselor to discuss alternative career paths. Leaving tech would have been devastating, but staying was tough.

Work hard, play hard

I'm not the stereotypical male [illegible]er in his early 20s looking to "work hard, play hard". I do work hard, but I'd rather wake up early than stay up late [illegible] as already thinking ahead to when my husband and I would need to coordinate our schedules with daycare dr[illegible] pick-ups. Kegerators and ping pong tables don't appeal to me. I'm not aggressive enough to thrive in a competitive work environment. Talking to other female friends working in tech, I know that I'm not alone in my frustrations.

When researcher Kieran Snyder interviewed 716 women who left tech after an average tenure of 7 years, almost all of them said they liked the work itself, but cited discriminatory environments as their mai[illegible] reason for leaving. In NSF-funded research, Nadya Fouad surveyed 5,300 women who had earned engineering degrees (of all types) over the last 50 years, and only 38% of them are still working as engineers. Souyad summarized her findings on why they leave with "It's the climate, stupid!"

This is a huge, unnecessary, and expensive loss of talent in a field facing a supposed talent shortage. Given that tech is currently one of the major drivers of the US economy, this impacts everyone. Any tech company struggling to hire and retain as many employees as they need should particularly care about addressing this problem.

Your company is NOT a meritocracy and you are NOT "gender-blind"

You don't know if you're color-blind without testing either
Nobody wants to think of themselves as being sexist. However, a number of studies have shown that identical job applications or resumes are evaluated differently based on whether they are labeled with a male or female name. When men and women read identical scripts containing entrepreneurial pitches or salary negotiations, they are evaluated differently. Both men and women have been shown to have these biases. These biases occur unconsciously and without intention or malice.

Here is a sampling of just a few of the studies on unconscious gender bias:

> Investors preferred entrepreneurial ventures pitched by a man than an identical pitch from a woman by a rate of 68% to 32% in a study conducted jointly by HBS, Wharton, and MIT Sloan. "Male-narrated pitches were rated as more persuasive, logical and fact-based than were the same pitches narrated by a female voice."
>
> In a randomized, double-blind study by Yale researchers, science faculty at 6 major institutions evaluated applications for a lab manager position. Applications randomly assigned a male name were rated as significantly more competent and hirable and offered a higher starting salary and more career mentoring, compared to identical applications assigned female names.
>
> When men and women negotiated a job offer by reading identical scripts for a Harvard and CMU study, women who asked for a higher salary were rated as being more difficult to work with and less nice, but men were not perceived negatively for negotiating.
>
> Psychology faculty were sent CVs for an applicant (randomly assigned male or female name), and both men and women were significantly more likely to hire a male applicant than a female applicant with an identical record.
>
> In 248 performance reviews of high-performers in tech, negative personality criticism (such as abrasive, strident, or irrational) showed up in 85% of reviews for women and just 2% of reviews for men. It is ridiculous to assume that 85% of women have personality problems and that only 2% of men do.

Most concerningly, a study from Yale researchers shows that perceiving yourself as objective is actually correlated with showing even more bias. The mere desire to not be biased is not enough to overcome decades of cultural conditioning and can even lend more credence to post-hoc justifications. Acknowledging that you have biases that conflict with your values does not make you a bad person. It's a natural result of our culture. The important thing is to find ways to eliminate

them. Blindly believing your company is a meritocracy not only does not make it so, but will actually make it even harder to address implicit bias.

Bias is typically justified post-hoc. Our initial subconscious impression of the female applicant is negative, and then we find logical reasons to justify it. For instance, in the above study by Yale researchers if the male applicant for police chief had more street smarts and the female applicant had more formal education, evaluators decided that street smarts were the most important trait, and if the names were reversed, evaluators decided that formal education was the most important trait.

Good News and Bad News

The Bad News...

Because of the high attrition rate for women working in tech, teaching more girls and women to code is not enough to solve this problem. Because of the above well-documented differences in how men and women are perceived, training women to negotiate better and be more assertive is also not enough to solve this problem. Female voices are perceived as less logical and less persuasive than male voices. Women are perceived negatively for being too assertive. If tech culture is going to change, everyone needs to change, especially men and most especially leaders.

The professional and emotional costs to women for speaking out about discrimination can be large (in terms of retaliation, being perceived as less employable or difficult to work with, or companies then seeking to portray them as poor performers). I know a number of female software engineers who will privately share stories of sexism with trusted friends that we are not willing to share publicly because of the risk. This is why it is important to proactively address this issue. There is more than enough published research and personal stories from those who have chosen to publicly share to confirm that this is a widespread issue in the tech industry.

...and the Good News

Change is possible. Although these are schools and not tech companies, Harvey Mudd and Harvard Business School provide inspiring case studies. Strong leaders at both schools enacted sweeping changes to address previously male-centric cultures.Harvey Mudd has raised the percentage of computer science majors that are women to 40%(the national average is 18%). Thetop 5% of Harvard Business School graduates rose from being approximately 20% women to closer to 40% and the GPA gap between men and women closed, all within one year of making a number of comprehensive, structural changes.

So What Can We Do About It?

These recommendations on what companies could do to improve their cultures are based on a mix of research and personal experience. My goal is to have a positive focus, and I would love it if you walked away with at least one concrete goal for making constructive change at your company.

Train manag

It is very common at tech start-ups to promote talented engineers to management with providing them with any management training or oversight, particularly at rapidly growing companies where executive leadership is stretched thin. These new managers are often unaware of any basic research on motivation, human psychology, or bias. Untrained, unsupervised managers cause more harm to women than men in a thoroughly gender-biased workplace. Employees would benefit from new managers receiving training, coaching, and supervision.

Formalize h iteria

In the Yale study mentioned above regarding applicants for police chief, getting participants to formalize their hiring criteria before they looked at applications (i.e. deciding if formal education or street smarts was more important) reduced bias. I was once on a team where the hiring criteria were amorphous and where the manager frequently overrode majority votes by the team because of "gut feeling". It seemed like unconscious bias played a large role in decisions, but because of our haphazard approach to hiring, there was no way of truly knowing.

Leaders, speak up and act in concrete ways

Leadership sets the values and culture for a company, so the onus is on them to make it clear that they value diversity. Younger engineers and managers will follow their perceptions of what executives value. In the cases of positive change at Harvey Mudd and Harvard Business School, leadership at the top was spearheading these initiatives. Intel is going to begin tying executives' compensation to whether they achieve diversity goals on their teams. As Kelly Shuster, director for

the Denver chapter of Women Who Code has pointed out, leaders have to get rid of employees who engage in sexist or racist behavior. Otherwise, the company is at risk of losing talented employees, and is sending a message to all employees that discrimination is okay.

Don't rely on self-nominations or self-evaluations

There is a well-documented confidence gap between men and women. Don't rely on people nominating themselves for promotions or to get the most interesting projects, since women are less likely to put themselves forward. Google relies on employees nominating themselves for promotions and data revealed that women were much less likely to do so (and thus much less likely to receive promotions). When senior women began hosting workshops encouraging women to nominate themselves, the number of women at Google receiving promotions increased. Groups are more likely to pick male leaders because of their over-confidence, compared to more qualified women who are less confident. Don't rely heavily on self-evaluations in performance scoring. Women perceive their abilities as being worse than they are, whereas men have an inflated sense of their abilities.

Formally audit employee data

Confirm that men and women with the same qualifications are earning the same amount and that they are receiving promotions and raises at similar rates (and if not, explore why). Make sure that gendered criticism (such as calling a woman strident or abrasive) is not used in performance reviews. The trend of tech companies releasing their diversity statistics is a good one, but given the [illegible] attrition rate for women, they should also start releasing their retention rates broken down by gender. I wo[illegible] companies release statistics on the rates at which women are given promotions or raises compared to [illegible] evaluation scores compare between men and women. By publicly sharing data, companies can ho[illegible] and can track changes over time.

Don't emphasize face t[illegible]

A culture that rewards facetime and encourages people to regularly stay late or eat dinner at the office puts employees with families at a disadvantage (particularly mothers), and research shows that working excess hours does not actually improve productivity in the long-term since workers begin to experience burn out after just a few weeks. Furthermore, when employees burn out and quit, the cost of recruiting and hiring a new employee is typically 20% of the annual salary for that position.

Create a collaborative environment

Stanford research studies document that women are more likely to dislike competitive environments compared to men and are more likely to select out of them, regardless of their ability. Given that women are perceived negatively for being too assertive, it is tougher for women to succeed in a highly aggressive environment as well. Men who speak up more than their peers are rewarded with 10% higher ratings, whereas women who speak up more are punished with 14% lower ratings. Creating a competitive culture where people must fight for their ideas makes it much tougher for women to succeed.

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Over 10% of the 716 women who left tech in Kieran Snyder's research left because of inadequate maternity leave. Several were pressured to return from leave early or to be on call while on leave. These women did not want to be stay-at-home-parents, they just wanted to recover after giving birth. Just as you would not pressure someone to return to work without recovery time after a major surgery, women need time to physically heal after delivering a baby. When Google increased paid maternity leave from 12 weeks to 18 weeks, the number of new moms who quit Google dropped by 50%.

Some final thoughts...

A note on racial bias

There is a huge amount of research on unconscious racial bias, and tech companies need to address this issue. As Nichole Sanchez, VP of Social Impact at GitHub, describes, calls for diversity are often solely about adding more white women, which is deeply problematic. Racial bias adds another intersectional dimension to the discrimination that women of color experience. In interviews with 60 women of color who work in STEM research, 100% of them had experienced discrimination, and the particular negative stereotypes they faced differed depending on their race. A resume with a traditionally African-American sounding name is less likely to be called for an interview than the same resume with a traditionally white sounding name. I do not have the personal experience to speak about this topic and instead encourage you to read these blog posts and articles by and about tech workers of color on the challenges they've faced: Erica Baker(Slack engineer, former Google engineer), Justin Edmund (designer, Pinterest's 7th employee), Aston Motes (Engineer, Dropbox's 1st employee), and Angelica Coleman (developer advocate at Zendesk, formerly at Dropbox).

Now

I'm currently teaching software [redacted] all-women Hackbright Academy, a job that I love and that suits me perfectly. I want all women to h [redacted] opportunity, without implicit or explicit discrimination) to learn how to [redacted] software [redacted] provides so many career and financial possibilities; it's intellectually re [redacted] and fun; [redacted] deeply satisfying. Although I know many women with frustrating experiences of [redacted] I also know [redacted] have found companies where they're happily thriving. I'm glad for the attention tech's div [redacted] and I am hopeful about continued change.

(b) (6), (b) (7)(C)

[redacted] (6), (b) (7)(C)

7/30/15

Stripping images, which looked fine in editor , but not on send.

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I first learned to code at age 16, and am now in my 30s. I have a math PhD from Duke. I still remember my pride in a "knight's tour" algorithm that I wrote in C++ in high school; the awesome mind warp of an interpreter that can interpret itself (a Scheme course my first semester of college); my fascination with numerous types of matrix factorizations in C in grad school; and my excitement about relational databases and web scrapers in my first real job.

Over a decade after I first learned to program, I still loved algorithms, but felt alienated and depressed by tech culture. While at a company that was a particularly poor culture fit, I was so unhappy that I hired a career counselor to discuss alternative career paths. Leaving tech would have been devastating, but staying was tough.

I'm not the stereotypical male programmer in his early 20s looking to "work hard, play hard". I do work hard, but I'd rather wake up early than stay up late, and I was already thinking ahead to when my husband and I would need to coordinate our schedules with daycare drop-offs and pick-ups. Kegerators and ping pong tables don't appeal to me.

I'm not aggressive enough to thrive in a combative work environment. Talking to other female friends working in tech, I know that I'm not alone in my frustrations.

When researcher Kieran Snyder interviewed 716 women who left tech after an average tenure of 7 years, almost all of them said they liked the work itself, but cited discriminatory environments as their main reason for leaving. In NSF-funded research, Nadya Fouad surveyed 5,300 women who had earned engineering degrees (of all types) over the last 50 years, and only 38% of them are still working as engineers. Souyad summarized her findings on why they leave with "It's the climate, stupid!"

This is a huge, unnecessary, and expensive loss of talent in a field facing a supposed talent shortage. Given that tech is currently one of the major drivers of the US economy, this impacts everyone. Any tech company struggling to hire and retain as many employees as they need should particularly care about addressing this problem.

Your company is NOT a meritocracy and you are NOT "gender-blind"

Nobody wants to think of themselves as being sexist. However, a number of studies have shown that identical job applications or resumes are evaluated differently based on whether they are labeled with a male or female name. When men and women read identical scripts containing entrepreneurial pitches or salary negotiations, they are evaluated differently. Both men and women have been shown to have these biases. These biases occur unconsciously and without intention or malice.

Here is a sampling of just a few of the studies on unconscious gender bias:

> Investors preferred entrepreneurial ventures pitched by a man than an identical pitch from a woman by a rate of 68% to 32% in a study conducted jointly by HBS, Wharton, and MIT Sloan. "Male-narrated pitches were rated as more persuasive, logical and fact-based than were the same pitches narrated by a female voice."
>
> In a randomized, double-blind study by Yale researchers, science faculty at 6 major institutions evaluated applications for a lab manager position.Applications randomly assigned a male name were rated as significantly more competent and hirable and offered a higher starting salary and more career mentoring, compared to identical applications assigned female names.
>
> When men and women negotiated a job offer by reading identical scripts for a Harvard and CMU study, women who asked for a higher salary were rated as being more difficult to work with and less nice, but men were not perceived negatively for negotiating.

Psychology faculty were sent CVs for an applicant (randomly assigned male or female name), and both men and women were significantly more likely to hire a male applicant than a female applicant with an identical record.

In 248 performance reviews of high-performers in tech, negative personality criticism (such as abrasive, strident, or irrational) showed up in 85% of reviews for women and just 2% of reviews for men. It is ridiculous to assume that 85% of women have personality problems and that only 2% of men do.

Most concerningly, a study from Yale researchers shows that perceiving yourself as objective is actually correlated with showing even more bias. The mere desire to not be biased is not enough to overcome decades of cultural conditioning and can even lend more credence to post-hoc justifications. Acknowledging that you have biases that conflict with your values does not make you a bad person. It's a natural result of our culture. The important thing is to find ways to eliminate them. Blindly believing your company is a meritocracy not only does not make it so, but will actually make it even harder to address implicit bias.

Bias is typically justified post-hoc. Our initial subconscious impression of the female applicant is negative, and then we find logical reasons to justify it. For instance, in the above study by Yale researchers if the male applicant for police chief had more street smarts and the female applicant had more formal education, evaluators decided that street smarts were the most important trait, and if the names were reversed, evaluators decided that formal education was the most important trait.

Good News and Bad News

The Bad News...

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Formalize hiring and promotion criteria

In the Yale study mentioned above regarding applicants for police chief, getting participants to formalize their hiring criteria before they looked at applications (i.e. deciding if formal education or street smarts was more important) reduced bias. I was once on a team where the hiring criteria were amorphous and where the manager frequently overrode majority votes by the team because of "gut feeling". It seemed like unconscious bias played a large role in decisions, but because of our haphazard approach to hiring, there was no way of truly knowing.

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Lencea Digor 7/30/15

+ gwe-zrh
Very good article - recommend the full read! Thanks for sharing!

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(b) (6), (b) (7)(C) [redacted] 7/30/15

A good summary of current research (with links to sources)

It's probably not a good sign that clicking on the very first link to a "research source" (actually an article in Fortune) reveals that the author has mischaracterized the findings. I haven't got time to check them all.

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(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 7/30/15

- (b) (6), (b) 2015, as (b) (6), (b) said, this group is for planning and discussion specifically around the Grace Hopper conference

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)) (6), (b) (7)(C) 7/30/15

I don't see how it's mischaracterized.
"""
Almost everyone I spoke with said that they had enjoyed the work itself. Most mothers added that they would have happily returned to their jobs a few months after giving birth, but their companies didn't offer maternity leave and they needed to quit in order to have their kids. Some women felt that their work environments were discriminatory, but most reported something milder: the simple discomfort of not fitting in in an otherwise homogenous setting. It may not sound like a big deal if you're used to being in the majority, but it was enough to drive many qualified engineers to quit.
"""
Yes, it says that only "some women" characterized their work environments as discriminatory themselves, but "most" felt discomfort in a mostly homogenous setting; I think that it is reasonable to characterize such a setting as discriminatory.

(b) (6), (b)
- show quoted text -

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 7/30/15

> I don't see how it's mischaracterized.

How this author described the research:

"When researcher Kieran Snyder interviewed 716 women who left tech after an average tenure of 7 years, almost all of them said they liked the work itself, but cited discriminatory environments as their main reason for leaving."

What the research actually found: "One-hundred-ninety-two women cited discomfort working in environments that felt overtly or implicitly discriminatory as a primary factor in their decision to leave tech. That's just over a quarter of the women surveyed."

One quarter << almost all.

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(b) (6), (b) (7)(C) [redacted] 7/30/15

Yes, I addressed this rebuttal in my original message.
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(b) (6), (b) (7)(C) [redacted] 7/30/15

But you addressed it wrong. You personally might think that "feeling discomfort in a mostly homogeneous setting" is equivalent to being discriminated against, but the researcher herself did not, and I wanted to give the rest of this list an opportunity to make their own judgment.

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(b) (6), (b) (7)(C) [redacted] 7/30/15

Thought I should mention this: thanks for clarifying the distortion of the researcher's conclusions by the author of the article. Journalism is rife with this kind of deception. It's why I check the sources, and now -- knowing that you do too -- I know that I'm not alone, and I feel that me checking sources is validated.

For people interested in how journalism affects our views of reality: http://www.goodreads.com/quotes/65213-briefly-stated-the-gell-mann-amnesia-effect-is-as-follows-you
- show quoted text -

Still the U.S. government. I know what you did last April 15th.

(b) (6), (b) (7)(C) [redacted] 7/30/15

(b) (6), (b) (7)(C)

> http://www.goodreads.com/quotes/65213-briefly-stated- the-gell-mann-amnesia-effect-is-as-follows-you

That's a great quote.
- show quoted text -

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 7/30/15

... and once more we miss the forest for a tree. While we discuss irrelevant details, real women suffer discrimination, or discomfort, in real life.

I for one, dislike the fact that at Google the office space is segmented (at least in MTV). For example, we have floors / buildings / whole campi that are only inhabited by engineers, or only by designers, or sales, HR, etc.

I claim that such layout induces a correlation between certain traits and the physical location of each Googler. For example, we know that the ratio of men/women is very different in among MTV buildings.

Would the environment be more interesting, diverse and accommodating for minorities if we mixed that population a bit more?

As an anecdote, I remember working in other companies where engineers, designers and HR would share the same micro kitchen. It really forced people out of their belief-bubbles and exposed them to different ways of seeing the problems.

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(b) (6), (b) (7)(C)) (6), (b) (7)(C) 7/30/15

On Thu, Jul 30, 2015 at 10:59 AM, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) @google.com> wrote:
>> A good summary of current research (with links to sources)
>
>
> It's probably not a good sign that clicking on the very first link to a
> "research source" (actually an article in Fortune) reveals that the author
> has mischaracterized the findings. I haven't got time to check them all.

No, the first link is to an article in the Harvard Business Review,
which seems to be be reasonably well researched. Plenty of other
reputable sources linked to as well.

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 7/30/15

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> which seems to be be reasonably well researched. Plenty of other
> reputable sources linked to as well.

That first line got stripped from the "cleaned" version of the post, which is the one I read. So technically my statement should have referenced "the very first research source link I clicked on", for whatever that matters.

But now that I click on that link... it's pretty hard to tell but it looks like the 41%/17% figure is from just one company.

- show quoted text -

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 7/30/15

On Thursday, July 30, 2015 at 10:38:55 AM UTC-7, (b) (6), (b) (7)(C) wrote:

> The trend of tech companies releasing their diversity statistics is a good one, but given the high industry attrition rate
> for women, they should also start releasing their retention rates broken down by gender.

The article mentions this attrition rate a couple times, but doesn't compare it to other industries. A brief search turns up articles expressing concerns about attrition among women in other industries, such as health care and law, so it'd be interesting to know just how much more common it is for women to leave this industry than others.

(b) (6), (b) (7)(C)) (6), (b) (7)(C) 7/30/15

On Thu, Jul 30, 2015 at 4:32 PM, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) @google.com> wrote:
>> No, the first link is to an article in the Harvard Business Review,
>> which seems to be be reasonably well researched. Plenty of other
>> reputable sources linked to as well.
>
>
> That first line got stripped from the "cleaned" version of the post, which
> is the one I read. So technically my statement should have referenced "the

> very first research source link I clicked on", for whatever that matters.

Ah, OK. I went straight to the link, and assumed that everyone was reading the same article.

> But now that I click on that link... it's pretty hard to tell but it looks
> like the 41%/17% figure is from just one company.

I don't see that, but maybe I'm misreading. The HBR article seems to have been conducted by surveying a fairly wide range of people. The summary says:

"Over time, fully 52% of highly qualified females working for SET companies quit their jobs, driven out by hostile work environments and extreme job pressures."

This seems too high.

[redacted] b) (6), (b) (7)(C) 7/30/15

> "Over time, fully 52% of highly qualified females working for SET companies quit their jobs, driven out by hostile work environments and extreme job pressures."

"Hostile work environment" and "extreme job pressures" are quite different reasons, the former conceivably related to gender bias, but the latter ostensibly orthogonal to it. So lumping them together looks suspicious.

[redacted] 7/30/15

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See page 31.

[redacted] b) (6), (b) (7)(C) 7/30/15

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There were several methodologies employed, which in aggregate did indeed touch a fairly wide range of people. However, the figure in question references three particular categories of companies: "Pharmaceutical, Engineering services, and High Tech". The only place in the pdf I can find those explained is in a paragraph describing how they surveyed one company from each of those sectors (it also used the term "microclimates", which the figure was also labeled with).

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(b) (6), (b) (7)(C) 7/30/15

> "Hostile work environment" and "extreme job pressures" are quite dif ferent reasons, the former conceivably related to gender bias, but the latter ostensibly orthogonal to it. So lumping them together looks suspicious.
> See page 31.

Page 31 discusses how extreme job pressures affect women harder than men, because women assume more of the childcare burden at home. That's an interesting societal phenomenon, but it is indeed pretty orthogonal to h ostile work environments.

On Thu, Jul 30, 2015 at 6:27 PM, (b) (6), (b) (7)(C) @google.com> wrote:
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(b) (6), (b) (7)(C) 7/31/15

On 31 July 2015 at 06:12, (b) (6), (b) (7)(C) @google.com> wrote:
> I don't see how it's mischaracterized.

How this author described the research:

"When researcher Kieran Snyder interviewed 716 women who left tech after an average tenure of 7 years, almost all of them said they liked the work itself, but cited discriminatory environments as their main reason for leaving."

> What the research actually found: "One-hundred-ninety-two women cited discomfort working in environments that felt overtly or implicitly discriminatory as a primary factor in their decision to leave tech. That's just over a quarter of the women surveyed."
>
> One quarter << almost all.

I read that sentence quite differently, taking the "almost all" as referring to the first clause (that women liked the work itself) and not the second. It's possibly a little ambiguous and IMO it's extremely uncharitable for you to dismiss the entire article on the basis of an ambiguous sentence.

Doubly so since the article which you say is mischaracterised includes the explicit statement that "the pipeline is not the problem" which is the exact point of the first.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) 7/31/15

Moving (b) (6), (b) (7)(C) to bcc

(b) (6), (b)

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(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) 7/31/15

So I'm going to take a deep breath and try and say something calmly, kindly, but with strength.

(b) (6), (b) (7)(C) your sentence de-valuing the possibility of including childcare pressures into the summation of 'discriminatory' reasons for leaving the work place hurt my feelings. I wasn't sure if I should voice it, or how to voice it, but I've decided after a decent sleep and with a deadline looming, that I need to express myself so I can push forward on work and home pressures.

Did you feel any empathy for the stories of moms in the article who struggled to try and figure it all out? Do you not see how no maternity leave, no space to pump milk, no flexibility in hours, no flexibility in being able to work from home, etc, might just be discriminatory to women trying to stay in work, and still be caregivers?

I'm a working mom with two kids. I almost left Google when I came back to work after maternity leave with my second child. I love my job. I love my career. I love working at Google. I had excellent maternity leave, I had a place to pump milk for my child, but despite all this, I was exhausted every day trying to handle the work without sleep. My milk dried up from stress and sickness.

I reached out to HR for help, and there just didn't seem to be programs or support networks to help me deal with my stress through that first year back with no sleep, two kids, and my job.

Google has some of the best support of any company in the entire world-- and yet, it still wasn't enough for me. I started a small community of stressed-out parents to try and help each other-- and it was enough to get me through that tough year, but I worry it's not enough for others.

Data is so important. But we aren't talking about someone who lied with actual figures-- the writer merely used a phrase that was exaggerative-- most of the article is exaggerative. But the underlying point, and the Harvard piece, are strong, validated, and point to a major issue in our industry-- we are absolutely crap at supporting a wide and diverse net of people beyond the pipeline.

This thread seems to validate that, along with so many other similar threads that are hurting the feelings of many people who are reading it and staying quiet.

(b) (6), (b) (7)(C) [redacted]

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(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) [redacted] 7/31/15

(b) (6), (b) (7)(C) [redacted], I've known and felt empathy for the struggles of many women trying to balance children and career over the years, and I am supportive of various measures to make that easier. I certainly didn't mean to suggest otherwise.

However, the question of how companies can best support working mothers is in no way unique to tech and has nothing to do with discrimination against women (as you allude to, it can and does involve discrimination in favor of women, eg in maternity leave policies), and thus I don't see the connection to the problems I've raised with the article. The assertion that "almost all women who leave tech do so because they feel discriminated against" implies to most people something meaningfully

different from the assertion that "many women leave tech because the various pro-family policies companies have adopted aren't enough to overcome the challenges".

If people want to talk about what else Google and other companies should do to accommodate working mothers - and I find your personal story more compelling than bogus stats - by all means have that discussion.

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[redacted] b) (6), (b) (7)(C) 7/31/15

Thanks for sharing that, [redacted]. Hearing your personal experience really helps to broaden my understanding.

Regarding the original article: I think it's important to make a few distinctions when talking about work-place diversity. Specifically with regard to pressures that motivate people to leave the workplace, I think we need to distinguish between:
- Active, conscious discrimination.
- Unintentional discrimination as a result of unconscious biases.
- Situations, circumstances, or experiences that cause discomfort, but aren't a result of discrimination.

I think it's common to lump the last two categories together, and this is a mistake that hinders rather than helps the cause of workplace diversity. The original article states "Kegerators and ping pong tables don't appeal to me" and seems to imply that the presence of kegerators and ping pong tables are somehow discriminatory. I don't think this is true. Kegerators and ping pong tables don't appeal to me either, and I understand that their presence can make people uncomfortable (I haven't seen any kegerators at Google, but team offsites at bar-restaurants can make me uncomfortable because I don't drink and awkward situations sometimes arise), but these things aren't actually discriminatory. If we work in a truly diverse workplace, then there are definitely going to be things that make us uncomfortable because they don't match our own culture or our own idea of fun (there will be many things that we can enjoy, but the uncomfortable things will be there as well).

[redacted]
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[redacted] 7/31/15

On Thu, Jul 30, 2015 at 9:35 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

> "Hostile work environment" and "extreme job pressures" are quite dif ferent reasons, the former conceivably related to gender bias, but the latter ostensibly orthogonal to it. So lumping them together looks suspicious.
> See page 31.

Page 31 discusses how extreme job pressures affect women harder than men, because women assume more of the childcare burden at home. That's an interesting societal phenomenon, but it is indeed pretty orthogonal to hostile work environments.

[redacted] claim was that "extreme job pressure" was orthogonal to gender bias issues, not orthogonal to "hostile work environment."

Since page 31 addresses how, as you put it, "extreme job pressures affect women harder than men", it seems like [redacted] retort was pretty spot-on.

More to the point: who cares if "extreme job pressure" is not a form of "hostile work environment"? That is semantic quibbling that doesn't help understand the problem at all. Both of these things make it hard for women to thrive in our industry, and we should try to understand that and look at ways to make it better rather than trying to distract the discussion into silly arguments about whether one bucket of pain is sufficiently similar to another.

[redacted]

> On Thu, Jul 30, 2015 at 6:27 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> > On Thu, Jul 30, 2015 at 6:18 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> > >> "Over time, fully 52% of highly qualified females working for SET
> > >> companies quit their jobs, driven out by hostile work environments and
> > >> extreme job pressures."
> > >
> > >
> > > "Hostile work environment" and "extreme job pressures" are quite different
> > > reasons, the former conceivably related to gender bias, but the latte
>
> ...

[redacted] b) (6), (b) (7)(C) [redacted] 7/31/15

([redacted] list back to bcc: - please be considerate with your replies)

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...

[redacted] 8/1/15

On Fri, Jul 31, 2015 at 12:15 AM, (b) (6), (b) (7)(C) @google.com> wrote:
> On 31 July 2015 at 06:12, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
>>>
>>> I don't see how it's mischaracterized.
>>
>>
>> How this author described the research:
>>
>> "When researcher Kieran Snyder interviewed 716 women who left tech after
>> an average tenure of 7 years, almost all of them said they liked the work
>> itself, but cited discriminatory environments as their main reason for
>> leaving."
>>
>> What the research actually found: "One-hundred-ninety-two women cited
>> discomfort working in environments that felt overtly or implicitly
>> discriminatory as a primary factor in their decision to leave tech. That's
>> just over a quarter of the women surveyed."
>>
>> One quarter << almost all.
>
>
> I read that sentence quite differently, taking the "almost all" as referring
> to the first clause (that women liked the work itself) and not the second.
> It's possibly a little ambiguous and IMO it's extremely uncharitable for you
> to dismiss the entire article on the basis of an ambiguous sentence.

I would agree that the original article might have been worded
slightly better on this case. But I don't think that's really the
point.

Firstly, even if only a quarter of the women who leave tech do so
because they feel that the environment is discriminatory, and is
making them uncomfortable, do you honestly feel that this is an
acceptable number? I would have thought that zero would be about the
right number to aim for. What would your target number be?

Secondly, the entire point of the article was to dispel the notion
that we have a shortage of women in tech because we have a shortage of
technical graduates. Women come into tech, and then leave in greater
numbers than men. That is the actual claim of the article; it cites
several sources that support that claim, and if you really think that
this claim is incorrect then I think you should address those rather

than than pick on small details where I'm not sure your reading is correct, and if it is I really don't think it matters. ...

[redacted] b) (6), (b) (7)(C) 8/1/15

> I think there is a great deal that we as individuals can do to make that better, and to avoid offending and upsetting the women we work with.

That is, you do believe that we, Google engineer men, actually do something to offend and upset our fellow Google engineer women? That is a very disturbing thought. Do you have any specific examples in mind? I don't invite you to share them, if you do, just say that you do or you don't.

[redacted] 8/1/15

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Yes

https://docs.google.com/document/d/16Cf61-JjnYu1g2Bs3sPmH5auxipDYVO16cbSwHH0Vpo/edit
https://docs.google.com/document/d/1HKBjpifEpyGZ25pghIl_cWX3t42yXpjUOrH5UWR7iz0/edit

Both are from the actual experiences of employees.

[redacted] 8/1/15

What [redacted] said; I'd also suggest reading https://micro.googleplex.com/ranked

[redacted]

[redacted] | [redacted] | [redacted] @google.com | [redacted]

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(b) (6), (b) (7)(C) 8/1/15

Thanks. I'm probably very lucky for not having seen any of those behaviors.
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(b) (6), (b) (7)(C) 8/1/15

Yeah, that's one of the reasons that the problem is so difficult: that the majority of employees (men) are seldom or never subject to the behaviors in question and so are incredulous that it's a problem to begin with...

On 2 Aug 2015 11:17 am, (b) (6), (b) (7)(C) @google.com> wrote:
> Thanks. I'm probably very lucky for not having seen any of those behaviors.
>
> On Sat, Aug 1, 2015 at 5:56 PM, (b) (6), (b) (7)(C) @google.com> wrote:
> > What (b) (6), (b) (7)(C) said; I'd also suggest reading https://micro.googleplex.com/ranked
> >
> > (b) (6), (b)
> >
> > (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | (b) (6), (b) @google.com | (b) (6), (b) (7)(C)
> >
> > On Sun, Aug 2, 2015 at 10:54 AM, (b) (6), (b) (7)(C) @google.com> wrote:

On 2 August 2015 at 10:46, (b) (6), (b) (7)(C) @google.com> wrote:

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> deal that we as individuals can do to make that better, and to avoid
> offending and upsetting the women we work with.

That is, you do believe that we, Google engineer men, actually do something to offend and upset our fellow Google engineer women? That is a very disturbing thought. Do you have any specific examples in mind? I don't invite you to share them, if you do, just say that you do or you don't.

Yes

https://docs.google.com/document/d/16Cf61-JjnYu1g2Bs3sPmH5auxipDYVO16cbSwHH0Vpo/edit

...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/1/15

Yeah, that's one of the reasons that the problem is so difficult: that the majority of employees (men) are seldom or never subject to the behaviors in question and so are incredulous that it's a problem to begin with...

No, I didn't mean I'm not a *subject* of these behaviors, but that I was never a *witness*. I'm pretty sure I'd have noticed if I were.

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/1/15

(Perhaps, s/subject/object/)
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(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/1/15

Firstly, even if only a quarter of the women w ho leave tech do so because they feel that the environment is discriminatory , and is making them uncomfortable, do you honestly feel that this is an acceptable number? I would have thought that zero would be about the right number to aim for. What would your target number be?

25%, while too high, is a lot closer to 0 than to "almost 100%". The sentence I highlighted was a clear misrepresentation of the data. This is not even worth arguing about. I'll note, [redacted] that the other article stat we've discussed, from the Harvard review, also seems suspect; I've explained my reasons for believing it may only represent a sample so small one can't generalize the statistic from it, but have heard no counterargument from you. I've only investigated those two claims from the article; have you investigated any others?

> I think we should start by treating claims that discrimination exists seriously .

Indeed. And that means examining the evidence in the same critical and dispassionate manner in which we evaluate all claims we wish to seriously consider .

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...

[redacted] (b) (6), (b) (7)(C) 8/1/15

> What [redacted] said; I'd also suggest reading https://micro.googleplex.com/ranked

From that site: "I was at the airport on the way to visit another office. Another passenger struck up a conversation and asked where I worked. When I replied, 'Google', [redacted] looked me up and down and said, 'Aren't you [redacted] to work there?'"

I've gotten similar commentary. From friends. You know what I do? Laugh it off.

I think some people need oversensitivity training.

On Sat, Aug 1, 2015 at 5:56 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> What [redacted] said; I'd also suggest reading https://micro.googleplex.com/ranked
>
> [redacted]
>
> [redacted] | (b) (6), (b) (7)(C) | [redacted] @google.com | (b) (6), (b) (7)(C)
>
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> That is, you do believe that we, Google engineer men, actually do something to offend and upset our fellow Google engineer women? That is a very disturbing thought. Do you have any specific examples in mind? I don't invite you to share them, if you do, just say that you do or you don't.

Yes

https://docs.google.com/document/d/16Cf61-JjnYu1g2Bs3sPmH5auxipDYVO16cbSwHH0Vpo/edit

...

[redacted] 8/1/15

On Sun, Aug 2, 2015 at 4:21 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

> I've gotten similar commentary. From friends. You know what I do? Laugh it off.

Congratulations on being strong enough to laugh it off. Not everyone is.

The point of microaggressions is that, individually, they may be able to be laughed off. If you hear comments like that once, you can laugh them off. Great. What about if you heard comments like that 10 times? 100? What about 10 times *a day*? Would you be as strong? Or would it slowly chip away at your confidence and self-image? Are you sure?

The about page (https://micro.googleplex.com/about) is worth reading, if you haven't.

(And, for the record, what is acceptable from a friend is not necessarily acceptable from a stranger or a colleague. If (certain) friends told me "wow, you've put on weight, fatass", I would laugh it off. If a stranger or a colleague said that, it would be vastly more likely to hurt my feelings or make me feel generally shitty.)

> I think some people need oversensitivity training.

Conversely, I think expecting everyone to have the same mental toughness and attitude as yourself is, well, *under*sensitive (as it were).

[redacted]

[redacted] b) (6), (b) (7)(C) 8/2/15

> The point of microaggressions is that, individually, they may be able to be laughed off. If you hear comments like that once, you can laugh them off. Great. What about if you heard comments like that 10 times?

Wait, I may be dumb, but I don't get what's offensive about that comment of "being too old to work at Google". It's stupid, surely, but that reflects on the one who makes the comment, not on me. It represents a false stereotype, but the stereotype about Google, not me. What's there to be offended about?

[redacted] b) (6), (b) (7)(C) 8/2/15

On 2 August 2015 at 09:59, (b) (6), (b) (7)(C) @google.com> wrote:

> The point of microaggressions is that, individually, they may be able to be laughed off. If you hear comments like that once, you can laugh them off. Great. What about if you heard comments like that 10 times?

Wait, I may be dumb, but I don't get what's offensive about that comment of "being [redacted] to work at Google".

And you've just explained why you need to be way more careful about this whole topic area... you've just admitted that "you don't get [it]".

It isn't that you're dumb, it's that this isn't as simple an issue as some people think. Perhaps it's time to start your education on the topic (have you taken Unconscious Bias and/or Bias Busting yet?) and a mailing list isn't an efficient place to do that.

As the relevant TGIFs have made clear several times: a random comment, like the above, made once in a blue moon isn't necessarily very harmful (though even a one-off can hurt, e.g. at age [redacted] a comment like the one above would shock me if made in certain contexts). But an environment in which such comments and associated behaviours, assumptions etc are made &/or overheard very frequently is debilitating, and that's unfortunately the experience of many members of minorities at Google.

> It's stupid, surely, but that reflects on the one who makes the comment, not on me. It represents a false stereotype, but the stereotype about Google, not me. What's there to be offended about?

Such a comment is more than one thing. Yes it reflects on the speaker, their stereotypes etc. But it's also a paraphrased implied assertion that "members of group X don't belong in environment Y and/or aren't as capable/useful/valuable as members of group Z". Pile up lots of those and damage occurs.

Take the course.

[redacted]

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[redacted] 8/2/15

To put it in the context of a (synthesised, but plausible) example:

Imagine you're an Engineering Googler of an age which might fit this stereotype (50, for the sake of argument). You've just come off a project which hasn't gone well; you had to implement a UI using jQuery, but you've never done JavaScript before, and you went down a few dead-ends before hitting the right solution. Everyone else on your team did JavaScript stuff at university; maybe one of them should have done it?

Meanwhile, you feel like you're not really gelling with the team. They go out drinking a couple of times a week, and you can't, because you have a couple of kids and it's hard to find time. You try and socialize as best you can at lunch time, but they continually talk about music, movies, or TV you feel like you've never heard of.

That's not all: you had a health problem last quarter, and missed a lot of work. But you feel like that's put you even further behind everyone else as your product heads towards launch... you're not looking forward to this perf cycle, that's for sure. Your manager might be fine, and sympathetic: but will all your peer reviewers be?

All in all, your self-confidence has taken a bit of a beating of late, and you're feeling disconnected from your team. All four things (lack of knowledge of 'new' technologies, logistical difficulty socialising, lack of conversation topics, health problems) are explainable, and not in and of themselves bad things, or difficult to overcome. But still, you're feeling pretty down on yourself, and your age is possibly a factor in all of those things.

How many comments about being 'too old to work at Google' or 'I thought computer science was a young person's game' from strangers could you take before you started feeling real self-doubt? What about it the comments were from your colleagues? Your manager? Larry?

Hopefully this helps imagine a scenario where "small" things like this can, over time, be damaging, and even become crippling.

Cheers,

[redacted]

[redacted] | (b) (6), (b) (7)(C) | [redacted] @google.com | (b) (6), (b) (7)(C)

On Sun, Aug 2, 2015 at 7:04 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> On 2 August 2015 at 09:59, (b) (6), (b) (7)(C) @google.com> wrote:
>
> > The point of microaggressions is that, individually, they may be able to be laughed off. If you hear comments like that once, you can laugh them off. Great. What about if you heard comments like that 10 times?
>
> Wait, I may be dumb, but I don't get what's offensive about that comment of "being [redacted] to work at Google".

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As the relevant TGIFs have made clear several times: a random comment, like the above, made once in a blue moon isn't necessarily very harmful (though even a one-off can hurt, e.g. at age [redacted] a comment like the one above would shock me if made in certain contexts). But an environment in which such comments and

associated behaviours, assumptions etc are made &/or overheard very frequently is debilitating, and that's unfortunately the experience of many members of minorities at Google.

> It's stupid, surely, but that reflects on the one who makes the comment, not on me. It represents a false stereotype, but the stereotype about Google, not me. What's there to be offended about?

Such a comment is more than one thing. Yes it reflects on the speaker, their stereotypes etc. But

...

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/2/15

Happy Sunday to everybody :),

(b) (6), (b) (7)(C) I think what you're missing is that "thick skin" and self-confidence is not something that's necessarily learnable. Some of us have more of it, some of us have less. Isn't making our workplace pleasant to everyone a goal we can all aspire to?

That goes both ways of course and the term "microaggression" is rather unfortunate given, e.g. per Wikipedia (emphasis mine): "Aggression is overt, often harmful, social interaction **with the intention** of inflicting damage or other unpleasantness upon another individual.", while probably most unpleasant interactions which the term is often used to describe, are unlikely intentionally so, vide the "unconscious" in our "Unconscious Bias" class. Precise use of the language and (careful) use of the data are virtues of the engineering culture and some people care a lot about these virtues being upheld, so it's nice to consider that seeing someone objecting to violations of these.

Cheers,

(b) (6), (b) (7)(C)

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...

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/2/15

> And you've just explained why you need to be way more careful about this whole topic area... you've just admitted that "you don't get [it]".

I do get that the comment is *wrong* and *stupid*. That doesn't mean I agree that its target should feel *offended*. You don't take offence from stupidity, that's a basic rule of sanity.

> But it's also a paraphrased implied assertion that "members of group X don't belong in environment Y and/or aren't as capable/useful/valuable as members of group Z".

Doesn't make any difference for the above, in my view.

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/2/15

> Doesn't make any difference for the above, in my view.

That said, a hypothetical team where such stupidity is systemic, is not a good place to work at, because stupidity can't only be limited to one aspect of life.

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/2/15

On Sun, Aug 2, 2015 at 5:45 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

> And you've just explained why you need to be way more careful about this whole topic area... you've just admitted that "you don't get [it]".
>
> I do get that the comment is *wrong* and *stupid*. That doesn't mean I agree that its target should feel *offended*.

Not everything that is hurtful to receive as a comment is necessarily something that "offends". That's one of the dangers of *micro*-agressions: lots of little things, that each are too small to individually rise to a "sufficiently bad" level, but taken together cause lots of damage. And that is part of what makes them so difficult and insidious: the recipient feels *powerless* in the face of lots of little things, because none of them are individually large enough to address – in effect, giving the people who make the comments a way to hide from the overall consequences, because each little thing is not possible to do anything about.

> You don't take offence from stupidity, that's a basic rule of sanity.

This is something that a lot of people don't seem to quite understand: Not everyone can "just shake off" comments. "don't take offence from stupid" sounds like good advice – but it's along the lines of "don't fall into holes". It's not something that's avoidable always, or by everyone.

Also, that seems to just completely give a pass to "stupidity" to say and do whatever it wants, since as long as something stems from stupidity, noone "should" take offence!

Why should "stupidity" be an excuse when it comes to what someone *says*? Keep in mind that stupidity in other areas is no excuse: if someone "stupidly" punches you in the face, you're still just as hurt, they are still just as liable for damages as if they did if less stupidly.

Consider that some people enjoy stupid pranks. But if a stupid prank damages someone's property, then the stupidity of the prank is no excuse or defence from having to pay for the damage caused.

> But it's also a paraphrased implied assertion that "members of group X don't belong in environment Y and/or aren't as capable/useful/valuable as members of group Z".

Doesn't make any difference for the above, in my view.

Then your view is severely limited, and it appears you definitely "don't get it" or at least not all of "it" but at best only a *part* of the whole problem – you're failing to follow its consequences.

Consider if a comment were not about s
...

[redacted] b) (6), (b) (7)(C) 8/2/15

On Sun, Aug 2, 2015 at 6:17 PM, [redacted] @google.com> wrote:

> Doesn't make any difference for the above, in my view.
>
> That said, a hypothetical team where such stupidity is systemic, is not a good place to work at,

It's not just when it's "systemic" but even when it's merely "tolerated and not acted against" that it can be very damaging to the recipient, create a toxic working environment, etc.

> because stupidity can't only be limited to one aspect of life.

And that is another reason why stupidity should not be an excuse, and noone should be expected to just shrug off comments or actions just because they can be construed as being based on stupidity.

// [redacted]

> --
> --
> [GOOGLE CONFIDENTIAL]
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--
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> Imagine you're an Engineering Googler of an age which might fit this stereotype (50, for the sake of argument).

Easy, I don't have to imagine anything (though frankly, I'm still 49 at heart!)

> How many comments about being 'too old to work at Google' or 'I thought computer science was a young person's game' from strangers could you take before you started feeling real self-doubt? What about it the comments were from your colleagues? Your manager? Larry?

Well, yes, if my feeling of self-worth is already shattered, even stupid comments can help dismantle it further. But I never argued that such comments are OK to make. What I'm not comfortable about is the notion that such comments should not be made *because they are offensive*. I think that they are not OK to make *because they are stupid and untrue* in the first place. The stress on offensiveness somehow implies that such comments are actually true, but shouldn't be made because they make other people's lives harder. And that is a very small improvement, if any at all, in my view.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/2/15

> Not everything that is hurtful to receive as a comment is necessarily something that "offends". That's one of the dangers of *micro*-agressions: lots of little things, that each are too small to individually rise to a "sufficiently bad" level, but taken together cause lots of damage.

That's a good point, thanks.

> This is something that a lot of people don't seem to quite understand: Not everyone can "just shake off" comments. "don't take offence from stupid" sounds like good advice – but it's along the lines of "don't fall into holes". It's not something that's avoidable always, or by everyone.

Well, if "not everyone can" is an admissible argument, perhaps, not everyone can learn to be deeply considerate to others either. Perhaps, empathy deficit is also a kind of disability. (FWIW, "don't fall into holes" sounds like a perfectly good advice to me.)

I guess what I really mean is that the problem needs to be attacked from all three ends: the microaggressor, the microaggressee, and the environment (peers, manager, etc). I also strongly feel that a team with as unhealthy environment as that will likely be generally less successful in its charter goals.

> Also, that seems to just completely give a pass to "stupidity" to say and do whatever it wants, since as long as something stems from stupidity, noone "should" take offence!

Oh, no, by no means! Stupidity is harmful in every way possible, and should be amended when amenable and avoided otherwise.

> Why should "stupidity" be an excuse when it comes to what someone *say*

...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/2/15

As another (b) (6), (b) (7)(C) Googler, I think I need to support (b) (6), (b) (7)(C)
In fact, I'd go as far as to say that the term "microaggressions" is harmful to the person who uses the term, because it encourages the user (and other people) to intepret generic stupidity and inconsiderate behavior as a personal attack.

That's not to say that microaggressions don't happen, but the term "aggression" implies a certain amount of intent, and that intent is (I think) often lacking.
The dictionary definition of aggression contains phrases like "violent behavior" and "ready to attack", andy that's not (usually) what's likely to go on. (And, yes, I understand that "micro" is part of the word, but few people have a good understanding exactly how small 0.000001 of an aggression would be; nobody takes that part of the word seriously.)

All that is not to say we should allow people to be stupid and inconsiderate... No, that's not true: one cannot entirely stop even the best people from being stupid (and 'inconsiderate' is a failure to think of others, so it will also happen occasionally).
Rather, we should do our best to prevent people from being stupid and inconsiderate, but we also need to realize that the rate of inconsiderate stupidities will never go to zero this side of Utopia, and we need to minimize the harm that they do.
(And one way to minimize the harm is to be less eager to consider each inconsiderate stupidity as a personal attack.)

On Sunday, August 2, 2015 at 2:07:01 PM UTC-4, (b) (6), (b) (7)(C) wrote:

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(b) (6), (b) (7)(C) [redacted] 8/2/15

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+1. We may be getting far afield from the orig inal (interesting and important) point of this thread, but the concept of "microaggressions" always struck me as counterproductive- causing some people to look for of fense in everything, and others to feel guilty (or self-righteous) about a bunch of trivial things. cbrunschen@ wrote above that, "Not everyone can 'just shake off' comments". Aside from a few pathological cases, that's just wrong, and telling people that they can't isn't enabling, its disabling. On a practical level, what's more likely to ef ficiently lead to good outcomes: hectoring masses of people into never saying anything that could remotely be construed as a slight, or encouraging people to take life's little bumps in stride?

- show quoted text -

...

(b) (6), (b) (7)(C) [redacted] 8/2/15

On Sun, Aug 2, 2015 at 8:01 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

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-1. The nitpicking about the words 'offense' and 'microagression' not being *completely* accurate in all possible cases seems to be just distracting from the more important issue; and it seems to be trying to re-focus the discussion on the person on the _giving_ end of the action rather than the one on the _receiving_ end. If someone swings their fist and it hits me, it might have been _intended_ to be "stupid", but it still has the same effect on me as an _aggressive_ act.

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I'm talking from personal experience. When stuff is said or happens, no matter how much you might like someone else's responses to be the way you would like them to be, most people can't control their responses, and _you_ certainly can't control _their_ responses (and in particular when we're talking about responses that are in some way emotional, including such things as self-worth, etc) – nor is it particularly productive to basically tell someone that their reactions to microagressions or other things are "wrong" because they're not as thick-skinned as you might be.

There's a reason that psychological manipulation such as bullying works, especially regarding things that damage people's self-worth - precisely because most people can't "just shake off" everything that happens to them. Some things perhaps, others less so; some people are better at it, others less so.

If everyone was able to shake everything off, then bullying would never really happen, because teasing someone would never have any effect (the intended victim would simply shrug it off, after all). The fact that bullying happens, both among children and among adults including at workplaces, is a trivial counterexample to your assertion (and I don't think those would qualify as "pathological cases"). As is, of course, the ample evidence of people who feel uncomfortable in their workplace because of comments or otherwise, and end up leaving their workplace - which the original article described.

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On a practical level, what is going to be more likely to lead to good outcomes: trying to get people to be more thoughtful of each other, or hectoring masses of people to have to accept heckling and pranks and aggressive (both large and small), stupid, racist, sexist and otherwise hurtful "little bumps"?

//[redacted]

> On Sun, Aug 2, 2015 at 11:45 AM, (b) (6), (b) (7)(C) @google.com> wrote:
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...

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/2/15

On Sun, Aug 2, 2015 at 9:46 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> most people can't "just shake off" everything that happens to them.

> You're arguing with a straw man. I never said people can shake of f everything that happens to them, I said people can (and do, and have done for all time) shake off the sort of comments labeled with the neo logism "microaggressions".

Yeah, I don't buy that – that would require that there be a single precise line where "microaggressions" end and which also would have to be below an imaginary "line" below which any insult or similar would be "shrug-off-able" by anyone.

Wikipedia suggests,

> **Microaggression** is a recently coined term which some use to refer to unintended discrimination. Psychiatrist and Harvard University professor Chester M. Pierce coined the word *microaggression* in 1970 to describe insults and dismissals he said he had regularly witnessed non-black Americans inflict on African Americans.[1][2][3][4] In 1973, MIT economist Mary Rowe extended the term to include similar aggressions directed at women; eventually, the term came to encompass the casual degradation of any socially marginalized group, such as poor people, disabled people and sexual minorities.[*citation needed*]

So microaggressions are the kinds of things that are directed over and over against people of a group, and which constantly reinforce that the microaggressors don't consider members of that group as equals. Note that this includes some fairly large things, insults and casual degradation – at least some of which I'm fairly sure would fall above any line you could draw below which "anyone" would be able to dismiss them. And especially if these things happen over and over, and appear to be accepted as "par for the course" in the environment.

> Every normal person has within themselves the psychological resources to do that, and telling them they don't is disempowering.

Keep in mind though that everyone also has it in them to become an expert in a subject, or a top athlete, or similar – if they put a lot of effort and energy into it.

And for most people, there are things that they would much rather do than have to build up mental defences to microaggressions.

Further keep in mind that even someone who is able to do this, will have to spend time and mental effort to do so, every time; time and effort that person *could* be spending on something better, such as in a workplace environment, on their job. So a constant pressure of microaggressions will have a negative effect even on people who can "manage" this somehow.

Plus I am not telling people that they can't learn to handle microaggressions: I'm telling people who try to use "ah, you can just shrug that off" as an excuse that that's not an excuse that works, because some people _can't_ just brush off the stupidities and such to which they are subjected, even if perhaps they might be able to learn to because, honestly, they shouldn't _have_ to just because someone else thinks they want to get away with stupid, insulting and degrading comments.

// [redacted]

> On Sun, Aug 2, 2015 at 12:25 PM, [redacted] @google.com> wrote:
> On Sun, Aug 2, 2015 at 8:01 PM, [redacted] @google.com> wrote:
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> That's not to say that microaggressions don't happen, but the term "aggression" implies a certain amount of intent, and that intent is (I think) often lacking. The dictionary definition of aggression contains phrases like "violent behavior" and "ready to attack", andy that's not (usually) what's likely to go on. (And, yes, I understand that "micro" is part of the word, but few people have a good understanding exactly how small 0.000001 of an aggression would be; nobody takes that part of the word seriously.)
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> (And one way to minimize the harm is to be less eager to consider each inconsiderate stupidity as a personal attack.)
>
> On Sunday, August 2, 2015 at 2:07:01 PM UTC-4, [redacted] wrote:
> > Not everything that is hurtful to receive as a comment is necessa

...

[redacted] 8/2/15

Congratulations, this conversation has been successfully derailed. You now have several men talking to each other about minutia of what individual words mean and whether or people should or should not be sensitive. Meanwhile you've managed to drown out the few women who have tried to comment on this thread. Seriously, you wanted to go there with the dictionary definition of micro? And dismissing the last woman to comment pretty much out of hand? I feel like I'm on Reddit here. I've got short-timers syndrome maybe, so maybe I'm jumping in where otherwise I might fear to tread. Everyone step back, take a minute to breathe, and if you want to go somewhere else and talk about this please do and drop industryinfo to bcc.

[redacted]
(b) (6), (b) (7)(C)
http://google.com/+[redacted]
http://twitter.com/[redacted]

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[redacted] (b) (6), (b) (7)(C) 8/2/15

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That's a good point, thanks.

This is something that a lot of people don't seem to quite understand: Not everyone can "just shake off" comments. "don't take offence from stupid ...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/2/15

What was the point of this comment? If you want to follow up on something that (b) (6), (b) (7)(C) or (b) (6), (b) (7 said, by all means do so, but criticizing people because their discussion is not going to your liking is not productive.

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(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/2/15

My comment is pointing out that this very conversation where you're stomping in and ignoring the comments made by women, and derailing a conversation about sexism experienced by women all of that. That is a big part of what is wrong. Anytime anyone expresses concern about sexism (or racism or homophobia etc.) some White man tries to nitpick the argument to death thereby distracting and derailing any conversation about actually doing something. And I say that as a White man.

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...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/3/15

On Thu, Jul 30, 2015 at 6:35 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> "Hostile work environment" and "extreme job pressures" are quite dif ferent reasons, the former conceivably related to gender bias, but the latter ostensibly orthogonal to it. So lumping them together looks suspicious.
> See page 31.

Page 31 discusses how extreme job pressures affect women harder than men, because women assume more of the childcare burden at home. That's an interesting societal phenomenon, but it is indeed pretty orthogonal to hostile work environments.

Speaking as someone with [redacted], I have to say that job pressure affects those with kids more than those without. For me, this impacts both choice of company (I can't work at Apple) and choice of kids (I'll never have another; I should have stuck with two; there should have been more years between them).

I have no idea how to address this issue, since it's hard to stop rewarding those who place their career ahead of their personal lives... the French practice of forcing people not to spend so much time at work seems good at first, but can be cruel in its own way, for those who have trouble (bad looks, poor social skills) getting "a life" outside of work.

I will say this, though: one of the conseq
...

[redacted] 8/3/15

So to (try to) bring the conversation back on track:

Person A is a member of Group G and works at Company C.
Persons Bx (x = [1..n]) are not members of Group G, but also work at Company C.
Persons Bx sometimes make stupid insensitive comments about Group G (of which person A is a member) - none of which comments individually is actionable, and without there being any malice or conspiracy among Persons Bx.
Person A decides that they do not want to stay among Persons Bx, so leaves Company C.
Persons Bx scratch their heads about why there are so few members of Group G who work at Company C.
[When the comments etc are brought up, Persons Bx say "Person A should be able to just shrug those off!" ...]

Or to boil it down to something even simpler:

Person B makes a stupid insensitive insulting comment to (or near) Person A, about Group G of which Person A is a member. Person A is upset by this and feels less comfortable in their work environment.

Out of Person A and Person B, only one has done something that is wrong; which person should be the one to have to adapt in order to try to avoid an uncomfortable work environment? Person A who did nothing wrong, or Person B who did?

Yes, I am male and white – but I've been bullied when I was younger so I'm familiar with how soul-destroying it can be when even small things repeatedly get launched at you – comments that each individually can't be considered actionable, but that still can't be "shrugged off"; perhaps one or two might (still each requiring effort that the "target" shouldn't have to spend), but the totality can't. (I know that bullying is different because there is harmful intent, but the mechanisms are similar enough.)

(I have certainly also *made* stupid and insensitive and insulting comments. When I get called out on those, I apologize, for having said such a stupid, insensitive, insulting thing; and I try to not to say such a stupid, insensitive, insulting thing again.)

Best wishes,

// [redacted]

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(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/3/15

[redacted] *" Speaking as someone with* [redacted] *I have to say that job pressure affects those with kids more than those without."*

Speaking as 'a woman without kids', I don't think I can compare how job pressure affects different demographic groups - I do know that I have job pressures particular to my life that are overlooked (or worse treated as trivial). I certainly don't get help from Google on them, yet around me any personal priority related to kids seems treated as important and is supported.

I wish we could get away from a tiered culture based on a hierarchy of demographic groups, and instead ensure every type of life is given respect and that formal and informal benefits are equally relevant, accessible or distributed when not based on merit. I've heard other companies have a menu of benefits for example, and each employee can choose up to a certain value. That seems pretty fair, though the informal side harder to solve

Op maandag 3 augustus 2015 10:15:11 UTC+2 schreef (b) (6), (b) (7)(C):

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(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/3/15

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getting "a life" outside of work.

I will say this, though: one of the consequences for having more kids at the expense of my career is that I have more kid-time in my life. That's a reward in and of itself. Why are there never any articles about how societal pressures allow women to spend more time with their kids than men? Why do these articles never seem to value family time *at all*? Why does society look down on those (both male and female) who decide to be stay-at-home parents?

...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 2:15 AM, (b) (6), (b) (7)(C) @google.com> wrote:
Congratulations, this conversation has been successfully derailed.

I'm pretty sure that expecting any conversation on industryinfo to stay on topic is an unrealistic expectation.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/3/15

(b) (6), (b) 2015 to bcc again

(b) (6), (b)

On Mon, Aug 3, 2015 at 8:33 AM, (b) (6), (b) (7)(C) @google.com> wrote:

+1 to (b) (6), (b) (7)(C)

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--
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...

[redacted] (b) (6), (b) (7)(C) 8/3/15

My comment is pointing out that this very conversation where you're stomping in and ignoring the comments made by women, and derailing a conversation about sexism experienced by women all of that.

On the contrary, I responded to [redacted] com ment, and explicitly encouraged conversation along the lines she suggested. Thanks for reading.
- show quoted text -
...

[redacted] (b) (6), (b) (7)(C) 8/3/15

I will say this, though: one of the consequences for having more kids at the expense of my career is that I have more kid-time in my life.

It's a fair point. Life's rewards aren't just measured in salary and job titles.
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(b) (6), (b) (7)(C) 8/3/15

[redacted]

[redacted] to bcc again.

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I have no idea how to address this issue, since it's hard to stop rewarding those who place their career ahead of their personal lives... the French practice of forcing people not to spend so much time at work seems good at first, but can be cruel in its own way, for those who have trouble (bad looks, poor social skills) getting "a life" outside of work.

I will say this, though: one of the consequences for having more kids at the expense of my career is that I have more kid-time in my life. That's a reward in and of itself. Why are there never any articles about how societal pressures allow women to spend more time with their kids than men? Why do these articles never seem to value family time *at all*? Why does society look down on those (both male and female) who decide to be stay-at-home paren

...

[redacted] (b) (6), (b) (7)(C) 8/3/15

Speaking as 'a woman without kids', I don't think I can compare how job pressure af fects different demographic groups - I do know that I have job pressures particular to my life that are overlooked (or worse treated as trivial).

Are you saying that you, who just happens to be 'a woman without kids', have idiosyncratic life demands that work conflicts with, or are you saying that women without kids have life demands that work conflicts with? (And if the latter can you give examples?)

- show quoted text -

...

[redacted] (b) (6), (b) (7)(C) 8/3/15

Everyone has a unique set of life demands, most of which you likely cannot guess at. Consider that people may have chronic health concerns that may not be readily apparent. Consider also that health issues usually involve no choice on the part of the affected party whereas having children is often a conscious decision.

(also, [redacted] to bcc again)

[redacted]

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[redacted] b) (6), (b) (7)(C) 8/3/15

[When the comments etc are brought up, Persons Bx say "Person A should be able to just shrug those off!" ...]

No, *they* have no moral right to say that. And *still* Person A would have been better off in life having learned to be less sensitive and more self-confident. And finally, I believe that if there are enough people in Company C whose general level of intelligence is such that they keep making stupid insensitive comments about anything whatsoever, that negatively affects the bottom line of Company C, and that is a better reason for person A to leave Company C than being personally offended.

[redacted] (b) (6), (b) (7)(C) 8/3/15

Perhaps I misread the thrust of [redacted] argument, but I'm not sure those details really matter . I understood [redacted] as noting that our ef forts to accommodate the needs of different groups tends to suffer from unconscious bias—in that we unconsciously prioritise the needs of some groups over the needs of others. I don't suppose this is controversial.

But this is precisely what I'm asking about: IF [redacted] was speaking about the needs of "some groups" (eg, women without kids) rather than unique personal needs that all women and men have, then it would be productive to know which needs [redacted] feels are not being prioritized by employers.

On Mon, Aug 3, 2015 at 8:54 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

On Mon, Aug 3, 2015 at 4:25 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

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> On Mon, Aug 3, 2015 at 2:12 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> [redacted] *" Speaking as someone with* [redacted] *I have to say that job pressure affects those with kids more than those without."*
>
> Speaking as 'a woman without kids', I don't think I can compare how job pressure affects different demographic groups - I do know that I have job pressures particular to my life that are overlooked (or worse treated as trivial). I certainly don't get help from Google on them, yet around me any personal priority related to kids seems treated as important and is supported.
>
> I wish we could get away from a tiered culture based on a hierarchy of demographic groups, and instead ensure every type of life is given respect and that formal and informal benefits are equally relevant, accessible or distributed when not based on merit. I've heard other companies have a menu of benefits for example, and each employee can choose up to a certain value. That seems pretty fair, though the informal side harder to solve
>
> Op maandag 3 augustus 2015 10:15:11 UTC+2 schreef [redacted]:
> On Thu, Jul 30, 2015 at 6:35 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> > "Hostile work environment" and "extreme job pressures" are quite dif ferent reasons, the former conceivably related to gender bias, but the latter ostensibly orthogonal to it. So lumping them together looks suspicious.
> > See page 31.
>
> Page 31 discusses how extreme job pressures affect women harder than men, because women assume more of the childcare burden at home. That's an interesting societal phenomenon, but it is indeed pretty orthogonal to h ostile work environments.
>
> Speaking as someone with [redacted] I have to say that job pressure affects those with kids more than those without. For me, this impacts both choice of company (I can't work at Apple) and choice of kids (I'll never have another; I should have stuck with two; there should have been more years between them).
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...

[redacted] (b) (6), (b) (7)(C) [redacted] 8/3/15

Again, [redacted] 2015 to bcc. This is the fifth request. Please be courteous to your fellow Googlers and use the appropriate mailing lists.

[redacted]

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(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/3/15

On Saturday, August 1, 2015 at 5:28:49 PM UTC-7, [redacted] wrote:

> Secondly, the entire point of the article was to dispel the notion that we have a shortage of women in tech because we have a shortage of technical graduates. Women come into tech, and then leave in greater numbers than men. That is the actual claim of the article; it cites several sources that support that claim, and if you really think that this claim is incorrect then I think you should address those rather than than pick on small details where I'm not sure your reading is correct, and if it is I really don't think it matters.

I'm not sure "dispel" is the right word: the shortage of graduates is well-documented, and in fact the gender imbalance starts long before college. I think the most an article like this can hope to demonstrate is that there are *additional* factors causing the gender imbalance to be even greater than it would be otherwise.

But as I noted upthread, knowing that women leave tech in greater numbers than men doesn't tell you much about whether there's something unique to the tech industry causing it; the attrition rate needs to be understood in comparison to other industries. Most of the proposed causes (e.g. high pressure and long hours) are also present in other fields where women are quite well represented, like healthcare.

(b) (6), (b) (7)(C) [redacted] 8/3/15

The article says: "According to the Harvard Business Review, 41% of women working in tech eventually end up leaving the field (compared to just 17% of men), and I can understand why…"

In the US workforce participation is ~87% for men and ~56% for women (data: worldbank, 2013). Let's assume that after school men and women participate in the workforce about equally and at a rate close to 100%. Then we expect that ~13% of men and ~44% of women leave the workforce before retirement age.

=> Whatever causes women to drop out of the workforce at a much greater rate then men, it indeed looks like it's wide spread in the whole economy.

On Monday, August 3, 2015 at 7:18:38 PM UTC+2, (b) (6), (b) (7)(C) wrote:

On Saturday, August 1, 2015 at 5:28:49 PM UTC-7, Alasdair wrote:

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(b) (6), (b) (7)(C) [redacted]b) (6), (b) (7)(C) [redacted] 8/3/15

On Sun, Aug 2, 2015 at 11:45 AM (b) (6), (b) (7)(C) @google.com> wrote:

> As another [redacted] Googler, I think I need to support [redacted].
> In fact, I'd go as far as to say that the term "microaggressions" is harmful to the person who uses the term, because it encourages the user (and other people) to intepret generic stupidity and inconsiderate behavior as a personal attack.
>
> That's not to say that microaggressions don't happen, but the term "aggression" implies a certain amount of intent, and that intent is (I think) often lacking. The dictionary definition of aggression contains phrases like "violent behavior" and "ready to attack", andy that's not (usually) what's likely to go on. (And, yes, I understand that "micro" is part of the word, but few people have a good understanding exactly how small 0.000001 of an aggression would be; nobody takes that part of the word seriously.)

Just wanted to chime in to support this -- it's always been why the term "microaggressions" bothered me when it's used to describe slights -- setting aside the problematic violent connotation of the word "aggression", the "aggression" part tacitly insinuates deliberate ill intent, which is almost *never* there (looking at micro.googleplex.com -- as much as those slights suck -- kind of confirms that for me). It's why I also use the perfectly good English word "slights" to refer to slights.

...

(b) (6), (b) (7)(C) [redacted]b) (6), (b) (7)(C) [redacted] 8/3/15

On Mon, Aug 3, 2015 at 8:51 AM, (b) (6), (b) (7)(C) @google.com> wrote:

> [When the comments etc are brought up, Persons Bx say "Person A should be able to just shrug those off!" ...]
>
> No, *they* have no moral right to say that. And *still* Person A would have been better off in life having learned to be less sensitive and more self-confident. And finally, I believe that if there are enough people in Company C whose general level of intelligence is such that they keep making stupid insensitive comments about anything whatsoever, that negatively affects the bottom line of Company C, and that is a better reason for person A to leave Company C than being personally offended.

Victims of discrimination have often experienced the discrimination since childhood, making it nearly impossible to build self-confidence even if they know that the discrimination is stupid, wrong, inaccurate, and sometimes unintentional. Emotional sensitivity is a generally positive personality trait so I am not sure how reducing it will help.

Leaving a company due to discrimination is a negative for both employee and employer, and if the rest of the country/industry has the same discrimination problems then employees have nowhere to go except out of the workforce.
...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/3/15

Unfortunately, smart people also have unconscious biases and also commit microaggressions.

Shrugging off a microaggression is easy. The first dozen times. Even the first few hundred times. Maybe even the first thousand. Maybe you can even shrug them all off. But doing so still takes non-zero energy. Every time, it's just a little bit jarring. It makes concentration just a little more difficult. You go home just a little more tired.

Imagine that random people bump into your desk chair a few times a day. On day 1, you'd ignore it. On day 3, you'd start mumbling to yourself -- maybe snark to your neighbor about klutzes. By day 10, it would probably hurt your productivity, even if no one is around. By day 20, you'd yell at the next person to bump your chair. And that person would wonder why you have such thin skin -- they barely even touched your chair. Jeez, why can't you just go back to coding? You'd be much better off in life having learned to be less sensitive to slight chair movement.

On Mon, Aug 3, 2015 at 8:51 AM, (b) (6), (b) (7)(C) @google.com> wrote:
- show quoted text -
> A to leave C...

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/3/15

(b) (6), (b) (7)(C) [redacted], thank you for sharing this. As (b) (6), (b) (7)(C) sleepless nights are familiar. I completely agree we could be doing more in support and it's an important concern.

You're mentioning you started a small community and I wonder if we could expand on that; while we have the expectant_new_parents mailing list, perhaps a separate new_parents mailing list could be helpful too. It could be advertised in a "welcome back" email after the maternity/paternity leave runs out. What do you think?

Best,

[redacted]

2015-07-31 12:57 GMT-04:00 [redacted] @google.com>:

So I'm going to take a deep breath and try and say something calmly, kindly, but with strength.

[redacted], your sentence de-valuing the possibility of including childcare pressures into the summation of 'discriminatory' reasons for leaving the work place hurt my feelings. I wasn't sure if I should voice it, or how to voice it, but I've decided after a decent sleep and with a deadline looming, that I need to express myself so I can push forward on work and home pressures.

Did you feel any empathy for the stories of moms in the article who struggled to try and figure it all out? Do you not see how no maternity leave, no space to pump milk, no flexibility in hours, no flexibility in being able to work from home, etc, might just be discriminatory to women trying to stay in work, and still be caregivers?

I'm [redacted]. I almost left Google when I came back to work after maternity leave with [redacted]. I love my job. I love my career. I love working at Google. I had excellent maternity leave, I had a place to pump milk for my child, but despite all this, I was exhausted every day trying to handle the work without sleep. My milk dried up from stress and sickness.

I reached out to HR for help, and there just didn't seem to be programs or support networks to help me deal with my stress through that first year back with no sleep, [redacted], and my job.

Google has some of the best support of any company in the entire world-- and yet, it still wasn't enough for me. I started a small community of stressed-out parents to try and help each other-- and it was enough to get me through that tough year, but I worry it's not enough for others.

Data is so important. But we aren't talking about someone who lied with actual figures-- the writer merely used a phrase that was exaggerative-- most of the article is exaggerative. But the underlying point, and the Harvard piece, are strong, validated, and point to a major issue in our industry-- we are absolutely crap at supporting a wide and diverse net of people beyond the pipeline.

This thread seems to validate that, along with so many other similar threads that are hurting the feelings of many people who are reading it and staying quiet.

[redacted]

On Fri, Jul 31, 2015 at 12:15 AM, [redacted] @google.com> wrote:

On 31 July 2015 at 06:12, [redacted] @google.com> wrote:

I don't see how it's mischaracterized.

How this author described the research:

"When researcher Kieran Snyder interviewed 716 women who left tech after an average tenure of 7 years, almost all of them said they liked the work itself, but cited discriminatory environments as their main reason for leaving."

What the research actually found: "One-hundred-ninety-two women cited discomfort working in environments that felt overtly or implicitly discriminatory as a primary factor in their decision to leave tech. That's just over a quarter of the women surveyed."

One quarter << almost all.

I read that sentence quite differently, taking the "almost all" as referring to the first clause (that women liked the work itself) and not the second. It's possibly a little ambiguous and IMO it's extremely uncharitable for you to dismiss the entire article on the basis of an ambiguous sentence.

Doubly so sinc

...

[redacted] (b) (6), (b) (7)(C) 8/3/15

On Monday, August 3, 2015 at 10:22:55 AM UTC-7, [redacted] wrote:

The article says: "According to the Harvard Business Review, 41% of women working in tech eventually end up leaving the field (compared to just 17% of men), and I can understand why…"

In the US workforce participation is ~87% for men and ~56% for women (data: worldbank, 2013). Let's assume that after school men and women participate in the workforce about equally and at a rate close to 100%. Then we expect that ~13% of men and ~44% of women leave the workforce before retirement age.

It's possible to leave tech without leaving the workforce. It's possible to leave any industry for that matter, without leaving the workforce. I'm sure at google there are a fair share of people who have left industries e.g. finance or education without having left the workforce.

Moreover, depending on your values, a lower workforce participation rate for women may not be a bad thing in and of itself (e.g. women who want to be a stay-at-home mom would detract from the workforce participation rates without considering that a bad thing). I would *personally* believe that any statistically significant deviation in workforce participation rates between men and women would be problematic, but acknowledge the reality that slippage is inevitable for the foreseeable future.

So I think directly linking the two numbers might be fraught with apples to oranges-style confusion. And anyway, it kind of misses the point of the first metric, which is that women are attritioned out of tech at a far higher rate than men. As someone who as mentioned personally thinks that any statistically significant disparity between and men and women is problematic, my response to all the calls for baseline numbers of other industries, etc. a bit like "so what?" I.E. so what if the rest of economy is crappy towards women? We should do better.

=> Whatever causes women to drop out of the workforce at a much greater rate then men, it indeed looks like it's wide spread in the whole economy.

I don't think many people/anyone is disputing this. Gender is problematized everywhere, and it almost universally negatively affects women. Even in industries dominated by women (i.e. nursing and education), women are looked over for leadership roles in favor of what few men are in the industry [1] [2].

[1] http://socpro.oxfordjournals.org/content/39/3/253
[2] it's worth highlighting that this also negatively effects the men in the industry, who are frequently pressured by broader society to choose more "masculine" line of work, or are looked on as aberrational if they *don't* want those leadership roles

On Monday, August 3, 2015 at 7:18:38 PM UTC+2, (b) (6), (b) (7)(C) wrote:

On Saturday, August 1, 2015 at 5:28:49 PM UTC-7, [redacted] wrote:

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...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/3/15

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Up until today I thought I was alone in how I felt about the term, but now I know I am not. Thanks for that.

My speculation is that microaggression is academic jargon that can also have plain-english meaning, and the specified definition of microaggression is frequently lost when used outside its original context. Case in-point, from what I'm aware of in terms of sociological resarch, *ill-intent* is almost never a prerequisite for these kinds of things, and that probably is lost when "microaggression" is just tossed around (IIRC, the wikipedia definition includes the word "unintended" almost immediately). The best comparison I can make is the word "theory", i.e. when lay people say things like "climate change/evolution is just a theory!" even

...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/3/15

It seems appealing to start saying "slights" instead of "microaggressions" since it's a much more compact little word. I hesitate to adopt that usage, though, because I fear that it might seem dismissive. If someone says they've got a serious problem, I think it'd be unfair for me to insist that they adopt a framing that trivializes their concerns as a precondition to engagement.

Could it be that the point of using the word "microaggression" is to make me uncomfortable in precisely the way that "slights" doesn't, and that that's a good thing?

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...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/3/15

Since I anticipate none of us here are planning on presenting a paper at the ASA anytime soon, I don't think precision about our terms is necessary and is frankly a (frequently annoying) distraction.

So long as the meaning gets across (of individually small slights that in the aggregate may be problematic) and it helps any one of us get closer to understanding the issues that might cause our colleagues to feel alienated or attritioned out disproportionately, you can use "bamboozles" instead of microaggression for all I care.

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anyway, if "slights" works better for you, s/microaggression/slights/g all the way.

...

(b) (6), (b) (7)(C) 8/3/15

+1 to the analogy with "theory".

Just in case anyone is still confused about what a microaggression is/isn't, here's the snippet from Google:
"Microaggressions are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership."
- show quoted text -
> change/evolution is just a theory!" even though theo...

(b) (6), (b) (7)(C) 8/3/15

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Thank you for your thoughtful reply, (b) (6), (b) (7. I would take the term more seriously if the important element of the term (namely, that the slights are persistent and often directed at stereotypical groups) used words that conveyed that important meaning. "Stereotypical slights", or "persistent slights", or "discriminatory slights" (which

carries quite a bit more specificity). In my view, that's a much more helpful, clearer, direct portrayal of the *meaning elements* that people intend to convey, when they use the term "microaggression".

Note that the term we're discussing was invented in 1971 or somesuch. One would think
...

(b) (6), (b) (7)(C) 8/3/15

"Note that the term we're discussing was invented in 1971 or somesuch.One would think that the person who coined the term could have coined a better term, instead of a *confusing one that insinuated ill intent and violence when there were none*"

To be fair, I would say that scientists/academics of all stripes are bad at naming things if only because they have to use existing vocabulary to denote new concepts. Relevant: https://kimkiminy.files.wordpress.com/2012/06/calvin-big-bang.jpg

Also: dark energy, dark matter, spin, identity, etc. basically anything that I have ever had clarified for me (or that I have had to clarify for someone else).
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...

b) (6), (b) (7)(C) 8/3/15

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Thank you for your thoughtful reply, [redacted]. I would take the term more seriously if [etc etc]

Maybe, instead of debating the merits of the term microaggression, we could debate the merits of the phrase "concern troll", sometimes used to describe someone who is side-tracking a thread on IndustryInfo by stating he, of course, thinks slights are bad but it's just this term microaggression that is such a problem! And will make it hard for others to understand the nature of the issue at hand!

b) (6), (b) (7)(C) 8/3/15

> Unfortunately, smart people also have unconscious biases and also commit microaggressions.

But, hopefully, they can (better) learn to stop or reduce it.

> touched your chair. Jeez, why can't you just go back to coding? You'd be much better off in life having learned to be less sensitive to slight chair movement.

You (not you personally, but as a member of a certain group here, sorry) keep dichotomizing the issue: you seem to think that helping people to cope with microaggression means neccessarily condoning those who commit it. That is not the case. What I envision as an ideal solution is creating an environment, where:
- microaggression (group slights) is understood for what it is: stupid, insensitive and untrue;
- those who commit microaggression are subject to reproach;
- those who are subject to microaggression are thereby helped not to take it to heart.

(b) (6), (b) (7)(C) [redacted] 8/3/15

I think there are several important points in (b) (6), (b) (7)(C) comments below, and I think they are worth an extra read.

(I wish email had a way for me to "+1" or "upvote" without spamming everyone, but it doesn't. And I don't think that adding another message to this particular thread at this point will move the needle on the spam-o-meter in any case.)

On Fri, Jul 31, 2015 at 9:57 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
So I'm going to take a deep breath and try and say something calmly, kindly, but with strength.

(b) (6), (b) (7)(C) your sentence de-valuing the possibility of including childcare pressures into the summation of 'discriminatory' reasons for leaving the work place hurt my feelings. I wasn't sure if I should voice it, or how to voice it, but I've decided after a decent sleep and with a deadline looming, that I need to express myself so I can push forward on work and home pressures.

Did you feel any empathy for the stories of moms in the article who struggled to try and figure it all out? Do you not see how no maternity leave, no space to pump milk, no flexibility in hours, no flexibility in being able to work from home, etc, might just be discriminatory to women trying to stay in work, and still be caregivers?

I'm (b) (6), (b) (7)(C) [redacted]. I almost left Google when I came back to work after maternity leave with (b) (6), (b) (7)(C). I love my job. I love my career. I love working at Google. I had excellent maternity leave, I had a place to pump milk for my child, but despite all this, I was exhausted every day trying to handle the work without sleep. My milk dried up from stress and sickness.

I reached out to HR for help, and there just didn't seem to be programs or support networks to help me deal with my stress through that first year back with no sleep, (b) (6), (b) (7)(C) [redacted], and my job.

Google has some of the best support of any company in the entire world-- and yet, it still wasn't enough for me. I started a small community of stressed-out parents to try and help each other-- and it was enough to get me through that tough year, but I worry it's not enough for others.

Data is so important. But we aren't talking about someone who lied with actual figures-- the writer merely used a phrase that was exaggerative-- most of the article is exaggerative. But the underlying point, and the Harvard piece, are strong, validated, and point to a major issue in our industry-- we are absolutely crap at supporting a wide and diverse net of people beyond the pipeline.

This thread seems to validate that, along with so many other similar threads that are hurting the feelings of many people who are reading it and staying quiet.

[redacted]

On Fri, Jul 31, 2015 at 12:15 AM, (b) (6), (b) (7)(C) @google.com> wrote:

On 31 July 2015 at 06:12, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
I don't see how it's mischaracterized.

How this author described the research:

"When researcher Kieran Snyder interviewed 716 women who left tech after an average tenure of 7 years, almost all of them said they liked the work itself, but cited discriminatory environments as their main reason for leaving."

What the research actually found: "One-hundred-ninety-two women cited discomfort working in environments that felt overtly or implicitly discriminatory as a primary factor in their decision to leave tech. That's just over a quarter of the women surveyed."

One quarter << almost all.

I read that sentence quite differently, taking the "almost all" as referring to the first clause (that women liked the work itself) and not the second. It's possibly a little ambiguous and IMO it's extremely uncharitable for you to dismiss the entire article on the basis of an ambiguous sentence.

Doubly so since the article which you say is mischar

...

[redacted] (b) (6), (b) (7)(C) [redacted] 8/3/15

On Mon, Aug 3, 2015 at 11:40 AM, (b) (6), (b) (7)(C) @google.com> wrote:

My speculation is that microaggression is academic jargon that can also have plain-english meaning, and the specified definition of microaggression is frequently lost when used outside its original context. Case in-point, from what I'm aware of in terms of sociological resarch, *ill-intent* is almost never a prerequisite for these kinds of things, and that probably is lost when "microaggression" is just tossed around (IIRC, the wikipedia definition includes the word "unintended" almost immediately). The best comparison I can make is the word "theory", i.e. when lay people say things like "climate change/evolution is just a theory!" even though theory has a much stronger meaning within the relevant science circles.

Thank you for your thoughtful reply, [redacted]. I would take the term more seriously if [etc etc]

> Maybe, instead of debating the merits of the term microaggression,

I wasn't debating anything with anyone. Apologies if my messages came across that way, but that was not my goal.

> we could debate the merits of the phrase "concern troll",

So, does this insinuation qualify as a micro, mini, or full-sized slight against a colleague?

Why is it often the case that people preoccupied with slights end up perpetrating those slights themselves?
--
Still the U.S. government. I know what you did last April 15th.

[redacted] (b) (6), (b) (7)(C) 8/3/15

For a person who plays as rough as you do, you're pretty quick to call fouls.

On Monday, August 3, 2015 at 12:12:40 PM UTC-7, (b) (6), (b) (7)(C) wrote:
On Mon, Aug 3, 2015 at 11:40 AM, (b) (6), (b) (7)(C) @google.com> wrote:

> My speculation is that microaggression is academic jargon that can also have plain-english meaning, and the specified definition of microaggression is frequently lost when used outside its original context. Case in-point, from what I'm aware of in terms of sociological resarch, *ill-intent* is almost never a prerequisite for these kinds of things, and that probably is lost when "microaggression" is just tossed around (IIRC, the wikipedia definition includes the word "unintended" almost immediately). The best comparison I can make is the word "theory", i.e. when lay people say things like "climate change/evolution is just a theory!" even though theory has a much stronger meaning within the relevant science circles.

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[redacted] (b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 11:02 AM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

> And anyway, it kind of misses the point of the first metric, which is that women are attritioned out of tech at a far higher rate than men. As someone who as mentioned personally thinks that any statistically significant disparity between and men and women is problematic, my response to all the calls for baseline numbers of other industries, etc. a bit like "so what?" I.E. so what if the rest of economy is crappy towards women? We should do better.

As someone who thinks we generally ought to respect people's decisions about what sort of work they want to do and for how long, I have to point out that when you dismiss the idea of comparing attrition rates across industries by asking "so what if the rest of [the] economy is crappy", you're making a huge assumption about what other people want. I've left a few industries, and at times cut back my work hours, because of personal preferences; I'm hardly the only one. Wouldn't it be interesting if it turned out that such preferences varied between demographic groups?

Focusing on the tech industry in particular, if a bad work environment were the primary cause of low workforce representation, we ought to see high levels of participation in CS in elementary, high school, and college that drop off once people graduate and are exposed to the work environment. But if anything, we see a trend in the other direction: 20-23% of tech workers are women, but less than 20% of AP CS students are women. Whatever the cause, it starts long before people reach industry.

> => Whatever causes women to drop out of the workforce at a much greater rate then men, it indeed looks like it's wide spread in the whole economy.
>
> I don't think many people/anyo

...

[redacted] b) (6), (b) (7)(C) 8/3/15

Let's everyone step back a bit and not derail this thread any further.

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...

[redacted] b) (6), (b) (7)(C) 8/3/15

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[redacted] I think there's two big problems with the way that you're thinking about this issue:

First, to some non-trivial degree we already have a system that's all about helping people to "cope" with microagressions. Given how commonplace they seem to be, we've built a system in which people who are able to deal with them are the ones that are able to make it in the current culture, and there's no shortage of people who will give the advice to these folks to toughen up or learn to better endure the slights, as you'll witness in just about any narrative about working in technology from any member of a group that's not part of the mainstream culture. And you're right that some people can do this, and when we look around we can see examples of people who can survive and even thrive despite these microaggressions, but that's basically just a massive case of survivorship bias. The people who either can't or don't manage to just shake this stuff off leave and figure out how to get jobs that don't come with this burden. So the question is: do we think that the ability to shake off stupid, insensitive and inappropriate comments is a skill that correlates in any meaningful way to the ability to build good products or come up with amazing designs or write beautiful code? If not, we're surely losing all sorts of talented people by virtue of relying on them to deal with it better as opposed to eliminating the problem in the first place.

Second, I think if you look at the proportion of the problem here, it is MUCH MORE that many people face a toxic culture that not only doesn't support them but creates a workplace in which they are not comfortable and that they have to expend effort in order to overcome. Even strong people who CAN make things work in the end, like [redacted], struggle to do so. If it were the case that men and women had roughly equivalent experiences and it was only a handful of overly sensitive people that felt like there were any problems, I'd agree with you that it might make sense to help coach that small population. But I think if you either talk to some of your co-workers or look at the overwhelming body of data on this point, you'll see that men and women currently have vastly different experiences in our industry, and before we ask women to toughen up we should try to get a lot closer to the point where they've only got to be as tough as men instead of much, much more capable of dealing with the slights and other inappropriate behavior that they already have to cope with today.

Under your theory, you're saying if we focused on the first two prongs that the third will naturally follow. If that's the case, then let's focus on the first bits for
...

[redacted] 8/3/15

On Mon, Aug 3, 2015 at 12:33 PM [redacted] @google.com> wrote:
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As I mentioned in my earlier framing (and alluded to in that snippet you quoted), I personally find any statistically significant difference between demographics problematic. Therefore, that's why I ask the "so what" question. We can have a debate over whether that's a reasonable way to problematize the issue [by starting with an idealized no-difference-between-genders], but I submit that it's orthogonal to the issue at hand since by the way that the writer and other people have talked about the issue, the latent assumption is that we should *not* see any differences.

Focusing on the tech industry in particular, if a bad work environment were the primary cause of low workforce representation, we ought to see high levels of participation in CS in elementary, high school, and college that drop off once people graduate and are exposed to the work environment. But if anything, we see a trend in the other direction: 20-23% of tech workers are women, but less than 20% of AP CS students are women. Whatever the cause, it starts long before people reach industry.

I disagree and dispute the assumptions and data interpretation here. A bad work environment is a proxy for a bad culture, and that culture permeates down to different age groups. And that culture is both problematic within tech culture (things may have improved since I participated in many tech subcultures in high school and such, but it was not exactly the most welcoming environment in which to be a girl, unless you think the umpteenth guy typing "tits or gtfo" trying to be hilarious is pretty welcoming) and outside tech culture (the huge cultural bias that still steers young girls outside of STEM).

That data point is largely consistent with this: the pipeline is drying up because these cultural biases within and without tech are getting more pervasive. (Major arbitrary speculative anecdata point: "brogramming" was not a thing when I was getting interested in tech in the 90s, which suggests that as tech has gone more mainstream it has gotten more gendered.)

=> Whatever causes women to drop out of the workforce at a much greater rate then men, it indeed looks like it's wide spread in the whole economy.

I don't think many people/anyone is disputing this. Gender is problematized everywhere, and it almost universally negatively affects women. Even in
...

(b) (6), (b) (7)(C) 8/3/15

So the question is: do we think that the ability to shake of f stupid, insensitive and inappropriate comments is a skill that correlates in any meaningful way to the ability to build good products or come up with amazing designs or write beautiful code? I

Being able to handle criticism, to hold your ground in a disagreement, and to not take animated professional discussions personally are definitely valuable skills at Google and elsewhere.

just a massive case of survivorship bias.

How massive? I've not seen data on how many people are leaving Google because of the climate; from speaking casually with my colleagues I would guess not many.

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I did not get the sense that was remotely calling our culture toxic. I'd be curious to hear more from , but my interpretation was that was not saying that challenges were unique to Google or the tech industry .

On Mon, Aug 3, 2015 at 12:51 PM, (b) (6), (b) (7)(C) @google.com> wrote:
On Mon, Aug 3, 2015 at 2:41 PM, (b) (6), (b) (7)(C) @google.com> wrote:
Unfortunately, smart people also have unconscious biases and also commit microaggressions.

But, hopefully, they can (better) learn to stop or reduce it.

touched your chair. Jeez, why can't you just go back to coding? You'd be much better off in life having learned to be less sensitive to slight chair movement.

You (not you personally, but as a member of a certain group here, sorry) keep dichotomizing the issue: you seem to think that helping people to cope with microaggression means neccessarily condoning those who commit it. That is not the case. What I envision as an ideal solution is creating an environment, where:
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- those who commit microaggression are subject to reproach;

> - those who are subject to microaggression are thereby helped not to take it to heart.

(b) (6), (b) (7)(C) I think there's two big problems with the way that you're thinking about this issue:

First, to some non-trivial degree we already have a system that's all about helping people to "cope" with microagressions. Given how commonplace they seem to be, we've built a system in which people who are able to deal with them are the ones that are able to make it in the current culture, and there's no shortage of people who will give the advice to these folks to toughen up or learn to better endure the slights, as you'll witness in just about any narrative about working in technology from any member of a group that's not part of the mainstream culture. And you're right that some people can do this, and when we look around we can see examples of people who can survive and even thrive despite these microaggressions, but that's basically just a massive case of survivorship bias. The people who either can't or don't manage to just shake this stuff off leave and figure out how to get jobs that don't come with this burden. So the question is: do we think that the ability to shake off stupid, insensitive and inappropriate comments is a skill that correlates in any meaningful way to the ability to build good products or come up with amazing designs or write beautiful code? If not, we're surely losing all sorts of talented people by virtue of relying on them to deal with it better as opposed to eliminating the problem in the first place.

Second, I think if you look at the proportion of the problem here, it is MUCH MORE that many people face a toxic culture that not only doesn't support them but creates a workplace in which they are not comfortable and that they have to expend effort in order to overcome. Even strong people who CAN make things work in the end, like (b) (6), (b) (7)(C), struggle to do so. If it were the case that men and women had roughly equivalent experiences and it was only a handful of overly sensitive people that felt like there were any problems, I'd agree with you that it might make sense to help coach that small population. But I think if you either talk to some of your co-workers or look at the overwhelming body of data on this point, you'll see that men and women currently have vastly different experiences in our industry, and before we ask women to toughen up

...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/3/15

"

Being able to handle criticism, to hold your ground in a disagreement, and to not take animated professional discussions personally are definitely valuable skills at Google and elsewhere."

Criticism is mutually exclusive with what "slights"/microaggressions are. I submit that you should actually spend some time at https://micro.googleplex.com/ranked, because I would be curious to know what of that constitutes criticism (it doesn't even have to be constructive, just legitimate).

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Under
...

(b) (6), (b) (7)(C) 8/3/15

I get the feeling that there are two things being discussed at the same time in this particular subthread -- in particular, I doubt that what (b) (6), (b) (7)(C) is calling criticism covers anything you see on the Web site you linked us to. Perhaps a few questions and answers may help everyone see the common ground?

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Under your theory, you're saying if we focused on the first two prongs that the third will naturally follow. If that's the case, then let's focus on the first bits for now (not just in action, but how we conceive of the problem) since otherwise a lot of people are going to assume that you're blaming the victim.

(b) (6), (b) (7)(C)

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[GO
...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 4:18 PM, (b) (6), (b) (7)(C) @google.com> wrote:

So the question is: do we think that the ability to shake of f stupid, insensitive and inappropriate comments is a skill that correlates in any meaningful way to the ability to build good products or come up with amazing designs or write beautiful code? I

Being able to handle criticism, to hold your ground in a disagreement, and to not take animated professional discussions personally are definitely valuable skills at Google and elsewhere.

Being able to hold your ground in a professional disagreement and being able to ignore swipes at your gender/ethnicity/age/etc. are not the same thing.

Are you saying there's a meaningful correlation between being able to shrug off microagression and being a good engineer? I think that's *incredibly* unlikely, but would be intrigued to explore it more if that's really the argument you're making.

> > just a massive case of survivorship bias.
>
> How massive? I've not seen data on how many people are leaving Google because of the climate; from speaking casually with my colleagues I would guess not many.

From talking with your colleagues who still work here? You're kidding, right?

I think the original article that started this thread has ample evidence on this point. If you think Google is different from the industry in general, feel free to argue why, but I see no reason to believe that's the case.

> > many people face a toxic culture that not only doesn't support them but creates a workplace in which they are not comfortable and that they have to expend ef fort in order to overcome. Even strong people who CAN make things work in the end, like [redacted]
>
> I did not get the sense that [redacted] was remotely calling our culture toxic. I'd be curious to hear more from [redacted] , but my interpretation was that [redacted] was not saying that [redacted] challenges were unique to Google or the tech industry .

s/toxic/hard to deal with/ Who cares? Once again, you're focusing on words and not on concepts.

More to the point, it doesn't matter if [redacted] problems are unique to Google. [redacted] seems like a smart, capable person. We work constantly to try to find such people and hire them. Why wouldn't we want to create an environment that makes it easy for [redacted] to stick around and help make Google successful instead of making excuses about why we haven't?

[redacted]

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On Mon, Aug 3, 2015 at 2:41 PM, (b) (6), (b) (7)(C) @google.com> wrote:
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- microaggression (group slights) is understood for what it is: stupid, insensitive and untrue;
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...

[redacted] (b) (6), (b) (7)(C) 8/3/15

My interpretation (feel free to correct) is that [redacted] is potentially misinterpreting claims about slights/microaggressions/mamboozles in work/tech culture as some marginalized group being oversensitive to normal day-to-day professional conduct, when this is not the case.

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...

[redacted] (b) (6), (b) (7)(C) 8/3/15

Criticism is mutually exclusive with what "slights"/microaggressions are.

I mentioned the three situations I did not because their verbal content necessarily overlaps with what are being called "microaggressions", but because the psychological traits needed to deal with them do.

On Mon, Aug 3, 2015 at 1:26 PM, [redacted] @google.com> wrote:

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...

[redacted] 8/3/15

...or at the very least is continuously trying to distract the conversation about one problem by unhelpfully point at a separate (and as [redacted] points out, not really related) issue.

[redacted]
- show quoted text -

[redacted] 8/3/15

Forgive me, I'm not seeing that interpretation's validity from what [redacted] saying. Maybe you're adding your own preconceptions to what [redacted] saying, and drawing that conclusion?

P.S. "mamboozle" sounds pretty funny -- like fumbling when dancing to a mambo tune. :-)

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[GOOGLE CONFIDENTIAL]

You received this message because you are subscribed to the Google Groups "I

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(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/3/15

Hey, (b) (6), (b) (

Very quickly-- I'm still pushing towards a tight deadline this week before I head out on vacation. Things are busy.

I want to be thoughtful here, and thoughtfulness takes concentration and time I just don't have at the moment.

Over vacation, I will think this through and share a doc that hopefully provides insight.

But two things before I sign off from this thread for a bit:

First, a couple of parents reached out. Here's the link to our group: https://groups.google.com/a/google.com/forum/#!forum/work-life-balance-yay. I promise to be way more active once I get past this deadline. I'll definitely reach out to those parents in a personal way (once I can catch my breath).

Second, I believe Google has been transformational in it's culture-- so many companies model after it-- but in order to continue to be transformational, we need to constantly evolve, grow, and push towards that next level.

(b) (6), (b) (7)(C)

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[GOOGLE CONFIDENTIAL]

You received this message because you are subscribed to the Google Groups
...

(b) (6), (b) (7)(C) 8/3/15

[redacted]

On Mon, Aug 3, 2015 at 1:43 PM [redacted] @google.com> wrote:
Forgive me, I'm not seeing that interpretation's validity from what [redacted] saying. Maybe you're adding your own preconceptions to what [redacted] saying, and drawing that conclusion?

[redacted] clarified what [redacted] meant, though FWIW I disagree that dealing with criticism and dealing with microaggressions require the same psychological traits. If anything else, all (legitimate) criticism, even if delivered harshly, can be circumscribed by "it's about my work, not me" whereas the same cannot be done with silghts/microaggressions/whatever.

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Groups "Industryinfo" group.
To unsubscribe from this group, send email to
...

[redacted] b) (6), (b) (7)(C) 8/3/15

On Monday, August 3, 2015 at 1:24:05 AM UTC-7, [redacted] wrote:
So to (try to) bring the conversation back on track:

Person A is a member of Group G and works at Company C.
Persons Bx (x = [1..n]) are not members of Group G, but also work at Company C.
Persons Bx sometimes make stupid insensitive comments about Group G (of which person A is a member) - none of which comments individually is actionable, and without there being any malice or conspiracy among Persons Bx.
Person A decides that they do not want to stay among Persons Bx, so leaves Company C.
Persons Bx scratch their heads about why there are so few members of Group G who work at Company C.

[When the comments etc are brought up, Persons Bx say "Person A should be able to just shrug those off!" ...]

Or to boil it down to something even simpler:

Person B makes a stupid insensitive insulting comment to (or near) Person A, about Group G of which Person A is a member. Person A is upset by this and feels less comfortable in their work environment.

Out of Person A and Person B, only one has done something that is wrong; which person should be the one to have to adapt in order to try to avoid an uncomfortable work environment? Person A who did nothing wrong, or Person B who did?

Yes, I am male and white – but I've been bullied when I was younger so I'm familiar with how soul-destroying it can be when even small things repeatedly get launched at you – comments that each individually can't be considered actionable, but that still can't be "shrugged off"; perhaps one or two might (still each requiring effort that the "target" shouldn't have to spend), but the totality can't. (I know that bullying is different because there is harmful intent, but the mechanisms are similar enough.)

(I have certainly also *made* stupid and insensitive and insulting comments. When I get called out on those, I apologize, for having said such a stupid, insensitive, insulting thing; and I try to not to say such a stupid, insensitive, insulting thing again.)

...

[redacted] (b) (6), (b) (7)(C) 8/3/15

2. There is strong evidence that #1 is preventing Google from hiring and retaining qualified employees.

Sorry, that evidence is what, exactly...?

- show quoted text -

...

[redacted] (b) (6), (b) (7)(C) 8/3/15

I would say that this is a litle too-oversimplified.

#1 is probably not directly preventing Google from hiring and retaining qualified employees (though the recent case of [redacted] puts a wrench in this a bit), but lack of acknowledgment is part and parcel of a larger issue where a number of employees may feel that they can't flourish at google.

In other words, even if we successfully reduced microaggression cases to 0 (which is impossible and probably not ideal since I can't imagine a scenario where this happens without rendering google culture into a police state), we would still have retention/recruiting problems because there are bigger problems as well. I feel like the original article and other commenters like [redacted] have touched on this, and we've gotten really far down the rabbit hole that we've missed this forest for the microaggression tree.

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- show quoted text -

Let me simplify this even more:

1. Some individuals say things which make people uncomfortable. NOTE: It may be out of stupidity, be unintended, not meant to offend, minor, etc, etc.
2. There is strong evidence that #1 is preventing Google from hiring and retaining qualified employees.
Therefore: We should do what we can to p

...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/3/15

Just to double-back and I'm also guilty of getting to bogged down by the microaggression talk: I don't think any sociologist/social scientist who studies microaggression thinks that the answer is to *eliminate* microaggressions because they are essentially symptoms of broader structural problems. Something similar happened with color-blindness[1]; you make it not OK to talk about race in a certain way without actually trying to address race and you just made people talk in more coded ways about race.

I think it's valuable from a cultural perspective to be cognizant of microaggressions in an effort to make an inclusive, welcoming environment, but let's not get totally distracted by just this. For example, as the article mentioned and (b) (6), (b) (7)(C) also alluded, caregiver pressures are also huge and is probably going to continue to disproportionately affect woman: the article mentions a 50% drop in the rate that new moms quit google after an increase in maternity leave; I'll bet that alone would dwarf a lot of retention rate improvements we could get from just cleaning up microaggressions.

[1] for further reading, Bonilla-Silva researched/s a lot about this.

On Mon, Aug 3, 2015 at 2:30 PM (b) (6), (b) (7)(C) @google.com> wrote:
I would say that this is a litle too-oversimplified.

#1 is probably not directly preventing Google from hiring and retaining qualified employees (though the recent case of (b) (6), (b) (7 puts a wrench in this a bit), but lack of acknowledgment is part and parcel of a larger issue where a number of employees may feel that they can't flourish at google.

In other words, even if we successfully reduced microaggression cases to 0 (which is impossible and probably not ideal since I can't imagine a scenario where this happens without rendering google culture into a police state), we would still have retention/recruiting problems because there are bigger problems as well. I feel like the original article and other commenters like (b) (6), (b) (7)(C) have touched on this, and we've gotten really far down the rabbit hole that we've missed this forest for the microaggression tree.

On Mon, Aug 3, 2015 at 2:20 PM (b) (6), (b) (7)(C) @google.com> wrote:
On Monday, August 3, 2015 at 1:24:05 AM UTC-7, (b) (6), (b) (7)(C) wrote:
So to (try to) bring the conversation back on track:

Person A is a member of Group G and works at Company C.
Persons Bx (x = [1..n]) are not members of Group G, but also work at Company C.
Persons Bx sometimes make stupid insensitive comments about Group G (of which person A is a member) - none of which comments individually is actionable, and without there being any malice or conspiracy among Persons Bx.
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[When the comments etc are brought up, Persons Bx say "Person A should be able to just shrug those off!" ...]

Or to boil it down to something even simpler:

Person B makes a stupid insensitive insulting comment to (or near) Person A, about Group G of which Person A is a member. Person A is upset by this and feels less comfortable in their work environment.

Out of Person A and Person B, only one has done something that is wrong; which person should be the one to have to adapt in order to try to avoid an uncomfortable work environment? Person A who did nothing wrong, or Person B who did?

Yes, I am male and white – but I've been bullied when I was younger so I'm familiar with how soul-destroying it can be when even small things repeatedly get launched at you – comments that each individually can't be considered actionable, but that still can't be "shrugged off"; perhaps one or two might (still each requiring effort that the "target" shouldn't have to spend), but the totality can't. (I know that bullying is different because there is harmful intent, but the mechanisms are similar enough.)

(I have certainly also *made* stupid and insensitive and insulting comments. When I get called out on those, I apologize, for having said such a stupid, insensitive, insulting thing; and I try to not to say such a stupid, insensitive, insulting thing again.)

...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/3/15

On Monday, August 3, 2015 at 2:29:56 PM UTC-7, (b) (6), (b) (7)(C) wrote:

2. There is strong evidence that #1 is preventing Google from hiring and retaining qualified employees.

Sorry, that evidence is what, exactly...?

Here are three specific cases where women are leaving explicitly and publicly citing this as the reason, and claiming their experience was not an isolated incident:
https://docs.google.com/document/d/1aMOJk70bhz9i8J38qVObs1Aa9O-MYaC_YN5SoqEu7q0/edit
https://docs.google.com/document/d/1mVFcXWv8yLyOC99QXtZ8cHfcEiqdRDbncBUnEbtGdd4/edit
https://docs.google.com/document/d/1IElvulz4VLMrNqgByXv-QY2dC_PN_ONZWh-oEXgbtvc/edit
Given what was written here, I have no reason to believe their experience is isolated. (Given that they quit it is likely they had a worse experience than average.)
There are also many minor incidents here: https://micro.googleplex.com/
which indicates (unsurprisingly) that given a large enough organization these occur commonly.
Finally according to the studies cited in the article:

http://documents.library.nsf.gov/edocs/HD6060-.A84-2008-PDF-Athena-factor-Reversing-the-brain-drain-in-science,-engineering,-and-technology.pdf
38% of women quit because of "Hostile macho culture". The study actually has a lot more and interesting data. It's more-worth while than the article.

Of the surveyed 716 women who left tech 192 cited "discomfort working in environments that felt overtly or implicitly discriminatory as a primary factor in their decision to leave tech"

http://www.apa.org/news/press/releases/2014/08/pushed-back.pdf says that 17% of femal
...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/3/15

Big THANK YOU to (b) (6), (b) (7)(C) for bringing up the point that we might want to address these slights (I'm *so* taking this term!) from more angles, including helping people who experience them deal with them. Maybe I'm just an odd lucky duck, but at Google I've never experienced these slights that apparently seem to happen all the time to people (but I never see or experience them). I would really love to see more effort put into looking at women and minorities who feel comfortable here and figuring out why that is. I'm certainly happy to be a case in point, and to try my best to help other's boost their confidence and comfort.

I really love the environment here - it's felt comfortable and like a place where I belong from day one.
- show quoted text -
...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 2:19 PM, (b) (6), (b) (7)(C) @google.com> wrote:
1. Some individuals say things which make people uncomfortable. NOTE: It may be out of stupidity, be unintended, not meant to offend, minor, etc, etc.

This may be a bit of an oversimplification. "Things which make people uncomfortable" is too vague. Anything from sexist quips to statements of fact about a service not meeting its SLA can and does in fact make people uncomfortable. But *one* of those categories of things *is* preventing Google from hiring and retaining qualified employees (and therefore fits 100% in your syllogism) while the *other* category of things *must absolutely be said* irrespective of who gets offended or how.

If I may, forgive me, alter your post, so we may chat about it:

1. Some individuals say bigoted, odiously discriminatory or intolerant things. NOTE: It may be out of stupidity, be unintended, not meant to offend, minor, etc, etc.
2. There is strong evidence that #1 is preventing Google from hiring and retaining qualified employees.
Therefore: We should do what we can to prevent this.

The most obvious way to improve things is by reducing the frequency and severity of such comments.

I hope it's okay that I built on your thoughts. Thanks for chiming in.
--
Still the U.S. government. I know what you did last April 15th.

(b) (6), (b) (7)(C) b) (6), (b) 8/3/15

On 4 August 2015 at 06:18, (b) (6), (b) (7)(C) @google.com> wrote:
So the question is: do we think that the ability to shake of f stupid, insensitive and inappropriate comments is a skill that correlates in any meaningful way to the ability to build good products or come up with amazing designs or write beautiful code? I

> Being able to handle criticism, to hold your ground in a disagreement, and to not take animated professional discussions personally are definitely valuable skills at Google and elsewhere.

You seem to be tacitly assuming that inappropriate comments are an essential element of workplace culture. Let me turn that around:

Being able to respectfully frame criticism, to refrain from reaching for stereotypes during disagreement and to keep animated discussions professional and not personalise them are definitely valuable skills at Google and elsewhere.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/3/15

I think both (b) (6), (b) (7)(C) and you are right about these:

* Being able to handle criticism, to hold your ground in a disagreement, and to not take animated professional discussions personally are definitely valuable skills at Google and elsewhere.
* Being able to respectfully frame criticism, to refrain from reaching for stereotypes during disagreement and to keep animated discussions professional and not personalise them are definitely valuable skills at Google and elsewhere.

On Mon, Aug 3, 2015 at 3:57 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> You seem to be tacitly assuming that inappropriate comments are an essential element of workplace culture. Let me turn that around:

"You seem to" is perilously close to a Bulverism. It's also speculation -- you *can* always ask (b) (6), (b) (7)(C) whether (b) (6) is assuming that, instead of jumping to the conclusion / suggesting that (b) (6) is.

--

Still the U.S. government. I know what you did last April 15th.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 3:50 PM, (b) (6), (b) (7)(C) @google.com> wrote:
> On Mon, Aug 3, 2015 at 2:19 PM, (b) (6), (b) (7)(C) @google.com> wrote:
> 1. Some individuals say things which make people uncomfortable. NOTE: It may be out of stupidity, be unintended, not meant to offend, minor, etc, etc.
>
> This may be a bit of an oversimplification. "Things which make people uncomfortable" is too vague. Anything from sexist quips to statements of fact about a service not meeting its SLA can and does in fact make people uncomfortable. But *one* of those categories of things *is* preventing Google from hiring and retaining

> qualified employees (and therefore fits 100% in your syllogism) while the *other* category of things *must absolutely be said* irrespective of who gets offended or how.
>
> ---
>
> If I may, forgive me, alter your post, so we may chat about it:
>
> 1. Some individuals say bigoted, odiously discriminatory or intolerant things. NOTE: It may be out of stupidity, be unintended, not meant to offend, minor, etc, etc.

Yes. That is true. It is also worth bearing in mind that being "bigoted, odiously discriminatory or intolerant" are sufficient conditions but not necessary ones to interfere with Google's ability to recruit and retain good people.

(b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 4:11 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> Yes. That is true. It is also worth bearing in mind that being "bigoted, odiously discriminatory or intolerant" are sufficient conditions but not necessary ones to interfere with Google's ability to recruit and retain good people.

Absolutely, and we must be on the lookout for other categories of actions that may interfere.

Happy to see that there's agreement :-) Thanks!

--

Still the U.S. government. I know what you did last April 15th.

(b) (6), (b) (7)(C) 8/3/15

Speaking of things that interfere with Google's (and other companies') ability to recruit and retain good people, I just found this:

http://www.nytimes.com/2015/08/04/science/chilly-at-work-a-decades-old-formula-may-be-to-blame.html

Anecdotally: when the thermostat in my office was colder than it is right now, I dreaded being in the office. I can see how this would impact someone's desire to stay, and I'd love to see this quantified. Of course, your mileage may vary -- we're all different.

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(b) (6), (b) (7)(C) 8/3/15

(b) (6), (b) (7)(C) [redacted]

Anecdotally: in Japan, the summer A/C is set to something like 26ºC (or 28ºC if I believe this) and I've seen women in the office with blankets on their laps because their legs were cold (it's socially acceptable for them to do this, BTW). Probably a lot depends on where you grew up (and many other factors).
[Not that Japan is a great role-model for encouraging women in CS, or in any other high-status work for that matter.]
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...

(b) (6), (b) (7)(C) [redacted] 8/3/15

I didn't think it was even possible to derail a thread so comprehensively. We've gone from talking discrimination that has been demonstrated to cause people to give up their jobs, through linguistics and now we're talking about HVAC settings.

Well done [redacted] (and I do mean [redacted])
- show quoted text -

(b) (6), (b) (7)(C) [redacted] 8/3/15

> I didn't think it was even possible to derail a thread so comprehensively . We've gone from talking discrimination that has been demonstrated to cause people to give up their jobs, through linguistics and now we're talking about HV AC settings.

I don't know, adjusting the temperature settings sounds like a pretty easy (if minor) tangible win in terms of making the environment more hospitable to women.
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...

(b) (6), (b) (7)(C) [redacted] 8/3/15

Do un-derail the thread ...

It seems to me that the micro-aggression problem is metaphorically like an allergy ... there's a certain amount of <something> that a person can tolerate and then a threshold is crossed and it becomes a serious problem. Everyone's tolerance is different, and everyone's triggers are different.

If we make provisions for people who are gluten-intolerant, then we can help people who have had to deal with way too many micro-aggressions. There's never going to be enough data to validate this in some people's minds ... but so what? It's the decent thing to do. And good business.

> (And please don't derail this with a discussion about whether gluten-intolerance is a thing or not – I know some people who *are* affected by gluten. Or you can stay on-topic by mentally substituting your favourite allergy for my metaphor.)

And if you've never experienced an allergy ... well, lucky you.

On 3 August 2015 at 17:23, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

> I didn't think it was even possible to derail a thread so comprehensively . We've gone from talking discrimination that has been demonstrated to cause people to give up their jobs, through linguistics and now we're talking about HV AC settings.

I don't know, adjusting the temperature settings sounds like a pretty easy (if minor) tangible win in terms of making the environment more hospitable to women.

On Mon, Aug 3, 2015 at 5:15 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> I didn't think it was even possible to derail a thread so comprehensively. We've gone from talking discrimination that has been demonstrated to cause people to give up their jobs, through linguistics and now we're talking about HVAC settings.
>
> Well done [redacted] (and I do mean [redacted])
>
> On 4 August 2015 at 09:58, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
>
> > Anecdotally: in Japan, the summer A/C is set to something like 26ºC (or 28ºC if I believe this) and I've seen women in the office with blankets on their laps because their legs were cold (it's socially acceptable for them to do this, BTW). Probably a lot depends on where you grew up (and many other factors).
> > [Not that Japan is a great role-model for encouraging women in CS, or in any other high-status work for that matter.]
> >
> > On 3 August 2015 at 16:52, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> >
> > > Speaking of things that interfere with Google's (and other companies') ability to recruit and retain good people, I just found this:
> > >
> > > http://www.nytimes.com/2015/08/04/science/chilly-at-work-a-decades-old-formula-may-be-to-blame.html
> > >
> > > Anecdotally: when the thermostat in my office was colder than it is right now, I dreaded being in the office. I can see how this would impact someone's desire to stay, and I'd love to see this quantified. Of course, your mileage may vary -- we're all different.
> > >
> > > On Mon, Aug 3, 2015 at 4:16 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> > >
> > > > On Mon, Aug 3, 2015 at 4:11 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> > > >
> > > > > Yes. That is true. It is also worth bearing in mind that being "bigoted, odiously discriminatory or intolerant" are sufficient conditions but not necessary ones to interfere with Google's ability to recruit and retain good people.
> > > >
> > > > Absolutely, and we must be on the lookout for other categories of actions that may interfere.
> > > >
> > > > Hap

...

[redacted] b) (6), (b) (7)(C) 8/3/15

On 08/03/2015 17:15, (b) (6), (b) (7)(C) wrote:
> I didn't think it was even possible to derail a thread so comprehensively. We've gone from talking discrimination that has been demonstrated to cause people to give up their jobs, through linguistics and now we're talking about HVAC settings.
>
> Well done [redacted] (and I do mean [redacted])

Disparaging people's views while highlighting their gender is offensive. If you don't understand why, imagine if you wrote an annoyed "Well done * (and I do mean *)" with some other gender, race, etc. as *.

Do not do this again.

(b) (6), (b) (7)(C)

[redacted] (b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 5:15 PM, (b) (6), (b) (7)(C) @google.com> wrote:

Well done [redacted] (and I do mean [redacted])

I (am probably not alone when I offer that) do not appreciate you offering another -- this time gender-based -- Bulverism to negatively portray (a) discussing A/C settings that discriminate against women and smaller men like me (b) the *people* discussing that topic.

In the future:

1. Please consider the following question when composing an e-mail: do you think that anyone in this company feels *more included* when they read this thing you just wrote?
2. Please refer to the materials in the several training sessions on sensitivity and harassment you have attended.
3. Please consider that these training materials warn you about making gender-discriminatory comments to ward *the entire company* off an assortment of risks.

I will now second [redacted] and say: *do not do this again*.

[redacted] (b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 1:17 PM (b) (6), (b) (7)(C) @google.com> wrote:

> I disagree and dispute the assumptions and data interpretation here. A bad work environment is a proxy for a bad culture, and that culture permeates down to different age groups.

That's pretty hard to believe. No one goes into elementary schools and reads aloud from the LKML, right? Kids across the country/world aren't consulting the workplace behavior of adults in Silicon Valley before deciding whether they like coding.

> And that culture is both problematic within tech culture (things may have improved since I participated in many tech subcultures in high school and such, but it was not exactly the most welcoming environment in which to be a girl, unless you think the umpteenth guy typing "tits or gtfo" trying to be hilarious is pretty welcoming) and outside tech culture (the huge cultural bias that still steers young girls outside of STEM).
>
> That data point is largely consistent with this: the pipeline is drying up because these cultural biases within and without tech are getting more pervasive. (Major arbitrary speculative anecdata point: "brogramming" was not a thing when I was getting interested in tech in the 90s, which suggests that as tech has gone more mainstream it has gotten more gendered.)

As someone who's been (b) (6), (b) (7)(C) [redacted], I'm amused by the suggestion that the culture has gotten more gendered. It was stereotyped as the realm of awkward, lonely, nerdy dudes back then; nerdy gave way to the slightly more acceptable geeky, as it was acknowledged that people who were into computers might occasionally leave their parents' basements (and as it became clear that there was money to be made in software), but the gender makeup is nothing new. "Brogramming" is little more than satire; the fact that the term has seen any use at all outside of its original context says more about the cultural lens aimed at gender issues in tech than about those issues themselves, IMO.

(Of course, now someone who predates *me* by a decade will probably give us both some perspective...)

> I think you're missing the point, several times over. First, nursing != healthcare. Even going by your numbers, it's meaningless without knowing what percentage women/men fill in positions at large e.g. if 99% o

...

(b) (6), (b) (7)(C) [redacted] 8/3/15

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> I think you're missing the point, several times over. First, nursing != healthcare. Even going by your numbers, it's meaningless without knowing what percentage women/men fill in positions at large e.g. if 99% of employees in healthcare are women, then the 73% number is pretty problematic.
>
> Given your earlier comments about "any statistically significant diference between demographics", I would've expected the 73% number to be problematic enough on its own: it's 23 percentage points away from the target 50%, which one might interpret as a clear indication that men are being driven away by the toxic, anti-male culture that permeates the healthcare industry (if one started with the axiom that all preferences are uniform across all demographic groups).

I don't understand the point you're trying to make? That two wrongs make a right?

I suspect it is likely the case that male nurses have a rough time given that they're unusual and don't fit in the norms for the profession. My brief searching finds at least some anecdotes and some data that this is the case. This doesn't change the experience of women

...

(b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 7:00 PM (b) (6), (b) (7)(C) @google.com> wrote:
> I don't understand the point you're trying to make? That two wrongs make a right?

I certainly didn't mean to say that - if you point out the part of my post that gave you that impression, I'll do my best to avoid repeating the mistake!

My point is that it's easy to reach the wrong conclusion if you start with the premise that everyone wants the same career. If you assume that men and women are trying to become nurses in equal numbers, you might see that 73% figure (or lechris's 99% figure) and erroneously conclude that the nursing industry is a toxic pit of anti-male discrimination, because you will have excluded the more straightforward explanation; if you assume that men and women are trying to become nursing *executives* in equal numbers, you might come to a different erroneous conclusion.

I believe the article is doing the same thing when it blames the industry gender imbalance on subtle workplace behaviors, ignoring the "pipeline" gender ratio and industry-independent attrition statistics which happen to conflict with that premise.

(To be clear, I agree that the discriminatory behaviors it identifies are a problem, whether or not they have a significant effect on workplace demographics.)

(b) (6), (b) (7)(C) 8/3/15

On Mon, Aug 3, 2015 at 10:22 AM, (b) (6), (b) (7)(C) @google.com> wrote:
> The article says: "According to the Harvard Business Review, 41% of women
> working in tech eventually end up leaving the field (compared to just 17% of
> men), and I can understand why…"
>
> In the US workforce participation is ~87% for men and ~56% for women (data:
> worldbank, 2013). Let's assume that after school men and women participate
> in the workforce about equally and at a rate close to 100%. Then we expect
> that ~13% of men and ~44% of women leave the workforce before retirement
> age.
>
> => Whatever causes women to drop out of the workforce at a much greater rate
> then men, it indeed looks like it's wide spread in the whole economy.

I agree with your overall stats, but
http://www.bls.gov/opub/reports/cps/womenlaborforce_2013.pdf, page 26,
shows that employment rates for women in the 25-64 age bracket is much
closer to men when you look at people with better educational
qualifications. Women with fewer qualifications do indeed seem to
leave the labour force in greater numbers. However, in the case we've
been discussing, we're talking about people with (almost always) a BSc
or better.

In addition, the HBR study suggests most of the women who left tech went to other jobs rather than leaving the workforce entirely. So I'm not sure the effect is spread out across the whole economy.

[redacted] b) (6), (b) (7)(C) 8/3/15

Hi everyone,

I've been reading this thread and I must admit that I am disappointed by the turn this discussion has taken. The lack of women and minorities in the T ech industry is a significant and well documented problem, and not one we are immune to here at Google (visit go/diversity for our own workforce stats).

As an advocate for diversity both within TI and at Google, I have been increasingly privy to the issues facing women in our industry , and the efforts that we (and other companies) are making to tackle them. In my mind, regardless of merits of this particular article, the larger issue isn't really up for debate -- women and minorities *are* underrepresented in the field of technology and we, as Google, have a responsibility to help change that.

Rather than recognizing this problem and brainstorming potential solutions that we might be able to take, we've reverted to questioning the validity of the particular study and the blogger's choice of language. So we're missing the forest for the trees, and inadvertently offending fellow Googlers in the process because it appears we're denying that the forest is real. That is not a good outcome.

Thanks for listening,

[redacted]

[redacted] b) (6), (b) (7)(C) 8/3/15

Wow, [redacted], thank you so much. Working late towards a launch (and last day before a much needed vacation), and it really means a lot to hear you chime in on this issue. A whole lot.

- show quoted text -

...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/4/15

On Mon, Aug 3, 2015 at 10:52 PM, (b) (6), (b) (7)(C) @google.com> wrote:
On Mon, Aug 3, 2015 at 7:00 PM (b) (6), (b) (7)(C) @google.com> wrote:
I don't understand the point you're trying to make? That two wrongs make a right?

I certainly didn't mean to say that - if you point out the part of my post that gave you that impression, I'll do my best to avoid repeating the mistake!

My point is that it's easy to reach the wrong conclusion if you start with the premise that everyone wants the same career. If you assume that men and women are trying to become nurses in equal numbers, you might see that 73% figure (or lechris's 99% figure) and erroneously conclude that the nursing industry is a toxic pit of anti-male discrimination,

Why is that an erroneous conclusion? The various links I provided seem to show that nursing is quite a difficult environment for men to work in.

because you will have excluded the more straightforward explanation; if you assume that men and women are trying to become nursing *executives* in equal numbers, you might come to a different erroneous conclusion.

I believe the article is doing the same thing when it blames the industry gender imbalance on subtle workplace behaviors, ignoring the "pipeline" gender ratio and industry-independent attrition statistics which happen to conflict with that premise.

This is, frankly, a pretty bizarre reading of the article. The premise is that tech diversity is "not just a pipeline problem", which I think makes clear that it is also a pipeline problem, just not the focus of the article since it's trying to look at a particular aspect of the issue.

Moreover, the article gives examples of institutions that have managed to change demographics substantially, so it seems possible to make progress here even despite the pipeline and broader attrition issues.

Frankly, your position sounds a lot like someone arguing a few decades ago that "women don't want to be doctors" or "women don't want to be lawyers", and there were definitely people making those arguments based on antiquated notions of gender roles. Of course, both of these professions have seen profound demographic shifts, even if there's still work to be done in terms of attrition rates and pay equality, and I don't see any reason why we shouldn't be able to see a comparable level of change in our own.
...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/4/15

I would just like to second what (b) (6), (b) (7)(C) said.

I am feeling brave after this, so I will share some statistics that I re-collected after a couple of requests. Last night, I went through the last 100 threads on Industryinfo, and the last 100 threads on eng-misc, and analysed the number of women who participated[1]. It was about 1300 posts in each case. Here's what I found:

Group	eng-misc	IndustryInfo
Threads Started by Women	6.00%	3.00%
Posts Made by Women	2.08%	1.72%
Posts Made by Women in Threads Started by Men	1.22%	0.99%
Percentage of Women Googlers in Interest Area (tech/general)	18.00%	30.00%

I find that pretty depressing. Only 1% of posts in the last 100 threads started by men in this group were participated in by women[1]. Only 1.7% of all posts (and that includes all the women jumping in on this thread to ask for GHC2015 to be removed, which is sadly a statistically significant contribution to posts by women in this group).

So my question is...what can we do to fix that? How can we make the set of our fellow Googlers who are women feel engaged, welcome and wanted? And not just in these forums, but on memegen, on the TGIF dories, and in meetings? How can we make a space for their voices?

I still think the OP gives us some good ideas, and I especially liked that it called out some of the good things that Google, in particular, has done. But if you don't think it does, what do you think the cause is, and what is your evidence for that? And most importantly, what can we do to fix it?

[1] The full details are here, along with a breakdown by thread. Feel free to check. It's possible I made mistakes, and I also worry that I have undercounted [redacted]. I have a close friend who is (b) (6), (b) (7)(C) who specifically has not [redacted] at work in part because [redacted] fears discrimination -- not because [redacted] is [redacted] but because (b) (6), (b) (7)(C). If there are others like [redacted] then they are more women participating that I have not counted. https://docs.google.com/spreadsheets/d/1NIAnYQ_ARyh0R3wTtpw88ZPl_uKFG1q6JexO7Mj0A74/edit#gid=1084272558

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...

[redacted] b) (6), (b) (7)(C) 8/4/15

On Tuesday, August 4, 2015 at 9:52:33 AM UTC-7, (b) (6), (b) (7)(C) wrote:

I would just like to second what [redacted] said.

I am feeling brave after this, so I will share some statistics that I re-collected after a couple of requests. Last night, I went through the last 100 threads on Industryinfo, and the last 100 threads on eng-misc, and analysed the number of women who participated[1]. It was about 1300 posts in each case. Here's what I found:

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> So my question is...what can we do to fix that? How can we make the set of our fellow Googlers who are women feel engaged, welcome and wanted? And not just in these forums, but on memegen, on the TGIF dories, and in meetings? How can we make a space for their voices?
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> I still think the OP gives us some good ideas, and I especially liked that it called out some of the good things that Google, in particular, has done. But if you don't think it does, what do you think the cause is, and what is your evidence for that? And most importantly, what can we do to fix it?

It might be a good thing - frequent participation in eng-misc and to a lesser extent industry info doesn't help your career and probably hurts it (see (b) (6), (b) (7)(C)). Most people I know at Google never post on either - I stopped reading eng-misc years ago and would advise anyone else to do the same. With some exceptions I rarely see frequent posters (not including you [redacted] as a frequent poster) here presenting at TGIF, publishing interesting things they are working on etc. Conversely I almost never see my "Google heroes" posting here.

I would really like to see statistics on top posters across all media eng-misc, memegen G+. If someone feels the need to express their opinion on every possible topic all the time I'm probably not interested in what they have to say and would prefer to block them.

> [1] The full details are here, along with a breakdown by thread. Feel free to check. It's possible I made mistakes, and I also worry that I have undercounted [redacted]. I have a close friend who is (b) (6), (b) (7)(C) who specifically has not [redacted] at work in part because [redacted] fears discrimination -- not because [redacted] is [redacted], but because (b) (6), (b) (7)(C). If there are others like [redacted], then they are more women participating that I have not counted. https://docs.google.com/spreadsheets/d/1NIAnYQ_ARyh0R3wTtpw88ZPl_uKFG1q6JexO7Mj0A74/edit#gid=1084272558
>
> On Mon, Aug 3, 2015 at 10:58 PM, (b) (6), (b) (7)(C) @google.com> wrote:
>
> > Wow, [redacted], thank you so much. Working late towards a launch (and last day before a much needed vacation), and it really means a lot to hear you chime in on this issue. A whole lot.
> >
> > On Mon, Aug 3, 2015 at 10:55 PM, (b) (6), (b) (7)(C) @google.com> wrote:
> >
> > > Hi everyone,
> > >
> > > I've been reading this thread and I must admit that I am disappointed by the turn this discussion has taken. The lack of women and minorities in the T ech industry is a significant and well documented problem, and not one we are immune to here at Google (visit go/diversity for our own workforce stats).
> > >
> > > As an advocate for diversity both within TI and at Google, I have been increasingly privy to the issues facing women in our industry , and the efforts that we (and other companies) are making to tackle them. In my mind, regardless of merits of this particular article, the larger issue isn't really up for debate -- women and minorities *are* underrepresented in the field of technology and we, as Google, have a responsibility to help change that.
> > >
> > > Rather than recognizing this problem and brainstorming potential solutions that we might be able to take, we've reverted to questioning the validity of the particular study and the blogger 's choice of language. So we're missing the forest for the t rees, and inadvertently of fending fellow Googlers in the process because it appears we're denying that the forest is real. That is not

...

[redacted] b) (6), (b) (7)(C) 8/4/15

[redacted] -- thanks for taking the time to pull together this data. Good stuff.
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[redacted] b) (6), (b) (7)(C) 8/4/15

So my question is...what can we do to fix that?

If you are a man, post less and start less threads.

[redacted] b) (6), (b) (7)(C) 8/4/15

No offense, [redacted], but I think that's kind of a lazy answer. It doesn't address the gender disparity and kind of hand-waves it off as a "good thing" that women aren't as talkative in online media.

[redacted] suggestion might actually not be that bad...

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Rather than recognizing this problem and brainstorming potential solutions that we might be able to take, we've reverted to questioning the validity of the particular study and the blogger 's choice of language. So we're missing the forest for the t rees, and inadvertently offending fellow Googlers in the process because it appears we're denying that the forest is real. That is not a good outcome.

Thanks for listening,

(b) (6), (b)

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--
[GOOGLE CONFIDENTIAL]

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...

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/4/15

Also, the original posting was made to IndustryInfo and GHC2015 groups (Grace Hopper 2015).

The GHC2015 group is meant to be a safe place for people interested in topics of diversity.

(b) (6), (b) (7)(C)
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...

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/4/15

After watching this thread for a few (somewhat frustrating) days, I have to speak up.

I am an excellent example of one of the reasons for which women can leave engineering roles. I have an undergraduate degree in CS from MIT. I loved the field. I had (b) (6), (b) (7)(C) job where I also enjoyed my day-to-day work. I am no longer (b) (6), (b) (7)(C) I quit after a stint on a team(not Google) thats fratty culture lead to very gender-specific problems for me; the fact that nothing I did reduced the rate or aggression with which drunken coworkers hit on me left me completely burnt out. I had to get away from the field for a while. Subsequently, I have found that the idea of returning to a role where something similar might reoccur to be emotionally unpalatable. I have often considered the fact that I would probably still be in (b) (6), (b) (7)(C) had I not encountered that particular combination of a bad team and lackadaisical HR response.

I don't claim to know what fraction of the gender gap is due to women who left due to toxic workplace cultures versus other forms of discrimination versus various non-discriminatory preferences. However, I am positive that the number of women who have left due to toxic cultures is greater than 0.

I'd also point out that it took me nearly a week to get up the guts to post this story on the semi-public forum of industry info, and I'm usually known for being relatively willing to baldly state things. I would bet you a very, very large sum of money that there are a number of other stories lurking within Google from women who (quite understandably) do not want this post to be at the top of the list for search results with their name.

Finally, to partially address the question of why more women aren't chiming in on these threads, I can say (n=1 sample) that the vocal minority of folks on this thread who were making statements that appeared to directly preclude the widespread relevance of my experiences made me significantly more reluctant to post anything; I

frankly have neither the interest nor the patience to see my story spiral into a discussion of the extent to which my experiences may or may not have been a statistical outlier.

On Tuesday, August 4, 2015 at 5:51:57 AM UTC-7, [redacted] wrote:

> On Mon, Aug 3, 2015 at 10:52 PM, [redacted] @google.com> wrote:
>
> > On Mon, Aug 3, 2015 at 7:00 PM [redacted] @google.com> wrote:
> >
> > > I don't understand the point you're trying to make? That two wrongs make a right?
> >
> > I certainly didn't mean to say that - if you point out the part of my post that gave you that impression, I'll do my best to avoid repeating the mistake!
> >
> > My point is that it's easy to reach the wrong conclusion if you start with the premise that everyone wants the same career. If you assume that men and women are trying to become nurses in equal numbers, you might see that 73% figure (or lechris's 99% figure) and erroneously conclude that the nursing industry is a toxic pit of anti-male discrimination,
>
> Why is that an erroneous conclusion? The various links I provided seem to show that nursing is quite a difficult environment for men to work in.
>
> > because you will have excluded the more straightforward explanation; if you assume that men and women are trying to become nursing *executives* in equal numbers, you might come to a different erroneous conclusion.
> >
> > I believe the article is doing the same thing when it blames the industry gender imbalance on subtle workplace behaviors, ignoring the "pipeline" gender ratio and industry-independent attrition statistics which happen to conflict with that premise.
>
> This is, frankly, a pretty bizarre reading of the article. The premise is that tech diversity is "not just a pipeline problem", which I think makes clear that it is also a pipeline problem, just not the focus of the article since it's trying to look at a particular aspect of the issue.
>
> Moreover, the article gives examples of institutions that have managed to change demographics substantially, so it seems possible to make progress here even despite the pipeline and broader attrition issues.
>
> Frankly, your position sounds a lot like someone arguing a few decades ago that "women don't want to be doctors" or "women don't want to be lawyers", and there were definitely people making tho

...

[redacted] 8/4/15

[redacted], thanks for a much needed contribution.

> I am an excellent example of one of the reasons for which women can leave engineering roles.

At least, I'm happy to know that this didn't happen at Google.

> I frankly have neither the interest nor the patience to see my story spiral into a discussion of the extent to which my experiences may or may not have been a statistical outlier.

The more people like you post, the less likely such stories are to be seen as outliers. And vice versa, of course.

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/4/15

> Percentage of Women Googlers in Interest Area (tech/general)

What's the percentage of Women actively interviewing at Google?
Interviewing and being part of a hiring committee seems the me the most immediate way of making a difference.

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Frankly, your position sounds a lot like someone arguing a few decades ago that "women don't want to be doctors" or "women don't want to be lawyers", and there were definitely people making those arguments based on antiquated notions of gender roles. Of course, both of these professions have seen profound demographic shifts, even if there's still work to be done in terms of attrition rates and pay equality, and I don't see any reason why we shouldn't be able to see a comparable level of change in our own.

...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/4/15

Here's what I'm doing. I think it's important to share this publicly, so that those watching quietly from the sidelines know that we aren't all just shaking our heads and doing nothing.

- Carrot: I have given kudos and peer bonuses to people who help defend against the people contributing to a hostile environment.
- Stick: I escalate to the director level whenever I come across someone who repeatedly fosters a hostile environment. I will continue to escalate until their behavior changes.
- Re the stats you shared, I am going to start initiating threads on industryinfo. I just posted my first of these.

Read the comments. Reclaim the terrain.

On Tue, Aug 4, 2015 at 12:52 PM (b) (6), (b) (7)(C) @google.com> wrote:
So my question is...what can we do to fix that? How can we make the set of our fellow Googlers who are women feel engaged, welcome and wanted? And not just in these forums, but on memegen, on the TGIF dories, and in meetings? How can we make a space for their voices?

(b) (6), (b) (7)(C) 8/4/15

[redacted]

On Tue, Aug 4, 2015 at 5:50 AM [redacted] @google.com> wrote:

On Mon, Aug 3, 2015 at 10:52 PM, [redacted] @google.com> wrote:

My point is that it's easy to reach the wrong conclusion if you start with the premise that everyone wants the same career. If you assume that men and women are trying to become nurses in equal numbers, you might see that 73% figure (or lechris's 99% figure) and erroneously conclude that the nursing industry is a toxic pit of anti-male discrimination,

Why is that an erroneous conclusion? The various links I provided seem to show that nursing is quite a difficult environment for men to work in.

It's erroneous because the gender imbalance starts *before* entering the work environment ([1], [2]). It may still be true that nursing is full of anti-male discrimination, but we can't reach that conclusion just by knowing that men are underrepresented in nursing.

I believe the article is doing the same thing when it blames the industry gender imbalance on subtle workplace behaviors, ignoring the "pipeline" gender ratio and industry-independent attrition statistics which happen to conflict with that premise.

This is, frankly, a pretty bizarre reading of the article. The premise is that tech diversity is "not just a pipeline problem", which I think makes clear that it is also a pipeline problem, just not the focus of the article since it's trying to look at a particular aspect of the issue.

The problem is, since the pipeline is sufficient to explain the gender imbalance, there's not much left for this other aspect to explain: the gender ratio among tech workers is right in line with the gender ratio among applicants, graduates, college students, high school students, etc. Although the workplace behaviors the article mentions are worrisome for other reasons, they don't appear to have much effect (if any) on the overall gender balance in industry.

Frankly, your position sounds a lot like someone arguing a few decades ago that "women don't want to be doctors" or "women don't want to be lawyers", and there were definitely people making those arguments based on antiquated notions of gender roles.

I'm sure you understand that none of the positions I've expressed is based in any notion of gender roles but rather, as I've said, in the idea of respecting the education and career choices made by individuals, so to be honest I'm a little puzzled that you mentioned this at all.

So who cares whether they have a significant effect on workplace demographics, then?

The author of the article and the person who shared it, presumably.

As [redacted] points out, why aren't you spending your considerable mental powers and time helping to think about solutions to the things you agree are a problem instead of giving the appearance that you don't think there is a problem?

After going out of my way to reiterate that I agree that those things are a problem, I

...

[redacted] (b) (6), (b) (7)(C) 8/4/15

> [redacted], thanks for a much needed contribution.

+1

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After going out of my way to reiterate that I agree that those things are a problem, I must say it's disappointing to be characterized as "giving the appearance" that I believe the opposite of what I just said.

To answer your question, though, I think the solutions are already out there. We have codes of conduct that prohibit discrimination, we have generous parental leave, we have unconscious bias training, etc. We know about

...

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) [redacted] 8/4/15

Hi [redacted]:

I'm going to suggest that we step back from the line-by-line debate and instead think about the following points:

(1) Regardless of whether or not other industries do better or worse, or other companies do better or worse, it's clear that some women in the tech industry in general and at Google in particular feel like the work environment makes it hard for them to thrive or, in some cases, even keep working in their current role. That sucks for them, but it sucks for the rest of us as well because it means that we're losing out on Googler-caliber talent and we're not able to gain from the well-documented benefits of more diverse teams.

(2) While I agree that Google is trying hard to tackle these problems, we've got a long ways to go. Places like Harvey Mudd show that it is possible to do much better. Just as importantly, while all of the things that you mention are good steps to eliminating both conscious and unconscious bias in the official machinery of the company, I think it's fairly evident from micro.googleplex.com and from listening to the stories of women that work here that we've still got our work cut out for us on this front, even as we take more formal measures to improve the ways we hire and promote.

(3) Even if Google is a lot better than other places, even if we manage to attract and maintain way more women than other tech companies or other industries, the absolute numbers are pretty dismal. Looking at how the numbers compare to other places can perhaps help us understand if we face unique problems or common ones, but they shouldn't for one minute give us solace that we're anywhere near solving the problem until women and other minorities feel that they can be just as successful as men here, and that there is data that substantiates that point.

Until then, I think we've all got some work to do in helping to either devise solutions or advancing them. We should be rigorous about our use of data to understand what works and what doesn't, but we need to be careful to do it in a way that feels like it's in service of solutions rather than nit-picking at the problem statement when problem is just so much more overwhelming than the solutions we have at hand today.

(b) (6), (b) (7)(C) [redacted]

On Tue, Aug 4, 2015 at 3:45 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
On Tue, Aug 4, 2015 at 5:50 AM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
On Mon, Aug 3, 2015 at 10:52 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
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...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/4/15

(b) (6), (b) (7)(C)

Those are great ideas and I do feel it would make a positive contribution.

I too will add my story to (b) (6), (b) (7)(C) as I hope to share my experience with others so hopefully we can avoid it in the future.

I received my (b) (6), (b) (7)(C) after falling in love with the idea that human behavior could be explained by a math equation. I worked in (b) (6), (b) (7)(C) and began my (b) (6), (b) (7)(C), but I switched mid-way to (b) (6), (b) (7)(C) as I found I was the (b) (6) lead on many of my company's initiatives. After graduating, I (b) (6), (b) (7)(C) and consulted around my university schedule to break into the industry. I came on full-time with one of my clients and the fun began.

I was the joke they all talked about behind my back. My physical attributes were widely discussed. As I began testing for industry certification after certification, Microsoft MCSE + Security, Cisco CCNP, SAP, etc. it became convenient for the team to degrade me by saying I was only a good test taker. (b) (6), (b) (7)(C) second-guessed my work constantly which ended with (b) (6), (b) screaming down at me when I proved (b) (6), (b) wrong about an issue. HR didn't fire (b) (6), (b) (7)(C) was too valuable, instead they took away direct reports from (b) (6), (b) and (b) (6) sat in the same office as (b) (6), (b) (7)(C), essentially allowing (b) (6), (b) the ability to backstab me at will.

After [redacted] years, I had had enough and moved to another company. The common theme was a lack of acceptance that I was as technical as the guys. I cannot tell how many times I have heard, I can't believe you look like that and yet you can talk so technically- they thought they were flattering me. As (b) (6), (b) (7)(C) [redacted] I found the men I worked with were very threatened by me. It was always a clash of personalities, communication styles, and a lack of inclusion in the outside activities. I was actively sabotaged on many jobs as somehow if I did better than them, it made them look bad.

I was very discouraged and was tired of the struggle. I shifted my focus on teams to doing the stuff they didn't want to do, communication, status updates and organization, writing document, and leaving them to build the systems. Amazingly as I stepped out of the heavy technical role, projects got done in record time. They did the fun things and I did the "drudgery" roles- wow, we shattered our time lines, had beautiful and thorough documentation, and they loved me. I moved from being the (b) (6), (b) (7)(C) [redacted], picked up my PMP, and relegated myself to doing my fun technical activities on my personal time.

I am not proud of this, I miss the engineering, the troubleshooting, even the P0 emergencies where you have to mobilize and get things back up under pressure. I gave up a love and passion of mine that I worked to obtain a [redacted] degree in because I felt I had no other options. I will always feel regret and a sense of caving in to appease my co-workers. I try to find ways to stay technical on my own and to apply my same skills to my job here at Google.

I mentor many young women who are up and coming. I have been a huge supporter and presenter at CS First events. And in the back of my mind, I still wonder if it is a good career for a woman. There just doesn't seem to be the critical mass of females necessary to even really shift the culture enough to be aware of how challenging it is for women.

I will go on the skinny branches about Google specifically and say when I look at organization wide meetings and there is overwhelmingly white males faces looking back, it doesn't seem like we have made enough progress. When the promotions news goes out every quarter or so there was one female who analyzed the data. [redacted] only sent [redacted] analysis to the Women@data centers group, but [redacted] highlighted the abysmal percentage of women overall as a proportion of the promotions. [redacted] didn't have the courage to send it out to all who received the news. But everyone of us in this group saw the data and thought we, Google, are not doing enough.

Pipeline is definitely a problem, absolutely agreed. But when myself, [redacted], and other senior women all have their own horror stories, it is a challenge to say, go out and evangelize this field. I agree whole-heartedly that Google is a much better environment and the need to be on-call and work around the clock is minimal or non-existent, but we are only one company. This is still the norm at most IT departments in the US.

So onto solutions, which you all have presented many amazing ideas so most of this is to agree with you.

I feel getting involved early in a child's education is the key, if we can shape their perception of the industry, and give them early successes often, with a direct path to obtaining a job in our field is one area we need to contribute. But it is also searching for the female rockstars and featuring their success loudly and publicly is another aspect- shifting in people's mind what an IT person looks like is another key. Maybe we offer a ton more scholarships to females in the field and have more interaction with Universities about how their program works, much like the example of the Harvard Business school presented. Whatever our solutions may be or the lack thereof, it is just too critical to not try.

Thanks for allowing me to share and hopefully we all can make a huge difference going forward.

(b) (6), (b) (7)(C)
[redacted]

On 4 August 2015 at 14:50, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> Percentage of Women Googlers in Interest Area (tech/general)

What's the percentage of Women actively interviewing at Google?
Interviewing and being part of a hiring committee seems the me the most immediate way of making a difference.

On Tue, Aug 4, 2015 at 11:23 AM, (b) (6), (b) (7)(C) @google.com> wrote:

After watching this thread for a few (somewhat frustrating) days, I have to speak up.

I am an excellent example of one of the reasons for which women can leave engineering roles. I have (b) (6), (b) (7)(C) [redacted]. I loved the field. I had (b) (6), (b) (7)(C) job where I also enjoyed my day-to-day work. I am no longer (b) (6), (b) (7)(C). I quit after a stint on a team(not Google) thats fratty culture lead to very gender-specific problems for me; the fact that nothing I did reduced the rate or aggression with which drunken coworkers hit on me left me completely burnt out. I had to get away from the field for a while. Subsequently, I have found that the idea of returning to a role where something similar might reoccur to be emotionally unpalatable. I have often considered the fact that I would probably still be in (b) (6), (b) (7)(C) had I not encountered that particular combination of a bad team and lackadaisical HR response.

I don't claim to know what fraction of the gender gap is due to women who left due to toxic workplace cultures versus other forms of discrimination versus various non-discriminatory preferences. However, I am positive that the number of women who have left due to toxic cultures is greater than 0.

I'd also point out that it took me nearly a week to get up the guts to post this story on the semi-public forum of industry info, and I'm usually known for being relatively willing to baldly state things. I would bet you a very, very large sum of money that there are a number of other stories lurking within Google from women who (quite understandably) do not want this post to be at the top of the list for search results with their name.

Finally, to partially address the question of why more women aren't chiming in on these threads, I can say (n=1 sample) that the vocal minority of folks on this thread who were making statements that appeared to directly preclude the widespread relevance of my experiences made me significantly more reluctant to post anything; I frankly have neither the interest nor the patience to see my story spiral into a discussion of the extent to which my experiences may or may not have been a statistical outlier.

On Tuesday, August 4, 2015 at 5:51:57 AM UTC-7, (b) (6), (b) (7)(C) wrote:

On Mon, Aug 3, 2015 at 10:52 PM, (b) (6), (b) (7)(C) @google.com> wrote:

On Mon, Aug 3, 2015 at 7:00 PM (b) (6), (b) (7)(C) @google.com> wrote:

I don't understand the point you're trying to make? That two wrongs make a right?

I certainly didn't mean to say that - if you point out the part of my post that gave you that impression, I'll do my best to avoid repeating the mistake!

My point is that it's easy to reach the wrong conclusion if you start with the premise that everyone wants the same career. If you assume that men and women are trying to become nurses in equal numbers, you might see that 73% figure (or lechris's 99% figure) and erroneously conclude that the nursing industry is a toxic pit of anti-male discrimination,

Why is that an erroneous conclusion? The various links I provided seem to show that nursing is quite a difficult environment for men to work in.

because you will have excluded the more straightforward explanation; if you assume that men and women are trying to become nursing *executives* in equal numbers, you might come to a different erroneous conclusion.

I believe the article is doing the same thing when it blames the industry gender imbalance on subtle workplace behaviors, ignoring the "pipeline" gender ratio and industry-independent attrition statistics which happen to conflict with that premise.

This is, frankly, a pretty bizarre reading of the article. The premise is that tech diversity is "not just a pipeline problem", which I think makes clear that it is also a pipeline problem, just not the focus of the article since it's trying to look at a particular aspect of the issue.

Moreover, the article gives examples of institutions that have managed to change demographics substantially, so it seems possible to make progress here ev

...

[redacted] b) (6), (b) (7)(C) 8/4/15

(I am not saying that Google is 100% perfect in this matter .)

A friend of mine went to a college recruiting event holding by a famous major tech company (one of Google's competitors). The HR asked them if they knew someone who got Google offer and how good they were.
My friend said, "Yes. My friend got it. [redacted] is ..."
The HR interrupted [redacted], " Oh, [redacted]! That is not a good example." Then everyone began laughing.

I felt angry when my friend told me the story . It was a campus recruiting event and the words came from a HR who should know well about the discrimination issue. No wonder why female engineers feel difficulties in working since the tech industry was dominated by such company not so far ago. It put a lot of pressure on females.

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As [redacted] points out, why aren't you spending
...

[redacted] (b) (6), (b) (7)(C) 8/4/15

> I too will add my story to [redacted] as I hope to share my experience with others so hopefully we can avoid it in the future.

I cringed while reading this, but I'm glad that you shared. Thank you.

> A friend of mine went to a college recruiting event holding by a famous major tech company (one of Google's competitors).

This story was also depressing. Thank you for sharing, too.

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As [redacted] points out, why aren't you spending your considerable mental powers and time helping to think about solutions to the things you agree are a problem instead of giving the appearance that you don't think there is a problem?

After going out o
...

[redacted] b) (6), (b) (7)(C) 8/4/15

This.

On Tuesday, August 4, 2015 at 11:23:02 AM UTC-7, (b) (6), (b) (7)(C) wrote:

Finally, to partially address the question of why more women aren't chiming in on these threads, I can say (n=1 sample) that the vocal minority of folks on this thread who were making statements that appeared to directly preclude the widespread relevance of my experiences made me significantly more reluctant to post anything; I frankly have neither the interest nor the patience to see my story spiral into a discussion of the extent to which my experiences may or may not have been a statistical outlier.

Having a legitimate conversation about gender in tech which devolves into a linguistics argument in itself can be perceived as a micro aggression.
So what does one do, respond and open themselves up to a possible 100 plus comments that are felt as micro aggressions? After being on BBSes since 1989 (personally) - I try to avoid it in at least this facet of my life. Except today.

And if you are reading this, thanks [redacted], you restore my faith in this place.

[redacted] b) (6), (b) (7)(C) 8/4/15

2015-08-04 14:23 GMT-04:00 (b) (6), (b) (7)(C) @google.com>:

After watching this thread for a few (somewhat frustrating) days, I have to speak up.

I am an excellent example of one of the reasons for which women can leave (b) (6), (b) (7)(C) roles. I have (b) (6), (b) (7)(C) [redacted] I loved the field. I had (b) (6), (b) (7)(C) job where I also enjoyed my day-to-day work. I am no longer (b) (6), (b) (7)(C). I quit after a stint on a team(not Google) thats fratty culture lead to very gender-specific problems for me; the fact that nothing I did reduced the rate or aggression with which drunken coworkers hit on me left me completely burnt out. I had to get away from the field for a while. Subsequently, I have found that the idea of returning to a role where something similar might reoccur to be emotionally unpalatable. I have often considered the fact that I would probably still be in (b) (6), (b) (7)(C) had I not encountered that particular combination of a bad team and lackadaisical HR response.

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> who (quite understandably) do not want this post to be at the top of the list for search results with their name.
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> Finally, to partially address the question of why more women aren't chiming in on these threads, I can say (n=1 sample) that the vocal minority of folks on this thread who were making statements that appeared to directly preclude the widespread relevance of my experiences made me significantly more reluctant to post anything; I frankly have neither the interest nor the patience to see my story spiral into a discussion of the extent to which my experiences may or may not have been a statistical outlier.

Thank you for sharing. This is a great post, if really sad. Indeed, I think many people's mental models might be skipping the hidden "reluctance to post" variable and as a result drawing the unjustified inference "I'm only aware about 2-3 really bad cases, so given there's so many people who don't say anything, the problem is overblown". That can be perhaps swayed by making people aware that the problem is more widespread, by personal accounts like yours. Or by providing raw data, say by asking "How friendly is your workplace" or something in the next Googlegeist.

Even so, such an unjustified inference shouldn't prevent anyone from agreeing that a welcoming culture, where behaviors like you describe are unacceptable, is just A Good Thing.

Best,

(b) (6), (b) (7)(C)

> On Tuesday, August 4, 2015 at 5:51:57 AM UTC-7, Jordyn wrote:
>
> > On Mon, Aug 3, 2015 at 10:52 PM, (b) (6), (b) (7)(C) @google.com> wrote:
> >
> > > On Mon, Aug 3, 2015 at 7:00 PM (b) (6), (b) (7)(C) @google.com> wrote:
> > >
> > > > I don't understand the point you're trying to make? That two wrongs make a right?
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> > > I certainly didn't mean to say that - if you point out the part of my post that gave you that impression, I'll do my best to avoid repeating the mistake!
> > >
> > > My point is that it's easy to reach the wrong conclusion if you start with the premise that everyone wants the same career. If you assume that men and women are trying to become nurses in equal numbers, you might see that 73% figure (or lechris's 99% figure) and erroneously conclude that the nursing industry is a toxic pit of anti-male discrimination,
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> >
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> > I believe the article is doing the same thing when it blames the industry gender imbalance on subtle workplace behaviors, ignoring the "pipeline" gender ratio and industry-independent attrition statistics which happen to conflict with that premise.
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> >
> > Moreover, the article gives examples of institutions that have managed to change demographics substantially, so it seems possible to make progress here even despite the pipeline and broader attrition issues.
> >
> > Frankly, your position sounds a lot like someone arguing a few decades ago that "women don't want to be doctors" or "women don't want to be lawyers", and there were definitely people making those arguments based on antiquated notions of gender roles. Of course, both of these professions have seen profound demographic shifts, even if there's still work to be done in terms of attrition rates and pay equality, and I don't see any reason why we shouldn

...

[redacted] 8/4/15

On Tue, Aug 4, 2015 at 9:51 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
I would just like to second what [redacted] said.

I am feeling brave after this, so I will share some statistics that I re-collected after a couple of requests. Last night, I went through the last 100 threads on Industryinfo, and the last 100 threads on eng-misc, and analysed the number of women who participated[1]. It was about 1300 posts in each case. Here's what I found:

Group	eng-misc	IndustryInfo
Threads Started by Women	6.00%	3.00%
Posts Made by Women	2.08%	1.72%
Posts Made by Women in Threads Started by Men	1.22%	0.99%
Percentage of Women Googlers in Interest Area (tech/general)	18.00%	30.00%

I find that pretty depressing. Only 1% of posts in the last 100 threads started by men in this group were participated in by women[1]. Only 1.7% of all posts (and that includes all the women jumping in on this thread to ask for GHC2015 to be removed, which is sadly a statistically significant contribution to posts by women in this group).
Nice job collecting the data. I noticed that if you perform the equivalent of the Blechdel Test (i.e. only include posts by women on threads unrelated to diversity), the number of Posts Made by Women drops down to 3/1276 = 0.24% for industryinfo.

So my question is...what can we do to fix that? How can
...

[redacted] 8/4/15

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So my question is...what can we do to fix that? How can we make the set of our fellow Googlers who are women feel engaged, welcome and wanted? And not just in these forums, but on memegen, on the TGIF dories, and in meetings? How can we make a space for their voices?
Should the difference in participations rates for groups like eng-misc & industryinfo *be* fixed? Most of the threads in here are a waste of time.

Lets look at this thread. We had a centi-thread of messages of a certain tone. Then [redacted] responded and triggered a 180 degree shift to a completely different tone. Several women said, in no uncertain terms, that they initially didn't feel comfortable speaking up (and even now, only barely so).

I prefer the latter tone to the earlier one. So yeah, it should be fixed. Not because industryinfo is important (of course it isn't) but because this is a symptom of a deeper problem. If members of the underrepresented groups don't feel comfortable speaking up, the effective diversity of our culture is even worse than the already bad demographics would indicate.

...

[redacted] (b) (6), (b) (7)(C) 8/5/15

[redacted] list (thanks for sharing publicly!) may be what's necessary to reclaim fully-open spaces. I'd encourage everyone to experiment with moderated-posting systems too.

I actually think moderation scales better *over time* for preventing centithreads and maintaining a welcoming environment. The group participants change over months, new people join who may be predisposed to sealioning, etc, (and maybe you lose the executive who's willing to do what [redacted] did).. with moderation, you can avoid much of the *public fight*, which is something that makes people feel uncomfortable regardless of the outcome, and you can turn the burden of executive-escalation around.

I'm less certain about this, but people who's posts are squelched may even be more willing to accept the feedback because they've been spoken to or reprimanded somewhat silently, rather than in a public forum where they be more likely to dig in their heels. Also, it denies the public attention that some people may be going for.

I've seen this work outside Google, but the best example I know here is memegen - I'm not aware of a problem with devil's-advocate memes; they'd quickly be downvoted out of visibility. But memegen comments (unmoderated, and highly public on popular memes) have been a forum for bad centithreads.

I created g/industry-discuss to try out a moderated version of industryinfo. I don't know if it will get any traction, but I'd also volunteer to be a moderator, or help form a moderation rotation, for any forum whose owners would like to try it.

[redacted]

On Tuesday, August 4, 2015 at 12:42:02 PM UTC-7, [redacted] wrote:

> Here's what I'm doing. I think it's important to share this publicly, so that those watching quietly from the sidelines know that we aren't all just shaking our heads and doing nothing.
>
> - Carrot: I have given kudos and peer bonuses to people who help defend against the people contributing to a hostile environment.
> - Stick: I escalate to the director level whenever I come across someone who repeatedly fosters a hostile environment. I will continue to escalate until their behavior changes.
> - Re the stats you shared, I am going to start initiating threads on industryinfo. I just posted my first of these.
>
> Read the comments. Reclaim the terrain.
>
> On Tue, Au

...

[redacted] (b) (6), (b) (7)(C) 8/5/15

Some people like to argue for entertainment and relaxation, as a mental stretch exercise, if you will. I know, because that's to some degree (< 1.0) true for myself. For them (us) what appears to others as a futile nitpicking offtopic centithread may have fulfilled its purpose. People in the gym also don't produce anything useful for anybody other than themselves.

But imagine a Don Quixote who stumbled in a gym and started fighting these live windmills. Something like that can also happen with centithreads.

And of course, some people produce real valuable content that can be lost among all the mental exercise, which is certainly regrettable. A moderated group may be a better conduit for them.

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On Tue, Aug 4, 2015 at 12:52 PM (b) (6), (b) (7)(C) @google.com> wrote:

So my question is...what can we do to fix that? How can w

...

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) 8/5/15

On 5 August 2015 at 17:24, (b) (6), (b) (7)(C) @google.com> wrote:

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industryinfo has >16,500 members
Are you sure you're choosing the right location for your rhetorical gymnastics?

But imagine a Don Quixote who stumbled in a gym and started fighting these live windmills. Something like that can also happen with centithreads.

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On Wed, Aug 5, 2015 at 7:49 AM, (b) (6), (b) (7)(C) @google.com> wrote:

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I created g/industry-discuss to try out a moderated version of industryinfo. I don't know if it will get any traction, but I'd also volunteer to be a moderator, or help form a moderation rotation, for any forum whose owners would like to try it.

[redacted]

On Tuesday, August 4, 2015 at 12:42:02 PM UTC-7, [redacted] wrote:
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Read the comments. Reclaim the terrain.

On Tue, Aug 4, 2015 at 12:52 PM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
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[GOOGLE CONFIDENTIAL]

You received this message because you are subscribed to the Google
Groups "Industryinfo" group.
To unsubscribe from this group, send
...

[redacted] b) (6), (b) (7)(C) 8/5/15

Yeah I know what you mean, [redacted]. Like for example, whenever I go to the gym, I like to playfully place little ice cubes on anybody in a horizontal position. You know, just for entertainment and relaxation. I often bring a full pack of ice cubes with me just in case I decide to swing by the yoga area. Because, I mean, those yoga guys are almost always at least partly horizontal, you know? I'd do the vertical folks too, of course (I'm not biased or anything) but the cubes just right slide off, so it's not really worthwhile.

Of course, some people (I'm not naming names but *you know who you are*) start making angry words at me whenever they see me carrying ice. Sometimes they start trying to ruin my workout even before I actually place a cube on anyone, which I think is pretty uncharitable of them. But what's worse, sometimes those angry people rile up the rest of the group, which contributes to a pretty hostile environment I think, and just serves to prevent *anyone* from getting a good workout. I know I

certainly feel like I'm being targeted and made to feel uncomfortable, and I don't think it's fair for anyone to have to feel that way. But what I think a lot of these ice warriors overlook is the fact that the vast majority of people really have no problem with ice, and in fact most people appreciate the extra cooling (workouts are hot!). But they go ahead and get everyone worked up, and that ruins it for everyone else.

I'm glad to have joined a gym that respects our freedom to cool each other off, and I would hate to see that freedom curtailed just because of a few people with sensitive skin (in the temperature sense, I mean). So I think it's a great compromise to have a special area in the gym that's reserved for people who get upset about perfectly natural phenomena (I mean really, how can anybody who has lived through winter honestly object to ice?). That way the sensitive folks can protect themselves, while the rest of us normal people can still have full and enriching lives.

</sarcasm>

[redacted] your "mental exercises" are hurting people's feelings and contributing to a hostile environment. You've been told this repeatedly. It's time to just stop.

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...

[redacted] 8/5/15

For the slow people like me, what's 'carrying ice into the gym' (not necessarily using it, I think I get that part) in the analogy?

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...

[redacted] 8/5/15

[redacted] your "mental exercises" are hurting people's feelings and contributing to a hostile environment. You've been told this repeatedly. It's time to just stop.

Really? I thought I was careful enough to avoid that. But thanks for letting me know, I sincerely apologize and will try to be even more careful.

(b) (6), (b) (7)(C) 8/5/15

On Wednesday, August 5, 2015 at 7:49:07 AM UTC-7, (b) (6), (b) (7)(C) wrote:
I created g/industry-discuss to try out a moderated version of industryinfo. I don't know if it will get any traction, but I'd also volunteer to be a moderator, or help form a moderation rotation, for any forum whose owners would like to try it.

Because that's what we really need, a place where only allowing one particular kind of opinion is actively *enforced*.

(b) (6), (b) (7)(C) 8/5/15

I just read the moderation rules for g/industry-discuss and don't see any rules restricting what kind of opinions are allowed. Am I missing something?

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[GOOGLE CONFIDENTIAL]

You received this message because you are subscribed to the Google Groups "Industryinfo" group.
To unsubscribe from this group, send email to industryinfo+unsubscribe@google.com
For more options, visit this group at http://groups.google.com/a/google.com/group/industryinfo?hl=en

(b) (6), (b) (7)(C) 8/5/15

On Wed, Aug 5, 2015 at 2:40 PM (b) (6), (b) (7)(C) @google.com> wrote:
I just read the moderation rules for g/industry-discuss and don't see any rules restricting what kind of opinions are allowed. Am I missing something?

Possibly.

The moderation rules prohibit "sealioning, ... devil's advocate arguments, or similar messages, especially about topics such as workplace culture, discrimination, and hiring practices."

In practice, in Google forums and wider social media, those terms are often used to describe contrary opinions even when they don't fit the terms' original meanings; for instance, on internal G+, I've often seen earnestly held beliefs labeled as "devil's advocate arguments" by those who disagree with them. And the catch-all "similar messages, especially about [specific topics]" seems likely to be applied exclusively to people who hold unpopular views on those topics.

However, assuming the moderator(s) avoid those failure modes, it may be just the place for people who find industryinfo too boisterous. I'm cautiously optimistic.

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/5/15

"List for Googlers to discuss general industry issues"

I'm obviously a bit slow, because I don't see anything in the line above encouraging "boisterous" derailing of threads and/or provision of a environment for the pursuit of "[argument] for the sake of entertainment and relaxation, as a mental stretch exercise". Perhaps , rather than a moderated industry-discuss, it'd be more useful for those who enjoy rhetorical exercise to create a forum dedicated to that purpose?

And that's my last contribution here, because I suspect I'm just feeding the "rhetoricians".

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(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/5/15

Actually, I've got a better idea.

There is now a tightly moderated forum that is designed so that someone will silence all dissent from a certain set of viewpoints. It's exactly what you want. Go use it. *And stop trying to do that everywhere else.*

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/5/15

I'm so happy to see a few women posting -- and so sad that I recognize their posts as incredibly brave. I share the reticence of many, the unwillingness to get sucked into something discouraging in which the likely outcome will be confirmation that too-large a number of my cohort are unwilling to acknowledge problems that data

proves, and that I and so many others know to be true. I'm dismayed that it took a strong rebuke from the L team to open up discussion for anything but nit picking. And yet, here we are, nit picking the idea of moderation rules...

The conversation in this thread, in aggregate, works to minimize and dismiss the problem. Minimizing and dismissing this problem works to uphold the status quo.

The data are clear, here's a bunch of it. Well, then, maybe the data aren't accurate? Maybe the study was wrong (here's an arcane error with the way they applied the term "average")? Maybe the data isn't specific to tech and so doesn't "count"? **OK, in that case, here is a whole document that reviews the personal experiences of women and others who have encountered sexism and discrimination.** Well, those aren't representative, they're likely outliers, experience isn't science -- we really need data, plus *we haven't seen that type of behavior* so it must be rare or non-existent or overblown. Repeat.

I thought of analyzing this thread, analyzing other threads, of presenting all of the numbers, of spending a long evening drafting an ironclad rebuttal sure to change minds and re-rail the discussion. But, however nice the fantasy, it doesn't appear that a lack of data or knowledge is the problem. The point and the problem are proven. It appears that many of those who are comfortable, however well-meaning, will rarely accept facts that have the potential to lessen that comfort.

I am gratified that we have executives and motivated Googlers who are working for real change. I hope in the future at Google and beyond discussions on such topics will be much easier to stomach.

On Wed, Aug 5, 2015 at 6:33 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

> On Wed, Aug 5, 2015 at 2:40 PM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
>
> I just read the moderation rules for g/industry-discuss and don't see any rules restricting what kind of opinions are allowed. Am I missing something?
>
> Possibly.
>
> The moderation rules prohibit "sealioning, ... devil's advocate arguments, or similar messages, especially about topics such as workplace culture, discrimination, and hiring practices."
>
> In practice, in Google forums and wider social media, those terms are often used to describe contrary opinions even when they don't fit the terms' original meanings; for instance, on internal G+, I've often seen earnestly held beliefs labeled as "devil's advocate arguments" by those who disagree with them. And the catch-all "similar messages, especially about [specific topics]" seems likely to be applied exclusively to people who hold unpopular views on those topics.
>
> However, assuming the moderator(s) avoid those failu

...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/5/15

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I think that [redacted] has laid out some fairly clear rules on what is and is not considered a debatable viewpoint.

> "the larger issue isn't really up for debate -- women and minorities *are* underrepresented in the field of technology and we, as Google, have a responsibility to help change that."

This seems fairly straightforward to me. If you think that this is "silencing all dissent" you should take that up with [redacted] directly.

(b) (6), (b) (7)(C) 8/5/15

On Wed, Aug 5, 2015 at 4:32 PM (b) (6), (b) (7)(C) @google.com> wrote:

> I thought of analyzing this thread, analyzing other threads, of presenting all of the numbers, of spending a long evening drafting an ironclad rebuttal sure to change minds and re-rail the discussion.

FWIW, I hope you (or anyone) reconsider and do this; I think something like that would be much more likely to change minds and foster a productive discussion than assuming the folks who disagree are hopelessly closed-minded. Meredith Patterson's "appeal to hacker values" may not work on everyone, but it'll work on a lot of engineering types who aren't convinced by anecdotes or appeals to other values.

"You can't argue with a root shell. Programming is an inherently constructivist discipline. A constructivist is like the archetypal Missourian: "Show me!" The very discipline of programming is founded on the Curry-Howard isomorphism, which establishes that programs are equivalent to proofs and vice versa. Many hacker arguments are settled only when someone writes a proof-of-concept that unambiguously demonstrates the correctness of their position; that's why we call them proofs of concept. (The word "proof" shows up in a lot of our argot: zero-knowledge proof, proof-of-work, proof-carrying code, and so on. This isn't an accident. While we appreciate and often celebrate ambiguity in wordplay and art, some matters are too important to leave mutual clarity to chance.) Some programmers can leave constructivism at the office, but hackers live and breathe it."

(b) (6), (b) (7)(C) 8/5/15

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Spending more time trying to figure out how to artfully package the facts such that they permeate some complex hacker interface seems analogous to trying to convince climate change deniers with even more evidence. It hasn't worked, doesn't work, and implicitly validates their position.

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...

[redacted] b) (6), (b) (7)(C) 8/5/15

That seems too fatalistic. Some people may never change their minds about things, but I would prefer to keep the debate going if only to turn a few more eyes.

And anyway, all the climate change data is not for the benefit of the deniers, it's for the people on the fence.

But anyway, I agree with [redacted] general point that trying to navigate "hacker values" is not useful, simply put because social science data is not like a mathematical proof that you can just build up from absolute certainties. For any given study (and it will be always be *a* given study because no journalist or discussion will arrive with a complete meta-analysis or literature review), someone will always be able to point out a flaw or weakness, and thanks to the nature of sampling there will also always be studies that show that no problem exists (arguably in the neighborhood of 1 out of every 20 studies).

So instead of trying to navigate that, let's keep refocusing on the broader problem mentioned by OP: what can we do and what would be effective in increasing women's retention rates in tech?

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...

[redacted] b) (6), (b) (7)(C) 8/5/15

It feels to me a lot like trying to have a discussion of the causes of, impacts of, and remedies for climate change, in a forum where our voices are drowned out by people saying very loudly and repeatedly that climate change isn't real, or sealioning about the methods of some particular study.

In this case it's amplified by the fact that as a woman, I experience the effects of unconscious bias every single day. I see my fellow women coworkers not speaking up in meetings. I see us being treated differently than our (btw wonderful and awesome) male coworkers -- and not just by our (again wonderful and awesome) male coworkers, but by each other. I catch myself doing it sometimes, and I'm sure I do it when I don't realise also.

And as devastating as our personal experiences are (and I found the stories shared here heartbreaking), I think there's an even bigger issue.

We (Google and like companies) are defining what the future is going to look like. If we don't fight to make a space for women to be a part of that process, then IMHO that is a tragedy several orders of magnitude greater than all of our collective crappy experiences. That's why I think it's worth it to keep trying, even when it's frustrating, in whatever way you can manage.
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[redacted] b) (6), (b) (7)(C) 8/5/15

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[redacted], this is a very bold and troubling statement. Can you be more specific and give examples of how you yourself sometimes treat women coworkers differently than men? I'm asking because I have never caught myself (or any of *my* coworkers) doing that, and I'm worrying that perhaps I just didn't notice?

[redacted] (b) (6), (b) (7)(C) 8/5/15

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Warily venturing a reply in hopes of making the situation better....:

I think there's been a misunderstanding on this thread, caused, at least in part, by my own argumentative style. Speaking for myself (but I would guess also for those other few who have been arguing against the majority), the fact of women's underrepresentation compared with their proportion of the overall and working US populations in tech in general and at Google in particular is not in dispute. I am not happy about the situation; it's not one I've ever desired or encouraged. I think that Google, and tech companies generally, should take what steps they can to fix the situation.

The critiques of the data I offered were intended to encourage an understanding of - and even more fundamentally an interest in - the true impact of various potential causes of women's underrepresentation in tech. A fully open exploration of that issue is something I've never seen at Google. Based on my reading of the rest of this thread, it's not something I ever expect to see. Most people seem to want a walled garden. But anyone who is actually interested in every woman having the ability to make [redacted] own career and life choices with the same freedom as men - as I am - should not be satisfied with that.

[redacted]

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...

[redacted] b) (6), (b) (7)(C) 8/5/15

[redacted] Simply consider this:
In this massive thread, there have been many studies and statistics cited, and personal stories told all pointing in one direction.
In each case the item cited that might cause one to not believe the conclusion in isolation.
On the other side there has only been discussion of these points, and why they are individually insufficient.
But what there has not been is any contrary evidence cited; no studies, not even so much as an antidote from a woman saying Google doesn't have these problems.

Given that the evidence presented is one sided, and you aren't totally sold, perhaps rather than asking for more proof, would be to take it upon yourself to understand the issue as thoroughly as possible researching it yourself.

Doing this you should be able to either, find the proof you are looking for, or find something else that complicates the story. In either case, what you find would defiantly be worth discussing, and wouldn't anger anyone.
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...

[redacted] (b) (6), (b) (7)(C) 8/5/15

On Wed, Aug 5, 2015 at 5:22 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
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btw the 1/20 rule of thumb is generally for falsely concluding there is an effect/difference when there is none aka type I error aka false pos. Usually something like showing a problem / difference / discriminatory effect (the nature of this particular issue is usually finding some sort of difference in counts / treatment / outcomes / survey feedback etc.) would be the alt hypothesis and the chance of falsely missing it (aka type II error aka false neg) would be some other value (1 minus the power

as it's referred to), could be higher or lower than the p-value depending on sample size and inherent noise in the thing in question. Although one could instead make the null hypothesis a given(-or-greater) level of difference and fix the error rate of studies that will show less when the true value is that given value. One of many morals of the story is be wary of someone that seems to show no difference and 'achieved' that via a small sample size or noisy methodology

xkcd link so oobligatory half of you will guess which one it is without clicking: https://xkcd.com/882/

> So instead of trying to navigate that, let's keep refocusing on the broader problem mentioned by OP: what can we do and what would be effective in increasing women's retention rates in tech?
>
> On Wed, Aug 5, 2015 at 5:05 PM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> > This thread is filled with data, with studies, with executives affirming the case closed.
> >
> > Spending more time trying to figure out how to artfully package the facts such that they permeate some complex hacker interface seems analogous to trying to convince climate change deniers with even more evidence. It hasn't worked, doesn't work, and implicitly validates their position.
> >
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...

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/5/15

https://unbiasing.googleplex.com/
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(b) (6), (b) (7)(C) [redacted] 8/5/15

On 6 August 2015 at 10:42, (b) (6), (b) (7)(C) @google.com> wrote:

> (b) (6), (b) (7)(C), Simply consider this:
> In this massive thread, there have been many studies and statistics cited, and personal stories told all pointing in one direction.
> In each case the item cited that might cause one to not believe the conclusion in isolation.
> On the other side there has only been discussion of these points, and why they are individually insufficient.
> But what there has not been is any contrary evidence cited; no studies, not even so much as an antidote from a woman saying Google doesn't have these problems.
>
> Given that the evidence presented is one sided, and you aren't totally sold, perhaps rather than asking for more proof, would be to take it upon yourself to understand the issue as thoroughly as possible researching it yourself.

+1

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/5/15

Just in case (b) (6), (b) (7)(C) reply is a little terse, I'll unpack a little.

Best practice here would be to start by trying to do your own research, instead of asking a member of a marginalized group to do that work for you. If your research turns up nothing, then it's ok to ask for pointers.

Also, asking someone to share personal experiences is best done only in a safe space. This is not such a space.

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(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/5/15

On Wed, Aug 5, 2015 at 5:43 PM (b) (6), (b) (7)(C) @google.com> wrote:

> (b) (6), (b) (7)(C) Simply consider this:
> In this massive thread, there have been many studies and statistics cited, and personal stories told all pointing in one direction.
> In each case the item cited that might cause one to not believe the conclusion in isolation.
> On the other side there has only been discussion of these points, and why they are individually insufficient.

> But what there has not been is any contrary evidence cited; no studies, not even so much as an antidote from a woman saying Google doesn't have these problems.

Hmm. In this thread, evidence has been cited to support at least these claims: (1) that the gender imbalance in tech is primarily explained by factors that start long before entering the workplace, and (2) that the attrition rate among women in tech is in line with other industries. What other claims were you hoping to see evidence for?

This thread has covered a lot of ground, and I may have been focused on those points (which I see as the main points of the article) to the exclusion of other things that came up, so I apologize if I'm overlooking something obvious. But I didn't think the discussion was about whether or not the behaviors mentioned in the article happen at Google, and skimming through the history I don't see anyone claiming they don't, so it doesn't seem surprising that you haven't seen any evidence that "Google doesn't have these problems".

[redacted] (b) (6), (b) (7)(C) 8/5/15

> Best practice here would be to start by trying to do your own research, instead of asking a member of a marginalized group to do that work for you.

There is no research that would list [redacted] personal experiences.

> Also, asking someone to share personal experiences is best done only in a safe space. This is not such a space.

If [redacted] is uncomfortable with sharing what I asked [redacted] about, [redacted] is completely free to refuse, or respond to me privately, or refrain from responding completely. I am not in a position of authority. My interest is genuine and friendly.

[redacted] b) (6), (b) (7)(C) 8/5/15

In fact, I've been told in another medium that any effort to reach agreement is **doomed to failure** because in a sufficiently large group of engineers (or, indeed, people: because we're not stereotyping here) there exist some group members who are arguing because they like to argue and who find that it both stimulates their creativity and relaxes them. This was an insight that I would not have reached on my own (as it sounds self-contradictory at face value), but clearly the people experiencing this feeling (and relaying it to me) have a valid viewpoint. It's kind of hard on others though so as a helpful alternative that *also* promotes creativity and relaxation (perhaps even more effectively!), I will be providing hand-selected fanfiction links to any discussion that seems to be in need of them.

Today's link is: https://www.fanfiction.net/s/8096183/1/Harry-Potter-and-the-Natural-20

Those who are feeling in need of a relaxing, yet stimulating, argument should (a) go read it IMMEDIATELY and (b) be prepared to discuss with the rest of the class. Especially the bit about the squirrels.

Those who have encountered an internal donnybrook that needs a stimulating yet relaxing fanfiction link can summon me via private email to provide one (though if I get more than one request on the same day, all will be furnished with the same link, because ain't nobody etc.)

cheers,
(b) (6), (b) (7)(C) [redacted]

On Wednesday, August 5, 2015 at 8:05:23 PM UTC-4, (b) (6), (b) (7)(C) [redacted] wrote:
This thread is filled with data, with studies, with executives affirming the case closed.

Spending more time trying to figure out how to artfully package the facts such that they permeate some complex hacker interface seems analogous to trying to convince climate change deniers with even more evidence. It hasn't worked, doesn't work, and implicitly validates their position.

On Wed, Aug 5, 2015 at 7:54 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
On Wed, Aug 5, 2015 at 4:32 PM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
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"You can't argue with a root shell. Programming is an inherently constructivist discipline. A constructivist is like the archetypal Missourian: "Show me!" The very discipline of programming is founded on the Curry-Howard

...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) [redacted] 8/5/15

On Wed, Aug 5, 2015 at 6:16 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> Also, asking someone to share personal experiences is best done only in a
> safe space. This is not such a space.

https://micro.googleplex.com might be useful here. It lets people anonymously(*) record small aggressive behaviours, and also lets you read what other Googlers have recorded. May help to answer (b) (6), (b) (7)(C) [redacted] question, if not directly. Also may be considered a safe space.

https://micro.googleplex.com/ranked has some "good" examples of notable experiences.

(b) (6), (b) (7)(C) [redacted]

*It's not, as the site maintainer notes, totally anonymous, in that
some internal logs are kept.

[redacted] (b) (6), (b) (7)(C) 8/5/15

Thanks, (b) (6), (b) (7)(C) But those are records of people observing behaviors in others. I was (and still am) very much interested about a self-observed biases, which, if I understood correctly, was what [redacted] spoke about.
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[redacted] (b) (6), (b) (7)(C) 8/5/15

> If [redacted] is uncomfortable with sharing what I asked [redacted] about, [redacted] is completely free to refuse, or respond to me privately, or refrain from responding completely. I am not in a position of authority. My interest is genuine and friendly.

This comes across as "Sealioning" to me, partially because you personally asked [redacted] to share an uncomfortable story in front of 16,000 people. And also because you prefaced it with a sincere-but-not-super-plausible preface that you don't think you've done such a thing, and also in the context of your previous statement that you like to argue for enjoyment.

I'd encourage you to ask somebody you trust, not involved in this thread, to tell you personally about times they or you have unnecessarily treated a female coworker differently than a man.

Then, if you think what you hear is interesting enough, you could reflect on it in some appropriate forum, but not this exact thread, that way nobody would presume you are trying to draw [redacted] into an argument.

[redacted]

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...

[redacted] b) (6), (b) (7)(C) 8/5/15

This comes across as "Sealioning" to me

Thank you, I'm shutting up.

[redacted] (b) (6), (b) (7)(C) 8/5/15

A little scary to talk about my failings, but I'll give it a go.

(1) I notice the appearance of women more and compare myself to them (and end up feeling bad about myself). Why am I thinking about my coworkers like this??? Or myself? Is it impacting how I interact? UGH. I just accept my male coworkers without that kind of crappy comparison/judgement.

(2) I ask my male coworkers (who are more vocal in general) for help more. Just today, I wanted a consult on C++11 move semantics. All my male coworkers (who I've heard talk about C++11 before) were out of sight. I thought, "I guess I'll wait until they get back." Then, "WTF, why?" Just because the women are more quiet I don't consider their expertise? Helping someone gives me a lot of confidence. How many times have I done this before today? Would I have even thought about asking these women if the more vocal men had been there?

(3) I am generally quite a-territorial. I think it's great if I write code other people can work in. But I think I am catching myself feeling more territorial with women. I'm not sure yet about this. It is being monitored.

(4) I look for confirmation of statements made by my female coworkers more frequently. This is probably because (as noted) my male coworkers are more vocal, so I fall into thinking of them as experts. Why would I think that being vocal equates to expertise? That's completely unreasonable.

I have some more thoughts/suspicions about my horribleness, but I will stop for now, lest I start feeling too bad :P. In my defense, there are some things I think I'm good about.

When I am in a meeting with 2+ male coworkers, I often seem to become invisible. Sometimes I have had to repeat myself ~3 times to be heard (part of this is because lower-pitched male voices carry over mine). Not so many years ago, I thought they just knew more and that my contribution was less valuable. Now I will sometimes even be brave enough to call people on it, though I worry about being told I have sharp elbows :(.

I also worry about less experienced women. I see how smart and capable our new grads who are women are, but do they know it? I hope so.

Just before I left my last job, in a hallway meeting with (b) (6), (b) (7)(C), one stood with [redacted] back to me, physically shutting me out.. [redacted] was standing in an entrance, so I couldn't go around [redacted] without actually having sharp elbows. [redacted] was certainly aware I was there, since I had initiated the hallway meeting by asking a question.

I am pretty sure I do not turn people invisible, at least. If I am in a meeting (especially if I am running one) with a few people, and one person is not talking, I will actively engage them. I wish more people had done that for me years ago.

On Wed, Aug 5, 2015 at 5:33 PM, (b) (6), (b) (7)(C) @google.com> wrote:
...

[redacted] 8/5/15

On Wed, Aug 5, 2015 at 5:22 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> So instead of trying to navigate that, let's keep refocusing on the broader problem mentioned by OP: what can we do and what would be effective in increasing women's retention rates in tech?

Is there a problem with the retention rate for women at Google? If Laszlo's statement on this is correct, then we could just improve the retention rate for women in tech outside of Google by poaching employees from all the other companies with bad retention rates. We would just need to advertise our statistics on retention rather than letting people jump to conclusions based on high-profile news stories about Google's attrition.

(b) (6), (b) (7)(C) 8/5/15

Thanks a lot, (b) (6), (b) (7, this was a very illuminating insight.

I don't know if it's relevant to the discussion, but two of the best engineers I've interacted with at Google are both women, and I've never seen them -- or any other women engineers here, for that matter, including junior new hires -- being treated other than highly respected equals. I grew up in an environment where respect for women and the idea that they can excel in whatever endeavors they choose to pursue, were practically self-obvious givens. That might explain why it's so hard for me to grasp why gender equality *still* has to be fought for in this age.

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(b) (6), (b) (7)(C) 8/5/15

On Wed, Aug 5, 2015 at 9:18 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> That might explain why it's so hard for me to grasp why gender equality *still* has to be fought for in this age.

But it does. You accept that, right, despite it being hard to grasp?

(b) (6), (b) (7)(C) 8/5/15

> But it does. You accept that, right, despite it being hard to grasp?

Yes, of course -- evidence is quite overwhelming.

(b) (6), (b) (7)(C) 8/6/15

(b) (6), (b) (7)(C) [redacted]

The initial tone of this thread really made me rethink whether or not I want to continue to work at Google, and offended me deeply. I'm glad to see the tone has changed, but it does depress me that it changed after a male spoke up.

On Wednesday, August 5, 2015 at 11:29:24 PM UTC-7, (b) (6), (b) (7)(C) [redacted] wrote:

> But it does. You accept that, right, despite it being hard to grasp?

Yes, of course -- evidence is quite overwhelming.

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) [redacted] 8/6/15

Thank you, (b) (6), (b) (7 [redacted], for sharing those examples and thought – I think they show nothing at all "horrible' about you at all, on the contrary! You are clearly someone who has looked not just at others but also introspectively at yourself, and both doing that and sharing that with a large group of people (not all of whom appear extremely sympathetic to the views you share) is difficult and brave (braver than I am, for example).

[My apologies in advance for something that is a bit rambling, not particularly supported by any actual knowledge, but which still makes sense to me and matches my own experience. I will probably be using technically incorrect terminology, but I hope to keep things understandable and reasonable. And I know that lots of people fall outside the traditional male/female, gender divide and that for you, things are *even more* complicated – but considering I am already rambling a bit I need to try to keep myself somewhat focused on just one thing, for now.]

I think something that complicates matters is that most people do identify with one or another gender, and as a consequence tend to identify on a purely personal level with other members of that group (but also see them as in-group competition), and might see the other group as just that, "other"; men might compare their clothing more with other men's, women with other women's; men seek confirmation from other men, women from other women, because while we're all engineers, gender affiliation is another "peer group" that we subconsciously seek validation from – and within which we may feel territorial: both being part of the group and defending your position in it. Whilst also, just as subconsciously, "defending" your group against the other (thus showing to your group that you are a part of it, strengthening your position in it as well).

All of that is perfectly understandable – but also underlies things that prevent men and women from treating each other as "just engineers" in an engineering setting, for instance.

Now combine that with other biases and existing gender imbalances, and you easily end up with behaviour that seems perfectly natural and reasonable but which has the kinds of effects we see, including things like women ending up being shut out of mostly-male discussions. That doesn't make it any more "right" just because it's based on things that seem reasonable; on the contrary, that just makes it harder but even more important to do something about – including trying to surface our unconscious biases so that we can start to deal with them.

And these underlying little differences are oh-so-difficult to combat by "just" teaching people that they're all equally good at whatever job we choose, if that learning happens at a different level of consciousness: I can sit here and know, intellectually, that someone is my equal, but if I am not also aware of and can take into account the smaller, lower-level biases that I carry with me, I will still keep making choices that perpetuate the stereotypes I grew up with or learned in some other unconscious fashion.

(Yes, I very much try to catch my own low-level reactions and deal with them when I see that they don't match what know much better intellectually. I keep being surprised at how ... prejudiced some of my low-level reactions can be. But i'm working on it, so I have that going for me which is nice</meme>. But the skilled observer will of course have noted that I am not being as brave as (b) (6), (b) ([redacted] and actually spelling out any of those, I'm just alluding to them in a very vague fashion.)

//[redacted]

- show quoted text -

[redacted] 8/6/15

On Thu, Aug 6, 2015 at 4:13 AM, [redacted]@google.com> wrote:
The initial tone of this thread really made me rethink whether or not I want to continue to work at Google, and offended me deeply. I'm glad to see the tone has changed, but it does depress me that it changed after a male spoke up.

I think it has less to do w/ a male having spoken up than it has to do with a person in a position of vast authority and respect speaking up (I'm assuming we're talking about [redacted] here). People of both genders spoke up earlier to try and change the tone before [redacted] did, and it had no effect regardless of their gender.

I would like to think that if it was [redacted] speaking up instead of [redacted] it would have had the same effect.

[redacted]

[redacted] 8/6/15

On Wed, Aug 5, 2015 at 8:22 PM, [redacted]@google.com> wrote:
When I am in a meeting with 2+ male coworkers, I often seem to become invisible. Sometimes I have had to repeat myself ~3 times to be heard (part of this is because lower-pitched male voices carry over mine). Not so many years ago, I thought they just knew more and that my contribution was less valuable.

This one, in particular, is one of the most common problems I see / experience. And the worst part is that I don't think anyone (including me sometimes, until after the fact) is consciously aware of it. I also believe (though my observations may be biased) that women are interrupted more often than men and that we really don't "fight the interruptions." As [redacted] said, I have learned to "fight" this a bit, but it feels very awkward, rude, and uncomfortable.

[redacted] | [redacted] | [redacted]@google.com | [redacted]

[redacted] 8/6/15

Hmm. In this thread, evidence has been cited to support at least these claims: (1) that the gender imbalance in tech is primarily explained by factors that start long before entering the workplace, and (2) that the attrition rate among women in tech is in line with other industries. What other claims were you hoping to see evidence for?

> This thread has covered a lot of ground, and I may have been focused on those points (which I see as the main points of the article) to the exclusion of other things that came up, so I apologize if I'm overlooking something obvious. But I didn't think the discussion was about whether or not the behaviors mentioned in the article happen at Google, and skimming through the history I don't see anyone claiming they don't, so it doesn't seem surprising that you haven't seen any evidence that "Google doesn't have these problems".

I just wanted to point out I found this post really offensive. You're concern trolling. You have countless co-workers here who have posted many, many examples of specific incidents that made them feel uncomfortable at work and made them question if tech is a career path they want to continue to peruse, yet you're conveniently ignoring their words You have countless co-workers who spend a whole lot more time thinking about the reasons for a lack of diversity at Google, and who have come to the conclusion that we need to do a lot more about it, yet you're dismissing them because you've found a few examples that you think support your conclusions.

And I don't think I'm alone in reading the subtext of your message, in which if you were right (and I definitely don't think you are) that tech w
...

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) [redacted] 8/6/15

I noticed the same: I am sometimes wondering whether it's related to a stronger mechanism of camaraderie happening amongst men rather than women....

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(b) (6), (b) (7)(C) [redacted]
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[Google Italy S.r.l. | Corso Europa 2, Milano
...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/6/15

To me personally, what [redacted] said was more convincing than what [redacted] said. Note that I never denied gender inequality in America, but I doubted that it's present in Google, because my personal experiences contradicted. Now, when I have first-hand evidence of someone consciously struggling to fight [redacted] own gender biases, it opened my eyes in ways even the Unconscious Biases course couldn't (yes, I took it when it was first announced). I wonder how such biases are produced in a person in the first place. American school system is so bent on instilling self-confidence and egalitarianism in children that it can't possibly be responsible, right?

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(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/6/15

aware of it. I also believe (though my observations may be biased) that women are interrupted more often than men and that we really don't "fight the interruptions." As [redacted] said, I have learned to "fight" this a bit, but it feels very awkward, rude, and uncomfortable.

Would making sure you are heard also feel rude and uncomfortable in an all-women meeting?

(b) (6), (b) (7)((b) (6), (b) (7)(C) 8/6/15

When I have to make a specific effort to do so, yes... it is.

Two problems with this comparison, though (and they are variations on each other)

- I am not often in women-only meetings at work
- I am not often in women-only technical meetings

IOW, most women-only meetings I have been in are not at work and usually not on technical topics. So, there are other inherent differences with these meetings than the gender of those present.

[redacted] | (b) (6), (b) (7)(C) | [redacted] @google.com | [redacted]

On Thu, Aug 6, 2015 at 8:36 AM, (b) (6), (b) (7)(C) @google.com> wrote:
aware of it. I also believe (though my observations may be biased) that women are interrupted more often than men and that we really don't "fight the interruptions." As [redacted] said, I have learned to "fight" this a bit, but it feels very awkward, rude, and uncomfortable.

Would making sure you are heard also feel rude and uncomfortable in an all-women meeting?

[redacted] b) (6), (b) (7)(C) 8/6/15

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I don't think this just has to be a matter of belief; I recall reading a monograph or study that demonstrated that men are much more likely to interrupt/talk over women.

At an old job, after reading this, for a while I actually walked around with a notepad into meetings just to keep track of who was interrupting whom (I was curious whether my anecdata would match up) and the results were incredibly stark. Even senior women would get talked all over. I don't think google is immune to this, since this is an unconscious problem.

Other than unconscious bias training (and re-training) to get guys to check themselves in meetings and such, I don't know what a good remedy for this is.

[redacted] | (b) (6), (b) (7)(C) | [redacted] @google.com | [redacted]
...

[redacted] b) (6), (b) (7)(C) 8/6/15

On Wednesday, August 5, 2015 at 8:25:50 AM UTC-7, [redacted] wrote:
Some people like to argue for entertainment and relaxation, as a mental stretch exercise, if you will. I know, because that's to some degree (< 1.0) true for myself. For them (us) what appears to others as a futile nitpicking offtopic centithread may have fulfilled its purpose. People in the gym also don't produce anything useful

for anybody other than themselves.

This is a pretty common pattern at Google, and I appreciate that when this sort of thing pops up, but at the same time, people for whom this is true should also understand that when they start pumping iron while someone is trying to talk about something that is important and affects them personally, it can come off as callous. I know you weren't necessarily defending any particular behavior, so this isn't necessarily aimed at you, just something that I immediately thought of on reading this. Just not meaning ill isn't always enough. We have a bit of a responsibility to try to be aware of how our actions affect others, and when it has been explained clearly, doing something just because you don't think you should have to stop becomes more than a misunderstanding, generally speaking. I'm *ahem* not perfect in this regard myself, but I do make an effort.

But imagine a (b) (6), (b) (7)(C) who stumbled in a gym and started fighting these live windmills. Something like that can also happen with centithreads.

And of course, some people produce real valuable content that can be lost among all the mental exercise, which is certainly regrettable. A moderated group may be a better conduit for them.

On Wed, Aug 5, 2015 at 7:49 AM, (b) (6), (b) (7)(C) @google.com> wrote:

(b) (6), (b) (7 list (thanks for sharing publicly!) may be what's necessary to reclaim fully-open spaces. I'd encourage everyone to experiment with moderated-posting systems too.

I actually think moderation scales better *over time* for preventing centithreads and maintaining a welcoming environment. The group participants change over months, new people join who may be predisposed to sealioning, etc, (and maybe you lose the executive who's willing to do what (b) (6), (b did).. with moderation, you can avoid much of the *public fight*, which is something that makes people feel uncomfortable regardless of the outcome, and you can turn the burden of executive-escalation around.

I'm less certain about this, but people who's posts are squelched may even be more willing to accept the feedback because they've been spoken to or reprimanded somewhat silently, rather than in a public forum where they be more likely to dig in their heels. Also, it denies the public attention that some people may be going for.

I've seen this work outside Google, but the best example I know here is memegen - I'm not aware of a problem with devil's-advocate memes; they'd quickly be downvoted out of visibility. But memegen comments (unmoderated, and highly public on popular memes) have been a forum for bad centithreads.

I created g/industry-discuss to try out a moderated version of industryinfo. I don't know if it will get any traction, but I'd also volunteer to be a moderator, or help form a moderation rotation, for any forum whose owners would like to try it.

(b) (6), (b) (7)(

On Tuesday, August 4, 2015 at 12:42:02 PM UTC-7, (b) (6), (b) (7)(C) wrote:

Here's what I'm doing. I think it's important to share this publicly, so that those watching quietly from the sidelines know that we aren't all just shaking our heads and doing nothing.

- Carrot: I have given kudos and peer bonuses to people who help defend against the people contributing to a hostile environment.
- Stick: I escalate to the director level whenever I come across someone who repeatedly fosters a hostile environment. I will continue to escalate until their behavior changes.
- Re the stats you shared, I am going to start initiating threads on industryinfo. I just posted my first of these.

Read the comments. Reclaim the terrain.

On Tue, Aug 4, 2015 at 12:52 PM (b) (6), (b) (7)(C) @

...

[redacted] b) (6), (b) (7)(C) 8/6/15

On Thu, Aug 6, 2015 at 9:02 AM, (b) (6), (b) (7)(C) @google.com> wrote:
I don't think this just has to be a matter of belief; I recall reading a monograph or study that demonstrated that men are much more likely to interrupt/talk over women.

Funny... even THAT may be an indication of my "bias." I tend to state things that I know there is "objective evidence" of, as "my opinion..." or "my observation..." or "I believe..." This has been pointed out to me as a common thing that women tend to do -- IIRC, the explanation is that we want to be less argumentative and more inclusive of differing opinions or POVs... though I'm not sure if memory serves.

And, apparently, it makes one come across as "weaker" and "less assured" and it's something I have specifically been told I should "work on" :-)

(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | [redacted] @google.com | (b) (6), (b) (7)(C)

[redacted] 8/6/15

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One way to combat it just to not allow anyone to interrupt anyone else in meetings.

[redacted]

(b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | [redacted] @google.com | (b) (6), (b) (7)(C)

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[redacted] b) (6), (b) (7)(C) 8/6/15

I felt uncomfortable after I shared it, because of your response. Your response definitely made me feel like I shouldn't have shared it. You said:

"I don't know if it's relevant to the discussion, but two of the best engineers I've interacted with at Google are both women, and I've never seen them -- or any other women engineers here, for that matter , including junior new hires -- being treated other than highly respected equals."

I realise that you didn't intend it that way, but can you see how your response, after I shared some very personal stuff on your request, could feel like gaslighting? Thought process: [redacted], who is obviously a concerned and considerate individual, hasn't seen any discrimination, so I must be imagining it. It must not be real. I must just be a talentless hack, and people don't respect me because of that. I should shut up now."

Please understand that I'm not writing this to accuse you of meaning that. I'm writing it because I want people to understand that given all the negative reinforcement we get all the time, that is the default thought pattern for many women engineers. And I want people to understand how INCREDIBLY brave all the women that spoke up and shared their stories are.

I had to spend some time last reminding myself that I somehow got a job at Google last year, and how I managed to redesign and refactor our engine's entire camera system (now going into production with Maps API), and that I got good reviews from my coworkers, before I could calm down enough to go to sleep after reading your response last night. And I REALLY appreciated the couple of people who emailed me privately to thank me for sharing what I did. (ZOMG THANK YOU)

And now I am going to go right some more camera code. Because doing awesome stuff is my remedy for comments that leave me feeling like a talentless hack.

On Wed, Aug 5, 2015 at 6:32 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> Best practice here would be to start by trying to do your own research, instead of asking a member of a marginalized group to do that work for you.
>
> There is no research that would list [redacted] personal experiences.

...

[redacted] b) (6), (b) (7)(C) 8/6/15

> I realise that you didn't intend it that way, but can you see how your response, after I shared some very personal stuff on your request, could feel like gaslighting? Thought process: [redacted] who is obviously a concerned and considerate individual, hasn't seen any discrimination, so I must be imagining it. It must not be real. I must just be a talentless hack, and people don't respect me because of that. I should shut up now."

Thank you, you keep opening my eyes wider and wider (in more senses than one). If anything, I thought what I said would be reassuring, rather than the other way around. I even doubted whether I should say it for fear it could be perceived as condescendingly reassuring. Sorry that I misjudged. Please keep speaking up and disregard interruptions.

[redacted] 8/6/15

(b) (6), (b) (7)(C)
[redacted]

So, one thing I have noticed over the years is that the rate of microaggression-type incidents I had direclty observed was far lower than what, based on the collective anecdata of friends, SOs, cowokers, family etc. was actually going on. My conjecture is that the offenders in these incidents may tend to avoid doing them when you are there as an erstwhile witness (for example your SO's coworkers may be politer to them when you are their +1 at social events than when they have you around than it other times when they have them alone). This has become my go-to suggestion to people who said they never saw anything - "yeah me netiher cuz they don't do it when we are around". This seems to go over well, in part b/c I suspect is has a way of winning people over b/c the idea that the bullies are spooked out of doing bad things by their vigilant presence is somewhat flattering to the ego ;)

https://en.wikipedia.org/wiki/Observer%27s_paradox

There is probably some quantum physics observer effect metaphor to be made here

On Thu, Aug 6, 2015 at 10:06 AM, (b) (6), (b) (7)(C) @google.com> wrote:

> I realise that you didn't intend it that way, but can you see how your response, after I shared some very personal stuff on your request, could feel like gaslighting? Thought process: '[redacted], who is obviously a concerned and considerate individual, hasn't seen any discrimination, so I must be imagining it. It must not be real. I must just be a talentless hack, and people don't respect me because of that. I should shut up now."

Thank you, you keep opening my eyes wider and wider (in more senses than one). If anything, I thought what I said would be reassuring, rather than the other way around. I even doubted whether I should say it for fear it could be perceived as condescendingly reassuring. Sorry that I misjudged. Please keep speaking up and disregard interruptions.

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[GO
...

(b) (6), (b) (7)(C)
[redacted]
b) (6), (b) (7)(C)
[redacted]

8/6/15

On Thu, Aug 6, 2015 at 9:58 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> I felt uncomfortable after I shared it, because of your response. Your
> response definitely made me feel like I shouldn't have shared it. You said:
>
> "I don't know if it's relevant to the discussion, but two of the best
> engineers I've interacted with at Google are both women, and I've never seen
> them -- or any other women engineers here, for that matter, including junior
> new hires -- being treated other than highly respected equals."
>
> I realise that you didn't intend it that way, but can you see how your
> response, after I shared some very personal stuff on your request, could
> feel like gaslighting? Thought process: '[redacted], who is obviously a
> concerned and considerate individual, hasn't seen any discrimination, so I
> must be imagining it. It must not be real. I must just be a talentless
> hack, and people don't respect me because of that. I should shut up now."

>
> Please understand that I'm not writing this to accuse you of meaning that.
> I'm writing it because I want people to understand that given all the
> negative reinforcement we get all the time, that is the default thought
> pattern for many women engineers. And I want people to understand how
> INCREDIBLY brave all the women that spoke up and shared their stories are.

I think there was an interesting article a while back showing how
i...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/6/15

I know what you're talking about - I think it was even brought up in a TGIF, but my moma-fu is terrible.

(Something along the lines of out of 1000 people, 900 men and 100 women, and just 1% of men are jerks to women once/week, then the vast majority of men will have never done or seen anything, but the women will quickly become overwhelmed by jerky behavior.)

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interaction patterns in a group can be very different for the majority
and the minority. Basically, it's entirely possible for members of the
majority not to experience or see any harassment, even if many members
of the minority do, just due to the numbers involved. Anyone with a
better memory know what
...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/6/15

On Thu, Aug 6, 2015 at 10:32 AM (b) (6), (b) (7)(C) @google.com> wrote:
I know what you're talking about - I think it was even brought up in a TGIF, but my moma-fu is terrible.

(Something along the lines of out of 1000 people, 900 men and 100 women, and just 1% of men are jerks to women once/week, then the vast majority of men will have never done or seen anything, but the women will quickly become overwhelmed by jerky behavior.)

This is the Petrie Multiplier.

(b) (6), (b) (7)(C) 8/6/15

(b) (6), (b) (7)(C) [redacted]

Sounds like it. The first few comments on it are also good [emphasis added], with an interesting couple of insights in #2:

"I agree with you about men needing to walk on eggshells. If men want more women to enter a group, they have to work really hard to create a welcoming environment. The same, naturally, applies to women when they are the numerically dominant group.

At the same time, the problem arises even when the overwhelming majority of men are never sexist, and the few who are, are not sexist the overwhelming majority of the time. That means that [ever]-more-vigorous exhortations to men to avoid sexist comments are unlikely to be effective in solving the problem; you don't need many defectors to sustain it.

Thus, I suspect that once it's made clear that men need to walk on eggshells to avoid contributing to the problem, and be much less sexist than women, *countermeasures will have to focus on things like mentoring programs, and providing men with positive suggestions on how to help women to enter the field*. That has the further advantage of not sounding like it is attacking men. But, being neither female nor in the tech field, I don't have any concrete suggestions to offer."

On Thu, Aug 6, 2015 at 10:44 AM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
On Thu, Aug 6, 2015 at 10:32 AM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
I know what you're talking about - I think it was even brought up in a TGIF, but my moma-fu is terrible.

(Something along the lines of out
...

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/6/15

(b) (6), (b) (7 [redacted], I've received this kind of feedback throughout my career, ***from both directions***. I no longer believe it's feasible to strike a balance; instead, communication style is broadly used as a justification for dismissing women, and the suggestions are always that whatever you're currently doing, you should do the other thing.

Since this list is based on sharing articles, here's a relevant link: http://nymag.com/thecut/2015/07/can-we-just-like-get-over-the-way-women-talk.html

If you say "I think/feel" or use uptalk then people think you're not unsure or not authoritative, but if you don't do these things then people think you're strident / aggressive / unapproachable. If you're a strong woman TL and your (unconsciously sexist) team members feel uncomfortably subordinate then you should work more on delegating, but if you delegate too much then you aren't technical enough. If your suggestions are repeatedly ignored or discounted by men, and you point this out, then you're labeled difficult to work with or you're accused of "playing the gender card" (whatever that means). Meanwhile if you don't point it out then you're increasingly sidelined, and your path to promotion will be longer.

Among people with internal-facing roles, I think I've been given more "training" in how to communicate than most men will receive until they're Chief Something Officer. After (b) (6), ([redacted] decades in the corporate world, I like to think I'm fairly skilled at it by now. I spend a lot of mental energy to continually monitor how I communicate and how I present myself with respect to others. However I no longer expect to ever win at this game.
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...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/6/15

I don't really have anything significant, other than +1-ing the way this thread has turned around. I'm learning a lot from (and in a lot of cases encouraged by) the commentary that has emerged. It's helping me revisit and reinterpret my actions in the light of these new perspectives.

Also, +1000 to (b) (6), (b) (7 for sharing and engaging the way (b) (6), (b is. It's incredibly brave, and I find myself panicking to even consider sharing some of the types of things (b) (6), (b already has. (b) (6), (b) (7) leading by example in ways that I hope I can follow in one day in the (not too distant, I hope) future. So hats off!

(b) (6), (b) (7)(C)) (6), (b) (7)(C) 8/8/15

Huge +1 to your contribution to the thread, especially re (b) (6), (b) weighing in. Thank you both.

On Tue, Aug 4, 2015 at 2:28 PM, (b) (6), (b) (7)(C) @google.com> wrote:
This.

On Tuesday, August 4, 2015 at 11:23:02 AM UTC-7, (b) (6), (b) (7)(C) wrote:
Finally, to partially address the question of why more women aren't chiming in on these threads, I can say (n=1 sample) that the vocal minority of folks on this thread who were making statements that appeared to directly preclude the widespread relevance of my experiences made me significantly more reluctant to post anything; I frankly have neither the interest nor the patience to see my story spiral into a discussion of the extent to which my experiences may or may not have been a statistical outlier.

Having a legitimate conversation about gender in tech which devolves into a linguistics argument in itself can be perceived as a micro aggression.
So what does one do, respond and open themselves up to a possible 100 plus comments that are felt as micro aggressions? After being on BBSes since (b) (6), (b) (7 (personally) - I try to avoid it in at least this facet of my life. Except today.

And if you are reading this, thanks (b) (6), (, you restore my faith in this place.

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(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/8/15

I've decided to contribute to this thread, too, although I'm typically averse to talking about gender issues. Like many others, I want to be judged by who I am and what I accomplish, not by my gender. In fact, most of my life I was completely oblivious to gender differences. At Google, however, I notice things that bother me. Here are three recent anecdotes:

1. In a recent meeting with (b) (6), (b) (7)(C) colleague began (b) (6), part of the presentation by mentioning (b) (6), (b) (7)(C) credentials. I recognized what (b) (6), did as a coping mechanism that I've sometimes used myself; if you explicitly let people know that you're technical, they won't immediately assume otherwise.

2. In a meeting a few months ago with (b) (6), (b) (7)(C) and a few other colleagues, the (b) (6), *only* looked at the males in the room during the technical part of the presentation. I noticed that (b) (6) even looked at males who weren't presenting, to see their reactions. The (b) (6), didn't know me or anyone in the room well, so (b) (6), choice of who to look at was not based on prior knowledge about expertise. This made me feel undervalued. After the meeting, a male colleague commented, "That was a great meeting!" -- demonstrating that sometimes others don't notice when this is happening.

3. A male colleague was talking about a business intelligence system, with the intended user being Google execs. (b) (6), repeatedly referred to the execs as "he" instead of "he or she". (b) (6), (b didn't know the identities of the execs who would be using the system, so (b) (6) didn't know whether they would all be male or not.)

These are just three small examples, all involving good, well-meaning people. There are other examples, too, and each one is small and would be easy to shrug off or explain away, but it starts to be like death by 1000 cuts.

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @google.com
Open Source Programs and Google | Making Science
Mountain View,

...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/9/15

Hi, [redacted] et al,

I agree this is a real problem, but can't picture what a productive reply on this thread would look like. Simply agreeing seems rather anemic, and we're not going to solve millennia of social issues on a mailing list. So, what does success look like?

Sent from mobile device; please forgive terseness and typos.

On Aug 5, 2015 16:34, [redacted] @google.com> wrote:

> I'm so happy to see a few women posting -- and so sad that I recognize their posts as incredibly brave. I share the reticence of many, the unwillingness to get sucked into something discouraging in which the likely outcome will be confirmation that too-large a number of my cohort are unwilling to acknowledge problems that data proves, and that I and so many others know to be true. I'm dismayed that it took a strong rebuke from the L team to open up discussion for anything but nit picking. And yet, here we are, nit picking the idea of moderation rules...
>
> The conversation in this thread, in aggregate, works to minimize and dismiss the problem. Minimizing and dismissing this problem works to uphold the status quo.
>
> **The data are clear, here's a bunch of it.** Well, then, maybe the data aren't accurate? Maybe the study was wrong (here's an arcane error with the way they applied the term "average")? Maybe the data isn't specific to tech and so doesn't "count"? **OK, in that case, here is a whole document that reviews the personal experiences of women and others who have encountered sexism and discrimination.** Well, those aren't representative, they're likely outliers, experience isn't science -- we really need data, plus *we haven't seen that type of behavior* so it must be rare or non-existent or overblown. Repeat.
>
> I thought of analyzing this thread, analyzing other threads, of presenting all of the numbers, of spending a long evening drafting an ironclad rebuttal sure to change minds and re-rail the discussion. But, however nice the fantasy, it doesn't appear that a lack of data or knowledge is the problem. The point and the problem are proven. It appears that many of those who are comfortable, however well-meaning, will rarely accept facts that have the potential to lessen that comfort.
>
> I am gratified that we have executives and motivated Googlers who are working for real change. I hope in the future at Google and beyond discussions on such topics will be much easier to stomach.
>
> On Wed, Aug 5, 2015 at 6:33 PM, [redacted] @google.com> wrote:
>
> > On Wed, Aug 5, 2015 at 2:40 PM [redacted] @google.com> wrote:
> >
> > > I just read the moderation rules for g/industry-discuss and don't see any rules restricting what kind of opinions are allowed. Am I missing something?
> >
> > Possibly.
> >
> > The moderation rules prohibit "sealioning, ... devil's advocate arguments, or similar messages, especially about topics such as workplace culture, discrimination, and hiring practices."
> >
> > In practice, in Google forums and wider social media, those terms are often used to describe contrary opinions even when they don't fit the terms' original meanings; for instance, on internal G+, I've often seen earnestly held beliefs labeled as "devil's advocate arguments" by those who disagree with them. And the catch-all "similar messages, especially about [specific topics]" seems likely to be applied exclusively to people who hold unpopular views on those topics.
> >
> > However, assuming the moderator(s) avoid those failure modes, it may be just the place for people who find industryinfo too boisterous. I'm cautiously optimistic.
> >
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[redacted] 8/9/15

A productive reply is, I think, one that acknowledges that it's everyone's responsibility to try to make our workplace comfortable for everyone that we want to work here, to work here and be here as a person; and does not try to belittle, reject, invalidate people's experiences, or nitpick or otherwise try to derail the discussion.

"We're not going to be able to solve millennia of social issues on a mailing list" – well, while we may not be able to solve all of it, we can spread knowledge, we can share experiences (both so that those in a vulnerable position can see that they're not alone and there is support for them, and so that those who are in a stronger position can start to see the kinds of experiences they may not be aware that some of their coworkers are having); we can make a small but important difference, one small step in a long process.

(This story springs to mind ...)

Productive but in a different fashion is also to see how colleagues and higher-ups react and respond when the discussion begins to be derailed, etc; it might help someone make a decision regarding whether or not they want to remain at a particular workplace.

Best wishes,

// [redacted]

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[redacted] 8/10/15

Reading through this thread: it's pretty clear that we have room for improvement, in terms of making Google a more comfortable place. And seeing this illustrated with examples is quite powerful.

I know that we (Google) are doing some efforts to get better at this. For example, we have the Unconscious Bias and Bias Busting trainings; the Taking the Stage training (not sure if we still do it, and whether it's available everywhere); Respect@ Advisors; and various mentoring efforts.

Some of these efforts will help us, as an organization, deal better with gender issues. It won't happen overnight, and unfortunately it won't solve all issues (or prevent them from happening), but this is hopefully going in a positive direction.

Perhaps we could make it go faster. So:

Should we be doing more?

If yes, what's missing, and how can we get it started?

(also: I hope this is not derailing the thread, and I'm happy with forking this into a separate thread if that's useful)

Cheers,
[redacted]

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8/10/15

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The trainings are helpful but do not solve the issue unluckily.

What Google needs to put into place is a straightforward system in which whoever holds a people's ops position is made aware of any unintended biased attitude (see (b) (6), (b) (7)(C) anecdotes above) in a more open and less accusatory way, via more trainings, role-plays or just simple feedbacks.

I admit it's not easy and I believe it's because of the formalities built around the whole "*say something if you notice an issue*" system where people would avoid to report something small but still important because of the official consequences it brings. So rather than building a system that frightens people, why don't we simply create a specific section in the Googlegeist and make managers aware of the fact that unconscious biased behaviors can happen, but they can be fought by becoming more self-aware day after day. It has to be a recurring exercise.

We cannot let the bias grow, because today it can be small - a manager looking at male employees when talking about a tech issue - and next day it'll be the same manager inadvertently preferring a male profile over a female candidate.

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Well, my apologies for adding another email to this multicentithread, hopefully someone will find it interesting.

Should we be doing more?

Yes! We should, as an organization, as a coll ective majority inside the organization (men) and and as individual googles.

As an organization , there is a lot we could be doing to make Google a more welcoming places for minorities. And for minorities I don't mean just gender , "race", etc. but anyone who doesn't fit that well with the prevailing culture of the working environment. this could mean having more diverse teams (which can be hard due to pipeline, etc.), but also having more diverse workspaces. While there is a gain in productivity from having more homogeneous (in terms of teams and areas)

workspaces, maybe there's also a loss, as great contributors who don't like/fit in/enjoy the prevailing culture in a team will feel unwelcome and will leave the company or be less productive.

This could be someone who's not a fan of Nerf battles sitting in the midst of one, or someone who's fan of Nerf battles sitting in the middle of a lot of people who don't like it. Or someone who loves beer working with people who don't drink alcohol (and vice versa). More workspace diversity means a more welcoming place to everyone.

As a majority, [also valid for engineers vs. non-engineers, ethnical majorities, etc.] we should police ourselves (at as in "police state" or "thought police", but as in "watch our own actions") more. Someone mentioned somewhere in this thread and ef fect where an action by a small % of a majority over a minority feels to the minority as if they are being oppressed/picked on by the entire majority (hopefully someone will be able to point the actual email/article). If that is the case: actions by a small % of us are not only making this an unwelcoming place, then we shouldn't expect the minority to be doing the heavy work to change this.

Not because they are a minority, or because they are weak (they aren't) or need to be protected (they don't), but because it is our duty as holders of excessive power (as a majority) to be responsible. What does this means? That we, men, should be helping ourselves improve with feedback, conversations, etc. whenever we notice actions that are demeaning/disrespectful. This doesn't mean calling people out (which IMHO doesn't work), but providing detailed, actionable feedback in a respectful manner. We're all intelligent, sensible adults h ere, and giving and I [maybe hopelessly] believe that we can change ourselves and others by having productive conversations. So next time you see a fellow men saying or acting in a way that is disrespectful or of fensive, have a friendly chat with him, maybe he doesn't realize that he was disrespectful, and will be thankful for your feedback.

As individuals, we should speak out more and be aware of our own biases. Everyone is biased, everyone has some sort of prejudice. That isn't wrong, what if wrong is letting that affect how you treat people of a specific group. Attribution bias ("a men and a woman failed in the same way , but he failed because the goal was too hard, and she failed because she's a woman") is, IMHO, the most relevant one here.

On the speak out part, this is specially relevant to woman. I know the open lists are not a very friendly place, but please continue to share your thoughts and opinions, they as valuable as everyone else's. Sadly , no matter how much majorities work hard to make places welcoming, we'll always need trailblazers from the minorities to push through. It isn't fair, and there's a lot we can do to reduce the burden.

So let us speak out more, provide more feedback and make Google a more welcoming place for everyone.

Sorry for the long email.

Best,
[redacted]
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...

[redacted] b) (6), (b) (7)(C) 8/10/15

On Mon, Aug 10, 2015 at 10:51 AM, (b) (6), (b) (7)(C) @google.com> wrote:

Reading through this thread: it's pretty clear that we have room for improvement, in terms of making Google a more comfortable place. And seeing this illustrated with examples is quite powerful.

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> Some of these efforts will help us, as an organization, deal better with gender issues. It won't happen overnight, and unfortunately it won't solve all issues (or prevent them from happening), but this is hopefully going in a positive direction.
>
> Perhaps we could make it go faster. So:
>
> Should we be doing more?
>
> If yes, what's missing, and how can we get it started?

As [redacted], I think a very useful thing would be to collect anonymized examples of things that do happen, both blatant and obvious (e.g. thinking the person is not technical because they're a woman) and more subtle that might go unnoticed and which end up contributing to a death by a thousand cuts (e.g. verifying a woman's statements but taken a men's statements at face value).

I don't remember seeing that behavior in the teams I was in, but with more and more women speaking up I'm starting to wonder... Was I was just lucky with the teams I was in (at least the ones that had or in which I worked with women), or did it happen but I just didn't notice it? And have I done some of those things without even noticing?

Sharing some research/literature on this (not just US-based, but from around the world) would also be helpful to understand the issue, since Googlers come from vastly different backgrounds and can have different experiences.

For example, in my home country women are used as the role models for pretty much everything when growing up - teachers, writers, scientists, athletes, etc - and it's pretty much assumed that they're better at *all* subjects in school than boys.

Because of that, things like J K Rowling not using her first name because young boys might not want to read books written by a woman don't resonate with me at all - in fact, the two most successful young-adult fiction writers in my home country are women. Same with a study I saw where girls got higher grades when the names were hidden - growing up girls were almost always at the top of the class in all subjects (including physical education), and often boys were nowhere near the top.

But at the same time there's definitely still a lot of sexism, and college was the first time I had mostly male teachers (before then I can count my male teachers in a single hand). I'm not sure of how to reconcile the two things.

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[redacted] (b) (6), (b) (7)(C) 8/10/15

Myself, I don't care if we are "in line with other industries," as I think we should try to be better.

Which is to say, if you discovered that male software engineers treat their female colleagues just the same as the men in finance, would you be okay with this?

"We're just as bad as they are! Yay! There is no problem!"

I mean, does that make any sense?

(b) (6), (b) (7)(C), to you: honestly you came across as needlessly argumentative to me. Look, it is important to criticize statistics, but it is also important to realize you are talking to *the actual people* those statistics are about. This matters a lot. Also, you should worry that you are guilty of "isolated demands for rigor" which, I've seen many studies get mentioned on this list, but it is those about sexism/racism that seem to get all the attention. This is probably not an accident, right?

If you see a flaw in their reasoning, you should be able to talk about that. But a thing can be true even if the studies are imperfect, and this is particularly true in the social sciences. I suggest a light touch, and to keep in mind that among those reading your words might be a woman who *was just today treated terrible in some w that makes her question her career*, and one more man telling her that her perceptions are of and demanding perfectly rigorous evidence before he will listen *is exactly the sort of thing that will drive her away*

Which is pretty awful.

It is much easier to argue about science when the subject is not people compared to when the subject is people, particularly when talking to those actual people.

On Thu, Aug 6, 2015 at 11:06 AM (b) (6), (b) (7)(C) @google.com> wrote:

> Hmm. In this thread, evidence has been cited to support at least these claims: (1) that the gender imbalance in tech is primarily explained by factors that start long before entering the workplace, and (2) that the attrition rate among women in tech is in line with other industries. What other claims were you hoping to see evidence for?
>
> This thread has covered a lot of ground, and I may have been focused on those points (which I see as the main points of the article) to the exclusion of other things that came up, so I apologize if I'm overlooking something obvious. But I didn't think the discussion was about whether or not the behaviors mentioned in the article happen at Google, and skimming through the history I don't see anyone claiming they don't, so it doesn't seem surprising that you haven't seen any evidence that "Google doesn't have these problems".

I just wanted to point out I found this post really offensive. You're concern trolling. You have countless co-workers here who have posted many, many examples of specific incidents that made them feel uncomfortable at work and made them question if tech is a career path they want to continue to peruse, yet you're conveniently ignoring their words You have countless co-workers who spend a whole lot more time thinking about the reasons for a lack of diversity at Google, and who have come to the conclusion that we need to do a lot more about it, yet you're dismissing them because you've found a few examples that you think support your conclusions.

And I don't think I'm alone in reading the subtext of your message, in w

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(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/10/15

On Mon, Aug 10, 2015 at 8:48 AM (b) (6), (b) (7)(C) @google.com> wrote:

> Myself, I don't care if we are "in line with other industries," as I think we should try to be better.
>
> Which is to say, if you discovered that male software engineers treat their female colleagues just the same as the men in finance, would you be okay with this?
>
> "We're just as bad as they are! Yay! There is no problem!"
>
> I mean, does that make any sense?

I agree we shouldn't be happy with "average" levels of mistreatment by colleagues. We should absolutely do better than that.

However, we should also be careful with the assumption that the difference in attrition rate across all industries is caused by mistreatment.

It wasn't too long ago that everyone believed stomach ulcers were caused by stress and spicy foods. If you had an ulcer, you needed to adjust your lifestyle. If that didn't work (and it usually didn't), it meant you hadn't done enough: you didn't feel stressed, but maybe your body was responding to subconscious stresses; you'd stopped putting Tabasco on your eggs, but maybe you needed to cut out the garlic too. And stress is bad for other reasons anyway, so why not try to lower it?

It turned out that although stress and spicy foods can modulate the symptoms, they aren't the root cause; they can still cause problems, but *this* probl
...

(b) (6), (b) (7)(C) [redacted] 8/10/15

"However, we should also be careful with theassumption that the difference in attrition rate across all industries is caused by mistreatment."

Surely, as the article and others have mentioned, there are other contributing factors that could lead to a difference in retention/attrition rate across genders in tech (and analogously, other industries). But when the discussion has come to center on negative culture in particular, complete with people sharing stories *including* how some forms of statistical argumentation serve to rob people of the actual importance and prevalence of their personal experience [which is exactly what the person you are responding to has also said], I submit that your line of argument is unnecessarily minimizing and nit-picking.

And anyway, I'm not sure how this comment or your ulcer metaphor relates to baseline measurements with other industries. If there's a gender disparity there's a problem, regardless of how other industries fare. If other industries also have a problem, then that just means the problem is more widespread, not that there's some "norm" we should be measuring against.

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> It turned out that although stress and spicy foods can modulate the symptoms, they aren't the root cause; they can still cause problems, but *this* problem is caused by something else. Maybe it should've been a warning sign when people who took care
...

(b) (6), (b) (7)(C) 8/10/15

On the other hand, ulcers never use computers to say "this is why I'm an ulcer" and it's not possible for us to ask them where they come from, but it's not unheard-of for people who leave tech companies to talk about their choices on Twitter or a blog. And then there are people who are still in the industry but not really thrilled about it who explain in email threads what makes them unhappy enough to consider leaving.

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It turned out that although stress and spicy foods can modulate the symptoms, they aren't the root cause; they can still cause problems, but *this* problem is caused by something else. Maybe it should've been a warning sign when people who took care to avoid stress still developed ulcers, and when interventions to reduce stress had so little impact: now that most ulcers are treated with a course of antibiotics, the theory that they were caused by increasingly-hard-to-identify lifestyle factors sounds a bit like P

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(b) (6), (b) (7)(C) 8/10/15

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I mean, does that make any sense?

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However, we should also be careful with the assumption that the difference in attrition rate across all industries is caused by mistreatment.

It's fairly well supported:
http://documents.library.nsf.gov/edocs/HD6060-.A84-2008-PDF-Athena-factor-Reversing-the-brain-drain-in-science,-engineering,-and-technology.pdf
that environment is s problem.

http://www.huffingtonpost.com/2014/08/12/female-engineers_n_5668504.html
http://www.apa.org/news/press/releases/2014/08/pushed-back.pdf
Backed up here. And here in surveys of those leaving:
http://fortune.com/2014/10/02/women-leave-tech-culture/

Finally there is the "Treatment resulted in a cure proof":
http://www.nytimes.com/2013/09/08/education/harvard-case-study-gender-equity.html?pagewanted=all&_r=2
...

[redacted] b) (6), (b) (7)(C) 8/10/15

[redacted], I don't know who you expect to collect and share anonymized examples (try searching for them first - you will get more then you bargain for), but it sounds awfully like
https://goto.google.com/derail-educate
and
https://goto.google.com/derail-educate2
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...

[redacted] b) (6), (b) (7)(C) 8/10/15

THIS. Thank you [redacted]! Also it's not very happy to be considered in comparison with an ulcer :/. Or the bacteria that cause an ulcer. Or a stomach lining. Some caution is probably advised in the use of metaphors where human beings are concerned, and not just for fear of creating false equivalences (as [redacted] pointed out).
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[redacted] (b) (6), (b) (7)(C) 8/10/15

To be fair [redacted] @ compared the attrition of women with ulcer. [redacted] didn't compare women with ulcers or with whatever causes ulcers. If anything, [redacted] analogy compares men's behavior with causes of ulcer.

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It turned out that although stress and spicy foods can modulate the symptoms, they aren't the root cause; they can still cause problems, but *this* problem is caused by something else. Maybe it should've been a warning sign when people who took care to avoid stress still developed ulcers, and when interventions to reduce stress had so little impact: now that most ulcers are treated with a course of antibiotics, the theory that they were caused by increasingly-hard-to-identify lifestyle factors sounds a bit like Ptolemy's epicycles.

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(b) (6), (b) (7)(C) 8/10/15

On Mon, Aug 10, 2015 at 11:04 AM (b) (6), (b) (7)(C) @google.com> wrote:

> And anyway, I'm not sure how this comment or your ulcer metaphor relates to baseline measurements with other industries. If there's a gender disparity there's a problem, regardless of how other industries fare. If other industries also have a problem, then that just means the problem is more widespread, not that there's some "norm" we should be measuring against.

Right, we shouldn't conclude that this baseline attrition rate is just something that happens. It has a cause. But if the rate is the same across industries, that suggests the cause isn't something associated with any specific industry -- and there are countless articles calling out the tech industry for its uniquely unwelcoming culture.

(b) (6), (b) (7)(C) 8/10/15

On Mon, Aug 10, 2015 at 2:54 PM (b) (6), (b) (7)(C) @google.com> wrote:

> However, we should also be careful with the assumption that the difference in attrition rate across all industries is caused by mistreatment.
>
> It's fairly well supported:
> http://documents.library.nsf.gov/edocs/HD6060-.A84-2008-PDF-Athena-factor-Reversing-the-brain-drain-in-science,-engineering,-and-technology.pdf
> that environment is s problem.
>
> http://www.huffingtonpost.com/2014/08/12/female-engineers_n_5668504.html
> http://www.apa.org/news/press/releases/2014/08/pushed-back.pdf
> Backed up here. And here in surveys of those leaving:
> http://fortune.com/2014/10/02/women-leave-tech-culture/
>
> Finally there is the "Treatment resulted in a cure proof":
> http://www.nytimes.com/2013/09/08/education/harvard-case-study-gender-equity.html?pagewanted=all&_r=2
> http://www.wsj.com/articles/ susan-wojcicki-paid-maternity- leave-is-good-for-business- 1418773756
> http://www.npr.org/sections/ alltechconsidered/2013/05/01/ 178810710/How-One-College-Is- Closing-The-Tech-Gender-Gap
> Examples that show that changing the environment changes outcomes.

The change in outcomes is very encouraging, but note that the "environment" described in these cases refers to many different factors, including parental leave, travel requirements, salary, scheduling/work-life balance, and (in the case of Harvey Mudd) a new introductory curriculum.

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/10/15

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Assuming this is true, should we:

1. Work to find solutions to this problem
2. Complain that our industry is being unfairly singled out

I know what my answer is.

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/10/15

On Mon, Aug 10, 2015 at 7:18 PM (b) (6), (b) (7)(C) @google.com> wrote:

Assuming this is true, should we:

1. Work to find solutions to this problem
2. Complain that our industry is being unfairly singled out

I know what my answer is.

https://memegen.googleplex.com/templateimage?template=whynotboth5

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/10/15

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Because complaining about those articles

- Does not stop them from being written
- Derails threads which might otherwise be spent on 1
- Gives the impression that the *real* problem are the mean ol' nasty articles, not the very real problems which lead to the lack diversity in tech

Cheers,

(b) (6), (b) (7 [redacted]

(b) (6), (b) (7)(C) 8/10/15

A good reason "why not both," is that the discourse often dwells on the latter, which distracts from *actually solving the problem.* No one is hurt by the tech industry being "unfairly singled out." Our coworkers, on the other hand, ARE being hurt by a hostile and unwelcoming environment (of which we have real evidence, from many sources). Meta-discussions of the problem don't do anything to make this a better environment for our coworkers. That is major source of what is wrong with this milli-thread - multiple coworkers have told their stories, and still we ignore that and debate the studies.

So on that note, judging by a lot of what's been said, I am surprised that more people haven't visited go/unbiasing
and taken the Unconscious Bias class. It is at the very least a start - if anyone reading this finds themselves asking the question, "but *I* don't see anything, am I just being blind," then I suggest you start there. I almost guarantee that you have interrupted coworkers, looked away from them when talking, excluded them from decision making, and modulated your vocabulary when talking about them, because you were socialized to, because they are women.

On Mon, Aug 10, 2015 at 7:21 PM (b) (6), (b) (7)(C) @google.com> wrote:
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...

(b) (6), (b) (7)(C) 8/11/15

I don't want to derail the thread (no pun intended), but just to make it clear...

On Tue, Aug 11, 2015 at 12:50 AM, (b) (6), (b) (7)(C) @google.com> wrote:
(b) (6), (b) (7)(C), I don't know who you expect to collect and share anonymized examples (try searching for them first - you will get more then you bargain for), but it sounds awfully like
https://goto.google.com/**derail-educate**
and
https://goto.google.com/**derail-educate2**

If that's the case I apologize, as it wasn't at all my intention. Just so there's no question about it, I have no doubt that this type of behavior happens at Google, and is not acceptable. I'm also sure that for each person that speaks up there are many that, for various reasons, prefer not to. So while the posts that have been shared already paint a pretty bleak picture, the complete picture might be even worse.

My suggestion was made in the context of (b) (6), (b) (7)(C) email about what can be done to improve the situation. Just like the Unconscious Bias or Ethics & Compliance: Sexual Harassment and Discrimination training have specific (but non-exhaustive) examples, I was suggesting doing the same here. That's not meant to minimize or derail the conversation, far from it. There are obvious cases like being ignored because they're a woman, but what I'd like to understand are the small and nuanced cases that can contribute to a death by a thousand cuts - sort of like a targeted "Unconscious Bias" for things I might not even notice.

I also wasn't asked to be educated directly by other people, but just pointers so I can educate myself (and others who want to do so themselves). This is a pretty charged subject and I have no idea of what is relevant and unbiased, and what is garbage... and some searches on Google ("sexism", "good articles on sexism", "report on sexism", and many other variations) didn't really help. They seem to mostly point to newspaper articles that report instances of sexism, and even those from less sensationalist and more serious newspapers usually only have pointers to reports that say that sexism happens. I already know that's the case, and it's not

what I'm after. What I'm after is simply a way to understand the situation better from women's point of view (the death by a thousand cuts and the people who don't speak up I mentioned above), since being a man I don't really get that view.

In the meantime I was pointed to https://micro.googleplex.com inside Google (I remember seeing it a while back but it seemed mostly empty, must have been the really early days) and http://everydaysexism.com/ as a public website which might be what I was looking for, so I'll definitely take a look!
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(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) [redacted] 8/11/15

Yes. That's why I said I didn't want to be stomach lining either. And why are you assuming it is exclusively men's behaviour that is driving women away? I already said that I know I personally treat women differently. Does that make me the ulcer? I don't think so. It makes me human, with natural human biases.
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(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) [redacted] 8/11/15

On Tue, Aug 11, 2015 at 12:45 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
A good reason "why not both," is that the discourse often dwells on the latter, which distracts from *actually solving the problem.* No one is hurt by the tech industry being "unfairly singled out."

Oh no? Seems to me having the tech industry unfairly singled out probably exacerbates the gender imbalance in the tech industry. If you're a young woman in college or in high school and all you hear about the tech industry is that they're a bunch of "brogrammers" who constantly treat women like crap, maybe you decide accounting is the field for you instead, no?

Our coworkers, on the other hand, ARE being hurt by a hostile and unwelcoming environment (of which we have real evidence, from many sources). Meta-discussions of the problem don't do anything to make this a better environment for our coworkers. That is major source of what is wrong with this milli-thread - multiple coworkers have told their stories, and still we ignore that and debate the studies.

So on that note, judging by a lot of what's been said, I am surprised that more people haven't visited go/unbiasing
and taken the Unconscious Bias class. It is at the very least a start - if anyone reading this finds themselves asking the question, "but *I* don't see anything, am I just being blind," then I suggest you start there. I almost guarantee that you have interrupted coworkers, looked away from them when talking, excluded them from decision making, and modulated your vocabulary when talking about them, because you were socialized to, because they are women.

On Mon, Aug 10, 2015 at 7:21 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
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https://memegen.googleplex.com/templateimage?template=whynotboth5

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(b) (6), (b) (7)(C) 8/11/15

(b) (6), (b) (7)(C), perhaps. But on the other hand, if the tech industry overwhelmingly proves it is better, according to its actual behavior, then we have something to offer besides "Hey, we treat women exactly as bad as men in finance!"

Your strategy, which seems to be "derail every conversation about sexism with issues other than actual sexist behavior" will be less effective, for obvious reasons I think.

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(b) (6), (b) (7)(C) 8/11/15

On Tue, Aug 11, 2015 at 7:53 AM, (b) (6), (b) (7)(C) <russotto@google.com> wrote:
On Tue, Aug 11, 2015 at 12:45 AM (b) (6), (b) (7)(C) @google.com> wrote:
A good reason "why not both," is that the discourse often dwells on the latter, which distracts from *actually solving the problem.* No one is hurt by the tech industry being "unfairly singled out."

Oh no? Seems to me having the tech industry unfairly singled out probably exacerbates the gender imbalance in the tech industry. If you're a young woman in college or in high school and all you hear about the tech industry is that they're a bunch of "brogrammers" who constantly treat women like crap, maybe you decide accounting is the field for you instead, no?

Wow, so it really is about ethics in journalism?

(b) (6), (b) (7)(C) 8/11/15

I wanted to say something useful in this conversation, but I don't see how I can avoid being misinterpreted by someone.

BTW [and I don't expect to be misinterpreted in this], when I've interviewed a candidate who seems to have promise, but the interview was for what I felt was the wrong job, I've tried to find a way to get the candidate connected to a better-fitting job (e.g., they didn't pass the SWE interview but, based on my experiencing with consulting work, could have been good in gTech) ... I have had poor success at doing this ... maybe something concrete can be done with our recruiting system to make it easier to re-route candidates with non-standard backgrounds?
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(b) (6), (b) (7)(C) 8/11/15

The new ghire form has a question if the candidate is better suited for another position.
At least in some cases this works, i.e. the candidate is routed for new round of interviews for the other kind of position. Perhaps this depends on decision of the recruiting coordinators or HC.

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For more options, visit this group at
...

(b) (6), (b) (7)(C) 8/11/15

(I hope this isn't a derail. Please call me out if it is.)

In all honesty, I think that all of the focus on gender inequality in tech vs. other fields is actually a good thing. In a roundabout way, it means that tech companies are actually taking these issues more seriously than others.

I've heard (admittedly anecdotal) evidence that the legal industry is as (or more) heavily biased against women, but we don't hear nearly as many stories pushing for more equality in the legal field, which is another highly-skilled, high-paying field.

My suspicion is that a lot more people in tech care about these issues, and progress is actually being made (admittedly slow progress, but still). So, this issue is being pressed harder because this is where the biggest impact for gender equality in the workforce can be made.

We still have a long way to go, obviously. But saying "we're as good or better than every other field" isn't good enough. As an analogy, professional athletes don't reach the top of their sport and then say, "Well, I'm better than everyone else, so I guess I can stop pushing so hard." They keep finding ways to improve and being the best they can be.

That's the mindset we should take to this, I believe. We can always do better.

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(b) (6), (b) (7)(C) 8/11/15

On Mon, Aug 10, 2015 at 9:42 PM (b) (6), (b) (7)(C) @google.com> wrote:
Because complaining about those articles

- Does not stop them from being written

Surely that doesn't exempt them from criticism; search industryinfo for ["you are the product"] for another example of a theme that keeps coming up in articles and getting criticized.

- Derails threads which might otherwise be spent on 1

If you want to brainstorm solutions to unwanted workplace behaviors, it might be better to start a thread for that purpose, instead of hoping the discussion of an article goes in your preferred direction (and asserting that the article itself shouldn't be the subject of that discussion).

- Gives the impression that the *real* problem are the mean ol' nasty articles, not the very real problems which lead to the lack diversity in tech

Again, why not both? I think we're all capable of understanding that there's more than one problem in the world, and mentioning one doesn't imply denying the existence of others.

[redacted] (b) (6), (b) (7)(C) 8/11/15

On Tuesday, August 11, 2015 at 7:54:28 AM UTC-7, (b) (6), (b) (7)(C) wrote:

> On Tue, Aug 11, 2015 at 12:45 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> A good reason "why not both," is that the discourse often dwells on the latter, which distracts from *actually solving the problem.* No one is hurt by the tech industry being "unfairly singled out."
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> Oh no? Seems to me having the tech industry unfairly singled out probably exacerbates the gender imbalance in the tech industry. If you're a young woman in college or in high school and all you hear about the tech industry is that they're a bunch of "brogrammers" who constantly treat women like crap, maybe you decide accounting is the field for you instead, no?

Only if the tech industry doesn't change in reaction to being highlighted. If the tech industry shifts its position as a result, then you might get a short-term decline but you get a long-term improvement.

[redacted] b) (6), (b) (7)(C) 8/11/15

[redacted], I guess it all boils down to: What is the end game? How do these debates help resolve our biases? How do these debates improve things?

Doing better studies is obviously important to people performing them, but we aren't the producers of studies, only the consumers. As mentioned before, social sciences are different from other sciences in that they are very imprecise, so we have to do many studies and look for trends. These aren't studies where we can find a flaw and then call the entire thing invalid, like mathematics or other logical sciences.

It would be one thing if we were comparing studies and the merits between them, and using this data to determine which studies are strongest and thus are more reliable. But it's not; most boil down to picking apart a study with no clear objective. When it comes to sensitive topics like this, people assume the worst and think, "you're not taking the overall message seriously, only finding flaws in an attempt to discredit it."

It is probably possible to analyze these studies in a positive manner, but that's not what's happening. These discussions not analyzing them in aggregate, only in isolation. It's not generating any useful or actionable data, only analyzing for the sake of analysis. Which may be fun for some people, but when it's something that affects others directly, it's hard not to take offense.

On Tue, Aug 11, 2015 at 11:38 AM, (b) (6), (b) (7)(C) @google.com> wrote:

> On Mon, Aug 10, 2015 at 9:42 PM (b) (6), (b) (7)(C) @google.com> wrote:
>
> > Because complaining about those articles
> >
> > - Does not stop them from being written
>
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> If you want to brainstorm solutions to unwanted workplace behaviors, it might be better to start a thread for that purpose, instead of hoping the discussion of an article goes in your preferred direction (and asserting that the article itself shouldn't be the subject of that discussion).
>
> > - Gives the impression that the *real* problem are the mean ol' nasty articles, not the very real problems which lead to the lack diversity in tech

...

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/11/15

I'm not speaking for all women (by a long shot) but I would also recommend http://geekfeminism.org and http://modelviewculture.com

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[redacted] b) (6), (b) (7)(C) 8/11/15

Just a side-point about "workplaces that make you feel uncomfortable" ...

Once upon a time I went for a job interview at my alma mater, which included going to lunch with a young faculty member who was just about my age. About halfway through my lunch, I thought to myself, "Boy I am really striking out here!" because the other person was so quiet and the conversation was halting and clumsy. But a few weeks later I was thinking about it and realized that this guy was no different than any other engineering professor (or student) at this school, that place was full of socially-awkward introverted nerds!

I just wanted to point out that many tech workplaces are not welcoming and warm because the people that inhabit them often do not have the same level of interpersonal skills and on average do not have outgoing personalities. Yes, more women leave tech for good, but then again, many of them have a welcoming and warm place to go - raising a family at home, which due to discrimination on the part of females, is a job position that is more available to women than to men in society today.

I am not denying the validity of this article - my alma mater is famous for being sexist and once upon a time some women in computer science got together and published a tech report while I was an undergrad with stories and quotes from faculty members towards women graduate students (e.g. "there will be a pool pa
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[redacted] b) (6), (b) (7)(C) 8/12/15

Derailing continues:
https://goto.google.com/derail-butbut (this happens to me too!!)
https://goto.google.com/derail-disbelief (you aren't that marginalized)

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(b) (6), (b) (7)(C) 8/12/15

Conversations in industryinfo are not "on rails" in the first place. Perhaps you're thinking of industry-discuss?

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I am not denying the validity of this article - my alma mater is famous for being sexist and once upon a time some women in computer science got together and published a tech report while I was an undergrad with stories and quotes from faculty members towards women graduate students (e.g. "there will be a pool party and female students will be expected to wear 2-piece suits"), and the report was admittedly horrifying and made me sick, so it was a sexist place.

I am just wondering if this article is painting a balanced picture of the world as it really is.

...

(b) (6), (b) (7)(C) 8/12/15

Even in an unmoderated forum, it's bad manners to respond to "I have a problem, here are the details" with "I have a tenuously related problem, let's talk about that instead."

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From where I sit, I have enough firsthand and secondhand evidence to be convinced that sexism and negative environment is a major cause of attrition for women at Google. This, despite my fervently wishing that it were not so. And:
- It doesn't matter if there are other causes as well;
- It doesn't matter if Google isn't the only company with these issues;
- It doesn't matter if other industries also have this problem;
- It doesn't matter if not everyone is convinced that the problem is real, or is worth addressing.

What I **can** affect, and what I will spend my energy on, are the problems that I can identify that are here at Google. Those include the problems of communication that I see manifested on this thread.

On Wednesday, August 12, 2015 at 7:59:28 AM UTC-7, (b) (6), (b) (7)(C) wrote:
> Even in an unmoderated forum, it's bad manners to respond to "I have a problem, here are the details" with "I have a tenuously related problem, let's talk about that instead."
>
> On Wed, Aug 12, 2015 at 10:46 AM, (b) (6), (b) (7)(C) @google.com> wrote:
> > Conversations in industryinfo are not "on rails" in the first place. Perhaps you're thinking of industry-discuss?
> >
> > On Wed, Aug 12, 2015 at 3:56 AM, (b) (6), (b) (7)(C) @google.com> wrote:
> > > Derailing continues:
> > > https://goto.google.com/derail-butbut (this happens to me too!!)
> > > https://goto.google.com/derail-disbelief (you aren't that marginalized)

(b) (6), (b) (7)(C) 8/12/15

Discussions have asides, digressions, etc. Sometimes they return to the original point having provided some illumination; sometimes they go off on the weeds. This is not "bad manners". Insisting everyone on a thread follow your template for discussion, on the other hand, is "bad manners".
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b) (6), (b) (7)(C) 8/12/15

The issue is that there's a noted pattern where discussions on certain topics get derailed a whole lot more. It's an emergent phenomenon--an individual post might look like the same kind of digression that happens on all types of threads, but the net effect of all the individual posts is that there are subjects no conversation can remain upon.

On Wednesday, August 12, 2015 at 11:57:48 AM UTC-4, (b) (6), (b) (7)(C) wrote:
Discussions have asides, digressions, etc. Sometimes they return to the original point having provided some illumination; sometimes they go off on the weeds. This is not "bad manners". Insisting everyone on a thread follow your template for discussion, on the other hand, is "bad manners".

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Derailing continues:
https://goto.google.com/derail-butbut (this happens to me too!!)
https://goto.google.com/derail-disbelief (you aren't that marginalized)

On Wed, Aug 12, 2015 at 8:12 AM, (b) (6), (b) (7)(C) @google.com> wrote:
Just a side-point about "workplaces that make you feel uncomfortable" ...

Once upon a time I went for a job interview at my alma mater, which included going to lunch with a young faculty member who was just about my age. About halfway through my lunch, I thought to myself, "Boy I am really striking out here!" because the other person was so quiet and the conversation was halting and clumsy. But a few weeks later I was thinking about it and realized that this guy was no different than any other engineering professor (or student) at this school, that place was full of socially-awkward introverted nerds!

I just wanted to point out that many tech workplaces are not welcoming and warm because the people that inhabit them often do not have the same level of interpersonal skills and on average do not have outgoing personalities. Yes, more women leave tech for good, but then again, many of them have a welcoming and warm place to go - raising a family at home, which due to discrimination on the part of females, is a job position that is more available to women than to men in society today.

I am not denying the validity of this article - my alma mater is famous for being sexist and once upon a ti

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(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/12/15

What are your proposed solutions to those communication problems?
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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/12/15

That is a topic for a separate thread.
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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/12/15

What's the topic for this thread, then? Are we just agreeing that there is a problem on this one? Because it seems a fairly broad consensus has emerged that there is one.

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https://goto.google.com/derail-butbut (this happens to me too!!)
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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/12/15

The nominal topic for this thread is the initial article.
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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/12/15

You'd think so...

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(b) (6), (b) (7)(C) [redacted]
(b) (6) [redacted]

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[redacted] (b) (6), (b) (7)(C) [redacted] 8/12/15

[redacted] said: "*That is a topic for a separate thread.* "

As OP, I do not agree that "that is a topic for a separate thread". That is exactly the question I asked.

What can we do to fix this?

The fact that you think it's a topic for a separate thread is a sign of how far the discussion has been derailed. And also a perfect demonstration of the fact that derailing works, and the reason why it is badness.

On Wed, Aug 12, 2015 at 9:42 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
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[redacted] 8/13/15

On Thu, Aug 13, 2015 at 4:33 AM, [redacted] @google.com> wrote:
[redacted] said: "*That is a topic for a separate thread.* "

As OP, I do not agree that "that is a topic for a separate thread". That is exactly the question I asked.

What can we do to fix this?

Fix what?

I interpreted [redacted] response "that is a topic for a separate thread" as directed at the "how to fix the communication problems?" not how to fix the original observation you (OP) raised.

While I understand the temptation to imply that the communication problem (observed here and in other threads on industryinfo and at the internets at large) is very much co/related with the original problem, I do prefer we separate them.

Let's be honest, there are plenty of Googlers (myself included) that like to argue and troll on these lists. Fundamentally I believe "we argumentative people" share something in common, something that pains me to say, because I'm not happy to be associated with many of these people. It's pretty clear that this group is incredibly male dominated, and I don't care some people will find this comment sexist, because people who are argumentative should at least have the dignity to be very thick skinned.

Moreover I don't actually think that many/most people can really understand the need to argue, so they tend to think in terms of why would *I* behave in a particular way, therefore the people who are doing it must be Foo or Bar.

Going back to the original topic, I have my grievances with some of data presented here and elsewhere, some of it isn't pedantic criticism BUT I overwhelmingly agree with the highest order bit is what [redacted] said upthread:

> **There IS a problem and we all collectively need to do better**.

It's really that simple and for me the evidence is far clearer than global warming. Being in [redacted], spending decades in this industry, talking to people all day and actually paying attention to how other feel makes you realize we have a problem.

Let the trolls continue arguing because what [redacted] said is true, I don't want to dictate a communication style.

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https://goto.google.com/derail-butbut (this happens to me too!!)
https://goto.google.com/derail-disbelief (you aren't that marginalized)

...

(b) (6), (b) (7)(C) 8/14/15

(b) (6), (b) (7) can you elaborate on why you think we should separate the environments? I strongly disagree. This is work, and a lot of Google is commingled online and in person. If someone wants to troll, I think Reddit would be a more appropriate forum.

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(b) (6), (b) (7)(C) [redacted]
Google Los Angeles

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[GOOGLE CONFIDENTIAL]

You received this message because you are subscribed to the Google Groups "Industryinfo" group.
To unsubscribe from this group, send email to industryinfo+unsubscribe@google.com
For more options, visit this grou
...

(b) (6), (b) (7)(C) [redacted] 8/14/15

I agree with [redacted]. It's inappropriate to troll your coworkers at work, unless (perhaps) you *personally* know them well enough to know they enjoy it.

That is why I do *not* think we can separate the two issues, why I posted the statistics about women being <1% of participants here and in eng-misc. And why I asked the question about what we can do to fix this.
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(b) (6), (b) (7)(C) [redacted] 8/14/15

I also agree with [redacted], and I'm glad [redacted] responded since I was kind of dumbstuck by [redacted] contribution (by "dumbstruck" I mean I was unable to figure out how to respond via words, not that I was shocked).

[redacted] I would suggest you ask yourself "why do I think my opinion is correct? is there evidence that could convince me I'm wrong?" If you're willing to take on the challenge of subjecting your opinions to falsifiability, then I would be willing to help collect studies that I think could provide such evidence.

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> industryinfo+unsubscribe@google.com
> For more options, visit this group at
> http://groups.google.com/a/google.com/group/industryinfo?hl=en

...

[redacted] 8/14/15

On Wed, Aug 5, 2015 at 11:22 PM, [redacted]@google.com> wrote:
[...]
> (2) I ask my male coworkers (who are more vocal in general) for help more.
> Just today, I wanted a consult on C++11 move semantics. All my male
> coworkers (who I've heard talk about C++11 before) were out of sight. I
> thought, "I guess I'll wait until they get back." Then, "WTF, why?" Just
> because the women are more quiet I don't consider their expertise? Helping
> someone gives me a lot of confidence. How many times have I done this
> before today? Would I have even thought about asking these women if the
> more vocal men had been there?
[...]
>
> I also worry about less experienced women. I see how smart and capable our
> new grads who are women are, but do they know it? I hope so.

If women quit the tech industry at a higher rate than men, doesn't

that statistically mean that the women who are currently have fewer years of experience on average?

In addition, if the stay duration is shorter, how do you gain local expert reputation? It is partially a function of time. Just seeing a face around all those C++ water cooler discussions for years has an impact, even if you never heard the person talk, no?

This is a really ugly self-fulfilling prophecy.

C++ might be a bad example as your IQ probably drops are you become more and more proficient in it but anyway...

> Just before I left my last job, in a hallway meeting with [redacted], one
> stood with [redacted] back to me, physically shutting me out.. [redacted] was standing in
> an entrance, so I couldn't go around [redacted] without actually having sharp
> elbows. [redacted] was certainly aware I was there, since I had initiated the
> hallway meeting by asking a question.
>
> I am pretty sure I do not turn people invisible, at least. If I am in a
> meeting (especially if I am running one) with a few people, and one person
> is not talking, I will actively engage them. I wish more people had done
> that for me years ago.

Circles and backs are very important. It doesn't necessarily mean that this person has an active interest in shutting you out. However, letting you in would weaken the own position somewhat. Maybe you can't hear that well if you step aside. There is one more person who might want to make a point and the back-user might have been waiting for some time to make a point. Low self confidence can lead to tunnel vision here, too. Deer in headlights.

So what I'm saying you don't really know ...

[redacted] (b) (6), (b) (7)(C) 8/21/15

While this thread caused a lot of pain to a lot of people, some good things seem to start coming out of it.
For example, go/derail was re-written to be a nice how-to respond to bias being called out (hopefully it will be incorporated into bias-busting class).

I would like to continue with concrete ideas and projects we can take on to make Google a less biased place.
I currently have two and a half ideas, one of which is already wip and I would love to see more people joining.

1. Make performance reviews less biased. How? Train a classifier that can tell if the feedback you left for your peer sounds like a feedback for minority (of course we have to strip pronouns before classifying the text). Real time as you are giving feedback and if your feedback sounds biased - the system informs you and

tells you what constructive feedback looks like (go/evict-perf-bias for a super rough draft)

2. Decrease salary gap. Every manager during salary adjustment/bonus assignment period gets a break down by gender (can easily include agender people), level and average salary. They get a warning if in their group there is an imbalance. If imbalance is large - the system escalates the warning.
3. (half) Create a list of people that are interested in using their 20% for bias battling at Google and discuss concrete ideas we can implement. If you want to do that - add yourself to evict-elephant@ group. Or if there is already such a group - please let people on this thread know.

Background on why there are elephants and eviction references sprinkled around:
(b) (6), (b) (7)(C) wrote a post about an elephant in an office, comparing discussions between people that see the elephant and want to do something about it and people that don't see the animal with a lot of discussions we have in online communities. Once I started thinking about a real elephant, the problem became much easier than when I thought about it as metaphor for discrimination . Approach for dealing with the real elephant would mainly depend on the answer to the question: **are there enough people that see elephant to evict it?** (I develop it into scenarios depending on the answers in go/evict-elephant)

Do people know of concrete projects that are currently going on? Is there a place where at least some of them are cataloged?
thank you,
(b) (6), (b) (7)(

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...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/21/15

Awesome.

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(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/21/15

I like all three ideas, but that first one is especially interesting. That's a fantastic idea! Depending on how well such classifiers can work (NLP isn't my field), it would -- at the very least -- be a fascinating experiment to run, and possibly a lot more than that. Not just on current perf reviews as a signal to engage a conscious thought process*, but on historical internal corpora, as well. I'll bet there's some useful insights to be found.

* I couldn't think how to phrase this: I'm definitely *not* trying to imply that people are half-assing their way through perf without paying attention. What I'm thinking of is the part in one of the internal presentations about unconscious bias where they discussed the fact that simply being mindful of the issue in a context where unconscious bias/predispositions/stereotypes/inclinations/etc are relevant, significantly decreases the amount of biased behavior. (At least, it does when you have well-intentioned people who aren't explicitly bigoted but who, simply as a result of living in a society with serious race/sex/gender/etc issues, end up with unhelpful associations lying around in their brain.) Does anybody know if there's a phrase to describe a little reflective pause along those lines?

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8/21/15

I tried to convey something super simple, which is to say that what you refer to as a trolling is subjective to others and trying to solve it top down will amount to censorship.

I am proud of the very open culture we created here but at the same time I find the discussions on internal mailing lists and questions in large gathering deeply disturbing.

When I can I (and others) publicly shame a behavior or an opinion I find disturbing. My opinion on the OP's post was very clear, no?

What has emerged from this thread (go/derail) is the right way to deal with this in a scalable way IMO.

Are you expecting something else from me, (b) (6), (b) (7)(C) or the rest of the management team?

(b) (6), (b) (7

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(b) (6), (b) (7)(C) 8/21/15

On Fri, Aug 21, 2015 at 8:52 PM, (b) (6), (b) (7)(C) @google.com> wrote:

I like all three ideas, but that first one is especially interesting. That's a fantastic idea! Depending on how well such classifiers can work (NLP isn't my field), it would -- at the very least -- be a fascinating experiment to run, and possibly a lot more than that. Not just on current perf reviews as a signal to engage a conscious thought process*, but on historical internal corpora, as well. I'll bet there's some useful insights to be found.

<potential_derailing>

As someone who has worked with ML problems in Google for many years, and as someone who has also been (b) (6), (b) (7)(C) for a while, I'll be honest that I'm especially wary of ML approaches applied to HR related topics. No matter how well the ML algorithm achieves precision / recall tradeoff, there are false positives and false negatives, and when these cases are applied to humans, it's normally a very big loss function for the affected individuals.

Can it be done? Sure. Can it be done easily? Probably no. Overall, is it worthy it? My personal answer leans towards, try to find some other approaches to achieve that goal first, and only use ML as last-resort at the best.

Of course, that's only my personal opinion.

</potential_derailing>

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[redacted]
Google Los Angeles

...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/21/15

Just speaking personally, I don't think it's derailing to discuss realistic feasibility aspects of a concrete proposal. Quite the contrary, actually; sort of like if you give a presentation and nobody has a question or a comment, it's a good bet that nobody was paying attention!
(It's easy to imagine derailings that would be phrased in the _form_ of a feasibility assessment --- it's-impossible-we-should-just-give-up comes to mind --- but that's a different conversation.) Anyway, regarding (b) (6), (b) (7)(C) [redacted] proposal...

I can see plenty of utility even in something that can say, "hey, I'm just an algorithm, but I'm guessing there's at least a 50/50 chance there's something in your text here that maybe could be taken in a way that, upon reflection, you don't really mean. Maybe I'm wrong, but maybe you want to take another look." Kind of the way earlier grammar checkers were wrong a lot of (or even most of) the time, but could still flag real problems. Are you suggesting that even that bar would be difficult to clear?

I'm not quite sure what you mean when you refer to the loss function for affected individuals, but just to be clear, when I suggested historical corpora might also be interesting, I wasn't thinking of something like a detector to flag that, hey, <individual Y> sure has a history of making biased comments. That would be horrible. I was thinking more of things like, "When the Perf form changed the phrasing of a question from A to B, there was x% increase in the response from the classifier in the aggregate. Let's take a closer look." Or when (b) (6), (b) (7)(C) [redacted] (I think) started sending emails about self-nomination around Perf time, and that turned out to make a big dent in differential self-nomination rates between men and women: did it also affect the overall tenor of Perf feedback? What if something similar was done with a Perf-time email reminding people about the way unconscious inclinations can color feedback; did it have an effect? I would imagine that even a very noisy measurement of this sort of thing could still provide some actionable data. Is even that sort of goal too ambitious for a reasonably-sized project, given the state of the art? (That's a serious question; I'm not being rhetorical.)
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(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) [redacted] 8/21/15

You'd need a reasonably large corpus of manually classified texts (positive/negative) to train the model. It's not obvious to me how it could be obtained.

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https://goto.google.com/derail-disbelief (you aren't that marginalized)

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(b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted]
Google Los Angeles

...

(b) (6), (b) (7)(C) 8/22/15

On Fri, Aug 21, 2015 at 10:56 PM, (b) (6), (b) (7)(C) @google.com> wrote:
While this thread caused a lot of pain to a lot of people, some good things seem to start coming out of it.
For example, go/derail was re-written to be a nice how-to respond to bias being called out (hopefully it will be incorporated into bias-busting class).

Hopefully it will not, since it is basically a position statement of a sociopolitical philosophy that is by no means universally accepted.
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(b) (6), (b) (7)(C) 8/22/15

On Sat, Aug 22, 2015 at 6:42 AM, (b) (6), (b) (7)(C) @google.com> wrote:
>
>
> On Fri, Aug 21, 2015 at 10:56 PM, (b) (6), (b) (7)(C) @google.com>
> wrote:
>>
>> While this thread caused a lot of pain to a lot of people, some good
>> things seem to start coming out of it.
>>
>> For example, go/derail was re-written to be a nice how-to respond to bias
>> being called out (hopefully it will be incorporated into bias-busting
>> class).
>
>
> Hopefully it will not, since it is basically a position statement of a
> sociopolitical philosophy that is by no means universally accepted.

No. It's a list of techniques that you can use to shift the grounds of a conversation. It's presented based on a philosophy, but it is not a position statement; it simply assumes that philosophy. It is not written for people who are knowingly opposed to that philosophy. Instead, it is written for people who could potentially be sympathetic to make them aware of how their conversational techniques unwittingly change the process of the conversation. It is also written for people

who are definitely sympathetic to make them aware of the effect of other people's conversational techniques.

Personally I think it is or should be clear that while there are a number of people who are opposed to the sociopolitical philosophy you mention, there is a larger number of people who are sympathetic but not committed. The go/derail essay is for the latter group of people, to help them understand ways in which they can learn more without unintentionally deflecting a discussion.

(b) (6), [redacted]

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/22/15

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Even if it is not a position statem

...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/22/15

I think what Googlers want is simply a workplace where we all can work, in comfort and without having to fear being marginalized because of their gender, sexuality, skin or hair or other colour, height, weight, ethnic or national background, etc; not just in theory but also in practice.

A document that points out that certain things in a conversation, intentionally or unintentionally, can make such a conversation very frustrating for some participants in particular circumstances, how and why, as well as ways to both detect, avoid, and rectify those things, seems to be a good thing to help improve the quality of communication for everyone involved.

Both within Google and outside it.

Best wishes,

// (b) (6), (b) (7)(C)

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...

[redacted] (b) (6), (b) (7)(C) 8/22/15

On Sat, Aug 22, 2015 at 8:08 AM (b) (6), (b) (7)(C) @google.com> wrote:
On Sat, Aug 22, 2015 at 6:42 AM, (b) (6), (b) (7)(C) @google.com> wrote:
> On Fri, Aug 21, 2015 at 10:56 PM, (b) (6), (b) (7)(C) @google.com>
> wrote:
>> For example, go/derail was re-written to be a nice how-to respond to bias
>> being called out (hopefully it will be incorporated into bias-busting
>> class).
>
>
> Hopefully it will not, since it is basically a position statement of a
> sociopolitical philosophy that is by no means universally accepted.

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Personally I think it is or should be clear that while there are a number of people who are opposed to the sociopolitical philosophy you mention, there is a larger number of people who are sympathetic but not committed. The go/derail essay is for the latter group of people, to help them understand ways in which they can learn more without unintentionally deflecting a discussion.

I mostly agree with that assessment, but I don't think it really addresses [redacted] point. With my fingers crossed, I'm going to attempt an analogy(*).

Suppose, in response to some upsetting threads about the upcoming election, a document began to circulate that started out with the definition: "Derailing describes a pattern of behavior which results in either silencing the opinion of a Republican, or distracting from what a Republican wishes to discuss."

It went on to say that "derailing is about political affiliation": derailing comments usually come from Democrats, although sometimes even conservatives and moderates could end up derailing. Each type of derailing was shown as a mock dialogue between Patriot Pat and Liberal Lou, with commentary like "Because most journalists are liberal, society will hear Lou's voice more clearly; just by offering an opinion, Lou is making it easier for Pat's opinion to remain unheard" or "This frustrates Pat because Lou is denying that taxes are already too high."

Now, if you looked past all the partisan politics, you might find that the document was fundamentally just a guide to netiquette, and most of its points could apply to any topic of conversation. But I hope we can agree that such a document still wouldn't belong in a company-wide training course, and shouldn't be officially promoted as something everyone should read and try to absorb the core messages from.

Even though you could fairly desc
...

[redacted] 8/22/15

On Fri, Aug 21, 2015 at 7:57 PM [redacted] @google.com> wrote:

1. Make performance reviews less biased. How? Train a classifier that can tell if the feedback you left for your peer sounds like a feedback for minority (of course we have to strip pronouns before classifying the text). Real time as you are giving feedback and if your feedback sounds biased - the system informs you and tells you what constructive feedback looks like (go/evict-perf-bias for a super rough draft)

I would be interested in the results of running that classifier over self assessments. I went through my past feedback over the last perf cycle to see if I noticed any trends in how I reviewed people and there were 2 big things that stood out...
1) When trying to write a "something done well"/"something to be improved" response, my most frequent response was "what s/he said ... and here's some specific examples"
2) underrepresented groups often had self assessments that mirrored the feedback often quoted in various articles posted on these threads and others as examples of how performance review is unfair across gender lines.

As an example of 2, I'm going to paraphrase a couple of self assessments (real assessments written by people about themselves) that I saw while doing this.
"I'm my teams subject matter expert on A. I help people solve p
...

[redacted] 8/22/15

Gosh, I have to admit that when the conversation strays to differing sociopolitical philosophies, I have to admit I have trouble following the specific argument. It's a little too abstract, so perhaps I miss the point.

I'd stand with [redacted] and others who said that we can have better internal discussions if we try to avoid the anti-patterns cataloged in go/derail. I'm sure that some people are less comfortable with this approach than other people, but I think there is a clear net benefit for Google.

[redacted]

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Even if it is not a position statement, its use in a bias-busting class would constitute Google's official endorsement of that philosophy. While I certainly am in no position to run a survey to determine relative numbers, I know there are a fair number of people (not all of them falling into the "Bob" group) who are opposed to that philos
...

(b) (6), (b) (7)(C) 8/22/15

On Sat, Aug 22, 2015 at 5:12 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> Gosh, I have to admit that when the conversation strays to differing sociopolitical philosophies, I have to admit I have trouble following the specific argument. It's a little too abstract, so perhaps I miss the point.

Hmm... seems I've seen this before recently. Is this a new game?

> I'd stand with [redacted] and others who said that we can have better internal discussions if we try to avoid the anti-patterns cataloged in go/derail. I'm sure that some people are less comfortable with this approach than other people, but I think there is a clear net benefit for Google.

I disagree that the patterns cataloged in go/derail are in fact anti-patterns. I see the document as attempting to determine the destination and course of discussions ahead of time, by ruling certain lines of discourse off limits.

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(b) (6), (b) (7)(C) 8/22/15

I'm reminded of this:

http://neil-gaiman.tumblr.com/post/43087620460/i-was-reading-a-book-about-interjections-oddly

> I was reading a book (about interjections, oddly enough) y esterday which included the phr ase "In these da ys of political correctness…" talking about no longer making jok es that denigrated people for their culture or for the colour of their skin. And I thought, "That 's not actually anything to do with 'political correctness'. That's just treating other people with respect."
>
> Which made me oddly happ y. I started imagining a world in which we replaced the phr ase "politically correct" wherever we could with "treating other people with respect", and it made me smile.
>
> You should try it. It's peculiarly enlightening.
>
> I know what you're thinking now. You're thinking "Oh m y god, that's treating other people with respect *gone mad*!"

Best wishes,

// [redacted]

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(b) (6), (b) (7)(C) 8/22/15

I confess I don't see what's so enlightening about the observation that policy proposals sound better when they're described in the glowing language used by their supporters. That's political advocacy 101. For example, the members of ALEC probably also smile when they imagine a world in which we replaced the phrase "union-busting" with "right-to-work".

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(b) (6), (b) (7)(C) 8/22/15

And to bring that one full circle, I once came across a companies manager training materials that covered how to not end up with a union and the basic underlying theme was "treat people fairly and with respect and they won't have reason to unionize"

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not committed. The go/derail essay is for the latter group of people, to help them understand ways in which they can learn more without unintentionally deflecting a discussion.

Even if it is not a position statement, its use in a bias-busting class would constitute Google's official endorsement of that philosophy. While I certainly am in

...

(b) (6), (b) (7)(C) 8/23/15

As someone who thinks the political philosophy behind go/derail is on shaky footing, I still think it's an excellent "how to have constructive conversations" guide.

If you think there's room for improvement, you can suggest improved wording *on the doc itself* -- it's open to comments -- rather than on a listserv the doc's owner might never see. Or you can write your own version and see if it gains acceptance.
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[redacted] b) (6), (b) (7)(C) 8/23/15

On Sat, Aug 22, 2015 at 9:27 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

[about go/derail]

> Even if it is not a position statement, its use in a bias-busting class
> would constitute Google's official endorsement of that philosophy.

It seems to me that Google's endorsement of bias-busting classes in the first place comes pretty close to an official endorsement. Still, I agree that it might be more effective if the set of examples were more diverse.

> While I
> certainly am in no position to run a survey to determine relative numbers, I
> know there are a fair number of people (not all of them falling into the
> "Bob" group) who are opposed to that philosophy and who have been
> intimidated into silence by its followers; its use in an official class
> would accelerate that trend. Perhaps that is what Google wants?

I don't think I would choose the phrase "intimidated into silence," but I'll go with it. I think that the ongoing discussion in the company, the industry, and the U.S. as a whole has made it clear that there are groups of people who were, before the discussion started, intimidated into silence. I think it's also clear that a kumbaya moment, where all groups come together in harmony, is unlikely. So as this discussion moves forward, there are always going to be groups of people intimidated into silence. The question: which groups is it going to be? The original groups, or entirely new groups, or some combination?

I can give an anecdotal example from my own life, that may sound somewhat extreme today. When I was in summer camp as a teenager in the late [redacted], one of the camp counselors regularly made racist comments. I'll skip the details. There was, as it happened, one [redacted] in the camp. [redacted] was, understandably, infuriated, and I

personally was upset but generally clueless and unsure what to do; in the end, we were just [redacted], and we said nothing. We had been, one could say, intimidated into silence by an authority figure. I would like to believe that, today, people with the same beliefs as that counselor are, at least in public settings like a summer camp, intimidated into silence.

That example sounds extreme because racism is out of bounds today in public discourse, in a way that sexism is not. If (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) made racist comments similar to the sexist comments that they did actually make, they would have been dropped from polite society in a manner far more severe than what actually happened. And, to be clear, none of the discussion I've personally seen at Google has been explicitly racist, although it has been explicitly sexist.

Getting back to my main point, when you say that groups of people are being intimidated into silence by this discussion, you are absolutely right. The question is not whether this is happening--it has always been happening. The question is, going forward, which groups of people are we OK with silencing?

We have no control over what is going to happen in broader society or even in our little industry. But we do have some control over what happens in the company. Within Google, which groups should speak, and how should we decide?

Let me add that, while in personal life I lean toward free speech absolutism, free speech has never been permitted within any large company. We all restrain our speech at work. We don't proselytize our personal views. So within the company, compared with society at large, it is even more true that some gro...

[redacted] (b) (6), (b) (7)(C) 8/23/15

On Sun, Aug 23, 2015 at 11:07 AM, (b) (6), (b) (7)(C) @google.com> wrote:
On Sat, Aug 22, 2015 at 9:27 AM, (b) (6), (b) (7)(C) @google.com> wrote:

[about go/derail]

> Even if it is not a position statement, its use in a bias-busting class
> would constitute Google's official endorsement of that philosophy.

It seems to me that Google's endorsement of bias-busting classes in the first place comes pretty close to an official endorsement. Still,

> I agree that it might be more effective if the set of examples were
> more diverse.

They can't be, really; the whole idea of go/derail is to set up rules about who is permitted to speak and who must (as one supporter put it) "stfu", and what ideas can be expressed.

> > While I
> > certainly am in no position to run a survey to determine relative numbers, I
> > know there are a fair number of people (not all of them falling into the
> > "Bob" group) who are opposed to that philosophy and who have been
> > intimidated into silence by its followers; its use in an official class
> > would accelerate that trend. Perhaps that is what Google wants?
>
> > I don't think I would choose the phrase "intimidated into silence,"
> > but I'll go with it. I think that the ongoing discussion in the
> > company, the industry, and the U.S. as a whole has made it clear that
> > there are groups of people who were, before the discussion started,
> > intimidated into silence. I think it's also clear that a kumbaya
> > moment, where all groups come together in harmony, is unlikely. So as
> > this discussion moves forward, there are always going to be groups of
> > people intimidated into silence. The question: which groups is it
> > going to be? The original groups, or entirely new groups, or some
> > combination?

I think you're taking "intimidated into silence" somewhat less literally that I meant it. I did not mean that some people were saying things that made other people feel like they could not speak (though that happens too). I meant that people who publicly disagree with the philosophy behind go/derail are being called in by management or HR and warned not to continue to speak, either with vague (but in context, clearly dire) consequences or explicit warnings about their career.

> So how can we make the choice about who can speak? Within
> ...

(b) (6), (b) (7)(C) [redacted] 8/23/15

"I think that the ongoing discussion in the
company, the industry, and the U.S. as a whole has made it clear that there are groups of people who were, before the discussion started,
intimidated into silence."

Oh? It isn't at all clear to me that the group(s?) you are thinking of has been intimidated into silence. A couple of individuals have attested that they were, but that's not at all the same thing. Note that evidence of silence is not evidence of intimidation.

"The question: which groups is it going to be? The original groups, or entirely new groups, or some combination?"

A better question is, what behavior that might be interpreted as intimidating are we going to accept, and what not? Curt critiques of data? Blunt threats of manager escalations and calls for firing?

"none of the discussion I've personally seen at Google has been explicitly racist, although it has been explicitly sexist."

Examples?

At this point in time, the evidence seems to show that companies that are more diverse, that bring more different perspectives to bear on product decisions, tend to do better. Therefore, it seems to me, on pragmatic grounds, then when choosing which groups to intimidate into silence, we should choose the groups who tend to shut down overall diversity of opinion."

Where "diversity of opinion" means "majority-approved opinion voiced by women and certain racial minorities", apparently. This is an extreme conclusion to draw from very thin evidence.

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large, it is even more true that some groups are intimidated into silence.

So how can we make the choice about who can speak? Withi

...

[redacted] (b) (6), (b) (7)(C) 8/23/15

I don't think go/derail attempts to silence any opinions. What it does attempt is to constrain ways in which some opinions are expressed. I think that anyone who considers it unduly restraining the freedom of speech should attempt to follow it to the letter, and report any examples where go/derail appears to be overly restrictive. That could lead to improvements for the document, for the dialogue, or for both.

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So how can we make the choice about who can speak? Within a company, I personally lean toward pragmatism: which choice leads to the best results for the company? Here, the best results are defined as long term success. At this point in time, the evidence seems to show that

companies that are more diverse, that bring more different perspectives to bear on product

...

[redacted] (b) (6), (b) (7)(C) 8/23/15

On Sun, Aug 23, 2015 at 8:49 AM, (b) (6), (b) (7)(C) @google.com> wrote:

> "I think that the ongoing discussion in the
> company, the industry, and the U.S. as a whole has made it clear that there are groups of people who were, before the discussion started, intimidated into silence."
>
> Oh? It isn't at all clear to me that the group(s?) you are thinking of has been intimidated into silence. A couple of individuals have attested that they were, but that's not at all the same thing. Note that evidence of silence is not evidence of intimidation.

You're skeptical because not many people have spoken up to say they felt intimidated into silence?

Hey hey hey, can I get a shout out from all the mimes in the houuuussssse

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> So how can we make the choice about who can speak? Within a company,
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> results for the company? Here, the best results are defined as long
> term success. At this point in time, the evidence seems to show that
>
> companies that are more diverse, that bring more different
> perspectives to bear on product decision

...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/23/15

You're skeptical because not many people have spoken up to say they felt intimidated into silence?

No, I'm (open-mindedly) skeptical because of a lack of strong evidence of any sort. Also, the form and tone of your response are not constructive.

- show quoted text -

...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/23/15

On Sun, Aug 23, 2015 at 6:52 PM, (b) (6), (b) (7)(C) @google.com> wrote:

You're skeptical because not many people have spoken up to say they felt intimidated into silence?

No, I'm (open-mindedly) skeptical because of a lack of strong evidence of any sort. Also, the form and tone of your response are not constructive.

You must have missed the dozen or so replies after [redacted] dropped in on industryinfo@, many from people who had previously felt intimidated into silence.

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results for the company? Here, the best results are defined as long term success. At this point in time, the evidence seems to show that

companies that are more diverse, that bring more different perspectives to bear on product decisions, tend to do better.

Therefore, it seems to me, on pragmatic grounds, then when choosing which groups to intimidate into silence, we should choose the groups who tend to shut down overall diversity of opinion.

That's a pretty harsh and unpleasant conclusion, especially so if you are on the receiving end, but I don't see a

...

[redacted] (b) (6), (b) (7)(C) 8/23/15

On Sun, Aug 23, 2015 at 8:34 PM, (b) (6), (b) (7)(C) @google.com> wrote:
On Sun, Aug 23, 2015 at 6:52 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
You're skeptical because not many people have spoken up to say they felt intimidated into silence?

No, I'm (open-mindedly) skeptical because of a lack of strong evidence of any sort. Also, the form and tone of your response are not constructive.

You must have missed the dozen or so replies after [redacted] dropped in on industryinfo@, many from people who had previously felt intimidated into silence.

Kind of ironic, then, that some people are using that post to try to intimidate others into silence.
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...

[redacted] 8/23/15

On Mon, Aug 24, 2015 at 1:39 AM, (b) (6), (b) (7)(C) @google.com> wrote:
I meant that people who publicly disagree with the philosophy behind go/derail are being called in by management or HR and warned not to continue to speak, either with vague (but in context, clearly dire) consequences or explicit warnings about their career.

Fun fact! This has happened to people who publicly *agree* with the "philosophy" too!

So I'm not sure what this proves.

[redacted]

[redacted] (b) (6), (b) (7)(C) 8/23/15

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It proves we have a problem with misuse of official channels in order to intimidate people into silence. I personally want that to stop. How about you?

[redacted] 8/23/15

On Mon, Aug 24, 2015 at 11:32 AM, (b) (6), (b) (7)(C) @google.com> wrote:
It proves we have a problem with misuse of official channels in order to intimidate people into silence. I personally want that to stop. How about you?

As long as each case is evaluated on its merits and treated fairly, I don't believe being told by HR (paraphrased) "it is not appropriate to say things like that in a workplace which you share with other people" *is*, in fact, "misuse of official channels". Seems like WAI, in fact.

In my case, I said "it's a fair cop", agreed that some things are not appropriate to express in certain fashions, or via certain media, in a company of 50K people, and agreed to modify or mediate my behaviour so as to avoid problems in future.

[redacted]

(b) (6), (b) (7)(C) 8/23/15

On Sun, Aug 23, 2015 at 9:38 PM, (b) (6), (b) (7)(C) @google.com> wrote:
On Mon, Aug 24, 2015 at 11:32 AM, (b) (6), (b) (7)(C) @google.com> wrote:
It proves we have a problem with misuse of official channels in order to intimidate people into silence. I personally want that to stop. How about you?

As long as each case is evaluated on its merits and treated fairly, I don't believe being told by HR (paraphrased) "it is not appropriate to say things like that in a workplace which you share with other people" *is*, in fact, "misuse of official channels". Seems like WAI, in fact.

Oh, you were given something specific? I was not.

In my case, I said "it's a fair cop", agreed that some things are not appropriate to express in certain fashions, or via certain media, in a company of 50K people, and agreed to modify or mediate my behaviour so as to avoid problems in future.

(b) (6), (b)

(b) (6), (b) (7)(C) 8/23/15

You must have missed the dozen or so replies after (b) (6), dropped in on industryinfo@, many from people who had previously felt intimidated into silence.

I noted anecdotal evidence. You note anecdotal evidence. To dwell on differences in how we describe the number of anecdotes qualifies as nitpicking.

BTW, a number of people have noted intimidation efforts against those of alternative political persuasions... do those anecdotes constitute strong evidence that a group is being intimidated into silence? In both cases, I would call the evidence suggestive and concerning, but hardly warranting the sort of sweeping conclusion drawn above, that a particular group IS being intimidated into silence and therefore a different group must be intimidated into silence, as a matter of policy, for the good of the company.

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...

(b) (6), (b) (7)(C) 8/23/15

On Sun, Aug 23, 2015 at 8:39 AM, (b) (6), (b) (7)(C) @google.com> wrote:
>
> I think you're taking "intimidated into silence" somewhat less literally
> that I meant it. I did not mean that some people were saying things that
> made other people feel like they could not speak (though that happens too).
> I meant that people who publicly disagree with the philosophy behind
> go/derail are being called in by management or HR and warned not to continue
> to speak, either with vague (but in context, clearly dire) consequences or
> explicit warnings about their career.

I understood that was what you meant. I did extend the meaning for my reply, and I should have been more clear about that when I said I would use your phrase. I think we should consider all forms of "intimidation" together. I don't think it's the case that some kinds of "intimidation" are OK and some are out of bounds. I think there is a continuum.

>> So how can we make the choice about who can speak? Within a company,
>> I personally lean toward pragmatism: which choice leads to the best
>> results for the company? Here, the best results are defined as long
>> term success. At this point in time, the evidence seems to show that
>> companies that are more diverse, that bring more different
>> perspectives to bear on product decisions, tend to do better.
>>
>> Therefore, it seems to me, on pragmatic grounds, then when choosing
>> which groups to intimidate into silence, we should choose the groups
>> who tend to shut down overall diversity of opi...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/23/15

On Sun, Aug 23, 2015 at 7:45 PM (b) (6), (b) (7)(C) @google.com> wrote:
>> Therefore, it seems to me, on pragmatic grounds, then when choosing
>> which groups to intimidate into silence, we should choose the groups
>> who tend to shut down overall diversity of opinion.
>
>
> I think we'd disagree over which groups those are.

Likely we would. Still, I think it's the right sort of discussion to have.

I think (b) (6), (b) (7)(C) r had the right idea here. If we ever find ourselves thinking first in terms of which *people* we want to protect from intimidation, and then deciding which *tactics* to tolerate based on that -- or, even worse, selectively tolerating the use of certain tactics against some people but not others -- then I think

we're doing something very, very wrong.

(b) (6), (b) (7)(C)
[redacted] b) (6), (b) (7)(C) 8/23/15

On Sun, Aug 23, 2015 at 8:49 AM, (b) (6), (b) (7)(C)
<(b) (6), (b) (7)(C) @google.com> wrote:
>> "I think that the ongoing discussion in the
>> company, the industry, and the U.S. as a whole has made it clear that there
>> are groups of people who were, before the discussion started,
>> intimidated into silence."
>
> Oh? It isn't at all clear to me that the group(s?) you are thinking of has
> been intimidated into silence. A couple of individuals have attested that
> they were, but that's not at all the same thing. Note that evidence of
> silence is not evidence of intimidation.

Personally, I think that enough people have said that they did not have a voice at Google (or in the industry, or in the country) that we can consider the matter settled. It's not necessary to go over it continually. At some point we have to move on, and not keep questioning people's reported experiences.

>> "The question: which groups is it going to be? The original groups, or
>> entirely new groups, or some combination?"
>
> A better question is, what behavior that might be interpreted as
> intimidating are we going to accept, and what not? Curt critiques of data?
> Blunt threats of manager escalations and calls for firing?

I think it's a continuum. We should strive to be aware of all such examples. There aren't rules saying that some things are OK and some are not. This is not a game.

> "none of the discussion I've personally seen at Google has been explicitly
> racist, although it has been explicitly sexist."
>
> Examples?

I was wondering if anybody would respond in that way, since after all we are discussing http://go/derail, where it is listed as anti-pattern number 1.

I have the impression based on your messages that you read mailing

lists like industryinfo and eng-misc. I think you can find your own examples. When looking, remember that in a community like Google the sexist comments don't come from evil people. They come from the misfits, the ones who see things differently, who aren't fond of rules, who have no respect for the status quo.

>> At this point in time, the evidence seems to show that companies that are
>> more diverse, that bring more different perspectives ...

(b) (6), (b) (7)(C) 8/23/15

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If we are endorsing certain tactics against certain groups of people but not others, then we are most likely doing something wrong.

If we are endorsing certain tactics against certain communication styles, regardless of who uses them, where of course those people may continue to speak using other communication styles, we may be doing what has to be done to gain a greater diversity of opinion. Or we may not, I don't know. But I don't see a reason to rule it out a priori.

(b) (6),

(b) (6), (b) (7)(C) 8/23/15

Your "extreme conclusion" is not what I said.

The "extreme conclusion" I was referring to is exactly what you said, which I quoted in my message and quote more extensively below:

"*So as this discussion moves forward, there are always going to be groups of people intimidated into silence. The question: which groups is it going to be? ... So how can we make the choice about who can speak? ... Therefore, it seems to me, on pragmatic grounds, then when choosing which groups to intimidate into silence, we should choose the groups who tend to shut down overall diversity of opinion. That's a pretty harsh and unpleasant conclusion, especially so if you are on the receiving end, but I don't see any really good choices available to us.*"

"I have the impression based on your messages that you read mailing lists like industryinfo and eng-misc. I think you can find your own examples [of sexism]."

I do, and the fact that I have not seen what I consider sexism is precisely why I asked you for examples of what you consider sexism. "First define your terms", as a certain defender or free speech supposedly said.

"Personally, I think that enough people have said that they did not have a voice at Google (or in the industry , or in the country) that we can consider the matter settled."

A number of people are claiming that persons of alternative political persuasions are being intimidated into silence; can we consider that matter settled as well? Fine, then let's move on to addressing what I said was the better question: what behavior that might be interpreted as intimidating are we going to accept, and what not? What anti-intimidatory measures can be reasonably accommodated, and which violate important principles? Which can be applied uniformly , without regard to group identity, and which are to be tailored to what are deemed the special needs and interests of particular groups?

- show quoted text -

...

[redacted] (b) (6), (b) (7)(C) 8/23/15

If we are endorsing certain tactics against certain groups of people but not others, then we are most likely doing something wrong.

If we are endorsing certain tactics against certain communication styles, regardless of who uses them, where of course those people may continue to speak using other communication styles, we may be doing what has to be done to gain a greater diversity of opinion.

That was my concern when I proposed to change go/derail to use the same-gender names for A(lice) and B(ob). Or, even better, ambigender names. But this proposal didn't find support -- perhaps, because I couldn't explain my reasons clearly enough.

[redacted] 8/23/15

On 23 August 2015 at 20:26, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

I do, and the fact that I have not seen what I consider sexism

How many examples would you like? Because https://docs.google.com/document/d/1HKBjpifEpyGZ25pghIl_cWX3t42yXpiUOrH5UWR7iz0/view is chock full of them, reported by your co-workers.

[redacted]

--

Google Switzerland GmbH, Identifikationsnummer: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 8/24/15

On Sat, Aug 22, 2015 at 5:34 PM, (b) (6), (b) (7)(C) @google.com> wrote:

On Sat, Aug 22, 2015 at 5:12 PM, (b) (6), (b) (7)(C) @google.com> wrote:
Gosh, I have to admit that when the conversation strays to differing sociopolitical philosophies, I have to admit I have trouble following the specific argument. It's a little too abstract, so perhaps I miss the point.

Hmm... seems I've seen this before recently. Is this a new game?

It is not a game. Perhaps I could be accused of excessive self deprecation, but I really didn't understand the specific point you were trying to make earlier.

I'd stand with (b) (6), (b) (7 and others who said that we can have better internal discussions if we try to avoid the anti-patterns cataloged in go/derail. I'm sure that some people are less comfortable with this approach than other people, but I think there is a clear net benefit for Google.

I disagree that the patterns cataloged in go/derail are in fact anti-patterns. I see the document as attempting to determine the destination and course of discussions ahead of time, by ruling certain lines of discourse off limits.

That's a misreading of the document and the intention of the people who contributed to it. It talks about how to have a conversation that avoids excluding or silencing a marginalized group. I'm confident that the goal is not to cause discussion to reach a particular outcome. If we wanted to have a conversation about work-life balance, I don't see how avoiding these anti-patterns would require us to reach a particular destination.

(b) (6), (b) (7)(C)
- show quoted text -
...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/24/15

On Sun, Aug 23, 2015 at 10:45 PM, (b) (6), (b) (7)(C) @google.com> wrote:
On Sun, Aug 23, 2015 at 8:39 AM, (b) (6), (b) (7)(C) @google.com> wrote:
>
> I think you're taking "intimidated into silence" somewhat less literally
> that I meant it. I did not mean that some people were saying things that
> made other people feel like they could not speak (though that happens too).
> I meant that people who publicly disagree with the philosophy behind
> go/derail are being called in by management or HR and warned not to continue

> to speak, either with vague (but in context, clearly dire) consequences or
> explicit warnings about their career.

I understood that was what you meant. I did extend the meaning for my reply, and I should have been more clear about that when I said I would use your phrase. I think we should consider all forms of "intimidation" together. I don't think it's the case that some kinds of "intimidation" are OK and some are out of bounds. I think there is a continuum.

Again we disagree. I do not consider "I am being intimidated because other people express opinions which are contrary to mine" and "I am being intimidated because people tell me to be silent or they will visit harm upon me, and have attempted to do so" to be at all similar. If there is a continuum, there are some bright lines which can be drawn within it.

>> So how can we make the choice about who can speak? Within a company,
>> I personally lean toward pragmatism: which choice leads to the best
>> results for the company? Here, the best results are defined as long
>> term success. At this point in time, the evidence seems to show that
>> companies that are more diverse, that bring more different
>> perspectives to bear on product decisions, tend to do better.
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>> Therefore, it seems to me, on pragmatic grounds, then when choosing
>> which groups to intimidate into silence, we should choo

...

(b) (6), (b) (7)(C) b) (6), (b) (7)(C) 8/24/15

On Sun, Aug 23, 2015 at 8:26 PM, (b) (6), (b) (7)(C)
<(b) (6), (b) (7)(C) @google.com> wrote:
>> Your "extreme conclusion" is not what I said.
>
>
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>
> "So as this discussion moves forward, there are always going to be groups of
> people intimidated into silence. The question: which groups is it
> going to be? ... So how can we make the choice about who can speak? ...
> Therefore, it seems to me, on pragmatic grounds, then when choosing
> which groups to intimidate into silence, we should choose the groups who
> tend to shut down overall diversity of opinion. That's a pretty harsh and
> unpleasant conclusion, especially so if you are on the receiving end, but I
> don't see any really good choices available to us."

Your "extreme conclusion" was "Where 'diversity of opinion' means 'majority-approved opinion voiced by women and certain racial minorities', apparently."

That is not what I said. Where I said "diversity of opinion," you said "majority-approved opinion," which has more or less the opposite meaning.

> "I have the impression based on your messages that you read mailing lists
> like industryinfo and eng-misc. I think you can find your own examples [of
> sexism]."
>
> I do, and the fact that I have not seen what I consider sexism is precisely
> why I asked you for examples of what you consider sexism. "First define your
> terms", as a certain defender or free speech supposedly said.

I'm sorry, I'm not going to play this game. It's a trap where we endlessly discuss whether certain specific messages are *really* examples of sexism or not. It's a fruitless endeavour. Particularly so since my argument stands or falls regardless of whether or not there are examples of sexism on the mailing lists.

> "Personally, I think that enough people have said that they did not have a
> voice at Google (or in the industry, or in the country) that we can consider
> the matter settled."
>
> A number of people are claiming that persons of alternative political
> persuasions are being intimidated into silence; can we consider that matter
> settled as well?

Yes, we can.

> Fine, then let's move on to addressing what I said was the
> better question: what behavior that might be interpreted as intimidating are
> we going to accept, and what not? What anti-intimidatory measures can be
> reasonably accommodated, and which violate important principles? Which can
> be applied uniformly, without regard to group identity, and which are to be
> tailored to what are deemed the special needs and interests of particular
> groups?

I don't personally think that is the better question, but, sure, we can discuss that. As I said in my earlier reply, I think there is a continuum of actions that people may take. If there is a bright line that must not be crossed,...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/24/15

- show quoted text -

You are correct: we disagree.

(b) (6), [redacted]

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/24/15

Hey Googlers,

To make sure all the useful comments on eliminating bias in perf are not drowned in this thread, please comment on go/evict-perf-bias (even if you are going to repeat what you said here) or if you are really interested - here is the magnet 20% you can sign up :)!

Does anyone want to start a doc (maybe dory is a good format?) with concrete ideas for bias basting - again so that all the good ideas from this thread don't get drowned? If I do not see anything by Friday, I will start it then (that's when my 20% to deal with discrimination is slotted for).

thank you!

(b) (6), (b) (7)([redacted]

- show quoted text -

...

(b) (6), (b) (7)(C) [redacted] b) (6), (b) (7)(C) 8/24/15

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thank you!

(b) (6), (b) (7)([redacted]

(my mail client is changing subject on me - thus the duplicate)

On Mon, Aug 24, 2015 at 10:51 AM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:

On Sun, Aug 23, 2015 at 10:45 PM, (b) (6), (b) (7)(C) @google.com> wrote:

On Sun, Aug 23, 2015 at 8:39 AM, (b) (6), (b) (7)(C) @google.com> wrote:

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> I think you're taking "intimidated into silence" somewhat less literally
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> explicit warnings about their career.

I understood that was what you meant. I did extend the meaning for my reply, and I should have been more clear about that when I said I would use your phrase. I think we should consider all forms of "intimidation" together. I don't think it's the case that some kinds of "intimidation" are OK and some are out of bounds. I think there is a continuum.

Again we disagree. I do not consider "I am being intimidated because other people express opinions which are contrary to mine" and "I am being intimidated because people tell me to be silent or they will visit harm upon me, and have attempted to do so" to be at all similar. If there is a continuum, there are some bright lines which can be drawn within it.

>> So how can we make the choice about who can speak? Within a company,
>> I personally lean toward pragmatism: which choice leads to the best
>> results for the company? Here, the best results are defined as long
>> term success. At this point in time, the evidence seems to show that
>> companies that are more diverse, that bring more different

...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/24/15

Does being silenced by stunned disbelief at the sad parody this thread has become count among acceptable grievances?

(b) (6), (b) (7)(named concrete and well-thought-out approaches we could take to mitigate behaviors and systems that discriminate. Thank you, (b) (6), (b) (7)(C)! Discussion around t workplace -- but instead litigating the fixation this discussion can't get away from: what dudes on lists can and can't say , and how this does or does not impinge on som

I am glad no one outside of Google can see this thread. I don't have much else to say .

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...

(b) (6), (b) (7)(C) 8/24/15

On Mon, Aug 24, 2015 at 11:06 AM, (b) (6), (b) (7)(C) @google.com> wrote:

> Does being silenced by stunned disbelief at the sad parody this thread has become count among acceptable grievances?
>
> (b) (6), (b) (7)(C) named concrete and well-thought-out approaches we could take to mitigate behaviors and systems that discriminate. Thank you, (b) (6), (b) (7)(C)! Discussion aroun
> workplace -- but instead litigating the fixation this discussion can't get away from: what dudes on lists can and can't say , and how this does or does not impinge on sc

Hey, looks like (b) (6), (b) (7)(C) is right: There is sexism on this list.

> I am glad no one outside of Google can see this thread. I don't have much else to say .
>
> On Mon, Aug 24, 2015 at 10:51 AM, (b) (6), (b) (7)(C) @google.com> wrote:
>
>> On Sun, Aug 23, 2015 at 10:45 PM, (b) (6), (b) (7)(C) @google.com> wrote:
>> On Sun, Aug 23, 2015 at 8:39 AM, (b) (6), (b) (7)(C) @google.com> wrote:
>> >
>> > I think you're taking "intimidated into silence" somewhat less literally
>> > that I meant it. I did not mean that some people were saying things that
>> > made other people feel like they could not speak (though that happens too).
>> > I meant that people who publicly disagree with the philosophy behind
>> > go/derail are being called in by management or HR and warned not to continue
>> > to speak, either with vague (but in context, clearly dire) consequences or
>> > explicit warnings about their career.
>>
>> I understood that was what you meant. I did extend the meaning for my
>> reply, and I should have been more clear about that when I said I
>> would use your phrase. I think we should consider all forms of
>> "intimidation" together. I don't think it's the case that some kinds
>> of "intimidation" are OK and some are out of bounds. I think there is
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>
> Again we disagree. I do not consider "I am being intimidated because other people express opinions which are contrary to mine" and "I am being intimidated because people tell me to be silent or they will visit harm upon me, and have attempted to do so" to be at all similar. If there is a continuum, there are some bright lines which can be drawn within it.
>
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>> results for the company? Here, the best results are defined as long
>> term success. At this point in time, the evidence seems to show that
>> companies that are more diverse, that bring more

...

[redacted] b) (6), (b) (7)(C) 8/24/15

Hey, looks like someone could use an education on the nature and structure of sexism. Hint: this isn't it.

Can we get back to discussing [redacted] suggestions now?

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>> companies that are more diverse, that bring more different
>> perspec

...

[redacted] b) (6), (b) (7)(C) 8/24/15

Wow. I honestly don't know what to say that wouldn't just spin out the tangent further, but I just want to express that I've seen few comments on Google threads that made my jaw drop like that one.

[redacted]: +1; well said.

Can we get back to a discussion of [redacted] concrete proposals now?

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>> companies that are more diverse, that bring more different
>> perspectives to bear on product decisions, tend to do better.
>>
>> Therefore, it seems to me, on pragmatic grounds, then when choosing
>> which groups to intimidate into silence, we should choose the groups
>> who tend to shut down over

...

[redacted] (b) (6), (b) (7)(C) 8/24/15

(Huh; I swear I wasn't trying to parrot [redacted] last comment there... I saw it just as I was hitting send.)

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...

[redacted] (b) (6), (b) (7)(C) 8/24/15

+1.

Concrete, constructive proposals - such as go/evict-perf-bias & go/derail - FTW. Arguing from a position of privilege because you might have to relinquish just a little bit of that privilege, not so much.

// [redacted]

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>> who tend to shut down overall diversity of opinion.
>
>
> I think we'd disagree over which groups th

...

(b) (6), (b) (7)(C) 8/24/15

Adding another voice to those asking for a re-centering on (b) (6), (b) (7)(C) proposals.
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...

(b) (6), (b) (7)(C) 8/24/15

Random question - is perf biased? As measured by which metric? --- I ask because every perf cycle, it seems like someone asks for the breakdown by gender and the numbers reported back are that there's no statistical difference in the rate of self nomination or the rate of promotion by gender. If there were bias, would it show up in those measurements, or is this more a question of language used when assessing peers?

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> I think we'd disagree over which groups those are.

Likely we would. Still, I think it's the right sort of discussion to have.

I note that there can be one kind of discussion about tactics (when, if ever, should one complain to HR) and another about goals (which and how many groups do we want to
...

(b) (6), (b) (7)(C) 8/24/15

Hey, why is this thread in my inbox again? (Oh yeah - because gmail mute is pretty good but not perfect.)

More importantly why are people still discussing the same stuff over and over? Either discuss the documents that authors have asked for discussion on, or I will assume everyone is just bored, and link another fanfic.
http://archiveofourown.org/works/2035275
This is a rather sweet BBC Sherlock fanfic with *no shipping*. (Are such things possible?! YES THEY ARE but you would not believe how long I had to hunt to find y'all one.)

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...

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) [redacted] 8/24/15

On Mon, Aug 24, 2015 at 8:30 AM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
Hey, looks like someone could use an education on the nature and structure of sexism. Hint: this isn't it.

Can we get back to discussing (b) (6), (b) (7)(C) [redacted] suggestions now?

Although I'm not among those holding the document up as a universal standard, I must note that what you did here is exactly the behavior described at go/derail-splaining. (b) (6), (b) (7)(C) [redacted] pointed out an instance of bias; you responded by telling (b) (6), (b) (7)(C) [redacted] opinion was wrong, and what (b) (6) [redacted] needed to understand was that the comment wasn't *really* sexist. And then you explicitly shifted away from discussing that bias.

(b) (6), (b) (7)(C) [redacted] instinct to respond immediately in the same forum where (b) (6) [redacted] witnessed the bias was the right one, even if some readers might object to (b) (6) [redacted] tone. "The standard you walk past is the standard you accept", and we have efforts like Bias Busting @ Work dedicated to training Googlers not to let such statements pass by unchallenged.

[redacted] b) (6), (b) (7)(C) 8/24/15

You. Have. Got. To. Be. Kidding. Me.

FIN, I'm out, Muted, etc..

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–
(b) (6), (b) (7)(C) [redacted]
Google NYC

[redacted] b) (6), (b) (7)(C) 8/24/15

I don't even ... Seriously? In a discussion about how we can try to *not* be horrible towards women and other underrepresented and marginalized people, a few privileged-in-this-context people jump in and hijack the discussion and end up silencing the very people who we're trying to give a voice?

Do you not get that that's precisely why we're having this kind of discussion? Including because of some already-privileged people's insistence that any reduction of their privilege is effectively the end of the world and they will not have it, and that a small reduction of privilege of those who are already-privileged is somehow equivalent to the further marginalization of the already-marginalized?

Don't you get that you are part of the problem more than of the solution?

// [redacted]

On Mon, Aug 24, 2015 at 6:03 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> You. Have. Got. To. Be. Kidding. Me.
>
> FIN, I'm out, Muted, etc..
>
> On Mon, Aug 24, 2015 at 12:34 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> > On Mon, Aug 24, 2015 at 8:30 AM (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
> > > Hey, looks like someone could use an education on the nature and structure of sexism. Hint: this isn't it.
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>
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...

[redacted] (b) (6), (b) (7)(C) 8/24/15

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Net result of this exchange: (at least) one woman's voice in this thread silenced, zero men silenced. Strong evidence for why go/derail is necessary. Repeat this exchange indefinitely and by induction no women are left in the discussion :(

+1 to [redacted] goal of fixing unconscious bias in perf and to other constructive suggestions, -1 to more derailing.

[redacted] (b) (6), (b) (7)(C) 8/24/15

:(:(:(

[redacted] I want to take a step back and ask what is your goal in participating in this thread?

Are you interested in discussing the issues I raised in the OP, and the questions that I and others have asked multiple times? Are you interested in discussing why <1% of participants in these forums are generally women? And considering what we can do to fix that?

I am sure you don't mean to be driving away the women (like [redacted]) who were trying to participate in this discussion, but that is what just happened. If you don't like the proposals on the table (mine or (b) (6), (b) (7)(C) what is your alternate proposal? How would you go about getting that <1% representation up to the 30% that is the percentage of women at Google?

What can we/you personally do to get [redacted] to come back, and to get others to join [redacted]?

On Mon, Aug 24, 2015 at 10:03 AM, (b) (6), (b) (7)(C) @google.com> wrote:
You. Have. Got. To. Be. Kidding. Me.

FIN, I'm out, Muted, etc..

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[redacted] (b) (6), (b) (7)(C) 8/24/15

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[redacted] what did [redacted] propose? Gmail search for [from (b) (6), (b) (7)(C) subject:pipeline], didn't come up with anything specific for me. What am I missing?

[redacted] (b) (6), (b) (7)(C) 8/24/15

Oh hey, looks like the masochist in me (i.e. the part that made it possible for me to stick around tech this long?) didn't actually mute this thread.

I proposed that we re-engage with [redacted] proposals, instead of tormenting this thread with discussion about whether inclusive communication norms = censorship.

Can we?

On Mon, Aug 24, 2015 at 2:25 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> I am sure you don't mean to be driving away the women (like [redacted]) who were trying to participate in this discussion, but that is what just happened. If you don't like the proposals on the table (mine or (b) (6), (b) (7)(C)
>
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–

(b) (6), (b) (7)(C) [redacted]
Google NYC

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/24/15

Constructive idea (I hope):

Let's start a new thread and make it clear that a) it's about the constructive proposals (with a copy of [redacted] proposals), and b) say "let's not derail this thread please" in the first email. Having a new, clean thread will also make it easier to read.

It's 8:32pm in my timezone and I'm only taking a glance at this while doing personal stuff, and I won't be watching this during MTV daytime, so I'm not doing this myself now. But if someone else thinks it's a good idea, let's do that.

Cheers,
[redacted]

On Mon, Aug 24, 2015 at 8:30 PM, (b) (6), (b) (7)(C) [redacted] @google.com> wrote:
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...

(b) (6), (b) (7)(C) [redacted] (b) (6), (b) (7)(C) 8/24/15

Back to [redacted] proposals, my biggest concern is that in order to trail a ML model, one would need a training set of manually annotated (biased/non-biased) texts. Do people have ideas on how to obtain or construct such a set?
- show quoted text -
...

[redacted] b) (6), (b) (7)(C) 8/24/15

So, to discuss [redacted] proposal. The big problem that we don't know exactly what impact it will have. We suspect that there is one or more causes in a long list of things that leads to the gender ratios in engineering. [redacted] proposal is assuming that there is a big problem in one of the items in this list, and then spending a lot of time and effort on fixing that item in the list. Lots of code will have to be written and maintained, at the very least. You also risk the problem of causing unforeseen issues. A much simpler trial run would at least prove whether it is worth trying.

Something like this: Select at random 200 people's promo packets. Redact them by hand to avoid whatever what language you wanted to redact. Redact the names and anything else that will let people figure out the gender of the person is. Send those packets out to promo committees, see if there is a major difference. If there is, it is worth trying, if not, at least you figured out early the problem lies somewhere else.

People have generally noted that promo success rates are roughly equal; if that is true, there is good reason to suspect that the big issues lie elsewhere.

So, back to derailing: [redacted] comment was sexist, at least by the definition in the Oxford English Dictionary. Sexism, (n), Originally: the state or condition of belonging to the male or female sex; categorization or reference on the basis of sex (now rare); (in later use) prejudice, stereotyping, or discrimination, typically against women, on the basis of sex." [redacted] said that "[The thread became centered on] what dudes on lists can and can't say ". The implication that it is mostly about "dudes" is at least stereotyping, if not prejudice.

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[redacted] instinct to respond immediately in the same forum where [redacted] witnessed the bias was the right one, even if some readers might object to [redacted] tone. "The standard you walk past
...

[redacted] b) (6), (b) (7)(C) 8/24/15

[redacted] I'm going to try to refocus your comment too and not make it a question about disagreeing over who said what.

You seem to not agree with what's been said so far. So, why do you think that there is <1% participation of women in our corporate spaces? And how can we get that up to something closer to 30%, which is the percentage of women at Google? What is your personal view on how we can we make this a space where women

will feel comfortable participating?
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(b) (6), (b) (7)(C) 8/24/15

There's quite a bit of research on this. Try a websearch for "sentiment analysis" and "genre detection". (IIRC, (b) (6), (b) (7)(C) wrote a few papers on this, for example).

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...

(b) (6), (b) (7)(C) 8/24/15

Do we need manual annotation for bias, or would it be enough for the ML to be able to say 'This is a type comment that only gets made about women'? Granted, that would result in a red flag going up if the review says the person has been negatively impacted by sexism, but manually ignoring this sort of thing might work ok.

Also, read (b) (6), (b) as I was typing... why do we want to go "back to derailing"? Many of us explicitly do not want this.

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I am sure you don't mean to be driving away the women (like (b) (6), (b) (7)(C)) who were trying to participate in this discussion, but that is what just happened. If you don't like the proposals on the table (mine or (b) (6), (b) (7)(C)

(b) (6), (b) (7) what did (b) (6), (b) (7)(C) propose? Gmail search for [from (b) (6), (b) (7)(C) subject:pipeline], didn't come up with anything specific for me. What am I missing?

...

(b) (6), (b) (7)(C) 8/24/15

Let's start the new thread then ;) (repeating myself)

... and I'm out for the day (Zurich timezone)

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--
(b) (6), (b) (7)(C)
Googl

...

(b) (6), (b) (7)(C) 8/24/15

I agree with lots of things said above and I disagree with lots of other things also said above. I don't think it makes sense to turn the thread to discussing my views specifically. I'm open to private discussion, though.
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(b) (6), (b) (7)(C) 8/24/15

Do we need manual annotation for bias, or would it be enough for the ML to be able to say 'This is a type comment that only gets made about women'?

...Or men, for that matter. Well, that's an interesting proposal, could be worth trying, indeed.

[redacted] 8/24/15

I actually think the right solution is a new list. I know this was tried recently, but I'm not sure a random thread on industryinfo@ is the right place for diversity discussions and think it is highly likely to be derailed in any case since some people are either insufficiently situationally aware, rude, or perhaps just subscribe to a political philosophy that apparently requires them to intervene in unhelpful ways.

I know that there was a recent attempt to set up an industry-discuss list, which I didn't love because industryinfo is a discussion list and the moderation function seems like high overhead for most of the topics that come up here. However, I do think that something like diversity-discuss (which seems to already exist but has basically no members or traffic) might be useful as an (ideally moderated) discussion forum for people who are genuinely interested in addressing diversity problems and where standalone discussions separate from individual articles could be had. Cross-posting between the two should be encouraged where appropriate.

[redacted]
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>>>>> Google NYC
>>>>>
>>>>>
>>...

[redacted] 8/24/15

If people want a new list to specifically discuss the concrete ideas to battle discrimination, I created a list evict-elephant@ (as per go/evict-elephant) please add yourself (the membership in the list will be moderated ;-) - yay! who wants to derail and discuss that?)

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>>>> --
>>>>
>>>> Google Switzerland GmbH | Identifikationsnumm

...

(b) (6), (b) (7)(C) 8/24/15

I'm not attempting to _turn_ the thread to discussing your views particularly. I started this thread in the hopes of getting people's ideas on what we can do to fix this situation. I've given some. I shared some of my (very personal) experiences previously on your (again personal) request. A lot of others have shared their personal experiences, suggested practical ideas, and tried to provide something positive (like go/derail). You are participating to say that you don't like other people's responses to these questions. So if others are wrong, why not give your own answers? I'd love to hear them, and I'm sure a lot of other people too. That's not a turn in the thread's purpose. That /is/ the thread's purpose*.

Why are more women not participating, and how can we change that?

*SOURCE: I am the OP and know why I started the thread.

On Mon, Aug 24, 2015 at 11:57 AM, (b) (6), (b) (7)(C) @google.com> wrote:
, I agree with lots of things said above and I disagree with lots of other things also said above. I don't think it makes sense to turn the thread to discussing my views specifically. I'm open to private discussion, though.

On Mon, Aug 24, 2015 at 11:44 AM, (b) (6), (b) (7)(C) @google.com> wrote:
I'm going to try to refocus your comment too and not make it a question about disagreeing over who said what.

You seem to not agree with what's been said so far. So, why do you think that there is <1% participation of women in our corporate spaces? And how can we get that up to something closer to 30%, which is the percentage of women at Google? What is your personal view on how we can we make this a space where women will feel comfortable participating?

On Mon, Aug 24, 2015 at 11:25 AM, (b) (6), (b) (7)(C) @google.com> wrote:
...

(b) (6), (b) (7)(C) 8/24/15

On Sat, Aug 22, 2015 at 9:27 AM, (b) (6), (b) (7)(C) @google.com> wrote:
>
> Even if [go/derail] is not a position statement, its use in a bias-busting class would constitute
> Google's official endorsement of [a sociopolitical philosophy that is by no means universally accepted].
>
> While I certainly am in no position to run a survey to determine relative numbers, I know there are a fair
> number of people (not all of them falling into the "Bob" group) who are opposed to that philosophy
> and who have been intimidated into silence by its followers; its use in an official class would accelerate
> that trend. Perhaps that is what Google wants?

Google wants (as a matter of pubic record) to increase diversity in its workplace. One factor that would help with this is to encourage more women (and other unrepresented to groups) to apply to work here. Another is to make sure that such groups do not feel intimidated or unwelcome when they do get here.

An objective observer, reading this thread, might come to the conclusion that women *are* being made to feel intimidated or unwelcome, and might then conclude that the opinions expressed at go/derail ought to be be officially endorsed.

If you don't want this to happen, your cause might be better served by trying to suggest other ways in which Google can improve its diversity.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/24/15

Thanks, (b) (6), (b) (7)(C). I've just attempted to subscribe.

I've got some things to say, but would rather discuss actually fixing the problem than having the meta-conversation here, so I'm going to move my attention over there and encourage folks actually interested in fixing things to do the same.

(b) (6), (b) (7)(C)
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>> >>>>> ...

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 8/24/15

Hi everyone,

As both the (b) (6), (b) (7)(C) at Google and someone who cares deeply about our workplace culture, I respectfully ask that **everyone stop engaging on this thread**. While there have been some great ideas and stories shared here, this thread as a whole has turned negative rather than constructive.

Google is not a debate club or a philosophy class. We are a workplace and we have an obligation to make sure our discussions remain respectful. Debates around topics like product excellence can support a wide variety of viewpoints and are great to have. I don't think the same can be said for debates around sensitive issue such as gender, religion, race, or sexual orientation. These are deeply personal issues and it's easy to offend someone even if your intentions are good. And once you have offended someone, the right thing to do is to apologize and step back—not continue to support your point. It's not about being "right" or winning the argument; it's about respecting someone else's feelings.

Google has always had a strong culture around expression, but that culture relies on civility/care too much about Google to let us go down the path this thread has taken. I believe we're better than this.

--[redacted]

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>> >>>>> --
>> >>>>> (b) (6), (b) (7)(C)
>> >>>>> (b) (6), (b) (7)(C)
>> >>>>> Google NYC
>> >>>>>
>> >>>>>
>> >>>>>

...

[redacted] (b) (6), (b) (7)(C) 8/24/15

You are participating to say that you don't like other people's responses to these questions.

Sorry, [redacted], that is not a fair characterization of my position. If you consider some of my statements objectionable, please quote them specifically.

Why are more women not participating, and how can we change that?

I don't know if you saw my comment regarding retention problem and pipeline problem feeding into each other in a feedback loop and amplifying small gender differences in children. To change that, we really need to somehow alter the gender stereotypes prevalent in the American society. I don't have a realistic plan on how this can be done globally. But on the individual level, I also responded to the life example of a 6-year-old girl who ended up the only girl among 30 boys in a robotics camp. I think that parents should be able to change this by persuading other parents to send several girls in the same camp.

[redacted] (b) (6), (b) (7)(C) 8/24/15

[redacted]

where would be a good place to find what diversity team has done and which projects are currently in progress? is it go/diversity?

thank you,
[redacted]
- show quoted text -

(b) (6), (b) (7)(C) 8/24/15

On Sun, Aug 23, 2015 at 7:56 PM, (b) (6), (b) (7)(C) @google.com> wrote:

> On Sun, Aug 23, 2015 at 7:45 PM (b) (6), (b) (7)(C) @google.com> wrote:
>
> >> Therefore, it seems to me, on pragmatic grounds, then when choosing
> >> which groups to intimidate into silence, we should choose the groups
> >> who tend to shut down overall diversity of opinion.
> >
> >
> > I think we'd disagree over which groups those are.
>
> Likely we would. Still, I think it's the right sort of discussion to have.
>
> I think (b) (6), (b) (7)(C) had the right idea here. If we ever find ourselves thinking first in terms of which *people* we want to protect from intimidation, and then deciding which *tactics* to tolerate based on that -- or, even worse, selectively tolerating the use of certain tactics against some people but not others -- then I think we're doing something very, very wrong.

As nobody else has brought it up, I think the real heart of the debate is this simple statement. (All the arguments about 'being silenced' vs 'censorship' comes back to this.)

If we have to choose between who is able to speak and the choices are 'sexists' and 'women', the answer is women.

Yes, in that means sexists (or MRAs or 'anti-feminists' or whatever) may be unable to express certain ideas. But this is still the better outcome. You always have the option to stop being sexist or at least talk about something else. In the alternative women don't get that choice.

When "deciding which tactics to tolerate" nobody will argue for harsh ones if soft ones work. So is if you think you are going to say something that someone else will thing is sexist, don't. Even if you don't think it is sexist. Then nothing will ever be imposed on anyone because it won't be needed. Of course this means not posting every thought online. Perhaps in an ideal world people could. But I think (b) (6), (b) core point of 'it may not be possible for everyone to not be silenced' is that restraint may be needed.

To preempt the aside on censorship: I absolutely agree we should take steps to prevent strong forms. As a result I have worked on Freenet and support TOR, and am extremely proud of the work Google has done to make the internet more free. But part of making that more-ideal world possible is to remove the fear that
...

(b) (6), (b) (7)(C) 9/15/15

(b) (6), (b) (7)(C)

(overly pedantic, but someone has to say it?)

The heart of the debate is _not_ that simple statement (it's an over-simplification -- really, who would favor sexists??); rather, it is the question of who gets to decide whether someone is sexist.

(b) (6), (b) (7)(C)

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To preempt the aside on censorship: I absolutely agree we should take steps to prevent strong forms. As a result I have worked on Freenet and support TOR, and am extremely proud of the work Google has done to make the internet more free. But part of making that more-ideal world possible is to remove the fear that is the motivation behind all censorship. (b) (6), (b) (7)(C) recently gave an awesome speech on this https://medium.com/backchannel/the-end-of-the-internet-dream-ba060b17da61

...

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 9/15/15

If a candidate fails an interview, nobody has to decide whether it's because he (or she, for that matter) is sexist, or even think in these terms. It's enough that an interview has been failed. The idea is that some candidates could fail an interview with a woman, where they would ace the same interview with a man, just because of whatever culture fit problems they may have.

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For internal systems I hope respect for one another, self-restraint, and a shared goal is enough. For Google products I think we will need to engineer intelligent solutions. When people go from seeing forms as a 'cesspool' to an incredibly useful way to connect with others, they transforms from being

...

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 9/15/15

You wouldn't need to annotate the data set as biased/unbiased. All you would need to do is do the following:

1) Collect a data set of peer reviews, promo packets, promo committee feedback and results
2) Scrub all gender references of any sort from them (e.g. replace all pronouns with "skler")
3) Use the true gender of the promo candidate as the label
4) If it is possible to train a model which does better than chance at predicting gender then there's bias

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For internal systems I hope respect for one another, self-restraint, and a shared goal is enough. For Google products I think we will need to engineer intelligent solutions. When people go from seeing forms as a 'cesspool' to an incredibly useful way to connect with others, they transforms from being drivers of a controlled and censored internet to drivers of a free and open one. I think we should do everything we can to facilitate that.

--
--
[GOOGLE CONFIDENTIAL]

You received this message because you are subscribed to the Google
Groups "Industryinfo" grou

...

[redacted] (b) (6), (b) (7)(C) @google.com - Switch accounts - Desktop

(b) (6), (b) (7)(C)

Proposed Talking Pts for (b) (6), (b) (7)(C):

- Concerns regarding the tone and tenor of a comment you have made on [redacted] G+ Threads
- While healthy debate and the ability to express oneself is part of Google's culture, we all have a responsibility to consider the impact of our words and how they might be perceived. It is incumbent on all employees to use good judgment and ensure that their workplace communications - whether by email, misc threads, discussion groups, other aliases, Hangouts, G+ posts, Memegen, etc. are consistent with our Code of Conduct and workplace policies.
- Think tone and language of your post
- Your comment was disrespectful and disruptive. The tone and tenor of your comment is inappropriate and in violation of the Respect Each Other section of the Code of Conduct and Google's Appropriate Conduct Policy. We found you demonstrated a lack of respect for others, and that many Googlers could be offended by your comments.
- Directed comment at [redacted] stating:
    - [redacted]; nobody needs to "insinuate" anything, because I'll say it outright: you are being a jerk.

      Arguing edge-cases and angle shooting around the exact letter of existing policies is a huge part of the problem.

      If you want to argue for fun, go join a debate club. If you actually feel like you're Being Oppressed because of your Unpopular Opinion, go back to r/theredpill or whatever other dark pit people who share your opinions hang out in while society continues to move forward. It is a toxic and unwelcome opinion in a professional setting where we're trying to build an inclusive environment.
- This confirms that I am issuing you a verbal warning, and am informing you that any further inappropriate conduct on your part could lead to disciplinary action up to and including termination.
- We expect you to work with your co-workers in a professional manner
- I reminded you that Google does not tolerate retaliation, and that you should refrain from any conduct which could be construed as retaliatory. I also reminded you that we will treat this matter as confidential, only disclosing it on a need to know basis and that we expect you to do the same.

[redacted]

Written Warning to [redacted]:

Date: [redacted]/2015
To: [redacted]
From: [redacted]
CC: [redacted]
Re: Written Warning

Confidential

[redacted] while healthy debate and the ability to express oneself is part of Google's culture as we welcome discourse and encourage diverse perspectives, we also all have a responsibility to consider the impact of our words and how they might be perceived. It is incumbent on all employees to use good judgment and ensure that their workplace communications - whether in-person or *via* email, misc threads, discussion groups, other aliases, Hangouts, G+ posts, Memegen, *etc.* - are consistent with our Code of Conduct and workplace policies.

It has come to our attention that you posted several comments on G+ that were disrespectful and disruptive. The tone and tenor of these comment are inappropriate and in violation of the Respect Each Other section of the Code of Conduct and Google's Appropriate Conduct Policy. We found you demonstrated a serious lack of respect for others, and that many Googlers were offended by your comments. This type of behavior is unacceptable and will not be tolerated.

The specific comments include:

- "What you are doing is not helping anybody, and in fact is actively pissing off the people who are upset"
- "There's a lack of social skills, which I totally have. Then there's being a (insert word which means someone being willfully ignorant and argumentative), which [redacted] has."
- "Bring it on. I'm willing to visit HR a few times if it does anything to combat the tide of harassment and annoyance that our non-white-male-cisgendered coworkers endure. I dunno about you but I don't see myself staying at a Google that is hemorrhaging intelligent people because of gender, race, sexuality, etc."
- "Yeah, (word deleted) was like all the way down low past tons of things I wanted to call [redacted] but refrained from. [redacted] willfully trolling and messing with people [redacted] is specifically trying to protect. This agression will not stand, [redacted] Its people who defend people like [redacted] that perpetuate this problem."

Pursuant to Google's Code of Conduct, Google is committed to providing a supportive work environment where each Googler is expected to do his or her utmost to create a respectful culture that is free of harassment, intimidation, or unlawful discrimination of any kind. In addition, Google's Appropriate Conduct Policy prohibits disorderly or disruptive conduct including derogatory name-calling, abusive or profane language, intimidation or coercion of coworkers, or any disruptive or "un-business-like" behavior toward coworkers, clients, or visitors.

This Written Warning is to remind you that as a Google employee, you are expected at all times to act in a way that ensures you are doing your part to behave in a professional and respectful manner to your co-workers at all times. A copy of the relevant portions of Google's Code of Conduct and Appropriate Conduct Policy, which you have previously received, and to which you have access are linked above. Please read these and ensure that you are clear on what is required to comply with them going forward.

You understand that if you engage in any inappropriate conduct in the future, you could be subject to additional disciplinary action up to and including termination of employment.

Please let me or [redacted] know what questions you may have.

ACKNOWLEDGMENT:

I acknowledge that I have read the above memo and have received a copy.

(b) (6), (b) (7)(C) [redacted] _____ (b) (6), (b) (7)(C) [redacted] 15

Date

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 32

GOOGLE, INC.,	)	**Case No. 32-CA-164766**
	)	
Employer,	)	
	)	
and	)	
	)	
(b) (6), (b) (7)(C) ,	)	
	)	
Charging Party.	)	
	)	
	)	
	)	
	)	
	)	
_____	)	

(b) (6), (b) (7)(C) POSITION STATEMENT REGARDING GOOGLE, INC'S REQUEST FOR RECONSIDERATION

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Attorneys for Charging Party (b) (6), (b) (7)(C)

INTRODUCTION

Associate General Counsel Jayme Sophir's internal Advice Memorandum, dated January 16, 2018, pertains to the separate, and now withdrawn, charge filed by third-party (b) (6), (b) (7)(C) against Employer Google, Inc. ("Google"), not the facts and circumstances of Charging Party (b) (6), (b) (7)(C) complaint. As such, Ms. Sophir's analysis holds no precedential or authoritative value with respect to the case at hand, and it does not serve as a basis for the Regional Director to grant Google's request for reconsideration.

Ms. Sophir's analysis also does not support dismissal of (b) (6), (b) (7)(C) allegations. Unlike the writings at issue in the Advice Memorandum, which Ms. Sophir opined are so "harmful, discriminatory, and disruptive as to be unprotected," (b) (6), (b) (7)(C) statements are indisputably benign. Moreover, even if a portion of (b) (6), (b) (7)(C) statements could be construed as so harassing, discriminatory, or insubordinate as to be unprotected by the National Labor Relations Act, Google's Final Written Warning to (b) (6), (b) (7)(C) generally refers to (b) (6), (b) (7)(C) *protected* statements when stating its justifications for disciplining (b) (6), (b) (7)(C) – the letter does not claim to discipline (b) (6), (b) (7)(C) as a result of only a subset of those statements, as was the claimed circumstance set forth in Ms. Sophir's advisory memorandum, and in the decisions relied upon therein. Accordingly, Google's request for reconsideration should be rejected, and (b) (6), (b) (7)(C) charging allegations should proceed without revision to a merits hearing.

BACKGROUND

(b) (6), (b) (7)(C) filed the initial Charge in this action against Google on November 23, 2015, and later amended the Charge on March 1, 2016, asserting that Google violated the National Labor Relations Act ("Act") by, *inter alia*, issuing a "Final Written Warning" and threating to terminate (b) (6), (b) (7)(C) for engaging in protected activities. As pertinent here, Google reprimanded

and threatened to terminate (b) (6), (b) (7)(C) after (b) (6) posted the following comments on Google (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) public "G+" social media page, all of which relate to (b) (6), (b) (7)(C) concerted efforts, protected by the Act:

- "Many Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?"

- (b) (6), (b) (7)(C) consider it a non-goal

  That doesn't answer the question: is it an actual policy violation, or merely an unpopular opinion? Many of us nerds are sticklers for the rules, but more than willing to express our opinions regardless of what others think. Some clarity from the management would go a long way toward helping people understand expectations.

  'offer non-work opinions that make coworkers uncomfortable here at work'

  That's a valid concern, but a large percentage of non-work opinions will make somebody uncomfortable. For instance, many Googlers strongly disagree with Social Justice theory, and even more Googlers are concerned about the "internet mob" shaming and intimidation tactics employed in support of this agenda. Perhaps we should ban all internal discussions on Social Justice because a minority of Googlers finds it repugnant?"

- "Are you insinuating that it is a 'jerk move' to share your opinion about a political blog post if 98% of Googlers disagree with you, but it's OK to share your opinion about a political blog post if 98% of Googlers agree with you"?

- If so, how do you reconcile this view with (b) (6), (b) (7 request to 'help make Google a supportive place for minorities of any kind?'"

- (b) (6), (b) (7)(C) Can you point to the industryinfo post in which somebody expressed an opinion in a way that ignored what others think?"

- "3) If the tone of my questions bothered you, it's a good opportunity to reread the harassment policy[1] and reflect on how political minorities (a class protected under California law, BTW) might feel about the work environment at Google. Empathy is a two-way street and many of us are absolutely fed up with being treated as second-class citizens and punching bags. My posts were nothing more than a call for civility and tolerance; the vicious replies, including one individual's ongoing and unprovoked campaign of character assassination, are a picture-perfect illustration of the cultural problem we need to fix.

> 4) (b) (6), (b) was not willing to assume the conversation via email, but y'all can ping me anytime you want to talk privately. Or join http://g/freespeech to talk about the more general subject of speech at Google (please read the FAQ).
>
> [1] https://support.google.com/mygoogle/answer/3246920?hl=en&ref_topic=3285651"

For reference, a copy of Google's "Final Written Warning" is attached here as **Exhibit A**.

On August 30, 2017, third-party (b) (6), (b) (7)(C) initiated a separate action (Case No. 32-CA-205351), also against Google. According to publicly viewable information on the Board's docket activity portal, (b) (6), (b) (7)(C) withdrew (b) (6), Charge on or around January 23, 2018. On or around February 16, 2018, an internal "Advice Memorandum" addressed to Regional Director Valerie Hardy-Maloney from Associate General Counsel, Division of Advice, Jayme L. Sophir was made public. A redacted copy of the Advice Memorandum is attached here as **Exhibit B**.

In her Advice Memorandum, Ms. Sophir argues that (b) (6), (b) (7)(C) written statements, which, as recounted by Ms. Sophir, included references to "women's heightened neuroticism and men's prevalence at the top of the IQ distribution," were, according to Ms. Sophir, "so harmful, discriminatory, and disruptive as to be unprotected." Ex. B, p. 5. Ms. Sophir also states that written "talking points" proffered by Google, were allegedly read to inform (b) (6), (b) (7)(C) of the reasons for (b) (6), discharge. Within those talking points, Google argues that it carefully distinguished between (b) (6), (b) (7)(C) protected statements and those statements that Ms. Sophir deems unprotected: "Your post advanced and relied on offensive gender stereotypes to suggest that women cannot be successful in the same kinds of jobs at [the Employer] as men. . . I want to make clear that our decision is based solely on the part of your post that generalizes and advances stereotypes about women versus men. . . [h]aving a different political view is absolutely fine. Advancing gender stereotypes is not" Ex. B, p. 3.

From this, and without the benefit of an evidentiary hearing to provide full context, Ms. Sophir concludes that (b) (6), (b) (7)(C) "memorandum included both protected and unprotected statements, and the Employer discharged the Charging Party solely for (b) (6), (b) (7)(C) unprotected statements. Therefore, the Employer did not violate Section 8(a)(1) of the Act." Ex. B, p. 1. Google now argues that Ms. Sophir's analysis applies with equal force to (b) (6), (b) (7)(C) Charge, and requests that the Regional Director reconsider the decision to reissue (b) (6), (b) (7)(C) allegations regarding disciplinary action taken against (b) (6), (b). For the reasons set forth below, Google's argument fails to persuade.

ARGUMENT

A. The Advice Memorandum Holds No Authoritative Value.

As an initial matter, Ms. Sophir's Advice Memorandum concerning a now withdrawn charge by a third-party carries no precedential or authoritative weight. *U.S. Postal Serv.*, 345 NLRB 1203, 1214 fn.17 (2005) (Advice Memoranda from the NLRB General Counsel's Division of Advice are "intended to serve as internal instruction for use by the Office of the General Counsel, and have no precedential value or authoritative weight"). While Congress has delegated to the National Labor Relations Board ("Board") the authority to make rules to fill in the gaps in the National Labor Relations Act ("Act"), this authority can only be exercised either through formal rulemaking proceedings or through adjudication. *See Auciello Iron Works, Inc. v. NLRB*, 517 U.S. 781 (1996). Ms. Sophir's advisory opinion concerning (b) (6), (b) (7)(C) withdrawn charge constitutes neither. Accordingly, Ms. Sophir's analysis and recommendation that the Region dismiss (b) (6), (b) (7)(C) charge carries no authoritative weight, and there exists no basis for the Regional Director to grant Google's request for reconsideration.

B. (b) (6), (b) (7)(C) Statements Are Protected by the Act.

In her memorandum, Ms. Sophir's argues that portions of (b) (6), (b) (7)(C) written statements are unprotected because (b) (6), (b) comments "regarding biological differences between the sexes were so harmful, discriminatory, and disruptive as to be unprotected." Ex. B, p. 5. For example, (b) (6), (b) (7)(C) comments (as described by Ms. Sophir) relating to "women's heightened neuroticism and men's prevalence at the top of the IQ distribution" were "discriminatory and constituted sexual harassment. . . ." Ex. B, p. 5.

In support of her argument, Ms. Sophir relied upon three cases, each of which is patently distinguishable from the case at hand. In *Avondale Industries*, the Board held that an employer lawfully discharged an employee for insubordination where she made an unfounded assertion that her foreman was a member of the Ku Klux Klan. 333 NLRB 622, 637-38 (2001). In *Advertiser Mfg. Co.*, the employer justifiably disciplined a shop steward for making debasing and sexually abusive remarks to a female employee who had crossed a picket line months earlier. 275 NLRB 100, 133 (1985). And, in *Honda of America Mfg.*, the employer lawfully disciplined an employee for distributing a newsletter that directed another employee to "come out of the closet" and used the phrase "bone us" to critique the employer's bonus program. 334 NLRB 746, 747 (2001). Thus, in each of these cases the charging party made unprotected statements that were objectively harassing, discriminatory, and/or defamatory, where not outright abusive.

Here, (b) (6), (b) (7)(C) made no statement that even remotely could be considered harassing, discriminatory, abusive, or insubordinate so as to lose the protections of the Act. Indeed, Google's disciplinary letter takes issue with (b) (6), (b) (7)(C) comments because they were "disrespectful, disruptive, disorderly, and insubordinate," not because the statements could be perceived to be discriminatory or harassing. Ex. A, p.1. Examination of (b) (6), (b) (7)(C) statements

reveals that none are so objectively harassing, discriminatory, or insubordinate as to lose protections of the Act. *See, e.g.*, *Media General Operations, Inc. v. NLRB*, 394 F.3d 207, 213 (8th Cir. 2005) ("Communications occurring during the course of otherwise protected activity remain likewise protected unless . . . so violent or of such serious character as to render the employee unfit for further service." (internal quotations and citations omitted)); *Mobil Exploration and Producing, U.S., Inc. v. NLRB*, 200 F.3d 230, 241-43 (5th Cir. 1999) (the "right to engage in concerted activity permits some leeway for impulsive behavior"); *Plaza Auto Center, Inc.*, 360 NLRB 972 (2014) (holding that employee's outburst was not objectively menacing, physically aggressive, or belligerent so as to lose protections of the Act).

Protected concerted activities are often disagreeable from an employer's perspective, and employers frequently label such conduct as "insubordinate" in an attempt to evade compliance with the Act. Such efforts, however, do not narrow the Act's protections. Here, (b) (6), (b) (7)(C) protected statements do not rise to the level of insubordination, and are far more circumspect than the threats and curses the Board has already deemed protectable. *See, e.g.*, *Fairfax Hosp.*, 310 NLRB 299, 300 (1993) (employees statement that her supervisor should expect "retaliation" as a result of a new rule was "inherently ambiguous" and thus not so egregious as to lose the Act's protection); *Leasco, Inc.*, 289 NLRB 549, 552 (1988) (employee who told his supervisor that he was going to "kick [his] ass" was using "a colloquialism that standing alone does not convey a threat of actual physical harm"); *Vought Corp.*, 273 NLRB 1290, 1295 (1984) (where an employee told his supervisor "I'll have your ass," the Board found that the statement was merely a threat to file a grievance or report to higher management); *Caterpillar, Inc.*, 322 N.L.R.B. 674, 678-79 (1996) (citing *Blue Jeans Corp.*, 170 N.L.R.B. 1425 (1968) (employee's emotional outburst that she "would kill the S.O.B." who informed the company of her union

activities and her threatening the plant manager with scissors deemed protectable in light of employer's discrimination)). Indeed, it is difficult to surmise which, if any, of (b) (6), (b) (7)(C) statements Google could possibly deem to be so insubordinate as to be unprotected by the Act. *See* Ex. A.

(b) (6), (b) (7)(C) made no accusations against anyone, let alone unfounded, racially-charged accusations against (b) (6), (b) (7)(C), as occurred in *Avondale Industries*. (b) (6), (never mad debasing or sexually abusive remarks, as was the case in *Advertiser Mfg. Co.* (b) (6), (used no foul language to express (b) (6), (ideas and (b) (6) never sought embarrass or ridicule other employees, as occurred in *Honda of America Mfg*. And, (b) (6) never debased or harassed persons due to their sex, gender, physical characteristics, activities, or beliefs, let alone to a degree so severe as to lose the protections of the Act. Accordingly, the Board's decisions in those matters, like Ms. Sophir's analysis of (b) (6), (b) (7)(C) charge, are inapposite, and (b) (6), (b) (7)(C) statements remain protected.

C. Google Disciplined (b) (6), (b) (7)(C) as a Result of (b) (6), (b) Protected Statements.

In her memorandum, Ms. Sophir argues that Google's disciplinary actions against (b) (6), (b) (b) (6), (b) (7)(C) are lawful because Google acted solely as a result of (b) (6), (b) (7)(C) allegedly unprotected statements. Ex. B, p.1 ("the Employer discharged the Charging Party solely for (b) (6), (b) (7 unprotected statements."). Specifically, Google is alleged to have read from a script of "talking points" upon terminating (b) (6), (b) (7)(C), that sets forth Google's motivation; namely, Google claims that (b) (6), (b) (7)(C) "post advanced and relied on offensive gender stereotypes to suggest that women cannot be successful in the same kinds of jobs . . . as men . . . [and] our decision is based solely on the part of your post that generalizes and advances stereotypes about women versus men." Ex. B, p. 3. Likewise, in *Avondale Industries*, *Advertiser Mfg. Co.*, and *Honda of America Mfg.*, relied upon by Ms. Sophir, the employers disciplined or terminated their

employees solely as a result of their unprotected statements. *Avondale Industries*, 333 NLRB at 637; *Advertiser Mfg. Co.*, 275 NLRB at 133; *Honda of America Mfg.*, 334 NLRB at 747.

Here, however, Google's Final Written Warning makes clear that *all* of (b) (6), (b) (7)(C) comments (which are set forth in the letter in their entirety) are the basis for Google's disciplinary actions. That is, Google claims that (b) (6), (b) (7)(C) remarks as a whole were "disrespectful" and "disruptive." Ex. A. Such generality lacks the specificity present in the facts considered by Ms. Sophir, or the facts considered by the Board in the cases Ms. Sophir relied upon. Google explicitly decided to discipline (b) (6), (b) (7)(C) *because of* (b) (6), protected statements. Ex. A. Accordingly, (b) (6), (b) (7)(C) charge with respect to Google's disciplinary actions against (b) (6), (b) are not subject to dismissal, and any *post-hoc* justification that Google might now proffer would fly in the face of Google's own written warning letter, and should be rejected.

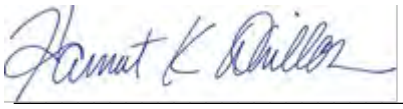
CONCLUSION

Ms. Sophir's advisory memorandum is just that – advisory. It does not carry with it the force of law, lacks any precedential or authoritative value, and its analysis is not persuasive in light of the unique facts present in (b) (6), (b) (7)(C) case. (b) (6), (b) (7)(C) did not make any statements that could conceivably be construed as discrimination or sexual harassment, and even if (b) (6) had, Google's own written warning explicitly states that (b) (6), (b) (7)(C) is being disciplined for *all* of the comments (b) (6) made, including patently protectable statements. (b) (6), (b) (7)(C) respectfully requests that the Regional Director reject Google's request for reconsideration, and permit (b) (6), (b) (7)(C) Charge to proceed.

Respectfully submitted,

Date: March 1, 2018

DHILLON LAW GROUP INC.



Harmeet K. Dhillon
Ravdeep S. Grewal
Gregory R. Michael

Attorneys for Charging Party (b) (6), (b) (7)(C)
[redacted]

EXHIBIT A

Date:
To: (b) (6), (b) (7)(C)
From:
CC: (b) (6), (b) (7)(C)
Re: **Final Written Warning**

Confidential

(b) (6), (b) (7)(C) while healthy debate and the ability to express oneself is part of Google's culture as we welcome discourse and encourage diverse perspectives, we also all have a responsibility to consider the impact of our words and how they might be perceived. It is incumbent on all employees to use good judgment and ensure that their workplace communications - whether in person or *via* email, misc threads, discussion groups, other aliases, Hangouts, G+ posts, Memegen, *etc.* - are consistent with our Code of Conduct and workplace policies.

It has come to our attention that you posted several comments on (b) (6), (b) (7)(C) G+ that were disrespectful, disruptive, disorderly, and insubordinate. Taken in the context of (b) (6), (b) (7) post on creating a supportive environment and (b) (6), specific request that you stop posting on (b) (6), thread, the tone and tenor of your comments generally and your response comments to (b) (6), (b) specifically are inappropriate and in violation of the Respect Each Other section of the Code of Conduct and Google's Appropriate Conduct Policy. As HR previously addressed a similar issue with you regarding posting an inappropriate comment, this current behavior is particularly concerning. We found you demonstrated a serious lack of respect for others, and that many Googlers were offended by your comments. This type of behavior is unacceptable and will not be tolerated.

The specific comments include:

- "Many Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?"

- (b) (6), (b) (7)(C) consider it a non-goal

  That doesn't answer the question: is it an actual policy violation, or merely an unpopular opinion? Many of us nerds are sticklers for the rules, but more than willing to express our opinions regardless of what others think. Some clarity from the management would go a long way toward helping people understand expectations.

  'offer non-work opinions that make coworkers uncomfortable here at work'

  That's a valid concern, but a large percentage of non-work opinions will make somebody

uncomfortable. For instance, many Googlers strongly disagree with Social Justice theory, and even more Googlers are concerned about the "internet mob" shaming and intimidation tactics employed in support of this agenda. Perhaps we should ban all internal discussions on Social Justice because a minority of Googlers finds it repugnant?"

- "Are you insinuating that it is a 'jerk move' to share your opinion about a political blog post if 98% of Googlers disagree with you, but it's OK to share your opinion about a political blog post if 98% of Googlers agree with you"?

  If so, how do you reconcile this view with [redacted] request to 'help make Google a supportive place for minorities of any kind?'"

- (b) (6), (b) (7)(C) Can you point to the industryinfo post in which somebody expressed an opinion in a way that ignored what others think?"

- "3) If the tone of my questions bothered you, it's a good opportunity to reread the harassment policy[1] and reflect on how political minorities (a class protected under California law, BTW) might feel about the work environment at Google. Empathy is a two-way street and many of us are absolutely fed up with being treated as second-class citizens and punching bags. My posts were nothing more than a call for civility and tolerance; the vicious replies, including one individual's ongoing and unprovoked campaign of character assassination, are a picture-perfect illustration of the cultural problem we need to fix.

  4) [redacted] was not willing to resume the conversation via email, but y'all can ping me anytime if you want to talk privately. Or join http://g/freespeech to talk about the more general subject of speech at Google (please read the FAQ).

  [1] https://support.google.com/mygoogle/answer/3246920?hl=en&ref_topic=3285651"

Pursuant to Google's Code of Conduct, Google is committed to providing a supportive work environment where each Googler is expected to do his or her utmost to create a respectful culture that is free of harassment, intimidation, or unlawful discrimination of any kind. In addition, Google's Appropriate Conduct Policy prohibits disorderly or disruptive conduct including derogatory name-calling, abusive or profane language, intimidation or coercion of coworkers, or any disruptive or "un-business-like" behavior toward coworkers, clients, or visitors. The Appropriate Conduct Policy also prohibits insubordination, including improper language toward a manager or management representative.

This Final Written Warning is to remind you that as a Google employee, you are expected at all times to act in a way that ensures you are doing your part to behave in a professional and

respectful manner to your co-workers at all times. A copy of the relevant portions of Google's Code of Conduct and the Appropriate Conduct Policy, which you have previously received, and to which you have access, are linked above. Please read these and ensure that you are clear on what is required to comply with them going forward.

You understand that if you engage in any inappropriate conduct in the future, you could be subject to additional disciplinary action up to and including termination of employment.

Please let me know what questions you may have, and know that your (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) are also available to answer questions.

ACKNOWLEDGMENT:

I acknowledge that I have read the above memo and have received a copy.

_____ _____

(b) (6), (b) (7)(C) Date

EXHIBIT B

United States Government
National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL

Advice Memorandum

DATE: January 16, 2018

TO: Valerie Hardy-Maloney, Regional Director
Region 32

FROM: Jayme L. Sophir, Associate General Counsel
Division of Advice

SUBJECT: Google Inc., a subsidiary of Alphabet, Inc.
Case 32-CA-205351

This case presents the issue of whether an employee was engaged in protected activity when [redacted] circulated a memorandum in opposition to the Employer's diversity initiatives that argued, *inter alia*, that innate differences between men and women may explain the lack of equal representation of the sexes in tech and leadership. Assuming, *arguendo*, that the Charging Party's conduct was concerted and for the purpose of mutual aid and protection, we conclude that the memorandum included both protected and unprotected statements, and that the Employer discharged the Charging Party solely for [redacted] unprotected statements. Therefore, the Employer did not violate Section 8(a)(1) of the Act.

FACTS

The Employer, Google, is a subsidiary of Alphabet, Inc., a technology company headquartered in Mountain View, California. The Employer is engaged in the business of developing and providing IT programs for customers, including web development services, Internet-related services, online advertising technologies, search engine systems, cloud computing, and related software. The Charging Party began working for the Employer as (b) (6), (b) (7)(C) at the Mountain View, CA campus in December 2013, one of [redacted] employees working on (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for the Employer's (b) (6), (b) (7)(C) The Employer employs approximately 80,000 employees worldwide, approximately 30,000 to 40,000 of whom work out of the Employer's Mountain View campus.

Beginning in 2017, the Charging Party attended various summits, trainings, and meetings regarding the Employer's extensive diversity and inclusion programs and policies. During one such summit in late June 2017, [redacted] expressed [redacted] opposition to several of the Employer's diversity initiatives, both in breakout sessions that were part of the summit and in informal conversation with an HR manager for [redacted] division.

At the conclusion of the summit, the HR manager sought out the Charging Party and invited (b) (6), (b) (7)(C) to contact (b) (6), (b) (7) with further questions or comments.

Shortly thereafter, the Charging Party drafted a memorandum outlining (b) (6), (b) (concerns about the effectiveness and necessity of the Employer's programs, particularly those targeted for women working for the Employer. (b) (6), (b) initially shared the document with the organizers of the June summit through a feedback form they had provided. On July 2, (b) (6), (b) posted (b) (6), (b) memorandum in an internal Employer-provided discussion group called "coffeebeans," the purpose of which is to discuss the Employer's diversity and inclusion programs. From July 2 through August 3, the Charging Party shared (b) (6), (b) (memorandum with other employees, often incorporating their suggestions into (b) (b) (memorandum. On August 3, (b) (6), (b) posted the memorandum to another Employer-provided discussion group called "skeptics," a larger forum that provided (b) (6), (b) document with more potential readers. Around that same time, numerous employees complained to HR about the Charging Party's memorandum and at least two female engineering candidates for employment withdrew from consideration, citing the memo as their reason for doing so. Additionally, at least one employee contacted the Charging Party directly and threatened retaliation against (b) (6), (b) (7)(C) [1]

In the version of the document upon which the Employer based its investigation, the Charging Party posited that the Employer had a left-leaning "monoculture" that created an "ideological echo chamber" where contrary viewpoints were shamed into silence. (b) (6), (b) included specific critiques of many of the Employer's inclusion and diversity policies and a long list of suggestions to correct for the biases (b) (6), (b) identified. (b) (6), (b) also argued that there were immutable biological differences between men and women that were likely responsible for the gender gap in the tech industry at large and at the Employer in particular, including, *inter alia*:

- Women are more prone to "neuroticism," resulting in women experiencing higher anxiety and exhibiting lower tolerance for stress, which "may contribute to . . . the lower number of women in high stress jobs";
- Men demonstrate greater variance in IQ than women, such that there are more men at both the top and bottom of the distribution. Thus, (b) (6), (b) posited, the Employer's preference to hire from the "top of the curve" may result in a candidate pool with fewer females than those of "less-selective" tech companies.

Throughout the memo, the Charging Party included "limiting language," using disclaimers such as "studies show" and "on average" and noting that these differences didn't necessarily apply to all individuals.

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[1] (b) (6), (b) (7) email read, in relevant part: "You're a misogynist and a terrible human. I will keep hounding you until one of us is fired. F[***] you." The employee was issued a final warning for sending this email.

On (b) (6), (b) (7)(C) the Employer determined that certain portions of the Charging Party's memorandum violated existing policies on harassment and discrimination.[2] Later that evening, the Employer terminated the Charging Party's employment. The HR manager and the director of the Charging Party's team prepared written talking points in advance, which the director read to inform the Charging Party of (b) 6) (b) discharge. The talking points stated, in pertinent part:

> Your post advanced and relied on offensive gender stereotypes to suggest that women cannot be successful in the same kinds of jobs at [the Employer] as men. . . . I want to make clear that our decision is based solely on the part of your post that generalizes and advances stereotypes about women versus men. It is not based in any way on the portions of your post that discuss [the Employer's] programs or trainings, or how [the Employer] can improve its inclusion of differing political views. Those are important points. I also want to be clear that this is not about you expressing yourself on political issues or having political views that are different than others at the company. Having a different political view is absolutely fine. Advancing gender stereotypes is not.

The Employer's CEO subsequently sent a company-wide email that largely echoed the talking points used for the Charging Party's discharge, expressing its commitment to the dual values of freedom of expression and equal employment opportunity. The email reassured employees that the Employer strongly supported their right to express dissenting viewpoints and critique the Employer's programs, but would not tolerate arguments that advanced harmful stereotypes. Although the email did not refer to the Charging Party by name, it referenced (b)(6), (b) (memorandum.

ACTION

Assuming, *arguendo*, that the Charging Party's conduct was concerted and for mutual aid and protection, we conclude that (b) (6), (b) (memorandum included both protected and unprotected statements, and that the Employer discharged (b) (6), (b) (7) solely for (b)(6), (b) (unprotected statements. Therefore, the Employer did not violate Section 8(a)(1) of the Act.

The Board has acknowledged that it has a duty to balance an employee's statutorily-protected rights against an employer's legitimate right to enforce its workplace rules and managerial prerogatives.[3] An employer's good-faith efforts to enforce its lawful anti-discrimination or anti-harassment policies must be afforded

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[2] The Employer has a legitimate, lawful policy prohibiting race and sex discrimination and harassment in its workplace.

[3] *Brunswick Food and Drug*, 284 NLRB 663, 664 (1987), *enforced mem.*, 859 F.2d 927 (11th Cir. 1988).

particular deference in light of the employer's duty to comply with state and federal EEO laws.[4] Additionally, employers have a strong interest in promoting diversity and encouraging employees across diverse demographic groups to thrive in their workplaces. In furtherance of these legitimate interests, employers must be permitted to "nip in the bud" the kinds of employee conduct that could lead to a "hostile workplace," rather than waiting until an actionable hostile workplace has been created before taking action.

Where an employee's conduct significantly disrupts work processes, creates a hostile work environment, or constitutes racial or sexual discrimination or harassment, the Board has found it unprotected even if it involves concerted activities regarding working conditions. For example, in *Avondale Industries*, the Board held that the employer lawfully discharged a union activist for insubordination based on her unfounded assertion that her foreman was a Klansman; the employer was justifiably concerned about the disruption her remark would cause in the workplace among her fellow African-American employees.[5] In *Advertiser Mfg. Co.*, the employer lawfully disciplined a shop steward who had made debasing and sexually abusive remarks to a female employee who had crossed a picket line months earlier.[6] And, in *Honda of America Mfg.*, the employer lawfully disciplined an employee for distributing a newsletter in which he directed one named employee to "come out of the closet" and used the phrase "bone us" to critique the employer's bonus program.[7] The Board concluded that such language was unprotected because of its highly offensive nature and quoted approvingly an earlier decision:

> In view of the controversial nature of the language used and its admitted susceptibility to derisive and profane construction, [the employer] could legitimately ban the use of the provocative [language] as a reasonable precaution

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[4] *Cf. Southern S.S. Co. v. NLRB*, 316 U.S. 31, 47 (1942) (noting that "the Board has not been commissioned to effectuate the policies of the Labor Relations Act so single-mindedly that it may wholly ignore other and equally important Congressional objectives. Frequently the entire scope of Congressional purpose calls for careful accommodation of one statutory scheme to another, and it is not too much to demand of an administrative body that it undertake this accommodation without excessive emphasis upon its immediate task.").

[5] 333 NLRB 622, 637–38 (2001).

[6] 275 NLRB 100, 133 (1985).

[7] 334 NLRB 746, 747 (2001).

against discord and bitterness between employees and management, as well as to assure decorum and discipline in the plant.[8]

The Charging Party's use of stereotypes based on purported biological differences between women and men should not be treated differently than the types of conduct the Board found unprotected in these cases. (b) (6), (b) (7 statements about immutable traits linked to sex—such as women's heightened neuroticism and men's prevalence at the top of the IQ distribution—were discriminatory and constituted sexual harassment, notwithstanding (b) (6), (b) effort to cloak (b) (6), (b) comments with "scientific" references and analysis, and notwithstanding "not all women" disclaimers. Moreover, those statements were likely to cause serious dissension and disruption in the workplace. Indeed, the memorandum did cause extreme discord, which the Charging Party exacerbated by deliberately expanding its audience. Numerous employees complained to the Employer that the memorandum was discriminatory against women, deeply offensive, and made them feel unsafe at work. Moreover, the Charging Party reasonably should have known that the memorandum would likely be disseminated further, even beyond the workplace. Once the memorandum was shared publicly, at least two female engineering candidates withdrew from consideration and explicitly named the memo as their reason for doing so. Thus, while much of the Charging Party's memorandum was likely protected, the statements regarding biological differences between the sexes were so harmful, discriminatory, and disruptive as to be unprotected.

The Employer demonstrated that the Charging Party was discharged only because of (b) (6), (b) unprotected discriminatory statements and not for expressing a dissenting view on matters affecting working conditions or offering critical feedback of its policies and programs, which were likely protected. The Employer carefully tailored the message it used in discharging the Charging Party, as well as its follow-up message to all employees, to affirm their right to engage in protected speech while prohibiting discrimination or harassment. In fact, the Employer disciplined another

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[8] *Id.* at 749 (quoting *Southwestern Bell*, 200 NLRB 667, 670 (1972)). *See also Veterans Administration*, 26 FLRA 114, 116 (1987) (finding racial stereotyping unprotected and upholding employer's discipline of union president for calling a manager the "spook who sat by the door" and an "Uncle Tom" in union newsletter advocating his removal), *aff'd sub nom. AFGE v. FLRA*, 878 F.2d 460 (D.C. Cir. 1989); *Detroit Medical Center*, Case 07-CA-06682, Advice Memorandum dated Jan 10, 2012 (white employee at majority-black facility who, after having been demoted due to coworker complaints, made Facebook post about "jealous ass ghetto people that I work with" and complained that the union was protecting "generations of bad lazy piece of shit workers," was not engaged in protected activity; while the employee's complaints implicated Section 7 concerns, his use of racial stereotypes and slurs were opprobrious and led to a serious disruption at work and to an increase in racial tensions).

employee for sending the Charging Party a threatening email in response to the views [redacted] expressed in [redacted] memo. Because the Employer discharged the Charging Party only for [redacted] unprotected conduct while it explicitly affirmed [redacted] right to engage in protected conduct, [redacted] discharge did not violate the Act.

Accordingly, the Region should dismiss this charge, absent withdrawal.

/s/
J.L.S.

ADV.32-CA-205351.Response.Google [redacted]

United States Government
National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL

Advice Memorandum

DATE: May 30, 2018

TO: Valerie Hardy-Mahoney, Regional Director
Region 32

FROM: Jayme L. Sophir, Associate General Counsel
Division of Advice

SUBJECT: Google, Inc.
Case 32-CA-164766

506-0170
506-2001-5000
506-2017-0800
506-2017-1700
506-4001-5000
506-4033-1000
506-4033-1800
506-4033-3100
506-4067-9000
506-6060-5000
506-6070-5000
506-6090-4500
512-5036-0117

The Region resubmitted this case to Advice because of the Employer's request for reconsideration of our conclusion that the Charging Party was engaged in protected concerted activity when (b) (6), posted comments on the Employer's internal social networking platform seeking clarification about the scope of the Employer's anti-harassment policies—specifically, whether such policies prohibit employees from criticizing workplace diversity and inclusion initiatives—and complaining about bullying of politically conservative employees. We conclude that none of the Charging Party's comments were unprotected. Although (b) (6), (b comments were somewhat insensitive towards women and minorities in light of the conversation's context, no employer would reasonably believe that permitting such comments could lead to a hostile work environment. Since the statements were protected, the Employer violated Section 8(a)(1) by issuing the Charging Party a final written warning based exclusively on the protected posts and by threatening (b) (6), (b) (7 for engaging in that conduct.

FACTS

Google, Inc. ("Employer") is engaged in the business of developing and providing information technology, web development, internet-related services, online

advertising technologies, search systems, cloud computing, and related software. It has approximately 60,000 employees worldwide and is headquartered in Mountain View, California. The Charging Party began working for the Employer on (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C).[1] (b) (6), (b) is responsible for writing code, debugging operating systems, and performing related tasks.

The Employer hosts an intranet employee discussion forum, known as internal Google Plus ("G+"), that is only visible to and accessible by its employees.[2] Any employee assigned to any Employer facility in the world can post messages on G+ "threads" relating to any topic, work and non-work alike. Many employees post items of interest relating to their working assignments, their personal lives, and current events.

Shortly after (b) (6), was hired, the Charging Party began observing and participating in conversations on G+. In March, after (b) (6), posted a meme, i.e., a photographic image with text, in a G+ discussion thread, the Employer gave (b) (6), (b) (7 a verbal counseling for (b) (6), (b post. The thread included a discussion of (b) (6), (b) (7)(C) coworker's reported sexual harassment, and the Charging Party's post stated, "I am woman, hear me roar … has a complete breakdown over some dude's cheesy pickup line." Many of the Charging Party's coworkers took offense with the meme and reported it to Human Resources. A Human Resources Business Partner informed the Charging Party that (b) (6), should not post comments like that.[3]

The Charging Party believed that certain employees were being harshly and unfairly criticized within the G+ online community for expressing unpopular social, political, and workplace policy viewpoints. Specifically, the Charging Party believed that employees were unfairly denounced when they spoke out against the Employer's various workplace diversity and social justice initiatives and stated that the programs disfavored white males. The posted criticisms of such opinions were often contentious and included calls for those expressing the unpopular viewpoints to be disciplined or even terminated. Because the Employer allows coworkers to submit comments to another employee's supervisor, and those comments can in turn be used in evaluating

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[1] All dates are in 2015.

[2] This internal forum is not to be confused with the public version of G+, which is a social media platform open to the general public. All references to G+ in this memorandum are solely to the Employer's internal discussion forum.

[3] The Charging Party does not include the verbal counseling that (b) (6), received in (b) (6), (b) (7)(C) as part of the current charge.

the employee, the Charging Party also believed that (b) (6), could be disciplined if commenters on G+ who disagreed with (b) (6), (b) (6) submitted comments to (b) (6), (b) supervisor.

On April 22, the Charging Party observed a comment thread where employees harshly criticized a coworker for expressing (b) (6), (b) views against the Employer's "diversity town hall" webcasts. The coworker had written, "I've yet to see effective 'increasing diversity' efforts which do not bring unfairness against white men (e.g. lowering the hiring bar for minorities, or arranging events where white men are or feel excluded)." The coworker received negative feedback on the same discussion thread from other employees, including supervisors. These included comments such as, "Frankly, I could care less about being 'unfair' to white men. You already have all the advantages in the world." Others called for the coworker to be reported for (b) (6), (b) comment. The coworker's manager later joined the discussion thread and apologized for the coworker's comments, saying they were "not acceptable behavior" and that (b) (6), (b) would resolve the matter "on the official channels." After reading the thread, the Charging Party sent an email to Human Resources supportive of the coworker and complaining about how employees had treated the coworker for criticizing the Employer's workplace diversity initiatives. Human Resources pledged to look into the matter further.

On April 24, the Charging Party began talking with four like-minded coworkers on a separate G+ discussion thread regarding their own experiences working for the Employer.[4] The group discussed what they perceived to be the mistreatment of employees, such as themselves, who hold unpopular workplace views (including calls for their discipline), the Employer's failure to react to reported concerns regarding such mistreatment, and some suggestions on preserving evidence.

On May 8, one of the Charging Party's colleagues (who was also on the April 24 discussion thread) wrote an open letter to Human Resources and posted it on G+. The letter challenged Human Resources' handling of complaints by employees holding unpopular workplace views. The Charging Party commented on the thread where the letter was posted, echoing the author's complaints that Human Resources failed to respond adequately to harassment complaints.

On May 20, the Charging Party emailed Human Resources and again complained about the mistreatment of coworkers on G+ for expressing views inconsistent with those held by a majority of employees. The Charging Party raised concerns about employees being criticized for their political beliefs and targeted for their race or gender, and concerns about expressing unpopular opinions regarding workplace policies that could result in their discipline. Human Resources replied and,

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[4] It is unclear if this thread was private or viewable by all employees.

thereafter, held two videoconferences with the Charging Party. During the video conferences, a Human Resources representative said that (b) (6), was aware of the issues and had acted on them where it was appropriate.

On July 30, an employee posted a blog article summarizing research concerning the departure of women from the tech industry (the "IndustryInfo thread"). Employees commented on the article, with some criticizing the article and its factual assertions. On August 3, an Employer Senior Vice President ("Vice President") stepped in to express (b) (6), (b disappointment in the direction of the discussion, to reinforce that underrepresentation in tech is a real problem that the Employer has a responsibility to help change, and to call critics out on missing the forest for the trees and offending other employees in the process. The Charging Party contends that (b) (6), discussed this thread with two other employees on August 4 and 5 because they were concerned about coworkers' calls for the Employer to terminate those who had "derailed" the IndustryInfo thread.

On August 5, the Vice President followed up on the IndustryInfo thread by initiating a G+ thread in which (b) (6), shared the personal story of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) who planned to leave the technology field due to the unwelcoming and hostile work environment. In (b) (6), (b post, the Vice President called for employees to create a supportive working environment for minorities of any kind. Another employee responded to this post by sharing (b) (6), (b) own similarly negative experiences, and others offered empathy and ideas for constructive change. On August 6, the Charging Party directed the following comment on the thread to the Vice President:

> [m]any Googlers have claimed that it is "harassment" or some other rule violation to critique articles that push the Social Justice political agenda. A few Googlers have openly called for others to be fired over it. Do you support this viewpoint, and if so, can we add a clear statement of banned opinions to the employee handbook so that everybody knows what the ground rules are?

After a few employees negatively responded to (b) (6), (b comment, the Charging Party continued to question the Employer's official stance on this issue. Eventually, the Vice President replied, "I think to ask for a rule book is missing the point. But if you want a succinct summary: don't do what you're doing here. Contact me privately if you want to know more." The thread continued with several comments from other employees, both in support of the Charging Party's original question and in opposition.

Later that same day, after the Vice President's response in the discussion thread, the Charging Party emailed the Vice President and asked several follow-up questions including: "Did I violate any policies by posting in your G+ thread? If so, which ones?"; "Do you think it's reasonable for Googlers to 'dogpile' on fellow

employees who express unpopular opinions in good faith, or would you consider that harassment?"; and "Do you think it's reasonable for Googlers to call for coworkers to be fired based on expressing unpopular opinions, or does that cross a line?" The Vice President responded, declining to answer any of the questions directly but noting that (b) (6), found the "context" of the Charging Party's original posted comment "inappropriate." The Charging Party replied in a lengthy email, citing a number of circumstances where (b) (6), believed like-minded coworkers were mistreated for expressing their views on G+. (b) (6), (b again asked a number of questions about the Vice President's views on the Employer's policies. The Vice President refused to engage, deferring to Human Resources and remarking, "I am not required to reply[;] I choose to spend my time on other matters."

The next day, the Charging Party posted a final comment on the G+ thread started by the Vice President. In that post, (b) (6), proclaimed that (b) (6), (b) questions about the Employer's harassment policy were sincere and "directly re to the subject of this post (i.e. [the Vice President] and many others chiding unnamed Googlers for posting unspecified wrongthink on Industry[I]nfo)." (b) (6), (b also called on (b) (6), (b coworkers to "reflect on how political minorities . . . might feel about the work environment at Google" and asserted that the "vicious replies" (b) (6), received illustrated the "cultural problem we need to fix." Finally, (b) (6), made known that the Vice President had refused to engage with (b) (6), (b) (via email, and (b) (6), invited (b) (6), (b) (coworkers to contact (b) (6), (b) (privately or join a new internal mailing list ("g+/freespeech") to discuss the subject of speech at work.

Around this same time, the Charging Party communicated over email with fellow employees to protest the Vice President's and other employees' responses in the August 5 discussion thread. They further discussed how to frame arguments to management and considered the possibility of hiring a lawyer. Additionally, the Charging Party worked with other employees to draft an email to the Employer protesting the negative treatment they had experienced for expressing their views. They also sought to relay comments made by managers on G+ about "blacklisting" employees whom they would not select for assignments because of their controversial opinions. The email was eventually sent by one of the employees (not the Charging Party, who also was not copied on the email) to upper management.

On August 7 and 9, the Employer received emails from two employees complaining about the Charging Party. The first complaint expressed concern that (b) (6), had not learned (b) (6), (b lesson from the Vice President's public admonition because in a recent email to the g+/freespeech group, the Charging Party complained about blacklisting experienced by conservative employees and human resource's biased handling of bullying complaints lodged by such employees. Specifically, the complaining employee asserted that the Charging Party's political views were actually "thinly-veiled hostilities towards (b) (6), (b fellow employees," and objected to the

Charging Party's usage of the term "social justice warrior" because the employee viewed it as shorthand for women and minorities who have the "audacity to stand up for themselves." The second complaint cited the Charging Party's March meme as well as an August 8 email to the g+/freespeech group in which the Charging Party lamented that the perpetrator of the sexual harassment incident referenced in (b) (6), (b March meme had (b) (6), (b reputation ruined "all over one silly comment made in the distant past." This comment was made in the context of the Charging Party's description of the "mob justice" problem at the Employer, and (b) (6), explicitly noted that (b) (6), was not arguing that the perpetrator's speech should have been permissible.

On the morning of (b) (6), (b) (7)(C), the Charging Party received an invitation from a Human Resources Manager for a meeting that afternoon. In between this invitation and the meeting, the Charging Party spoke with (b) (6), (b supervisor, who holds the title Engineering Director. The Charging Party asked whether (b) (6), was being discharged. The Engineering Director replied that (b) (6), was not being discharged, but would receive a stern warning. The Engineering Director then told the Charging Party that (b) (6), was doing enormous damage to (b) (6), (b career by getting involved in these threads.

The Charging Party attended the meeting later that day, along with the Human Resources Manager and the Engineering Director. The Engineering Director began the meeting by referencing the August 5 thread initiated by the Vice President. The Engineering Director said the Charging Party's comments in the thread were inappropriate, and that the Charging Party was being given a final written warning. During the meeting, the Charging Party protested the final written warning by saying it was retaliation for filing complaints with Human Resources. The Human Resources Manager denied this and said that the Employer had taken action against other employees for inappropriate postings, but did not mention their names.[5] Also during the meeting, the Engineering Director reiterated what (b) (6), had told the Charging Party that morning, namely to stop getting involved in these threads and focus on (b) (6), (b work. According to the Employer's disciplinary policy, the next step after a final written warning is termination.

The final written warning states that the Charging Party was being disciplined for violating the Employer's Appropriate Conduct Policy and Code of Conduct.[6] The

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[5] The Employer, in fact, issued a verbal counseling and written warning to two other employees who posted derogatory and confrontational comments toward the Charging Party on the August 5 thread.

[6] The Employer asserted in the final written warning that the Charging Party had violated the Appropriate Conduct Policy's prohibitions on "disorderly or disruptive conduct, including derogatory name-calling, abusive or profane language, intimidation or coercion of co-workers or any 'un-businesslike' behavior toward co-

warning quotes the Charging Party's posts on the August 5 thread in which (b) (6), sought clarification about whether employees are prohibited from criticizing workplace diversity and inclusion initiatives and complained about bullying experienced by politically conservative employees in the workplace. It concludes that these comments were "disrespectful, disruptive, disorderly, and insubordinate [given] the context of [the Vice President's] post on creating a supportive environment." The only other conduct cited in the warning notice was the Charging Party's prior inappropriate posting, i.e. the March meme.

ACTION

Having already concluded that the Charging Party's posts included protected actions that were the logical outgrowth of shared employee concerns,[7] we now reject the Employer's contention, on reconsideration, that its discipline and threats were lawful efforts to "nip in the bud" the kind of employee conduct that could lead to a hostile workplace. To the contrary, no reasonable employer would consider the Charging Party's somewhat insensitive posts to have fostered a hostile working environment. Indeed, this case exemplifies how an employer, post-*Boeing*,[8] can run afoul of Section 8(a)(1) by applying permissible rules to protected concerted activity.

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workers, TVCs, clients or visitors" and "insubordination, including refusal of a work assignment or improper language toward a manager or management representative." It also asserted that the Charging Party had violated the following provision from its Code of Conduct: "Each Googler is expected to do his or her utmost to create a respectful workplace culture that is free of harassment, intimidation, bias and unlawful discrimination of any kind." The Region has concluded that this latter Code of Conduct provision is now lawful. *See The Boeing Company*, 365 NLRB No. 154, slip op. at 3-4 & n.15 (Dec. 14, 2017) (overruling cases holding that rules regulating basic standards of civility violated the Act). The lawfulness of the above provisions in the Appropriate Conduct Policy is no longer at issue in this case because the policy has since been rescinded. However, in light of *Boeing*, we would now find these rules to be lawful given that they merely prohibit uncivil, disruptive, and insubordinate behavior. *See id.*; *Component Bar Products*, 364 NLRB No. 140, slip op. at 3-6 (Nov. 8, 2016) (Miscimarra, dissenting) (rules banning "[i]nsubordination and other disrespectful conduct" and "[b]oisterous or disruptive activity in the workplace" would be lawful under then-Member Miscimarra's test, which the Board adopted in *Boeing*).

[7] *See Google, Inc.*, 32-CA-164766, Advice Memorandum dated May 31, 2016.

[8] 365 NLRB No. 154, slip op. at 4 n.15.

The Board has acknowledged that it has a duty to balance an employee's statutorily-protected rights against an employer's legitimate right to enforce its workplace rules and managerial prerogatives.[9] An employer's good-faith efforts to enforce its lawful anti-discrimination or anti-harassment policies must be afforded particular deference in light of the employer's duty to comply with state and federal EEO laws.[10] Additionally, employers have a strong interest in promoting diversity and encouraging employees across diverse demographic groups to thrive in their workplaces. In furtherance of these legitimate interests, employers must be permitted to "nip in the bud" the kinds of employee conduct that could lead to a "hostile workplace," rather than waiting until an actionable hostile workplace has been created before taking action.

Where an employee's conduct significantly disrupts work processes, constitutes racial or sexual discrimination or harassment, or creates a hostile work environment, the Board has found it unprotected even if it involves concerted activities regarding working conditions. For example, in *Avondale Industries*, the Board held that the employer lawfully discharged a union activist for insubordination based on her unfounded assertion that her foreman was a Klansman; the employer was justifiably concerned about the disruption her remark would cause in the workplace among her fellow African-American employees.[11] In *Cordua Restaurants, Inc.*, the Board upheld the termination of an employee where the employer had a reasonable, good-faith belief that she had made demeaning and derogatory comments to her coworkers about their race and nationality so as to create a hostile work environment and negatively impact morale.[12] And, in *Honda of America Manufacturing*, the employer lawfully disciplined an employee for distributing a newsletter in which he directed one named employee to "come out of the closet" and used the phrase "bone us" to critique the

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[9] *Brunswick Food & Drug*, 284 NLRB 663, 664 (1987), *enforced mem.*, 859 F.2d 927 (11th Cir. 1988) (table decision).

[10] *Cf. Southern S.S. Co. v. NLRB*, 316 U.S. 31, 47 (1942) (noting that "the Board has not been commissioned to effectuate the policies of the Labor Relations Act so single-mindedly that it may wholly ignore other and equally important Congressional objectives. Frequently the entire scope of Congressional purpose calls for careful accommodation of one statutory scheme to another, and it is not too much to demand of an administrative body that it undertake this accommodation without excessive emphasis upon its immediate task.").

[11] 333 NLRB 622, 637-38 (2001).

[12] 366 NLRB No. 72, slip op. at 2-4 (Apr. 26, 2018).

employer's bonus program.[13] The Board concluded that such language was unprotected because of its highly offensive nature and quoted approvingly an earlier decision:

> In view of the controversial nature of the language used and its admitted susceptibility to derisive and profane construction, [the employer] could legitimately ban the use of the provocative [language] as a reasonable precaution against discord and bitterness between employees and management, as well as to assure decorum and discipline in the plant.[14]

In a prior Advice case involving the Employer, we concluded that an employee was lawfully discharged for circulating a memorandum in opposition to the Employer's diversity initiatives that argued, *inter alia*, that innate differences between men and women might explain the lack of equal representation of the sexes in tech and leadership.[15] There we found that the use of stereotypes based on purported biological differences between women and men was so discriminatory and offensive as to likely cause, and did cause, serious dissension and disruption in the workplace.[16] The lawfulness of the discharge was buttressed by the fact that the Employer carefully tailored its message to make clear that the employee was discharged solely because of his unprotected discriminatory statements and that it explicitly affirmed employees' right to engage in protected speech.[17]

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[13] 334 NLRB 746, 747-49 (2001).

[14] *Id.* at 749 (quoting *Southwestern Bell Telephone Co.*, 200 NLRB 667, 670 (1972)). *See also Detroit Medical Center*, Case 07-CA-06682, Advice Memorandum dated Jan. 10, 2012 (white employee at majority-black facility who, after having been demoted due to coworker complaints, made Facebook post about "jealous ass ghetto people that I work with" and complained that the union was protecting "generations of bad lazy piece of shit workers," was not engaged in protected activity; while the employee's complaints implicated Section 7 concerns, his use of racial stereotypes and slurs were opprobrious and led to a serious disruption at work and to an increase in racial tensions).

[15] *Google, Inc.*, 32-CA-205351, Advice Memorandum dated Jan. 16, 2018.

[16] *Id.* at 4.

[17] *Id.* at 4-5.

Here we conclude that, unlike the statements espousing gender stereotypes that we found discriminatory, offensive, and disruptive in the prior Advice case involving the Employer, the Charging Party's somewhat insensitive G+ posts were not so offensive or disruptive as to be unprotected by the Act. The Employer does not point to any particular words the Charging Party used as being derogatory, abusive, or discriminatory such that they might lead to a hostile work environment.[18] Rather, it argues that the Charging Party's posts were provocative and hurtful given the forum in which they were posted, namely, a thread calling for *support* for minorities and sharing a personal story illustrating the negative experiences of women in tech. While we find the Charging Party's chosen forum for raising the free speech rights of employees who are skeptical of diversity and inclusion efforts was not ideal, it was not so offensive as to find (b) (6), (b) comments unprotected. (b) (6), (b) comments arose in the context of a larger conversation that began on the IndustryInfo thread, which triggered concern about the scope of employees' free speech rights when the Vice President intervened to express disapproval of skeptics' comments. Given that the Employer generally welcomes robust debate amongst its employees, and the Vice President initiated the August 5 G+ thread as a follow-up to the IndustryInfo thread, the Charging Party's comments were not "off-topic" to the forum.[19] Likewise, (b) (6), (b) comments were not so objectively offensive as to cause serious discord and disruption

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[18] *Compare with Cordua Restaurants*, 366 NLRB No. 72, slip op. at 3-4 (employer had good-faith belief that employee created a hostile work environment where, among other things, several coworkers accused her of calling them "wetbacks").

[19] *See Cayuga Medical Center at Ithaca, Inc.*, 365 NLRB No. 170, slip op. at 21-25 (Dec. 16, 2017) (employee's disagreement with management about the competence of fill-in personnel at a staff meeting in which employees were encouraged to speak up was protected notwithstanding that his criticisms were "impolite or more forward and direct than was comfortable" and that management conveyed that it was not "the right forum" to raise such concerns); *Winston-Salem Journal*, 341 NLRB 124, 124-26 (2004) (staff meeting to discuss performance and teamwork was an "appropriate place for [the employee] to raise the issue of unfair treatment" and his comments remained protected notwithstanding that he called his supervisor a "racist" and the employer a "racist place to work"), *enforcement denied sub nom. Media Gen. Operations, Inc.*, 394 F.3d 207 (4th Cir. 2005). *Cf. Cibao Meat Products*, 338 NLRB 934, 934 (2003) ("The Board has specifically rejected the [argument] that an employee who protests a management decision at an employee meeting called to announce that decision is guilty of unprotected insubordination if the employer did not first solicit the employee's views."), *enforced*, 84 F. App'x 155 (2d Cir. 2004) (unpublished decision).

in the workplace, notwithstanding that some employees felt they were insensitive.[20] Since the Employer could not reasonably believe that the Charging Party's posts constituted the kinds of statements that could lead to a hostile work environment, the Employer violated Section 8(a)(1) by applying valid rules prohibiting uncivil and disruptive behavior so as to restrain his protected concerted activities.

In addition, this case is plainly distinguishable from the prior Advice case involving the Employer because there the Employer carefully crafted its discharge communications to make clear that the employee's discharge was based only on the unprotected statements, while giving reassurances that protected speech would be permitted. In contrast, here, the final written warning given to the Charging Party cited (b) (6), (b) protected postings almost in their entirety, did not even attempt to pinpoint specific statements that the Employer believed crossed the line, and gave no assurances that the Charging Party was permitted to express a dissenting viewpoint on matters related to working conditions.

The Employer's argument that the Charging Party's posting of one final comment after the Vice President's told (b) (6), (b) (7 "don't do what you're doing here" amounted to unprotected insubordination is likewise unavailing. Where an employee repeatedly refuses to refrain from unacceptable behavior committed in the course of protected concerted activity, an employee may cross the line demarcating protected and unprotected conduct.[21] Here, however, the Vice President's statement amounted to an order to cease posting protected comments questioning the applicability of anti-harassment policies to the speech of diversity and inclusion skeptics, and the Charging Party had not engaged in any conduct that might have warranted such an

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[20] *See Richmond District Neighborhood Center*, 361 NLRB 833, 834 (2014) (objective standard applies to whether conduct is so egregious as to lose protection or render an employee unfit for further service).

[21] *See, e.g.*, *Waste Management of Arizona*, 345 NLRB 1339, 1340, 1352-54 (2005) (employee engaged in unprotected conduct during confrontation about his paycheck where he cursed repeatedly and loudly in front of other employees, refused supervisor's repeated requests to move discussion into office, and made a vague threat to supervisor); *Trus Joist MacMillan*, 341 NLRB 369, 369-70 (2004) (termination for insubordination lawful where employee engaged in name-calling toward supervisor in front of other managers, repeated his comments "despite continued warnings that he stop," and made sexually insulting gestures and statements to supervisor); *Mead Corp.*, 331 NLRB 509, 514-15 (2000) (steward engaged in unprotected conduct where he insulted supervisor in front of other employees at an alleged *Weingarten* meeting and repeatedly refused to leave upon request).

order. Moreover, even if the Vice President's directive is construed as a mere order to stop raising such concerns in this particular forum, the Charging Party's limited defiance of that order did not cross the line; (b) (6), only posted one final comment after receiving the order, and (b) (6), (b desire to post the final message was understandable given that the Vice President refused to answer (b) (6), (b questions via email. Thus, the Employer violated Section 8(a)(1) by applying its valid insubordination rule so as to restrain the Charging Party's protected postings.

Accordingly, the Region should continue litigating the complaint allegations that the Employer violated Section 8(a)(1) by disciplining and threatening the Charging Party for (b) (6), (b protected comments on the August 5 G+ thread, absent settlement.

/s/
J.L.S.

ADV.32-CA-164766.Response.Google.(b) (6), (b) (

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and **Case 32-CA-164766**

(b) (6), (b) (7)(C), an Individual

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C), an Individual

AMENDED CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

Pursuant to Section 102.17 of the National Labor Relations Board (the Board), the Consolidated Complaint and Notice of Hearing that issued on April 28, 2017, based on a charge filed by (b) (6), (b) (7)(C), an Individual, (b) (6), (b) (7)(C) against Google, Inc. (Respondent Google) and a charge filed by (b) (6), (b) (7)(C), an Individual, (b) (6), (b) (7)(C) against Google, Inc. and Nest Labs, Inc., a single employer, (Respondent Nest) is amended as follows.

1.

(a) The charge in Case 32-CA-164766 was filed by (b) (6), (b) (7)(C) on November 23, 2015, and a copy was served on Respondent Google by regular mail on that same date.

(b) A first-amended charge in Case 32-CA-164766 was filed by (b) (6), (b) (7)(C) on March 1, 2016, and a copy was served on Respondent Google by regular mail on March 2, 2017.

(c) The charge in Case 32-CA-176462 was filed by [redacted] on May 17, 2016, and a copy was served on Respondent Google/Nest by regular mail on May 18, 2016.

2.

(a) At all material times, Respondent Google, a corporation with an office and place of business in Mountain View, California (Respondent Google's Facility), has been engaged in the provision of internet search engine results and the retail sale of advertisements and related products to the general public.

(b) At all material times, Respondent Nest Labs, Inc., a corporation with an office and place of business in Mountain View, California (Respondent Nest's Facility), has been engaged in the retail sale and manufacture of home security products, home energy products and related products to the general public.

(c) At all material times, Respondent Google and Respondent Nest Labs, Inc. have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have interrelated operations with common use of intranet systems, employee programs, and facilities; and have held themselves out to the public as a single-integrated business enterprise.

(d) Based on its operations described above in paragraph 2(a) through 2(c), Respondent Google and Respondent Nest Labs, Inc. (Respondent Google/Nest) constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

(e) In conducting their respective operations during the 12-month period ending on March 31, 2017, Respondent Google and Respondent Google/Nest each derived gross revenues in excess of $500,000.

(f) In conducting its operations during the 12-month period ending on March 31, 2017, Respondent Google sold and shipped from Respondent Google's Facility, products, goods, and materials valued in excess of $5,000 directly to points outside the State of California.

(g) In conducting its operations during the 12-month period ending on March 31, 2017, Respondent Google/Nest sold and shipped from Respondent Google/Nest's Facility, products, goods, and materials valued in excess of $5,000 directly to points outside the State of California.

4.

(a) At all material times, Respondent Google has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

(b) At all material times, Respondent Google/Nest has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5.

(a) At all material times, the following individuals held the positions set forth opposite their respective names and have been managers or supervisors of Respondent Google within the meaning of Section 2(11) of the Act and agents of Respondent Google within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C) [redacted] - (b) (6), (b) (7)(C) [redacted]

(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)

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(b) At all material times, the following individuals held the positions set forth opposite their respective names and have been managers or supervisors of Respondent Google/Nest within the meaning of Section 2(11) of the Act and agents of Respondent Google/Nest within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)

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6.

At all material times since September 1, 2015, until about November 1, 2016, as to Respondent Google, and at all material times since November 17, 2015, until about November 1, 2016, as to Respondent Google/Nest, Respondents maintained the following rules and/or policies:

(a) A rule regarding confidentiality in the "Data Classification Guidelines" and related "Data Security Policy" which prohibits employees from discussing "Employee Data" defined as information that includes "Performance Compensation & Benefits Information" and "Employment Records."

(b) A rule regarding "Performance, Compensation, & Benefits Information" in the "Data Classification Guidelines" and related "Data Security Policy" which prohibits employees from sharing "information related to Googler's performance (ratings, evaluations, and assessments), compensation (salary, equity awards, and bonuses), and benefits (insurance, retirement plans, and vacations)."

(c) A rule regarding "Employment Records" in the "Data Classification Guidelines" and related "Data Security Policy" which prohibits employees from sharing "any information about the employee-employer relationship with a Googler, including Performance, Compensation & Benefits Information. .and records of training, misconduct, and discipline."

(d) The portion of the rule in the "Google Employee Communications Policy" which states: "Only authorized Googlers are permitted to talk about the company with the press.....or anyone else outside of Google."

(e) The portion of the rule regarding "Outside Communication and Research" in Section IV of the "Google Code of Conduct" which states: " .And never discuss the company with the press unless you've been explicitly authorized to do so by Corporate Communications."

(f) The portion of the rule regarding "Interacting with the Press" in the Employee Communications Policy which states: "[N]o Googler should speak to the press without prior approval."

(g) The portion of the rule regarding External Communications in the Employee Communications Policy which prohibits employees from discussing "perks" on social media.

7.

Respondent Google:

(a) On August 6, 2015, by its (b) (6), (b) (7)(C) through a written posting on its intranet website G+, threatened employees with unspecified acts of reprisal by instructing an employee to stop engaging in protected, concerted activities.

(b) About August 19, 2015, Respondent Google, by its (b) (6), (b) (7)(C) [redacted], threatened an employee with unspecified acts of reprisal by instructing an employee to stop engaging in protected, concerted activities.

8.

Respondent Google/Nest:

(a) By its legal representative:

(i) On March 24, 2016, by email to all Respondent Google/Nest employees, threatened employees with termination and legal action for engaging in protected, concerted activities and created an impression that their concerted activities were under surveillance; and

(ii) On April 18, 2016, at an all-hands meeting broadcast to all Respondent Google/Nest employees, created the impression that their protected concerted activities were under surveillance and threatened and coerced employees by announcing a confidentiality policy that restricted employees' rights to engage in protected speech.

(b) By (b) (6), (b) (7)(C), Respondent Google's (b) (6), (b) (7)(C) [redacted]

(i) On April 18, 2016, during an all-hands meeting which was broadcast to all Respondent Google/Nest employees, created an impression that their protected concerted activities were under surveillance and threatened and coerced employees by asking them to report other employees for engaging in protected concerted activities;

(ii) On May 6, 2016, in an email sent to all Respondent Google and Respondent Google/Nest employees, created the impression that their protected concerted activities were under surveillance and threatened and coerced employees by asking them to report other employees for engaging in protected concerted activities, threatened employees with termination for engaging in protected, concerted activities, and announced rules regarding confidentiality that restricted employees' rights to engage in protected speech.

9.

(a) On August 6, 2015, Respondent Google's employee, (b) (6), (b) (7)(C), engaged in protected concerted activities for the purposes of mutual aid and protection by posting comments on Respondent Google's intranet website G+, regarding workplace diversity and social justice initiatives, workplace policy viewpoints, and regarding employees' rights to express their opinions on G+, and by sending an email to Respondent's (b) (6), (b) (7)(C), regarding these matters.

(b) About (b) (6), (b) (7)(C) 2015, Respondent Google issued a final written warning to (b) (6), (b) (7)(C)

(c) Respondent Google engaged in the conduct described above in paragraph 9(b) because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 9(a), and to discourage employees from engaging in these or other concerted activities.

10.

By the conduct described above in paragraphs 6, 7, 8, and 9, Respondent Google has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

11.

By the conduct described above in paragraphs 6 and 8, Respondent Google/Nest has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

12.

The unfair labor practices of Respondent Google and Respondent Google/Nest described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

SPECIAL REMEDIES

WHEREFORE, as part of the remedy for violations alleged above, the General Counsel seeks an Order requiring Respondents to rescind their overly broad or otherwise unlawful policies on a nationwide basis, post a remedial Notice to Employees on a nationwide basis, and post the same Notice on Respondents' Intranet and/or electronic bulletin board, and email the Notice to employees nationwide consistent with Respondents' normal methods of communicating with employees. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Amended Consolidated Complaint. The answer must be **received by this office on or before November 29, 2018, or postmarked on or before November 28, 2018**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents,** enter the NLRB Case Number,

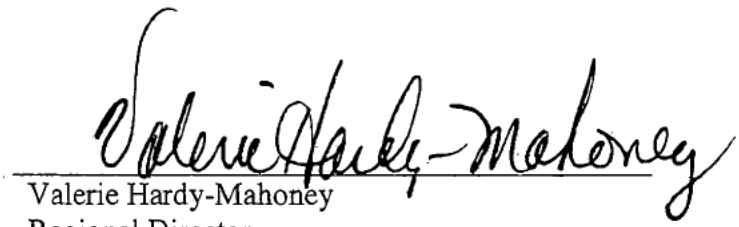
and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Amended Consolidated Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on February 4, 2019, at 9:00 a.m., at the Oakland Regional Office, located at 1301 Clay Street, Suite 300N, in Oakland, California 94612-5224, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and

any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED AT Oakland, California this 15th of November, 2018.



Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Attachments

NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases: 32-CA-164766
32-CA-176462

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).

(2) Grounds must be set forth in ***detail***;

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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(b) (6), (b) (7)(C)
[redacted]

Chris Baker, Esq.
Baker & Schwartz PC
44 Montgomery Street, Suite 3520
San Francisco, CA 94104

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.

- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence**: At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits: Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts**: An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief**: Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision**: The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

From: (b) (6), (b) (7)(C)
To: Hajduk, Alexander M.; Harmeet K. Dhillon (DhillonLaw)
Cc: Michael Fleming (Dhillon Law); Noah Peters
Subject: Re: NLRB Google Case: Conference Call
Date: Wednesday, August 29, 2018 6:09:56 PM

Yes

On 08/29/2018 02:37 PM, Hajduk, Alexander M. wrote:

(b) (6), (b) (7)(C

To clarify for the file, this is what's being withdrawn. I've structured this email so that you'll only need to reply with "yes." Can you confirm that you are requesting the withdrawal of the entirety of the charge in case 32-CA-201160 and the entirety of the charge in 32-CA-164766, excluding the following allegations?

<!--[if !supportLists]-->1. <!--[endif]-->The rule regarding confidentiality in the "Data Classification Guidelines" and related "Data Security Policy" that prohibits employees from discussing "Performance Compensation & Benefits Information."

<!--[if !supportLists]-->2. <!--[endif]-->The rule regarding "Employment Records" in the "Data Classification Guidelines" and related "Data Security Policy" that prohibits employees from sharing "any information about the employee-employer relationship with a Googler, including Performance, Compensation & Benefits Information….and records of training, misconduct, and discipline."

<!--[if !supportLists]-->3. <!--[endif]-->The rule in the "Appropriate Conduct Policy" which states: "Only authorized Googlers are permitted to talk about the company with the press…..or anyone else outside of Google."

<!--[if !supportLists]-->4. <!--[endif]-->The rule regarding "Interacting with the Press" in the Employee Communications Policy which states: "[N]o Googler should speak to the press without prior approval."

<!--[if !supportLists]-->5. <!--[endif]-->The rule regarding "Outside Communication and Research" in Section IV of the "Google Code of Conduct" which states: "And never discuss the company with the press unless you've been explicitly authorized to do so by Corporate Communications."

<!--[if !supportLists]-->6. <!--[endif]-->The August 6, 2015, statement from (b) (6), (b) (7)(C) made through a written posting on its intranet website G+, that threatened employees with unspecified acts of reprisal by instructing an employee to stop engaging in protected, concerted activities.

<!--[if !supportLists]-->7. <!--[endif]-->The August 19, 2015, statement by (b) (6), (b) (7)(C) that threatened an

employee with unspecified acts of reprisal by instructing an employee to stop engaging in protected, concerted activities.

<!--[if !supportLists]-->8. <!--[endif]-->And finally the (b) (6), (b) (7)(C) 2015, final written warning.

Once you respond, I'll upload this into the files and process the requests.

Thanks for your cooperation on this,

Alex Hajduk
NLRB

From: (b) (6), (b) (7)(C) [mailto (b) (6), (b) (7)(C)]
Sent: Monday, August 27, 2018 9:04 AM
To: Hajduk, Alexander M. <Alexander.Hajduk@nlrb.gov>; Harmeet K. Dhillon (DhillonLaw) <harmeet@dhillonlaw.com>
Cc: Michael Fleming (Dhillon Law) <MFleming@dhillonlaw.com>; Noah Peters <nbp@becounsel.com>
Subject: Re: NLRB Google Case: Conference Call

Hi Alex, let's go ahead and withdraw.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and **Case 32-CA-164766**

(b) (6), (b) (7)(C), **an Individual**

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C), **an Individual**

ORDER APPROVING WITHDRAWAL REQUEST
AND DISMISSING PORTIONS OF THE COMPLAINT

A Complaint and Notice of Hearing ("Complaint) issued in the above-captioned matter on April 28, 2017, alleging that Respondent's maintenance of the work rules alleged in Complaint paragraph 6 is a violation of Section 8(a)(1) of the Act, among other violations. On October 4, 2017, the hearing was postponed indefinitely pending the investigation of a new related charge. Thereafter, on December 14, 2017, the Board issued its decision in *The Boeing Co*., 365 NLRB No. 154, which altered the legal standard by which to determine whether facially neutral work rules are unlawful under the Act. Thereafter, the Charging Party in Case 32-CA-164766 requested withdrawal of the portions of the charge which I have concluded no longer violate the Act under *The Boeing Co*. However, the Charging Party in Case 32-CA-176462 has not requested withdrawal of these Complaint allegations. Accordingly,

IT IS ORDERED that Charging Party's request to partially withdraw the charge in Case 32-CA-164766 is approved, and

IT IS FURTHER ORDERED that paragraph 6 of the Complaint is dismissed except for portions of paragraph 6(a), 6(g), portions of 6(l) and portions of 6(o).[1] Specifically, all portions

[1] **Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

of paragraph 6 are dismissed except for the following rules or policies: (1) a rule regarding confidentiality in the "Data Classification Guidelines" and related "Data Security Policy" that prohibits employees from discussing "Performance Compensation & Benefits Information," (2) a rule regarding "Employment Records" in the "Data Classification Guidelines" and related "Data Security Policy" that prohibits employees from sharing "any information about the employee-employer relationship with a Googler, including Performance, Compensation & Benefits Information….and records of training, misconduct, and discipline," (3) a rule in the "Appropriate Conduct Policy" which states: "Only authorized Googlers are permitted to talk about the company with the press…..or anyone else outside of Google," (4) a rule regarding "Interacting with the Press" in the Employee Communications Policy which states: "[N]o Googler should speak to the press without prior approval," and (5) a rule regarding "Outside Communication and Research" in Section IV of the "Google Code of Conduct" which states: "And never discuss the company with the press unless you've been explicitly authorized to do so by Corporate Communications." All other paragraphs of the Complaint remain subject to further proceedings.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www nlrb.gov and:

1) Click on E-File Documents;
2) Enter the NLRB Case Number; and,
3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due **October 12, 2018.** If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **October 11, 2018**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely**. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 12, 2018.** The request may be filed electronically through the ***E-File Documents*** link on our website www nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **October 12, 2018**, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

DATED AT Oakland, California this 28th day of September 2018.

/s/ Valerie Hard-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Attachment(s)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC. **and** (b) (6), (b) (7)(C), **an Individual** **and** **GOOGLE INC. AND NEST LABS, INC., A SINGLE EMPLOYER**	**Case 32-CA-164766**
and (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-176462**
	Date: September 28, 2018

AFFIDAVIT OF SERVICE OF ORDER APPROVING WITHDRAWAL REQUEST AND DISMISSING PORTIONS OF THE COMPLAINT

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

Jenn Blackstone, Senior Counsel
Google, Inc.
1600 Amphitheatre Pkwy.
Mountain View, CA 94043
VIA CERTIFIED MAIL
7015 0920 0001 7784 9125

Michael Pfyl, Senior Counsel
Google, Inc. and Nest Labs, Inc.
1600 Amphitheatre Pkwy.
Mountain View, CA 94043
VIA CERTIFIED MAIL
7015 0920 0001 7784 9132

Ross H. Friedman
Morgan Lewis & Bockius, LLP
77 W Wacker Drive, 5th Floor
Chicago, IL 60601
VIA REGULAR MAIL

Cameron W. Fox
Paul Hastings LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

J. Al Latham, Jr.
Paul Hastings LLP
515 S Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

Blake Bertagna
Paul Hastings LLP
695 Town Center Drive, 17th Floor
Costa Mesa, CA 92626
VIA REGULAR MAIL

Chris Baker
Baker & Schwartz PC
44 Montgomery Street, Suite 3520
San Francisco, CA 94104
VIA REGULAR MAIL

(b) (6), (b) (7)(C)
c/o Chris Baker
44 Montgomery Street, Suite 3520
San Francisco, CA 94104
VIA REGULAR MAIL

Attn: Davette Repola
AVTranz
7227 N. 16th Street, Suite 207
Phoenix, AZ 85020
VIA E-MAIL:
davette.repola@avtranz.com

Ankush Dhupar, Esq.
Paul Hastings LLP
515 S Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

(b) (6), (b) (7)(C)
VIA REGULAR MAIL

National Labor Relations Board
Division Of Judges
901 Market St., Suite 300
San Francisco, CA 94103
E-FILE

September 28, 2018
Date

Ida Lam, Designated Agent of NLRB
Name

/s/ Ida Lam
Signature

From:	Hajduk, Alexander M.
To:	(b) (6), (b) (7)(C)
Cc:	Harmeet K. Dhillon (DhillonLaw); Noah Peters
Subject:	Proposed settlement agreement and notice to employees in Google, Inc., 32-CA-164766
Date:	Friday, October 19, 2018 3:07:35 PM
Attachments:	LTR.32-CA-164766.Letter sending proposed settlement agreement to Charging Party.docx SET.32-CA-164766.Revised settlement agreement.pdf
Importance:	High

Hello again (b) (6), (b) (7),

I hope this email finds you well. I'm sending along two documents in this email for your review. The first is a letter sending out the proposed settlement agreement and the second is the revised settlement agreement itself. I'll explain what those documents are, what you need to do, and what can happen with respect to the settlement.

Following the revisions to the complaint in light of the *Boeing* decision, the settlement agreement had to be modified from the last version you had. Those revisions have been made and the Employer is on deadline for their response. What I need now is your comments, suggestions, and questions about the same version of the settlement agreement, which is what I'm sending you now. In general, the settlement agreement language itself is boilerplate, but this particular agreement has provisions about physical posting of the notice at all 22 Employer locations, electronic posting of the notice on internal G+, and emailing the notice to all of the Employer's employees. If you have any suggestions, however, to that language please send those to me.

The part of the agreement that matters the most is the notice to employees. This is where all of the allegations found to have merit and presently listed in the complaint are listed. This is also what the Employer itself would have to sign before posting. The notice remedies the violations, so please review that language closely. The language in the notice is drawn from similar cases, but has been changed to reflect the particulars of this case. As with the agreement language, any suggestions, comments, or questions you have about the notice should be sent to me.

Lastly, there are a few things that can happen between now and the deadline listed in the letter, so I'll explain those now ranging from optimal scenario to default scenario. First, the Employer and you could both enter into the settlement without modification. Second, both you and the Employer could propose changes to the settlement, and if the Region agrees to those changes and the parties sign, then that ends the matter. Third, the Employer could agree to the settlement (changes or not) but you do not, in which case we'd send you what's called a seven-day letter. That letter would state that the Region and the Employer have agreed to the settlement and you would have seven days to file objections to the settlement or sign it. Fourth, and finally, neither you nor the Employer agrees to the settlement and the Region moves forward with the complaint as soon as possible.

I know I've written a lot here, so if you have any additional questions about this or anything else, don't hesitate to contact me. I'd be happy to discuss any concerns you might have. Otherwise, I look forward to hearing from you.

Thanks,

Alexander M. Hajduk
Field Examiner
National Labor Relations Board – Region 32 (Oakland)
Office: (510) 671-3024
Cell: (202) 431-8814
Fax: (510) 637-3315

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
GOOGLE, INC., a subsidiary of Alphabet, Inc. **Case 32-CA-164766**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in a place customarily used by the Employer for posting notices to employees at each of the 22 locations of Google, Inc. within the United States of America. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet at "Internal Google Plus (G+)" and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer when it submits the Certification of Posting and provide a password for a password protected intranet site in the event it is necessary to check the electronic posting.

E-MAILING NOTICE - The Charged Party will email a copy of the signed Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, to all employees who work for Google, Inc. within the United States of America. The message of the e-mail transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 32 of the National Labor Relations Board in Case 32-CA-164766." The Charged Party will forward a copy of that e-mail, with all of the recipients' e-mail addresses, to the Region's Compliance Officer at paloma.loya@nlrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice**.**

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.
The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a complaint that includes portions of the Consolidated Complaint previously issued on April 28, 2017, that relates to the instant case.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc., a subsidiary of Alphabet, Inc.**		**Charging Party** (b) (6), (b) (7)(C)	
By: Name and Title	Date	By: Name and Title	Date
Print Name and Title below		Print Name and Title below	

Recommended By:	Date	Approved By:	Date
ALEXANDER M. HAJDUK Field Examiner		VALERIE HARDY-MAHONEY Regional Director, Region 32	

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees with the press/media and **WE WILL NOT** do anything to interfere with your exercise of those rights.

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such unlawful rules from our Data Classification Guidelines and related Data Security Policy.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that used such a definition of "confidential information."

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such unlawful rules in our Appropriate Conduct Policy, the "Interacting with the Press" provision in the Employee Communications Policy, and the "Outside Communication and Research" provision in the Google Code of Conduct.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees with unspecified reprisal, including telling employees that they are doing damage to their careers, because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring issues and complaints to us on behalf of yourself and other employees regarding your wages, hours, and other terms and conditions of employment.

WE WILL remove from our files all references to the final written warning issued to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify (b) (6), (b) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) in any way.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc., a subsidiary of Alphabet, Inc.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay St Ste 300N
Oakland, CA 94612-5224

Telephone: (510)637-3300
Hours of Operation: 8:30 a m. to 5 p m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Agent's Direct Dial: (510)671-3024

October 19, 2018

SENT VIA EMAIL ONLY AT (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C)

Re: Google, Inc., a subsidiary of Alphabet, Inc.
Case 32-CA-164766

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of an informal settlement agreement in this matter that has been tendered to the Respondent. If the Respondent agrees to the settlement agreement in its present form, it will remedy the violations established by our investigation and alleged in the complaint, and will comport with the remedial provisions of Board orders in cases involving such violations.

If you wish to sign the settlement agreement, as it presently stands, please sign and return the settlement agreement to this office by close of business on **Friday, October 26, 2018**.

If you decide not to join in this settlement or have suggestions to modify the agreement, your objections to the settlement agreement, any supporting arguments, or your suggestions should be submitted in writing to me by **Friday, October 26, 2018**. Your objections, arguments, and suggestions will be carefully considered before a final determination is made whether to approve the settlement agreement. If you fail to enter the settlement agreement or to submit objections by **Friday, October 26, 2018**, and the Respondent agrees to the settlement agreement as presently written, the Regional Director will approve the settlement agreement on **Monday, October 29, 2018**.

Very truly yours,

/s/ Alexander M. Hajduk

ALEXANDER M. HAJDUK
Field Examiner

From:	Hajduk, Alexander M.
To:	"Fox, Cameron W."
Subject:	Draft of revised settlement agreement in Google, Inc., 32-CA-164766
Date:	Wednesday, October 17, 2018 11:53:59 AM
Attachments:	SET.32-CA-164766.Revised settlement agreement.pdf
Importance:	High

Hello again Cameron,

I trust that this email finds you and your family well. As we discussed last week, I am sending over a PDF copy of the proposed settlement agreement in the original Google case filed by (b) (6), (b) (7)(C), 32-CA-164766. Please review the draft settlement agreement and notice to employees and then contact me with any questions, concerns, or suggestions. If the Employer is willing to enter the agreement, it will need to be initialed in the bottom right-hand corner of each page and signed in the Employer's respective areas.

The deadline for the Employer's proposed revisions, suggestions, or ultimate signature is COB on **Wednesday, October 24, 2018**. If the settlement agreement is not completed by the end of the month, the Region is prepared to move on the existing complaint, though that may change depending on whether (b) (6), (b) (7)(C) files an appeal in (b) (6), case.

Let me know if you have any questions about this or anything else. Thanks for your cooperation, and I look forward to hearing from you.

Alexander M. Hajduk
Field Examiner
National Labor Relations Board – Region 32 (Oakland)
Office: (510) 671-3024
Cell: (202) 431-8814
Fax: (510) 637-3315

From: Noah Peters
To: (b) (6), (b) (7)(C); Hajduk, Alexander M.
Cc: Harmeet K. Dhillon (DhillonLaw)
Subject: Re: Proposed settlement agreement and notice to employees in Google, Inc., 32-CA-164766
Date: Wednesday, October 24, 2018 7:43:09 PM

Yes, to add to the final point- our position is that any settlement must include backpay and reinstatement for (b) (6), (b) (7)(C). Removing the Final Written Warning from (b) (6), (personnel file is meaningless- (b) (6) has no personnel file, and the Company used the Final Written Warning already as part of its justification for firing (b) (6), (b).

Further, actions speak louder than words, and Google's actions in firing nearly all critics of its internal policies in the past two years (or forcing their resignation) speaks much louder than any belated, paper warning. Everyone knows how Google really feels on this issue- it wants dissidents and whistleblowers gone, and quickly. A paper warning is utterly meaningless without real action.

Best,

Noah

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: (b) (6), (b) (7)(C)
Date: 10/24/18 7:33 PM (GMT-05:00)
To: "Hajduk, Alexander M." <Alexander.Hajduk@nlrb.gov>
Cc: "Harmeet K. Dhillon (DhillonLaw)" <harmeet@dhillonlaw.com>, Noah Peters <noah@noahpeterslaw.com>
Subject: Re: Proposed settlement agreement and notice to employees in Google, Inc., 32-CA-164766

Hi Alex, here are my proposed changes:

1) Please remove my name from the notice to employees, as that would make me a target.

2) Suggest posting the notice on (b) (6), (b) (7)(C) internal G+ page (specifically) and on the Industryinfo group (specifically), since those are the places where executives have openly threatened employees for exercising their Section 7 rights. Merely posting it on some other random internal G+ page will not reach most of the people who had been threatened.

3) Please add: "YOU HAVE THE RIGHT to criticize or question any and all workplace diversity policies and practices, and WE WILL NOT retaliate against you for exercising that right."

4) Since the final written warning has already been used to justify my termination, I'd like to request full reinstatement with back pay. Merely posting the notice without reinstating the people who suffered retaliation will not reassure other employees that Google will respect

their rights.

Thanks!

On 10/19/18 12:07 PM, Hajduk, Alexander M. wrote:

> Hello again [redacted],
>
> I hope this email finds you well. I'm sending along two documents in this email for your review. The first is a letter sending out the proposed settlement agreement and the second is the revised settlement agreement itself. I'll explain what those documents are, what you need to do, and what can happen with respect to the settlement.
>
> Following the revisions to the complaint in light of the *Boeing* decision, the settlement agreement had to be modified from the last version you had. Those revisions have been made and the Employer is on deadline for their response. What I need now is your comments, suggestions, and questions about the same version of the settlement agreement, which is what I'm sending you now. In general, the settlement agreement language itself is boilerplate, but this particular agreement has provisions about physical posting of the notice at all 22 Employer locations, electronic posting of the notice on internal G+, and emailing the notice to all of the Employer's employees. If you have any suggestions, however, to that language please send those to me.
>
> The part of the agreement that matters the most is the notice to employees. This is where all of the allegations found to have merit and presently listed in the complaint are listed. This is also what the Employer itself would have to sign before posting. The notice remedies the violations, so please review that language closely. The language in the notice is drawn from similar cases, but has been changed to reflect the particulars of this case. As with the agreement language, any suggestions, comments, or questions you have about the notice should be sent to me.
>
> Lastly, there are a few things that can happen between now and the deadline listed in the letter, so I'll explain those now ranging from optimal scenario to default scenario. First, the Employer and you could both enter into the settlement without modification. Second, both you and the Employer could propose changes to the settlement, and if the Region agrees to those changes and the parties sign, then that ends the matter. Third, the Employer could agree to the settlement (changes or not) but you do not, in which case we'd send you what's called a seven-day letter. That letter would state that the Region and the Employer have agreed to the settlement and you would have seven days to file objections to the settlement or sign it. Fourth, and finally, neither you nor the Employer agrees to the settlement and the Region moves forward with the complaint as soon as possible.
>
> I know I've written a lot here, so if you have any additional questions about this or

PAUL HASTINGS LLP
CAMERON W. FOX (SB# 218116)
J. AL LATHAM, JR. (SB# 071605)
ANKUSH DHUPAR (SB# 307689)
515 South Flower Street
Twenty-Fifth Floor
Los Angeles, CA 90071-2228
Telephone: (213) 683-6000
Facsimile: (213) 627-0705

Attorneys for Respondents
GOOGLE INC. AND NEST LABS, INC.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 32

GOOGLE, INC. and (b) (6), (b) (7)(C), an Individual and GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER and (b) (6), (b) (7)(C), an Individual	CASE NOS. 32-CA-164766 32-CA-176462 **ANSWER OF GOOGLE INC. AND NEST LABS, INC. TO AMENDED CONSOLIDATED COMPLAINT**

Google Inc. and Nest Labs, Inc. (collectively "Respondents") answer the allegations in the Amended Consolidated Complaint dated November 15, 2018, as follows:

1. (a) Admit;

(b) Deny on the ground that the first amended charge in Case No. 32-32-CA-164766 was served on March 2, 2016;

(c) Admit.

2. (a) Admit;

(b) Admit;

(c) Admit that, for the purposes of this Amended Consolidated Complaint, Respondents are a single employer. Except as expressly admitted, deny;

(d) Admit that, for the purposes of this Amended Consolidated Complaint, Respondents are a single employer. Except as expressly admitted, deny;

(e) Admit;

(f) Admit;

(g) Admit.

4. (a) Admit;

(b) Admit.

5. (a) Admit that the following individuals held the following positions at Google during all material timeframes alleged in the Amended Consolidated Complaint as indicated below, and admit that they were supervisors within the meaning of Section 2(11) of the Act and agents of Google within the meaning of Section 2(13) of the Act:

- (b) (6), (b) (7)(C) ((b) (6), (b) (7)(C) 2016); (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2016);
- (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C) 2016); (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2016);

- (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C)

Except as expressly admitted, deny;

(b) Admit that (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) of Nest Labs, Inc. between (b) (6), (b) (7)(C) 2016, and that (b) (6), (b) (7)(C) held the position of Nest's (b) (6), (b) (7)(C) during all material times alleged in the Amended Consolidated Complaint. Except as expressly admitted, deny;

6. (a) Admit that during at least some material times during the period of September 1, 2015 through November 1, 2016, Respondents maintained the "Data Classification Guidelines" and "Data Security Policy." Except as expressly admitted , deny;

(b) Admit that during at least some material times during the period of September 1, 2015 through November 1, 2016, the "Data Classification Guidelines" contained a reference to "Performance, Compensation, & Benefits Information." Except as expressly admitted, deny;

(c) Admit that during at least some material times during the period of September 1, 2015 through November 1, 2016, the "Data Classification Guidelines" contained a reference to "Employment Records." Except as expressly admitted, deny;

(d) Admit that during at least some material times during the period of September 1, 2015 through November 1, 2016, Respondents maintained a "Google Employee Communications Policy" that included the sentence "Only authorized Googlers are permitted to talk about the company with the press, analysts, partners, or curious others." Except as expressly admitted, deny;

(e) Admit that during at least some material times during the period of September 1, 2015 through November 1, 2016, Respondents maintained a provision titled "Outside Communication and Research" in Section IV of the "Google Code of Conduct" that included the sentence "And never discuss the company with the press unless you've been

explicitly authorized to do so by Corporate Communications." Except as expressly admitted, deny;

(f) Admit that during at least some material times during the period of September 1, 2015 through November 1, 2016, Respondents maintained a provision titled "Interacting with press" in the "Employee Communications Policy." Except as expressly admitted, deny;

(g) Admit that during at least some material times during the period of September 1, 2015 through November 1, 2016, Respondents maintained a provision titled "External Communications" in the "Employee Communications Policy." Except as expressly admitted, deny.

7. (a) Deny;

(b) Deny.

8. (a) (i) Deny; (ii) Deny;

(b) (i) Deny; (ii) Deny.

9. (a) Deny;

(b) Admit;

(c) Deny.

10. Deny.

11. Deny.

12. Deny.

FIRST AFFIRMATIVE DEFENSE

With regard to Respondents' policies, Respondents have already modified them and reissued them to the workforce. As a result, the policy-based allegations the General Counsel seeks to litigate are moot, and pursuing the Amended Consolidated Complaint on those policies does not serve the purposes of the Act. Paragraph 6 of the Amended Consolidated Complaint and the portions of paragraphs 10 and 11 referencing paragraph 6 should therefore be dismissed. *See*

Northwestern University, Case No. 13-CA-157467 (Advice Memorandum, September 22, 2016); *see also Jimmy Wakely Show*, 202 NLRB 620 (1973).

SECOND AFFIRMATIVE DEFENSE

The Board's decision in *Purple Communications, Inc.*, 361 NLRB No. 43 (2014), should be overruled, and Board law should return to that as stated in *Register Guard*, 351 NLRB 1110 (2007). *See Purple Communications* at *18-61 (dissents by then-Members Johnson and Miscimarra).

THIRD AFFIRMATIVE DEFENSE

The allegations in the Amended Consolidated Complaint cite only excerpts of policies and fail to take into account the context of the passages cited. The Board does not read rules in isolation, and context must be considered. *See, e.g.*, *Tradesmen International*, 338 NLRB 460, 462 (2002).

FOURTH AFFIRMATIVE DEFENSE

Because Respondents have already modified their policies and announced the modifications to the workforce, this is not a case in which special remedies are appropriate.

FIFTH AFFIRMATIVE DEFENSE

Google denies that it disciplined (b) (6), (b) (7)(C) in whole or in part for protected conduct, but the same discipline would have been imposed even in the absence of protected conduct. *See Wright Line*, 251 NLRB 1083 (1980), *enforced*, 662 F.2d 899 (1st Cir. 1981), *cert. denied* 455 U.S. 989 (1982).

SIXTH AFFIRMATIVE DEFENSE

Google denies that its previous policies were overbroad, but the discipline of (b) (6), (b) (b) (6), (b) (7)(C) was warranted by (b) (6), misconduct, which actually interfered with Google's lawful

interest in maintaining an inclusive workplace for women and minorities that is free of unlawful bias, discrimination and harassment. The discipline of (b) (6), (b) (7)(C) was also warranted by (b) (6), violations of other policies, such as Google's Policy Against Harassment Discrimination and Retaliation, the validity of which is not at issue. *See Continental Group, Inc.*, 357 NLRB 409 (2011).

SEVENTH AFFIRMATIVE DEFENSE

The March 24, 2016 and May 6, 2016 emails that are alleged in the Amended Consolidated Complaint, and the alleged comments during the April 18, 2016 meeting, lawfully notified employees of Respondents' established practice of monitoring computers and email systems for legitimate management reasons, such as preventing the theft of intellectual property and trade secrets. *Purple Communications, Inc.*, 361 NLRB No. 43 (2014).

EIGHTH AFFIRMATIVE DEFENSE

If the allegations in paragraphs 7 and 9 of the Amended Consolidated Complaint are adopted by the Board, the decision would interfere with Respondents' obligations under the law to maintain a work environment that is free of unlawful discrimination, harassment and bias. *See Google Inc.*, NLRB Div. of Advice, No. 32-CA-205351, January 16, 2018; *see also* 42 U.S.C. § 2000c et seq., as amended (Title VII of the Civil Rights Act of 1964); 29 CFR §1604.11(d) ("[a]n employer may also be responsible for … harassment of employees in the workplace, where the employer ... knows or should have known of the conduct and fails to take immediate and appropriate corrective action."); Cal. Govt Code § 12900 *et seq.* (California's Fair Employment and Housing Act).

For all of the foregoing reasons, the Amended Consolidated Complaint should be dismissed in its entirety.

DATED: November 29, 2018

Respectfully submitted,

PAUL HASTINGS LLP
CAMERON W. FOX
J. AL LATHAM
ANKUSH DHUPAR

By: Cameron W. Fox

CAMERON W. FOX
PAUL HASTINGS LLP
515 So. Flower Street, 25th Floor
Los Angeles, California 90071

Attorneys for Respondents
GOOGLE INC. and
NEST LABS, INC.

STATEMENT OF SERVICE

I am a citizen of the United States and employed in Los Angeles, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 515 South Flower Street, 25th Floor, Los Angeles, California 90071.

On November 29, 2018, I served the foregoing document described as: **ANSWER OF GOOGLE INC. AND NEST LABS, INC. TO AMENDED CONSOLIDATED COMPLAINT** on the interested parties as follows:

Chris Baker, Esq.
cbaker@bakerlp.com
Deborah Schwartz, Esq.
dschwartz@bakerlp.com
BAKER CURTIS & SCHWARTZ, P.C.
1 California Street, Suite 1250
San Francisco, CA 94111

(b) (6), (b) (7)(C) [redacted]

☒ **VIA EMAIL:**

I caused the documents to be sent to the persons at the e-mail addresses on the above service list on November 29, 2018. The electronic notification address of the person making the service is christinewilson@paulhastings.com.

☒ **VIA U.S. MAIL**

I placed true and correct copies of the above document(s) in a sealed envelope(s) as addressed above. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice such sealed envelope(s) would be deposited with the U.S. postal service on November 29, 2018 with postage thereon fully prepaid, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 29, 2018, at Los Angeles, California.

Christine Wilson

Christine Wilson

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 32

Google, Inc., a subsidiary of Alphabet, Inc. Charged Party/Respondent	)	
and	)	32-CA-164766
(b) (6), (b) (7)(C) , Charging Party	)	

NOTICE OF APPEARANCE

To: the Regional Director, Parties and Attorneys of Record:

Please take notice that the undersigned, Noah B. Peters, Esq., of Noah Peters Law, hereby enters his appearance as counsel for Charging Party, (b) (6), (b) (7)(C) , in this matter.

Dated: December 7, 2018

Respectfully submitted,

/s/ Noah B. Peters

Noah B. Peters
NOAH PETERS LAW
1875 Connecticut Ave. N.W.
Floor 10
Washington, D.C. 20009
Tel: (202) 688-3246
noah@noahpeterslaw.com

From:	Noah Peters
To:	Parker, D. Criss; Chris Baker (cbaker@bakerlp.com); Cameron W. Fox (cameronfox@paulhastings.com); Deborah Schwartz (dschwartz@bakerlp.com); Ankush Dhupar (ankushdhupar@paulhastings.com)
Subject:	RE: Google, Inc. and Nest Labs, Inc., Cases 32-CA-164766 and 32-CA-176462
Date:	Monday, December 17, 2018 2:42:53 PM

Also, to clarify: I represent (b) (6), (b) (7)(C) in this matter.

Best,

Noah B. Peters, Esq.
NOAH PETERS LAW
1875 Connecticut Avenue N.W., 10th Floor
Washington, D.C. 20009
(202) 688-3246

www.noahpeterslaw.com

From: Parker, D. Criss [mailto:D.Parker@nlrb.gov]
Sent: Monday, December 17, 2018 2:41 PM
To: Chris Baker (cbaker@bakerlp.com) <cbaker@bakerlp.com>; Noah Peters <noah@noahpeterslaw.com>; Cameron W. Fox (cameronfox@paulhastings.com) <cameronfox@paulhastings.com>; Deborah Schwartz (dschwartz@bakerlp.com) <dschwartz@bakerlp.com>; Ankush Dhupar (ankushdhupar@paulhastings.com) <ankushdhupar@paulhastings.com>
Subject: Google, Inc. and Nest Labs, Inc., Cases 32-CA-164766 and 32-CA-176462

Counsel,

I am the Field Attorney assigned as Counsel for the General Counsel in the National Labor Relations Board hearing against Google, Inc. and Nest Labs, Inc. scheduled to begin on February 4, 2019 in Case Nos. 32-CA-164766 and 32-CA-176462. Please direct future communications in these cases to me rather than to former Board agents Noah Garber or Jennifer Kaufman or investigating Board agent Alex Hajduk. I have recently become aware of a December 5, 2018 email to Alex Hajduk of my office from attorney Chris Baker suggesting a continuance of the hearing date in these cases from February 4, 2019 into March or April 2019. Please be aware that the mere submission of such an email does not in and of itself constitute a request for a postponement. In order to file a formal request for a postponement, the request has to be made with the Regional Director of NLRB Region 32, Valerie Hardy-Mahoney. Thank you for your anticipated cooperation.

D. Criss Parker
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street

Suite 300N
Oakland, CA 94612
(510) 671-3035 Phone
(510) 637-3315 Fax
criss.parker@nlrb.gov

From:	Fox, Cameron W.
To:	Parker, D. Criss
Cc:	Fox, Cameron W.; Wilson, Christine; Dhupar, Ankush
Subject:	Re: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462
Date:	Monday, December 24, 2018 1:21:17 PM

Criss,

Commencing on March 4 works for Google and Nest. Thank you and have a nice holiday.

Cameron

On Dec 21, 2018, at 4:46 PM, Parker, D. Criss <D.Parker@nlrb.gov<mailto:D.Parker@nlrb.gov>> wrote:

Counsel,

The Region is considering a short postponement of the hearing now scheduled to begin in these cases on February 4, 2019. Please advise me as soon as possible whether you and your respective clients are available and amenable to commencing the hearing on a date beginning sometime during the week of March 4, 2019. While I realize many of you may already be away for the holidays, I thank you in advance for your anticipated responses.

D. Criss Parker

Field Attorney

National Labor Relations Board

Region 32

1301 Clay Street

Suite 300N

Oakland, CA 94612

(510) 671-3035 Phone

(510) 637-3315 Fax
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From:	Fox, Cameron W.
To:	Noah Peters
Cc:	Chris Baker; Parker, D. Criss; Deborah Schwartz; Dhupar, Ankush
Subject:	Re: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462
Date:	Monday, December 31, 2018 11:55:25 AM
Attachments:	image001.jpg

Per my email last week, Criss, that new date is fine for Google and Nest too. Happy New Year.
Cameron

On Dec 31, 2018, at 8:16 AM, Noah Peters <noah@noahpeterslaw.com<mailto noah@noahpeterslaw.com>> wrote:

(b) (6), (b) (7)(C) consents as well

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Chris Baker <cbaker@bakerlp.com<mailto:cbaker@bakerlp.com>>
Date: 12/31/18 11:11 AM (GMT-05:00)
To: "Parker, D. Criss" <D.Parker@nlrb.gov<mailto:D.Parker@nlrb.gov>>, Noah Peters <noah@noahpeterslaw.com<mailto:noah@noahpeterslaw.com>>, "Cameron W. Fox (cameronfox@paulhastings.com<mailto:cameronfox@paulhastings.com>)" <cameronfox@paulhastings.com<mailto:cameronfox@paulhastings.com>>, Deborah Schwartz <dschwartz@bakerlp.com<mailto:dschwartz@bakerlp.com>>, "Ankush Dhupar (ankushdhupar@paulhastings.com<mailto:ankushdhupar@paulhastings.com>)" <ankushdhupar@paulhastings.com<mailto:ankushdhupar@paulhastings.com>>
Subject: RE: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462

Hi Cris:

(b) (6), (b) (7)(C) does not object to a postponement until March 4, 2019. Please let me know if the request is granted.

Thanks.

Chris

<image001.jpg>

Chris Baker
Partner
Baker Curtis & Schwartz, P.C.
1 California Street, Suite 1250
San Francisco, CA 94111
cbaker@bakerlp.com<mailto:cbaker@bakerlp.com>
O: 415.433-1064

This email may be subject to the attorney client, work product or another privilege. If this email was sent to you in error, please delete it. If the email is subject to a privilege, do not distribute.

From: Parker, D. Criss [mailto:D.Parker@nlrb.gov]
Sent: Friday, December 21, 2018 4:46 PM

To: Chris Baker <cbaker@bakerlp.com<mailto:cbaker@bakerlp.com>>; Noah B. Peters (noah@noahpeterslaw.com<mailto:noah@noahpeterslaw.com>) <noah@noahpeterslaw.com<mailto:noah@noahpeterslaw.com>>; Cameron W. Fox (cameronfox@paulhastings.com<mailto:cameronfox@paulhastings.com>) <cameronfox@paulhastings.com<mailto:cameronfox@paulhastings.com>>; Deborah Schwartz <dschwartz@bakerlp.com<mailto:dschwartz@bakerlp.com>>; Ankush Dhupar (ankushdhupar@paulhastings.com<mailto:ankushdhupar@paulhastings.com>) <ankushdhupar@paulhastings.com<mailto:ankushdhupar@paulhastings.com>>
Subject: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462
Importance: High

Counsel,

The Region is considering a short postponement of the hearing now scheduled to begin in these cases on February 4, 2019. Please advise me as soon as possible whether you and your respective clients are available and amenable to commencing the hearing on a date beginning sometime during the week of March 4, 2019. While I realize many of you may already be away for the holidays, I thank you in advance for your anticipated responses.

D. Criss Parker

Field Attorney

National Labor Relations Board

Region 32

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****
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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and **Case 32-CA-164766**

(b) (6), (b) (7)(C), **an Individual**

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C), **an Individual**

ORDER RESCHEDULING HEARING

Based upon good show and as agreed to by the parties, **IT IS HEREBY ORDERED** that the hearing in the above-captioned matter, currently scheduled for February 4, 2019 at the Oakland Regional Office, 1301 Clay Street, Suite 300N, Oakland, California, is now rescheduled to Monday, March 4, 2019 at 9:00 a.m. and on consecutive days thereafter until concluded.

DATED AT Oakland, California this 2nd day of January 2019.

/s/ Hokulani Valencia

Hokulani Valencia
Acting Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC. **and** (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-164766**
and **GOOGLE INC. AND NEST LABS, INC., A SINGLE EMPLOYER**	
and (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-176462**
	Date: January 2, 2019

AFFIDAVIT OF SERVICE OF ORDER RESCHEDULING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

Jenn Blackstone, Senior Counsel
Google, Inc.
1600 Amphitheatre Pkwy.
Mountain View, CA 94043
VIA CERTIFIED MAIL
7015 0920 0001 7784 9361

Michael Pfyl, Senior Counsel
Google, Inc. and Nest Labs, Inc.
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VIA CERTIFIED MAIL
7015 0920 0001 7784 9378

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VIA REGULAR MAIL

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VIA REGULAR MAIL

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c/o Chris Baker
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Attn: Davette Repola
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(b) (6), (b) (7)(C)
VIA REGULAR MAIL

National Labor Relations Board
Division Of Judges
901 Market Street, Suite 485
San Francisco, CA 94103
E-FILE

January 2, 2019
Date

Ida Lam, Designated Agent of NLRB
Name

/s/ Ida Lam
Signature

From:	Noah Peters
To:	Parker, D. Criss
Subject:	RE: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462
Date:	Thursday, January 24, 2019 7:43:10 PM
Attachments:	image001.jpg

Got it, and thanks. I appreciate the explanation for the postponement in the letter as well.

Best,

Noah

From: Parker, D. Criss [mailto:D.Parker@nlrb.gov]
Sent: Thursday, January 24, 2019 7:42 PM
To: Noah Peters <noah@noahpeterslaw.com>
Subject: RE: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462

Dear Mr. Peters,

Please see the attached order. I do not see your name on the service sheet which is why I am now emailing it to you. I will instruct our administrative personnel to add your name to the service sheet for future communications. Thanks.

From: Noah Peters <noah@noahpeterslaw.com>
Sent: Thursday, January 24, 2019 10:22 AM
To: Parker, D. Criss <D.Parker@nlrb.gov>
Subject: Re: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462

OK. Is it related to the shutdown?

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Parker, D. Criss" <D.Parker@nlrb.gov>
Date: 1/24/19 1:20 PM (GMT-05:00)
To: Noah Peters <noah@noahpeterslaw.com>
Subject: RE: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462

Dear Mr. Peters,

I believe that the Region will be issuing today an order indefinitely postponing the hearing now set for March 4 which you should be served with a copy of. Thanks.

From: Noah Peters <noah@noahpeterslaw.com>
Sent: Tuesday, January 22, 2019 5:17 PM
To: Parker, D. Criss <D.Parker@nlrb.gov>
Subject: RE: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462

Can you let me know the time and location of the hearing? Thanks.

Best,

Noah

From: Parker, D. Criss [mailto:D.Parker@nlrb.gov]
Sent: Thursday, January 03, 2019 9:11 PM
To: Noah Peters <noah@noahpeterslaw.com>
Subject: RE: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462

Dear Mr. Peters,

I wanted to let you know that the Region issued an order rescheduling the hearing to March 4 yesterday although it inexplicably appears that you were not on the service sheet. It was served on your client (b) (6), (b) (7)(C). I will seek to ensure that your name is added to the service list for all future pleadings. I would send you a copy but our office unfortunately lacks scanning capability at the moment. I apologize for any inconvenience to you.

D. Criss Parker
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street
Suite 300N
Oakland, CA 94612
(510) 671-3035 Phone
(510) 637-3315 Fax
criss.parker@nlrb.gov

From: Noah Peters [mailto:noah@noahpeterslaw.com]
Sent: Monday, December 31, 2018 8:16 AM
To: Chris Baker <cbaker@bakerlp.com>; Parker, D. Criss <D.Parker@nlrb.gov>; Cameron W. Fox (cameronfox@paulhastings.com) <cameronfox@paulhastings.com>; Deborah Schwartz <dschwartz@bakerlp.com>; Ankush Dhupar (ankushdhupar@paulhastings.com) <ankushdhupar@paulhastings.com>
Subject: Re: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462

(b) (6), (b) (7)(C) consents as well

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Chris Baker <cbaker@bakerlp.com>
Date: 12/31/18 11:11 AM (GMT-05:00)
To: "Parker, D. Criss" <D.Parker@nlrb.gov>, Noah Peters <noah@noahpeterslaw.com>, "Cameron W. Fox (cameronfox@paulhastings.com)" <cameronfox@paulhastings.com>, Deborah Schwartz <dschwartz@bakerlp.com>, "Ankush Dhupar (ankushdhupar@paulhastings.com)" <ankushdhupar@paulhastings.com>
Subject: RE: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462

Hi Cris:

(b) (6), (b) (7)(C) does not object to a postponement until March 4, 2019. Please let me know if the request is granted.

Thanks.

Chris

Chris Baker
Partner
Baker Curtis & Schwartz, P.C.
1 California Street, Suite 1250
San Francisco, CA 94111
cbaker@bakerlp.com
O: 415.433-1064

This email may be subject to the attorney client, work product or another privilege. If this email was sent to you in error, please delete it. If the email is subject to a privilege, do not distribute.

From: Parker, D. Criss [mailto:D.Parker@nlrb.gov]
Sent: Friday, December 21, 2018 4:46 PM
To: Chris Baker <cbaker@bakerlp.com>; Noah B. Peters (noah@noahpeterslaw.com) <noah@noahpeterslaw.com>; Cameron W. Fox (cameronfox@paulhastings.com) <cameronfox@paulhastings.com>; Deborah Schwartz <dschwartz@bakerlp.com>; Ankush Dhupar (ankushdhupar@paulhastings.com) <ankushdhupar@paulhastings.com>
Subject: Google, Inc. and Nest Labs, Inc., 32-CA-164766 and 32-CA-176462
Importance: High

Counsel,

The Region is considering a short postponement of the hearing now scheduled to begin in these

cases on February 4, 2019. Please advise me as soon as possible whether you and your respective clients are available and amenable to commencing the hearing on a date beginning sometime during the week of March 4, 2019. While I realize many of you may already be away for the holidays, I thank you in advance for your anticipated responses.

D. Criss Parker
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street
Suite 300N
Oakland, CA 94612
(510) 671-3035 Phone
(510) 637-3315 Fax
criss.parker@nlrb.gov

CP

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and

Case 32-CA-164766

(b) (6), (b) (7)(C) an Individual

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C) an Individual

ORDER POSTPONING HEARING INDEFINITELY

IT IS HEREBY ORDERED that the hearing in the above-captioned matters which was scheduled to commence on March 4, 2019, at the Oakland Regional Office, 1301 Clay Street, Suite 300N, Oakland, California, is postponed indefinitely pending the disposition of the related unfair labor practice charge in Case 32-CA-231887.

DATED AT Oakland, California this 24th day of January 2019.

Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC. **and** (b) (6), (b) (7)(C) **an Individual**	**Case 32-CA-164766**
and **GOOGLE INC. AND NEST LABS, INC., A SINGLE EMPLOYER**	
and (b) (6), (b) (7)(C) **an Individual**	**Case 32-CA-176462**
	Date: January 24, 2019

AFFIDAVIT OF SERVICE OF ORDER POSTPONING HEARING INDEFINITELY

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

Jenn Blackstone, Senior Counsel
Google, Inc.
1600 Amphitheatre Pkwy.
Mountain View, CA 94043
VIA CERTIFIED MAIL
7015 0920 0001 7784 9115

Michael Pfyl, Senior Counsel
Google, Inc. and Nest Labs, Inc.
1600 Amphitheatre Pkwy.
Mountain View, CA 94043
VIA CERTIFIED MAIL
7015 0920 0001 7784 9439

Ross H. Friedman
Morgan Lewis & Bockius, LLP
77 W Wacker Drive, 5th Floor
Chicago, IL 60601
VIA REGULAR MAIL

Cameron W. Fox
Paul Hastings LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

J. Al Latham, Jr.
Paul Hastings LLP
515 S Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

Blake Bertagna
Paul Hastings LLP
695 Town Center Drive, 17th Floor
Costa Mesa, CA 92626
VIA REGULAR MAIL

Chris Baker
Baker & Schwartz PC
44 Montgomery Street, Suite 3520
San Francisco, CA 94104
VIA REGULAR MAIL

Ankush Dhupar
Paul Hastings LLP
515 S Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

(b) (6), (b) (7)(C)
c/o Chris Baker
44 Montgomery Street, Suite 3520
San Francisco, CA 94104
VIA REGULAR MAIL

(b) (6), (b) (7)(C)
[redacted]
VIA REGULAR MAIL

Attn: Davette Repola
AVTranz
7227 N. 16th Street, Suite 207
Phoenix, AZ 85020
VIA E-MAIL: davette.repola@avtranz.com

National Labor Relations Board
Division Of Judges
901 Market Street, Suite 485
San Francisco, CA 94103
E-FILE

January 24, 2019
Date

Ida Lam, Designated Agent of NLRB
Name

Ida Lam
Signature

From: Latham, J. Al
To: Ventola, Catherine L.
Cc: Parker, D. Criss; Fox, Cameron W.; Latham, J. Al
Subject: RE: Proposed Informal Settlements in Cases 32-CA-164766 and 32-CA-176462
Date: Friday, August 2, 2019 6:05:42 PM
Attachments: image001.png
mg_info.txt

Thank you. We will review with our client and get back to you.

Al Latham

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

From: Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>
Sent: Friday, August 2, 2019 3:01 PM
To: Latham, J. Al <allatham@paulhastings.com>
Cc: Parker, D. Criss <D.Parker@nlrb.gov>
Subject: [EXT] Proposed Informal Settlements in Cases 32-CA-164766 and 32-CA-176462

Dear Mr. Latham:

On behalf of Criss Parker, I am sending the attached proposed informal settlements in the above cases. Please note that the posting requirements and the notice language are identical. Please contact Mr. Parker (510-671-3035) or myself at your earliest convenience to discuss. We look forward to reaching a resolution in these matters.

Catherine Ventola,
Supervisory Attorney

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
GOOGLE, INC., A subsidiary of Alphabet, Inc. **Case 32-CA-164766**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in a place customarily used by the Charged Party for posting notices to employees at its corporate headquarters located at 1600 Amphitheater Parkway in Mountain View, California and the Nest Labs headquarters located at 3400 Hillview Avenue in Palo Alto, California. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet at "Internal Google Plus (G+)" (or a comparable location if G+ does not exist) and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer at paloma.loya@nlrb.gov when it submits the Certification of Posting and provide a password for a password protected intranet site in the event it is necessary to check the electronic posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice**.**

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.
The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Amended Consolidated Complaint that previously issued on November 11, 2018.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc., A subsidiary of Alphabet**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date	By: Name and Title Date
Print Name and Title below	Print Name and Title below

Recommended By: Date	Approved By: Date
D. Criss Parker Field Attorney	VALERIE HARDY-MAHONEY Regional Director, Region 32

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and **WE WILL NOT** do anything to interfere with your exercise of those rights.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees with unspecified reprisal, including telling employees that they are doing damage to their careers, because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

WE WILL NOT make it appear to you that we are watching out for your protected concerted activities or ask that you report other employees who are engaging in activity regarding their wages, hours, and working conditions.

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such unlawful rules from our Data Classification Guidelines and related Data Security Policy.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that used such a definition of "confidential information."

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such unlawful rules in our Appropriate Conduct Policy, the "Interacting with

the Press" provision in the Employee Communications Policy, and the "Outside Communication and Research" provision in the Google Code of Conduct

WE WILL remove from our files all references to the final written warning issued to the Charging Party on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify (b) (6), (b) (b) (6), (b) in writing that this has been done and that the final written warning will not be used against [redacted] in any way.

WE WILL notify you that we have rescinded the rules described above.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay St Ste 300N
Oakland, CA 94612-5224

Telephone: (510)637-3300
Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
GOOGLE, INC. AND NEST LABS, INC., A SINGLE EMPLOYER Case 32-CA-176462

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in a place customarily used by the Charged Party for posting notices to employees at its corporate headquarters located at 1600 Amphitheater Parkway in Mountain View, California and the Nest Labs, Inc. headquarters located at 3400 Hillview Avenue in Palo Alto, California, within the United States of America. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet at "Internal Google Plus (G+)" (or a comparable location if G+ does not exist) and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer when it submits the Certification of Posting and provide a password for a password protected intranet site in the event it is necessary to check the electronic posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice**.**

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.
The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Amended Consolidated Complaint that previously issued on November 18, 2018.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc., and Nest Labs, Inc.**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date	By: Name and Title Date
Print Name and Title below	Print Name and Title below

Recommended By: Date	Approved By: Date
D. Criss Parker Field Attorney	VALERIE HARDY-MAHONEY Regional Director, Region 32

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and **WE WILL NOT** do anything to interfere with your exercise of those rights.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees with unspecified reprisal, including telling employees that they are doing damage to their careers, because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

WE WILL NOT make it appear to you that we are watching out for your protected concerted activities or ask that you report other employees who are engaging in activity regarding their wages, hours, and working conditions.

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such unlawful rules from our Data Classification Guidelines and related Data Security Policy.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that used such a definition of "confidential information."

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such unlawful rules in our Appropriate Conduct Policy, the "Interacting with

the Press" provision in the Employee Communications Policy, and the "Outside Communication and Research" provision in the Google Code of Conduct

WE WILL remove from our files all references to the final written warning issued to the Charging Party on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify (b) (6), (b) (b) (6), (b) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) in any way.

WE WILL notify you that we have rescinded the rules described above.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay St Ste 300N
Oakland, CA 94612-5224

Telephone: (510)637-3300
Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Google, Inc., and Nest Labs, Inc.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay St Ste 300N
Oakland, CA 94612-5224

Telephone: (510)637-3300
Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
GOOGLE, INC., A subsidiary of Alphabet, Inc. **Case 32-CA-164766**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in a place customarily used by the Charged Party for posting notices to employees at its corporate headquarters located at 1600 Amphitheater Parkway in Mountain View, California and the Nest Labs headquarters located at 3400 Hillview Avenue in Palo Alto, California. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet ("MOMA") home screen and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer at paloma.loya@nlrb.gov when it submits the Certification of Posting and provide a screenshot of the home screen in the event it is necessary to check the electronic posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice**.**

NON-ADMISSION CLAUSE – By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act or any other law.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original

notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____JAL___ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.
The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Amended Consolidated Complaint that previously issued on November 11, 2018.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc., A subsidiary of Alphabet**		**Charging Party** (b) (6), (b) (7)(C)	
By: Name and Title /s/ J Al Latham, Jr.	Date 8/26/19	By: Name and Title	Date
Print Name and Title below J. Al Latham, Jr. Attorney for Google + Nest		Print Name and Title below	

Recommended By:	Date	Approved By:	Date
/s/ D. Criss Parker D. Criss Parker Field Attorney	9/09/19	/s/ Valerie Hardy-Mahoney VALERIE HARDY-MAHONEY Regional Director, Region 32	9-9-19

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and **WE WILL NOT** do anything to interfere with your exercise of those rights.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

WE WILL NOT make it appear to you that we are watching out for your protected concerted activities or ask that you report other employees who are engaging in protected concerted activity regarding their wages, hours, and working conditions.

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in protected activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such rules from our Data Classification Guidelines and related Data Security Policy effective November 2016.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that arguably used such a definition of "confidential information" effective November 2016.

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such rules in our Appropriate Conduct Policy, the "Interacting with the Press" provision in the Employee Communications Policy, and the "Outside Communication and

Research" provision in the Google Code of Conduct effective September 2016, December 2016, and April 2017, respectively.

WE WILL remove from our files all references to the final written warning issued to the Charging Party on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify (b) (6), (b) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) in any way.

WE HAVE notified you that we have rescinded the rules described above.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay St Ste 300N
Oakland, CA 94612-5224

Telephone: (510)637-3300
Hours of Operation: 8:30 a.m. to 5 p.m.

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From:	Latham, J. Al
To:	Ventola, Catherine L.
Cc:	Parker, D. Criss; Fox, Cameron W.; Latham, J. Al
Subject:	RE: Proposed Informal Settlements in Cases 32-CA-164766 and 32-CA-176462
Date:	Tuesday, August 13, 2019 8:13:45 PM
Attachments:	image001.png mg_info.txt

Ms. Ventola,

I wanted to let you know that we've not forgotten about you.

We recognize that the Region has made substantial movement in an effort to resolve these cases --- which is appreciated. Google is carefully reviewing the proposal, and we will get back to you as soon as we have answers from our client.

Al Latham

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

From: Latham, J. Al
Sent: Friday, August 2, 2019 3:06 PM
To: 'Ventola, Catherine L.' <Catherine.Ventola@nlrb.gov>
Cc: Parker, D. Criss <D.Parker@nlrb.gov>; Fox, Cameron W. <cameronfox@paulhastings.com>; Latham, J. Al <allatham@paulhastings.com>
Subject: RE: Proposed Informal Settlements in Cases 32-CA-164766 and 32-CA-176462

Thank you. We will review with our client and get back to you.

Al Latham

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

From: Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>

Sent: Friday, August 2, 2019 3:01 PM
To: Latham, J. Al <allatham@paulhastings.com>
Cc: Parker, D. Criss <D.Parker@nlrb.gov>
Subject: [EXT] Proposed Informal Settlements in Cases 32-CA-164766 and 32-CA-176462

Dear Mr. Latham:

On behalf of Criss Parker, I am sending the attached proposed informal settlements in the above cases. Please note that the posting requirements and the notice language are identical. Please contact Mr. Parker (510-671-3035) or myself at your earliest convenience to discuss. We look forward to reaching a resolution in these matters.

Catherine Ventola,
Supervisory Attorney

From: Latham, J. Al
To: Ventola, Catherine L.
Cc: Parker, D. Criss; Latham, J. Al
Subject: Informal settlement of 32-CA-164766 (b) (6), (b and 32-CA-176462 (b) (6),
Date: Wednesday, August 21, 2019 8:51:27 PM
Attachments: 20190821144055612.pdf
mg_info.txt

Dear Ms. Ventola,

Please extend my thanks to the Regional Director for her obvious commitment to breaking through the obstacles to settlement. I now think we can get it done.

Attached are our proposed tweaks to the Agreement and the Notice. I have used the template for 31-CA-164766, but of course the same edits would apply to 32-CA-176462.

The Notice would go up on the home screen of Google's intranet, called "MOMA." That's where Google routinely posts notices to employees. I had previously thought the intranet was called Google Plus or G , but I was mistaken.

I'm also informed that there is no password that would provide outside access to Google's intranet. We will, of course, provide a Certification of Posting, and can offer a screenshot of the home page showing the posting.

We require a non-admissions clause, especially as there is separate ongoing litigation with both charging parties. (We are aware, of course, that there can be no side-posting with the Notice.)

I think our changes to the Notice itself are self-explanatory, but please let me know if you have questions.

With these changes, I am authorized to represent that Google would enter into the settlement agreements --- whether or not the Charging Parties do so.

Having gotten this far, we're prepared to move quickly to finalize a deal. Please let me know the Region's position as soon as you can.

Thanks.

Al Latham

Al Latham | Partner, Employment Law Department Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA
90071 | Direct: 1.213.683.6319 | Main: 1.213.683.6000 | Fax: 1.213.996.3319 | allatham@paulhastings.com | https://gcc01.safelinks.protection.outlook.com/?
url www.paulhastings.com&data 02%7C01%7C%7C5507e845c74d456b548a08d7269ad7a0%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C1%7C637020318845537628&sdata Y8KDKpBQPr%2BBBCxLWW9noPyoZHP6f5ucQs5ZqloOEk4%3D&reserved 0

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
GOOGLE, INC., A subsidiary of Alphabet, Inc. **Case 32-CA-164766**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in a place customarily used by the Charged Party for posting notices to employees at its corporate headquarters located at 1600 Amphitheater Parkway in Mountain View, California and the Nest Labs headquarters located at 3400 Hillview Avenue in Palo Alto, California. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting. ("MOMA") home screen

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet ~~at "Internal Google Plus (G+)" (or a comparable location if G+ does not exist)~~ and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer at paloma.loya@nlrb.gov when it submits the Certification of Posting and provide a ~~password for a password protected intranet site~~ in the event it is necessary to check the electronic posting. Screenshot of the home screen

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

NON-ADMISSION — By entering into this Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act or any other law.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Amended Consolidated Complaint that previously issued on November 11, 2018.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc., A subsidiary of Alphabet**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date	By: Name and Title Date
Print Name and Title below	Print Name and Title below

Recommended By: Date	Approved By: Date
D. Criss Parker Field Attorney	VALERIE HARDY-MAHONEY Regional Director, Region 32

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and **WE WILL NOT** do anything to interfere with your exercise of those rights.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees with unspecified reprisal, including telling employees that they are doing damage to their careers, because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

WE WILL NOT make it appear to you that we are watching out for your protected concerted activities or ask that you report other employees who are engaging in activity regarding their wages, hours, and working conditions. protected concerted

protected

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such ~~unlawful~~ rules from our Data Classification Guidelines and related Data Security Policy effective November 2016.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded arguably sections of our Data Security Policy and our Data Classification Guidelines that used such a definition of "confidential information." effective November 2016.

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such ~~unlawful~~ rules in our Appropriate Conduct Policy, the "Interacting with

effective September 2016, December 2016, and April 2017, respectively.

the Press" provision in the Employee Communications Policy, and the "Outside Communication and Research" provision in the Google Code of Conduct.

WE WILL remove from our files all references to the final written warning issued to the Charging Party on [redacted] 2015, and **WE WILL** notify [redacted] in writing that this has been done and that the final written warning will not be used against [redacted] in any way.

HAVE

ied

WE WILL notify you that we have rescinded the rules described above.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc.

(Employer)

Dated: _____ **By:** _____

(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay St Ste 300N
Oakland, CA 94612-5224

Telephone: (510)637-3300
Hours of Operation: 8:30 a.m. to 5 p.m.

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From: Latham, J. Al
To: Parker, D. Criss
Cc: Hardy-Mahoney, Valerie M.; Kwon, Christy; Ventola, Catherine L.; Latham, J. Al
Subject: RE: Revised Google Settlement Agreements
Date: Thursday, August 22, 2019 1:22:43 PM
Attachments: image001.png
mg_info.txt

Excellent. Thank you.

I will review and expect to get this back to you today.

Al

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

From: Parker, D. Criss <D.Parker@nlrb.gov>
Sent: Thursday, August 22, 2019 10:19 AM
To: Latham, J. Al <allatham@paulhastings.com>
Cc: Hardy-Mahoney, Valerie M. <Valerie.Hardy-Mahoney@nlrb.gov>; Kwon, Christy <Christy.Kwon@nlrb.gov>; Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>
Subject: [EXT] Revised Google Settlement Agreements
Importance: High

Dear Mr. Latham,

The Region has reviewed and considered all of the changes to the informal settlement agreements proposed in your August 21, 2019 email and has found them to be acceptable. I am therefore attaching revised settlement agreements in both the (b) (6), (b) (7)(C) matters for your review and signature. After obtaining your client's signature or authorization for you to sign, please return the signed settlements to our office as soon as possible. Because of various interwoven vacation schedules this week and next, I recommend that you send your email with the signed settlements to ALL of the potentially interested Board agents who could be involved in some stage of processing the settlements, those being the Regional Director at valerie.hardy-mahoney@nlrb.gov, the Regional Attorney at christy.kwon@nlrb.gov, my supervisor at catherine.ventola@nlrb.gov, and me at criss.parker@nlrb.gov. Thank you in advance for your anticipated cooperation.

D. Criss Parker
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street
Suite 300N
Oakland, CA 94612
(510) 671-3035 Phone

(510) 637-3315 Fax
criss.parker@nlrb.gov

From: Hardy-Mahoney, Valerie M.
To: Parker, D. Criss
Cc: Ventola, Catherine L.; Kwon, Christy
Subject: RE: Informal settlement of 32-CA-164766 (b) (6), (b) and 32-CA-176462 (b) (6), (b)
Date: Thursday, August 22, 2019 12:50:00 PM

(b) (5) [redacted]

-----Original Message-----
From: Parker, D. Criss <D.Parker@nlrb.gov>
Sent: Thursday, August 22, 2019 9:36 AM
To: Hardy-Mahoney, Valerie M. <Valerie.Hardy-Mahoney@nlrb.gov>
Cc: Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>; Kwon, Christy <Christy.Kwon@nlrb.gov>
Subject: RE: Informal settlement of 32-CA-164766 (b) (6), (b) and 32-CA-176462 (b) (6), (b)
Importance: High

(b) (5) [redacted]

-----Original Message-----
From: Hardy-Mahoney, Valerie M. <Valerie.Hardy-Mahoney@nlrb.gov>
Sent: Thursday, August 22, 2019 9:08 AM
To: Parker, D. Criss <D.Parker@nlrb.gov>
Cc: Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>; Kwon, Christy <Christy.Kwon@nlrb.gov>
Subject: FW: Informal settlement of 32-CA-164766 (b) (6), (b) and 32-CA-176462 (b) (6), (b)

(b) (5) [redacted]

Thank you,

Val

-----Original Message-----
From: Latham, J. Al <allatham@paulhastings.com>
Sent: Wednesday, August 21, 2019 6:22 PM
To: Hardy-Mahoney, Valerie M. <Valerie.Hardy-Mahoney@nlrb.gov>
Cc: Latham, J. Al <allatham@paulhastings.com>
Subject: FW: Informal settlement of 32-CA-164766 (b) (6), (b) and 32-CA-176462 (b) (6), (b)

Valerie,

I got an out-of-office message from Catherine Ventola. In light of that message, I'm sending this to you directly in hopes of keeping the train on track. I think we can get this done if we seize the opportunity quickly.

Thanks.

Al

Al Latham | Partner, Employment Law Department Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: 1.213.683.6319 | Main: 1.213.683.6000 | Fax: 1.213.996.3319 | allatham@paulhastings.com | https://gcc01.safelinks.protection.outlook.com/?url www.paulhastings.com&data 02%7C01%7C%7C160f9ebbc8a7427bc8e308d72720c4c1%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637020893997214221&sdata rGrOJ%2B8cQX85J4VgYBdDvEOFBEmMMmr%2BOfUF2ojcrAM%3D&reserved 0

-----Original Message-----
From: Latham, J. Al <allatham@paulhastings.com>
Sent: Wednesday, August 21, 2019 5:50 PM
To: Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>
Cc: Parker, D. Criss <D.Parker@nlrb.gov>; Latham, J. Al <allatham@paulhastings.com>
Subject: Informal settlement of 32-CA-164766 (b) (6), (b) and 32-CA-176462 (b) (6), (b)

Dear Ms. Ventola,

Please extend my thanks to the Regional Director for her obvious commitment to breaking through the obstacles to settlement. I now think we can get it done.

Attached are our proposed tweaks to the Agreement and the Notice. I have used the template for 31-CA-164766, but of course the same edits would apply to 32-CA-176462.

The Notice would go up on the home screen of Google's intranet, called "MOMA." That's where Google routinely posts notices to employees. I had previously thought the intranet was called Google Plus or G , but I was mistaken.

I'm also informed that there is no password that would provide outside access to Google's intranet. We will, of course, provide a Certification of Posting, and can offer a screenshot of the home page showing the posting.

We require a non-admissions clause, especially as there is separate ongoing litigation with both charging parties. (We are aware, of course, that there can be no side-posting with the Notice.)

I think our changes to the Notice itself are self-explanatory, but please let me know if you have questions.

With these changes, I am authorized to represent that Google would enter into the settlement agreements --- whether or not the Charging Parties do so.

Having gotten this far, we're prepared to move quickly to finalize a deal. Please let me know the Region's position as soon as you can.

Thanks.

Al Latham

Al Latham | Partner, Employment Law Department Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: 1.213.683.6319 | Main: 1.213.683.6000 | Fax: 1.213.996.3319 | allatham@paulhastings.com | https://gcc01.safelinks.protection.outlook.com/?url www.paulhastings.com&data 02%7C01%7C%7C160f9ebbc8a7427bc8e308d72720c4c1%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637020893997214221&sdata rGrOJ%2B8cQX85J4VgYBdDvEOFBEmMMmr%2BOfUF2ojcrAM%3D&reserved 0

From:	Parker, D. Criss
To:	Latham, J. Al
Cc:	Hardy-Mahoney, Valerie M.; Kwon, Christy; Ventola, Catherine L.
Subject:	Revised Google Settlement Agreements
Date:	Thursday, August 22, 2019 1:18:53 PM
Attachments:	SET.32-CA-164766.8-22-19 Revised Informal Board Settlement Agreement.pdf SET.32-CA-176462.8-22-19 Revised Informal Board Settlement Agreement.pdf
Importance:	High

Dear Mr. Latham,

The Region has reviewed and considered all of the changes to the informal settlement agreements proposed in your August 21, 2019 email and has found them to be acceptable. I am therefore attaching revised settlement agreements in both the (b) (6), (b) (7)(C) matters for your review and signature. After obtaining your client's signature or authorization for you to sign, please return the signed settlements to our office as soon as possible. Because of various interwoven vacation schedules this week and next, I recommend that you send your email with the signed settlements to ALL of the potentially interested Board agents who could be involved in some stage of processing the settlements, those being the Regional Director at valerie.hardy-mahoney@nlrb.gov, the Regional Attorney at christy.kwon@nlrb.gov, my supervisor at catherine.ventola@nlrb.gov, and me at criss.parker@nlrb.gov. Thank you in advance for your anticipated cooperation.

D. Criss Parker
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street
Suite 300N
Oakland, CA 94612
(510) 671-3035 Phone
(510) 637-3315 Fax
criss.parker@nlrb.gov

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
GOOGLE, INC., A subsidiary of Alphabet, Inc. **Case 32-CA-164766**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in a place customarily used by the Charged Party for posting notices to employees at its corporate headquarters located at 1600 Amphitheater Parkway in Mountain View, California and the Nest Labs headquarters located at 3400 Hillview Avenue in Palo Alto, California. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet ("MOMA") home screen and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer at paloma.loya@nlrb.gov when it submits the Certification of Posting and provide a screenshot of the home screen in the event it is necessary to check the electronic posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

NON-ADMISSION CLAUSE – By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act or any other law.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original

notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.
The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Amended Consolidated Complaint that previously issued on November 11, 2018.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc., A subsidiary of Alphabet**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date	By: Name and Title Date
Print Name and Title below	Print Name and Title below
Recommended By: Date D. Criss Parker Field Attorney	Approved By: Date VALERIE HARDY-MAHONEY Regional Director, Region 32

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

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- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and **WE WILL NOT** do anything to interfere with your exercise of those rights.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees with unspecified reprisal, including telling employees that they are doing damage to their careers, because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

WE WILL NOT make it appear to you that we are watching out for your protected concerted activities or ask that you report other employees who are engaging in protected concerted activity regarding their wages, hours, and working conditions.

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in protected activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such rules from our Data Classification Guidelines and related Data Security Policy effective November 2016.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that arguably used such a definition of "confidential information" effective November 2016.

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such rules in our Appropriate Conduct Policy, the "Interacting with the

Press" provision in the Employee Communications Policy, and the "Outside Communication and Research" provision in the Google Code of Conduct effective September 2016, December 2016, and April 2017, respectively.

WE WILL remove from our files all references to the final written warning issued to the Charging Party on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify (b) (6), (b) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) in any way.

WE HAVE notified you that we have rescinded the rules described above.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc.

(Employer)

Dated: _____ **By:** _____

(Representative) (Title)

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
GOOGLE, INC. AND NEST LABS, INC., A SINGLE EMPLOYER **Case 32-CA-176462**

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COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

NON-ADMISSION CLAUSE – By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act or any other law.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

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notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.
The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Amended Consolidated Complaint that previously issued on November 18, 2018.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc., and Nest Labs, Inc.**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date	By: Name and Title Date
Print Name and Title below	Print Name and Title below

Recommended By: Date	Approved By: Date
D. Criss Parker Field Attorney	VALERIE HARDY-MAHONEY Regional Director, Region 32

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- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and **WE WILL NOT** do anything to interfere with your exercise of those rights.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees with unspecified reprisal, including telling employees that they are doing damage to their careers, because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

WE WILL NOT make it appear to you that we are watching out for your protected concerted activities or ask that you report other employees who are engaging in protected concerted activity regarding their wages, hours, and working conditions.

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in protected activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such rules from our Data Classification Guidelines and related Data Security Policy effective November 2016.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that arguably used such a definition of "confidential information" effective November 2016.

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such rules in our Appropriate Conduct Policy, the "Interacting with the

Press" provision in the Employee Communications Policy, and the "Outside Communication and Research" provision in the Google Code of Conduct effective September 2016, December 2016, and April 2017, respectively.

WE WILL remove from our files all references to the final written warning issued to the Charging Party on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify (b) (6), (b) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) in any way.

WE HAVE notified you that we have rescinded the rules described above.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

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Google, Inc., and Nest Labs, Inc.
(Employer)

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From:	Latham, J. Al
To:	Kwon, Christy
Cc:	Hardy-Mahoney, Valerie M.; Ventola, Catherine L.; Parker, D. Criss; Fox, Cameron W.; Latham, J. Al
Subject:	Google Settlement Agreements
Date:	Monday, August 26, 2019 5:04:58 PM
Attachments:	image001.png (b) (6), (b) (7)(C) .pdf (b) (6), (b) (7)(C) .pdf mg_info.txt
Importance:	High

Christy,

Attached are the settlement agreements, which I have fully executed on behalf of Google and Nest Labs.

Please send me, as soon as possible, copies reflecting the Region's approval. And, of course, please let me know if the Charging Parties will join.

Many thanks for all the Region's hard work in facilitating the resolution of these cases.

Al Latham

Al Latham | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6319 | Main: +1.213.683.6000 | Fax: +1.213.996.3319 |
allatham@paulhastings.com | www.paulhastings.com

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
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Yes _____ No _____
Initials Initials

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Charged Party **Google, Inc., and Nest Labs, Inc.**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date Al Latham Print Name and Title below J. AL LATHAM JR. ATTORNEY FOR GOOGLE + NEST LABS	By: Name and Title Date Print Name and Title below
Recommended By: Date D. Criss Parker Field Attorney	Approved By: Date VALERIE HARDY-MAHONEY Regional Director, Region 32

(To be printed and posted on official Board notice form)

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YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

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WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

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WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such rules from our Data Classification Guidelines and related Data Security Policy effective November 2016.

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Ja2

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WE HAVE notified you that we have rescinded the rules described above.

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Google, Inc.

(Employer)

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(Representative) (Title)

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Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

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Qa2

Google, Inc., and Nest Labs, Inc.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay St Ste 300N
Oakland, CA 94612-5224

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JA2

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
GOOGLE, INC., A subsidiary of Alphabet, Inc. **Case 32-CA-164766**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in a place customarily used by the Charged Party for posting notices to employees at its corporate headquarters located at 1600 Amphitheater Parkway in Mountain View, California and the Nest Labs headquarters located at 3400 Hillview Avenue in Palo Alto, California. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet ("MOMA") home screen and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer at paloma.loya@nlrb.gov when it submits the Certification of Posting and provide a screenshot of the home screen in the event it is necessary to check the electronic posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

NON-ADMISSION CLAUSE – By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act or any other law.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original

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notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes Jaz Initials No _____ Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Amended Consolidated Complaint that previously issued on November 11, 2018.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc., A subsidiary of Alphabet**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date Jal Latham, Jr. 8/26/19	By: Name and Title Date
Print Name and Title below J. AL LATHAM, JR. ATTORNEY FOR GOOGLE	Print Name and Title below
Recommended By: Date D. Criss Parker Field Attorney	Approved By: Date VALERIE HARDY-MAHONEY Regional Director, Region 32

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and **WE WILL NOT** do anything to interfere with your exercise of those rights.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

WE WILL NOT make it appear to you that we are watching out for your protected concerted activities or ask that you report other employees who are engaging in protected concerted activity regarding their wages, hours, and working conditions.

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in protected activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such rules from our Data Classification Guidelines and related Data Security Policy effective November 2016.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that arguably used such a definition of "confidential information" effective November 2016.

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such rules in our Appropriate Conduct Policy, the "Interacting with the Press" provision in the Employee Communications Policy, and the "Outside Communication and

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Research" provision in the Google Code of Conduct effective September 2016, December 2016, and April 2017, respectively.

WE WILL remove from our files all references to the final written warning issued to the Charging Party on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify (b) (6), (b) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) in any way.

WE HAVE notified you that we have rescinded the rules described above.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc.

(Employer)

Dated: _____ **By:** _____

(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

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Jane

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 32

Google, Inc., a subsidiary of Alphabet, Inc. Charged Party/Respondent	)	
and	)	32-CA-164766
(b) (6), (b) (7)(C), Charging Party	)	

NOTICE OF WITHDRAWAL OF COUNSEL

To: the Regional Director, Parties and Attorneys of Record:

Please take notice that the undersigned, Noah B. Peters, Esq., of Noah Peters Law, hereby withdraws as counsel for Charging Party, (b) (6), (b) (7)(C), in this matter.

Dated: August 26, 2019

Respectfully submitted,

/s/ Noah B. Peters

Noah B. Peters
NOAH PETERS LAW
1875 Connecticut Ave. N.W.
Floor 10
Washington, D.C. 20009
Tel: (202) 688-3246
noah@noahpeterslaw.com

From: Kwon, Christy
To: (b) (6), (b) (7)(C)
Cc: Parker, D. Criss; Ventola, Catherine L.; Valencia, Hokulani
Subject: RE: Settlement in Google, 32-CA-164766 (Deadline extended to Sept 6)
Date: Wednesday, August 28, 2019 5:00:00 PM
Attachments: SET.32-CA-164766.Revised Settlement - (b) (6), (b) (7)(C) .pdf

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Dear (b) (6), (b) (7)(C):
I'm attaching the Settlement Agreement that we are asking you to sign by September 6, 2019 or to file written objections to it by that date.

Best Regards,

Christy J. Kwon
Regional Attorney
National Labor Relations Board, Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612
Direct Line: 510-671-3020
Click here to E-FILE documents, charges, and petitions.

From: Kwon, Christy
Sent: Wednesday, August 28, 2019 9:31 AM
To: (b) (6), (b) (7)(C)
Cc: Parker, D. Criss <D.Parker@nlrb.gov>; Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>; Valencia, Hokulani <Hokulani.Valencia@nlrb.gov>
Subject: RE: Settlement in Google, 32-CA-164766 (Deadline Sept 3)

Dear (b) (6), (b) (7)(C):
You have requested a 1-month extension of time in order to obtain new counsel to represent you int his case. I have extended your deadline to September 6, 2019.

Best Regards,

Christy J. Kwon
Regional Attorney
National Labor Relations Board, Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612
Direct Line: 510-671-3020
Click here to E-FILE documents, charges, and petitions.

From: Kwon, Christy
Sent: Monday, August 26, 2019 5:09 PM
To: (b) (6), (b) (7)(C)

Cc: Parker, D. Criss <D.Parker@nlrb.gov>; Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>; Valencia, Hokulani <Hokulani.Valencia@nlrb.gov>
Subject: Settlement in Google, 32-CA-164766 (Deadline Sept 3)

Dear (b) (6), (b) (7)(C)

Enclosed is an informal settlement agreement in this matter that the Charged Party has signed. This settlement agreement appears to remedy the violations established by our investigation and to comport with the remedial provisions of Board orders in cases involving such violations.

If you wish to join in the settlement, please sign and return the settlement agreement to this office by close of business on September 3, 2019.

If you decide not to join in this settlement, your objections to the settlement agreement and any supporting arguments should be submitted in writing to me by September 3, 2019. Your objections and arguments will be carefully considered before a final determination is made whether to approve the settlement agreement. If you fail to enter the settlement agreement or to submit objections by September 3, 2019, the Regional Director will approve the settlement agreement on September 4, 2019.

Best Regards,

Christy J. Kwon
Regional Attorney
National Labor Relations Board, Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612
Direct Line: 510-671-3020
Click here to E-FILE documents, charges, and petitions.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
GOOGLE, INC., A subsidiary of Alphabet, Inc. **Case 32-CA-164766**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in a place customarily used by the Charged Party for posting notices to employees at its corporate headquarters located at 1600 Amphitheater Parkway in Mountain View, California and the Nest Labs headquarters located at 3400 Hillview Avenue in Palo Alto, California. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet ("MOMA") home screen and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer at paloma.loya@nlrb.gov when it submits the Certification of Posting and provide a screenshot of the home screen in the event it is necessary to check the electronic posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice**.**

NON-ADMISSION CLAUSE – By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act or any other law.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original

notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.
The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the Amended Consolidated Complaint that previously issued on November 11, 2018.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party **Google, Inc., A subsidiary of Alphabet**	**Charging Party** (b) (6), (b) (7)(C)
By: Name and Title Date	By: Name and Title Date
Print Name and Title below	Print Name and Title below

Recommended By: Date	Approved By: Date
D. Criss Parker Field Attorney	VALERIE HARDY-MAHONEY Regional Director, Region 32

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and **WE WILL NOT** do anything to interfere with your exercise of those rights.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

WE WILL NOT make it appear to you that we are watching out for your protected concerted activities or ask that you report other employees who are engaging in protected concerted activity regarding their wages, hours, and working conditions.

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in protected activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such rules from our Data Classification Guidelines and related Data Security Policy effective November 2016.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that arguably used such a definition of "confidential information" effective November 2016.

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such rules in our Appropriate Conduct Policy, the "Interacting with the Press" provision in the Employee Communications Policy, and the "Outside Communication and

Research" provision in the Google Code of Conduct effective September 2016, December 2016, and April 2017, respectively.

WE WILL remove from our files all references to the final written warning issued to the Charging Party on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify (b) (6), (b) (b) (6), (b) in writing that this has been done and that the final written warning will not be used against (b) (6), (b) in any way.

WE HAVE notified you that we have rescinded the rules described above.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Google, Inc.
(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

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From:	Chris Baker
To:	Kwon, Christy
Cc:	Parker, D. Criss; Ventola, Catherine L.; Valencia, Hokulani; Deborah Schwartz
Subject:	RE: Settlement in Google, 32-CA-176462 (Deadline Sept 3)
Date:	Tuesday, September 3, 2019 7:40:08 PM
Attachments:	image001.jpg 2019-09-03 Letter to NLRB re Objections to Settlement (Executed).pdf

---

Hi Christy:

On behalf of the Charging Party represented by my office, please find our objections to the tentative informal settlement.

Chris

Chris Baker
Partner
Baker Curtis & Schwartz, P.C.
1 California Street, Suite 1250
San Francisco, CA 94111
cbaker@bakerlp.com
O: 415.433-1064

This email may be subject to the attorney client, work product or another privilege. If this email was sent to you in error, please delete it. If the email is subject to a privilege, do not distribute.

From: Kwon, Christy [mailto:Christy.Kwon@nlrb.gov]
Sent: Monday, August 26, 2019 4:48 PM
To: Chris Baker <cbaker@bakerlp.com>
Cc: Parker, D. Criss <D.Parker@nlrb.gov>; Ventola, Catherine L. <Catherine.Ventola@nlrb.gov>; Valencia, Hokulani <Hokulani.Valencia@nlrb.gov>
Subject: Settlement in Google, 32-CA-176462 (Deadline Sept 3)

Dear Mr. Baker:

Enclosed is an informal settlement agreement in this matter that the Charged Party has signed. This settlement agreement appears to remedy the violations established by our investigation and to comport with the remedial provisions of Board orders in cases involving such violations.

If you wish to join in the settlement, please sign and return the settlement agreement to this office by close of business on September 3, 2019.

If you decide not to join in this settlement, your objections to the settlement agreement and any supporting arguments should be submitted in writing to me by September 3, 2019. Your objections and arguments will be carefully considered before a final determination is made whether to approve the settlement agreement. If you fail to enter the

settlement agreement or to submit objections by September 3, 2019, the Regional Director will approve the settlement agreement on September 4, 2019.

Best Regards,

Christy J. Kwon
Regional Attorney
National Labor Relations Board, Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612
Direct Line: 510-671-3020
Click here to E-FILE documents, charges, and petitions.

BAKER CURTIS & SCHWARTZ PC

Chris Baker
1 California Street, Suite 1250
San Francisco, CA 94111
tel. (415) 433-1064
cbaker@bakerlp.com
www.bakerlp.com

September 3, 2019

Via Email and U.S. Mail

National Labor Relations Board, Region 32
c/o Christy J. Kwon
1301 Clay Street, Suite 300N
Oakland, CA 94612
Christy.Kwon@nlrb.gov

RE: Case No. 32-CA-176462
Objections to Settlement

Dear Ms. Kwon:

In accordance with your email of August 26, 2019, the Charging Party represented by my office objects to the tentative settlement proposed and accepted by Google, Inc. and Nest Labs, Inc. The bases for the Charging Party's objections include the following:

A. A Formal Settlement Is Required

The Board's regulations state that: "After the issuance of a complaint, the Agency favors a formal settlement agreement, which is subject to the approval of the Board in Washington DC." NLRB Reg. § 101.9(b)(1).

Given the importance of the subject matter of the complaint, the public's interest,[1] and the power and wealth of Respondents, any settlement of the complaint, over the objections of the charging parties, must be subject to a formal review and hearing. Certain allegations of the complaint concern systemic discrimination against individuals who are Republicans and/or supporters of the current President of the United States because they allegedly disagree with the

[1] See, e.g., Nitasha Tiku, "Three Years of Misery Inside Google, The Happiest Company In Tech" (Wired Magazine 08.13.19) found at https://www.wired.com/story/inside-google-three-years-misery-happiest-company-tech/.;

orthodoxy of one of the most powerful corporations in the world.[2] This is not a complaint that should be resolved in secret, without a hearing, and without the approval or even input of the National Labor Relations Board.

B. The Settlement Is Unenforceable and Beyond the Board's Jurisdiction

1. The Limitations of the Board's Authority

The NLRB is charged with administering the National Labor Relations Act, and nothing more. Like all executive agencies, it must mind its own jurisdiction. As explained by the Supreme Court: "An agency eager to advance its statutory mission, but without any particular interest in or expertise with a second statute, might (as here) seek to diminish the second statute's scope in favor of a more expansive interpretation of its own – effectively bootstrapping itself into an area in which it has no jurisdiction." *Epic Systems Corp. v. Lewis*, 138 S.Ct. 1612, 1630 (2018). This principle holds true with respect to a potential conflict, not just between the NLRA and other federal statutes, but also between the NLRA and state laws. Federalism matters. "[T]he evil Congress was addressing through [the NLRA] was entirely unrelated to local or federal regulation establishing minimum terms of employment . . . . Such regulation provides protections to individual union and non-union workers alike, and thus neither encourages nor discourages the collective bargaining process that are the subject of the NLRA." *Fort Halifax Packing Co. v. Coyne*, 482 U.S. 1, 20-21 (1987)

The NLRB only has jurisdiction over specified statutory employees. It does not have jurisdiction over, among others, supervisors, managerial employees, or former employees. See 29 U.S.C. § 152(3); *NLRB v. Bell Aerospace Company Division*, 416 U.S. 267 (1974). Moreover, Section 7 itself also has a limited scope. It only protects the right of current statutory employees to engage (or not engage) in **protected**, "**concerted** activities **for the purpose** of collective bargaining or other **mutual** aid or protection." 29 U.S.C. § 157. This "mutual aid or protection" language is narrow, and only embraces objects similar in nature to "self-organization, forming, joining, or assisting labor organizations, or bargaining collectively." *Epic Systems*, 138 S.Ct. at 1625.

Thus, the Board has no jurisdiction, for example, over workplace policies or non-disclosure agreements that apply to non-statutory employees such as supervisors or executives. It also has no jurisdiction over conduct that does not involve protected concerted activity for the purpose of mutual aid or protection. Instead, different federal or state laws apply to such conduct. *E.g.*, 17 CFR 240.21F-17 (prohibiting confidentiality agreements that impede individuals from reporting securities law violations); 18 U.S.C. § 1833 (requiring employers to inform employees of their right to disclose confidential and trade secret information for the purpose of investigating suspected violation of the law); Executive Order 11246, as amended §

[2] See, e.g., Tiku, "How President Trump Scooped Me on a Google Story" (Wired Magazine 08.15.2019) found at https://www.wired.com/story/how-president-trump-scooped-me-google-story/

203.3 (prohibiting federal contractors from discriminating against employees for disclosing information about wages for any purpose); *EEOC v. Doherty Enterprises, Inc.*, 126 F.Supp.3d 130 (S.D. Fl. 2015) (EEOC challenge to arbitration agreement that infringed employees' right to disclose illegal workplace conduct to the EEOC); Cal. Labor Code § 232.5 (prohibiting employers from preventing any employees (not just statutory employees) from disclosing information about working conditions for any purpose); Cal. Labor Code § 1102.5 (prohibiting employers from adopting or enforcing policies that prohibit any employees from disclosing potentially illegal conduct for any purpose); Cal. Gov't Code s 12964.5 (prohibiting non-disclosure or non-disparagement agreements that prohibit any employees from disclosing potentially illegal conduct for any purpose); Cal. Business Code § 16600 (prohibiting contracts in restraint of trade, which include overbroad confidentiality agreements that prevent employees from disclosing wage or working condition information for purposes of competition).

In addition, the Regional Director cannot resolve allegations that were never the subject of an unfair labor practice charge. *Echostar Technologies* (NLRB Div. Judges) 2012 WL 4321039 (dismissing charge where Board agent circumvented "Board's own rule against filing the charge by asking the Charging Party to sign off on allegations that she simply never made.") She also cannot resolve through settlement matters outside the scope of the complaint.

Here, the charging parties unfair labor practice charges were limited to specified policies and agreements and properly limited to conduct within the Board's jurisdiction: The impact of those policies and agreements on protected concerted activity. The complaint issued by the Regional Director was similarly limited to protected concerted activity within the meaning of Section 7 of the NLRA. (See Complaint ¶ 10-11). Moreover, the Complaint was expressly limited to specified policies in existence from September 1, 2015 through November 1, 2016, and not beyond that time frame. (Complaint ¶ 6).

Nevertheless, the proposed informal settlement requires the Respondents to post a notice "and comply with all the terms and provisions of said Notice." However, the Board cannot enforce the terms and provisions of the Notice because: (1) they concerns matters beyond the Board's jurisdiction and (2) they were not the subject of any charge or complaint. Examples of the overbroad and void notice provisions include, but are not limited to:

- The Notice states that federal law gives "YOU" the right to engage in certain conduct without defining the term "YOU."

In fact, the NLRA does not give all employees Section 7 rights. It only gives these rights to statutory employees covered by the Act. Thus, to the extent the Settlement purports to give non-statutory employees rights, it is unenforceable and void as beyond the NLRB's jurisdiction.

- The Notice states that "you" have the right to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and Google "will not do anything to interfere with the exercise of those rights."

However, only statutory employees have a right under the NLRA to discuss wages, hours, and working conditions, and then only for the purpose of engaging in protected concerted activity. Moreover, neither the charges nor the complaint concern such a general, free-floating right. They instead involve specified policies and agreements. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and outside the scope of the charges and complaint. It is thus void and unenforceable.

- The Notice states Google "will not threaten 'employees' because they presented workplace diversity issues to Google and requested clarification of permissible workplace behavior.

In fact, the NLRA only applies to statutory employees, not all employees. Moreover, the Board does not have jurisdiction to regulate Google's behavior in responding to workplace diversity issues unless those issues are presented in such a manner that the presentation constitutes protected concerted activity. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and is void and unenforceable.

- The Notice states that Google will not prohibit "you" from discussing or sharing information relating to your performance, benefits, discipline, training or other terms and conditions of your employment.

However, the Board lacks the jurisdiction to regulate employer prohibitions on the discussion or sharing of performance, benefits, discipline or training, or any other term and condition of employment, unless such discussions or sharing constitute protected concerted activity. It also lacks jurisdiction over non-statutory employees. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and is void and unenforceable.

- The Notice also states that Google will not maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment.

Again, the NLRA only applies to statutory employees, not all employees. Moreover, the Board lacks the jurisdiction to regulate or enforce prohibitions on rules unless they violate Section 7 of the Act, i.e., infringe on protected concerted activity. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and is void and unenforceable.

- The Notice states that Google will not prohibit "you" from talking to the press/media about your terms and conditions of employment. It also states that Google has rescinded certain provisions in its policies after November 2016.

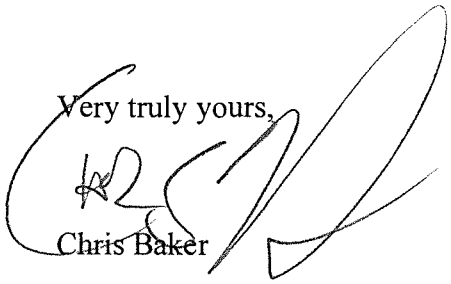
The Board lacks the jurisdiction to regulate speaking to the press for reasons unrelated to protected concerted activity. It also lacks the authority to enter into a settlement concerning policies in effect after November 2016. Moreover, and again, the Board lacks the jurisdiction to

regulate Google's conduct towards non-statutory employees. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and is void and unenforceable.

***

For all of these reasons and others, the Charging Party represented by this office objects to the tentative settlement. The Supreme Court has made clear the limited nature of the Board's jurisdiction. The Regional Director must reject any effort to expand the Board's jurisdiction beyond its statutory mandate: Particularly through an informal settlement that benefits the Respondents, but not the charging parties.

Very truly yours,



Chris Baker

(b) (6), (b) (7)(C)
[redacted]

September 6, 2019

Via Email and U.S. Mail

National Labor Relations Board, Region 32
c/o Christy J. Kwon
1301 Clay St, Suite 300N
Oakland, CA 94612
Christy.Kwon@nlrb.gov

RE: Case No. 32-CA-164766
Objections to Settlement

Dear Ms. Kwon:

Thank you for your extension of my deadline to object to the proposed settlement in NLRB Case No. 32-CA-164766 sent to me on August 26, 2019. I hereby formally object to the proposed settlement. By way of this letter, I hereby incorporate by reference and join in the objection submitted by Chris Baker on September 3, 2019, which I attach hereto as **Exhibit A.**

In addition to the objections listed therein, I also object to the proposed settlement on the grounds that it does not require my reinstatement or that the Charged Party pay me any backpay or frontpay for illegally terminating my employment in violation of the Act. The proposed settlement violates the long-established principles laid out in the National Labor Relations Board Casehandling Manual for Unfair Labor Practice Proceedings (herein after referred to as the "ULP Manual"). A longstanding principle of Board policy states, "Public confidence is ... nurtured by the history of the nature and extent of the settlements sought and obtained by the Regional Office. The Regional Office should seek a settlement agreement which substantially remedies ***all unfair labor practices***." ULP Manual 10124.3 (emphasis added). The proposed settlement does not substantially remedy the wrongs I suffered at the hands of the Charged Party, specifically my unlawful termination in violation of the Act. The Charged Party terminated my employment due to my participation in activity protected by the Act. In the [redacted] 2018 "Justification of Termination for Misconduct," attached hereto as **Exhibit B**, the Charged Party stated that the termination was justified because I had received a "[v]erbal warning in (b) (6), (b) (7)(C) 2017 for violating Google's policy against Harassment, Discrimination, and Retaliation" and a "Final Written Warning in [redacted] 2015 for violating Google's Appropriate Conduct Policy (now Standards of Conduct Policy)." Given that the policies underlying those warnings violated the Act, the termination of my employment based on those warnings is a violation of the Act. As such, reinstatement is the only remedy that will substantially remedy

the Charged Party's unfair labor practices. Anything less neither compensates me for nor remediates the Charged Party's violation of the Act. If the Regional Director does not believe that my termination of employment was in violation of the Act, it is incumbent on the Regional Director to allow that issue to be adjudicated, rather than force or encourage me to accept a settlement that leaves me without a proper remedy.

It is important to note that at no point has the Board taken my recommendations for settlement into consideration. Under the Board's own rules, "the Board agent should solicit input from the charging party about appropriate terms for the initial settlement proposal to the charged party, if the Region has not already done so during the investigation." ULP Manual 10128.2(b). "The charging party may provide important information and perspective on appropriate forms of notice-posting or dissemination (Sec. 10132.4), reinstatement desires and alternative forms of reinstatement." *Id.* Instead of insisting on reinstatement, it seems that the Board now seeks to compel me to waive my right to reinstatement, which again violates long-established Board policy. *See* ULP Manual 10128.2(e)("An individual entitled to reinstatement ... should not be pressured in any way to waive reinstatement, since reinstatement is one of the most effective remedies available under the Act.); *see also* Memorandum GC 13-02, pp.1-2 ("Agency policy favors reinstatement as the preferred means to vindicate statutory rights and restore the status quo after unlawful discrimination... As noted above, it remains Agency policy that reinstatement is generally the best means to remedy the harm to employee statutory rights caused by an unlawful discharge or layoff. However, it is ultimately the discriminatee who chooses whether to insist on reinstatement, or waive it in return for compensation.").

For all of these reasons and those listed in **Exhibit A,** I hereby formally object to the Board's proposed settlement, including, but not limited to, the proposed notice to be posted that is included therein.

Sincerely,

(b) (6), (b) (7)(C)

Exhibit A

BAKER CURTIS & SCHWARTZ PC

Chris Baker
1 California Street, Suite 1250
San Francisco, CA 94111
tel. (415) 433-1064
cbaker@bakerlp.com
www.bakerlp.com

September 3, 2019

Via Email and U.S. Mail

National Labor Relations Board, Region 32
c/o Christy J. Kwon
1301 Clay Street, Suite 300N
Oakland, CA 94612
Christy.Kwon@nlrb.gov

RE: Case No. 32-CA-176462
Objections to Settlement

Dear Ms. Kwon:

In accordance with your email of August 26, 2019, the Charging Party represented by my office objects to the tentative settlement proposed and accepted by Google, Inc. and Nest Labs, Inc. The bases for the Charging Party's objections include the following:

A. A Formal Settlement Is Required

The Board's regulations state that: "After the issuance of a complaint, the Agency favors a formal settlement agreement, which is subject to the approval of the Board in Washington DC." NLRB Reg. § 101.9(b)(1).

Given the importance of the subject matter of the complaint, the public's interest,[1] and the power and wealth of Respondents, any settlement of the complaint, over the objections of the charging parties, must be subject to a formal review and hearing. Certain allegations of the complaint concern systemic discrimination against individuals who are Republicans and/or supporters of the current President of the United States because they allegedly disagree with the

[1] See, e.g., Nitasha Tiku, "Three Years of Misery Inside Google, The Happiest Company In Tech" (Wired Magazine 08.13.19) found at https://www.wired.com/story/inside-google-three-years-misery-happiest-company-tech/.;

orthodoxy of one of the most powerful corporations in the world.[2] This is not a complaint that should be resolved in secret, without a hearing, and without the approval or even input of the National Labor Relations Board.

B. The Settlement Is Unenforceable and Beyond the Board's Jurisdiction

1. The Limitations of the Board's Authority

The NLRB is charged with administering the National Labor Relations Act, and nothing more. Like all executive agencies, it must mind its own jurisdiction. As explained by the Supreme Court: "An agency eager to advance its statutory mission, but without any particular interest in or expertise with a second statute, might (as here) seek to diminish the second statute's scope in favor of a more expansive interpretation of its own – effectively bootstrapping itself into an area in which it has no jurisdiction." *Epic Systems Corp. v. Lewis*, 138 S.Ct. 1612, 1630 (2018). This principle holds true with respect to a potential conflict, not just between the NLRA and other federal statutes, but also between the NLRA and state laws. Federalism matters. "[T]he evil Congress was addressing through [the NLRA] was entirely unrelated to local or federal regulation establishing minimum terms of employment . . . Such regulation provides protections to individual union and non-union workers alike, and thus neither encourages nor discourages the collective bargaining process that are the subject of the NLRA." *Fort Halifax Packing Co. v. Coyne*, 482 U.S. 1, 20-21 (1987)

The NLRB only has jurisdiction over specified statutory employees. It does not have jurisdiction over, among others, supervisors, managerial employees, or former employees. See 29 U.S.C. § 152(3); *NLRB v. Bell Aerospace Company Division*, 416 U.S. 267 (1974). Moreover, Section 7 itself also has a limited scope. It only protects the right of current statutory employees to engage (or not engage) in **protected**, "**concerted** activities **for the purpose** of collective bargaining or other **mutual** aid or protection." 29 U.S.C. § 157. This "mutual aid or protection" language is narrow, and only embraces objects similar in nature to "self-organization, forming, joining, or assisting labor organizations, or bargaining collectively." *Epic Systems*, 138 S.Ct. at 1625.

Thus, the Board has no jurisdiction, for example, over workplace policies or non-disclosure agreements that apply to non-statutory employees such as supervisors or executives. It also has no jurisdiction over conduct that does not involve protected concerted activity for the purpose of mutual aid or protection. Instead, different federal or state laws apply to such conduct. *E.g.*, 17 CFR 240.21F-17 (prohibiting confidentiality agreements that impede individuals from reporting securities law violations); 18 U.S.C. § 1833 (requiring employers to inform employees of their right to disclose confidential and trade secret information for the purpose of investigating suspected violation of the law); Executive Order 11246, as amended §

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[2] See, e.g., Tiku, "How President Trump Scooped Me on a Google Story" (Wired Magazine 08.15.2019) found at https://www.wired.com/story/how-president-trump-scooped-me-google-story/

203.3 (prohibiting federal contractors from discriminating against employees for disclosing information about wages for any purpose); *EEOC v. Doherty Enterprises, Inc.*, 126 F.Supp.3d 130 (S.D. Fl. 2015) (EEOC challenge to arbitration agreement that infringed employees' right to disclose illegal workplace conduct to the EEOC); Cal. Labor Code § 232.5 (prohibiting employers from preventing any employees (not just statutory employees) from disclosing information about working conditions for any purpose); Cal. Labor Code § 1102.5 (prohibiting employers from adopting or enforcing policies that prohibit any employees from disclosing potentially illegal conduct for any purpose); Cal. Gov't Code s 12964.5 (prohibiting non-disclosure or non-disparagement agreements that prohibit any employees from disclosing potentially illegal conduct for any purpose); Cal. Business Code § 16600 (prohibiting contracts in restraint of trade, which include overbroad confidentiality agreements that prevent employees from disclosing wage or working condition information for purposes of competition).

In addition, the Regional Director cannot resolve allegations that were never the subject of an unfair labor practice charge. *Echostar Technologies* (NLRB Div. Judges) 2012 WL 4321039 (dismissing charge where Board agent circumvented "Board's own rule against filing the charge by asking the Charging Party to sign off on allegations that she simply never made.") She also cannot resolve through settlement matters outside the scope of the complaint.

Here, the charging parties unfair labor practice charges were limited to specified policies and agreements and properly limited to conduct within the Board's jurisdiction: The impact of those policies and agreements on protected concerted activity. The complaint issued by the Regional Director was similarly limited to protected concerted activity within the meaning of Section 7 of the NLRA. (See Complaint ¶ 10-11). Moreover, the Complaint was expressly limited to specified policies in existence from September 1, 2015 through November 1, 2016, and not beyond that time frame. (Complaint ¶ 6).

Nevertheless, the proposed informal settlement requires the Respondents to post a notice "and comply with all the terms and provisions of said Notice." However, the Board cannot enforce the terms and provisions of the Notice because: (1) they concerns matters beyond the Board's jurisdiction and (2) they were not the subject of any charge or complaint. Examples of the overbroad and void notice provisions include, but are not limited to:

- The Notice states that federal law gives "YOU" the right to engage in certain conduct without defining the term "YOU."

In fact, the NLRA does not give all employees Section 7 rights. It only gives these rights to statutory employees covered by the Act. Thus, to the extent the Settlement purports to give non-statutory employees rights, it is unenforceable and void as beyond the NLRB's jurisdiction.

- The Notice states that "you" have the right to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and Google "will not do anything to interfere with the exercise of those rights."

However, only statutory employees have a right under the NLRA to discuss wages, hours, and working conditions, and then only for the purpose of engaging in protected concerted activity. Moreover, neither the charges nor the complaint concern such a general, free-floating right. They instead involve specified policies and agreements. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and outside the scope of the charges and complaint. It is thus void and unenforceable.

- The Notice states Google "will not threaten 'employees' because they presented workplace diversity issues to Google and requested clarification of permissible workplace behavior.

In fact, the NLRA only applies to statutory employees, not all employees. Moreover, the Board does not have jurisdiction to regulate Google's behavior in responding to workplace diversity issues unless those issues are presented in such a manner that the presentation constitutes protected concerted activity. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and is void and unenforceable.

- The Notice states that Google will not prohibit "you" from discussing or sharing information relating to your performance, benefits, discipline, training or other terms and conditions of your employment.

However, the Board lacks the jurisdiction to regulate employer prohibitions on the discussion or sharing of performance, benefits, discipline or training, or any other term and condition of employment, unless such discussions or sharing constitute protected concerted activity. It also lacks jurisdiction over non-statutory employees. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and is void and unenforceable.

- The Notice also states that Google will not maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment.

Again, the NLRA only applies to statutory employees, not all employees. Moreover, the Board lacks the jurisdiction to regulate or enforce prohibitions on rules unless they violate Section 7 of the Act, i.e., infringe on protected concerted activity. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and is void and unenforceable.

- The Notice states that Google will not prohibit "you" from talking to the press/media about your terms and conditions of employment. It also states that Google has rescinded certain provisions in its policies after November 2016.

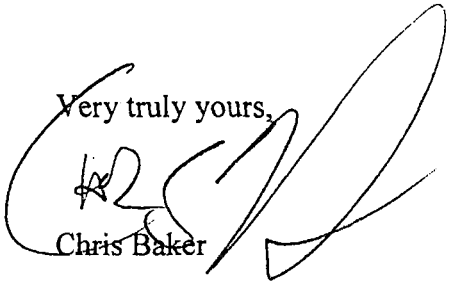
The Board lacks the jurisdiction to regulate speaking to the press for reasons unrelated to protected concerted activity. It also lacks the authority to enter into a settlement concerning policies in effect after November 2016. Moreover, and again, the Board lacks the jurisdiction to

regulate Google's conduct towards non-statutory employees. Thus, the tentative settlement purports to regulate conduct outside the Board's jurisdiction and is void and unenforceable.

***

For all of these reasons and others, the Charging Party represented by this office objects to the tentative settlement. The Supreme Court has made clear the limited nature of the Board's jurisdiction. The Regional Director must reject any effort to expand the Board's jurisdiction beyond its statutory mandate: Particularly through an informal settlement that benefits the Respondents, but not the charging parties.

Very truly yours,



Chris Baker

Exhibit B

(b) (6), (b) (7)(C)

JUSTIFICATION OF TERMINATION FOR MISCONDUCT

Date: (b) (6), (b) (7)/18
To: Personnel File
From: (b) (6), (b) (7)(C)

Name of Googler: (b) (6), (b) (7)(C)

Job Title of Googler: (b) (6), (b) (7)(C)

Rationale for Termination / Description of Misconduct:

In connection with an investigation into a leak of a confidential attorney-client privileged document, Global Investigations (GI) and the Security Surveillance Team (SST) discovered that (b) (6), (b) (7)(C) had an unusually high volume of activity on corporate systems originating from a personal device. Since Google permits only "incidental" use of personal devices to access corporate systems, GI and SST investigated (b) (6), (b) (7)(C) volume of activity.

As a result, GI and SST found that (b) (6), (b) (7)(C) searches across MoMA from (b) (6), personal device appeared designed to elicit attorney-client privileged communications and documents, and that (b) (6), accessed and/or or attempted to access those messages and documents. Additionally, (b) (6), (b) (7)(C) took multiple actions that indicate that (b) (6), was trying to minimize Google's ability to detect (b) (6), footprint on its systems, including searching for internal security protocols and tools used to protect Google's network and security infrastructure, and downloading a prohibited third party remote access tool to a corporate device.

Additionally, during their interview, GI and SST found (b) (6), (b) (7)(C) to be evasive and not forthcoming with information. For example, (b) (6), (b) (7)(C) repeatedly claimed (b) (6), was unable to recall or remember (b) (6), actions. Considering that (b) (6), conducted deliberate searches for Google's in-house attorneys, outside counsel and attorney-client privileged documents, took screenshots of (b) (6), results, named those screenshots, and later trashed them, it's not plausible that (b) (6), has no recollection of such conduct.

(b) (6), (b) (7)(C) conduct violated the following policies:

Standards of Conduct Policy, which prohibits unethical behavior.

Guidelines for Working Remotely, specifically the provision surrounding "incidental" use of personal devices to access corporate systems.

Computers, Networks and Devices policy, specifically regarding which computers may be used to access corporate applications.

Network and Computer Security Policy, which specifically prohibits scanning broad segments of the corporate network, probing for or exploiting security weaknesses, and circumventing network access controls.

Third Party Remote Access Tools Use Policy, which prohibits use of third party remote access tools except for SSH, RDP and Chrome Remote Desktop.

(b) (6), (b) (7)(C) conduct also represents a serious breach of the trust imposed by Google in its employees, as well as a breach of (b) (6), obligations to the company, which include but are not limited to (b) (6), obligations to act in good faith and deal fairly (obligations that are inherent in both (b) (6), contract and employment relationship with Google). Based on all of these violations, termination is warranted.

History of Similar / Other Misconduct (if any):

n/a

Previous Warnings for Misconduct (if any):

(b) (6), (b) (7)(C) received warnings on two occasions for inappropriate posts on internal platforms/mailing lists:

- Verbal warning in (b) (6), (b) (7)(C) 2017 for violating Google's policy against Harassment, Discrimination, and Retaliation
- Final Written Warning in (b) (6), (b) (7)(C) 2015 for violating Google's Appropriate Conduct Policy (now Standards of Conduct Policy)

Approvals:

(b) (6), (b) (7)(C)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

September 10, 2019

(b) (6), (b) (7)(C)
[redacted]

Re: Google, Inc.
Case 32-CA-164766

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that Google has violated the National Labor Relations Act (Act).

Decision to Approve Settlement Agreement: In your written objections dated September 6, 2019, you contend that the Settlement Agreement should be rejected because it does not provide a remedy for your termination and because you were not consulted about your reinstatement desires. You also have incorporated in your objections the written objections submitted by the Charging Party in Case 32-CA-164462, which I have also approved unilaterally. However, I am unpersuaded by any of these objections. As a fundamental matter, regarding your contentions that the Settlement Agreement fails to provide a make whole remedy for your termination and that you were not consulted about the Agreement's failure to secure a reinstatement remedy, I note that the charge in this matter does not encompass your termination and the only discipline encompassed by this charge concerns a written warning issued to you on (b) (6), (b) (7)(C) 2015. As such, the Settlement Agreement requires removal of the (b) (6), (b) (7)(C) 2015 written warning from your personnel file and there is no backpay owing to you regarding this discipline as you suffered no loss of wages in connection with this discipline. Moreover, the Region has dismissed the charges involving your termination (Cases 32-CA-231887 and 32-CA-223379) and these dismissal decisions have been upheld by the Office of Appeals. Accordingly, there is no basis to seek your reinstatement or any backpay or front pay in the Settlement Agreement.

Additionally, I have already rejected the two objections raised by the Charging Party in Case 32-CA-164462 that the Region is required to seek a formal settlement agreement in this matter and that the Agreement is unenforceable because it purports to remedy matters beyond the Board's jurisdiction to enforce the Act. Formal settlements are discretionary and there is no basis to require a formal settlement of the type of allegations raised in this case, particularly in the absence of a significant history of unfair labor practices by the Employer. With regard to the Board's jurisdiction, as set forth in the Scope of the Agreement provision, the Settlement Agreement covers only the alleged violations of the Act and does not seek to remedy or cover any other matters not before the Board. The use of the term "you" in the Notice language does not serve to extend the Board's jurisdiction to any matters not covered by Act. Accordingly, in

view of the terms the Employer has agreed to in the attached Settlement Agreement, I have determined that it would not effectuate the purposes of the National Labor Relations Act to institute further proceedings at this time. I am, therefore, approving the Settlement Agreement and refusing to reissue a complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

1) Click on E-File Documents;
2) Enter the NLRB Case Number; and,
3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

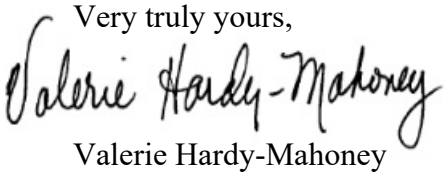
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **September 23, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than September 22, 2019. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely**. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before September 23, 2019.** The request may be filed electronically through the ***E-File Documents*** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after September 23, 2019, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Valerie Hardy-Mahoney
Regional Director

Enclosure

cc: Jenn Blackstone, Senior Counsel
Google
1600 Amphitheatre Pkwy
Mountain View, CA 94043-1351

Ross H. Friedman, Attorney
Morgan, Lewis & Bockius LLP
77 W Wacker Dr Fl 5
Chicago, IL 60601-1671

Cameron W. Fox, Attorney
Paul Hastings, LLP
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Blake Bertagna, Attorney
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J. Al Latham, Attorney At Law
Paul Hastings, LLP
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Los Angeles, CA 90071-2201

Ankush Dhupar, Attorney
Paul Hasting LLP
515 S. Flowers Street
25th Floor
Los Angeles, CA 90071-2228

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in approving the settlement agreement in

_____

Case Name(s).

_____

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

_____

(Signature)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC.

and **Case 32-CA-164766**

(b) (6), (b) (7)(C), **an Individual**

and

GOOGLE INC., AND NEST LABS, INC., A SINGLE EMPLOYER

and

Case 32-CA-176462

(b) (6), (b) (7)(C), **an Individual**

ORDER WITHDRAWING CONSOLIDATED COMPLAINT

On January 24, 2019, the March 4, 2019 hearing in this matter was postponed indefinitely pending the disposition of the unfair labor practice charge filed in Case 32-CA-231887. Subsequent to the resolution of that charge, on September 9, 2019, I unilaterally approved Informal Settlement Agreements in resolution of Cases 32-CA-164766 and 32-CA-176462, and advised the Charging Parties of their rights to appeal the decision to approve the Settlement Agreements unilaterally.

Accordingly, **IT IS HEREBY ORDERED** that the Consolidated Complaint is withdrawn.

DATED AT Oakland, California this 10th day of September 2019.

/s/ Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

GOOGLE, INC. **and** (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-164766**
and **GOOGLE INC. AND NEST LABS, INC., A SINGLE EMPLOYER**	
and (b) (6), (b) (7)(C), **an Individual**	**Case 32-CA-176462**
	Date: September 10, 2019

AFFIDAVIT OF SERVICE OF ORDER WITHDRAWING CONSOLIDATED COMPLAINT

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) upon the persons at the addresses and in the manner indicated below. Persons listed below under "E-Service" have voluntarily consented to receive service electronically, and such service has been effected on the same date indicated above.

Jenn Blackstone, Senior Counsel
Google, Inc.
1600 Amphitheatre Pkwy.
Mountain View, CA 94043
VIA REGULAR MAIL

Michael Pfyl, Senior Counsel
Google, Inc. and Nest Labs, Inc.
1600 Amphitheatre Pkwy.
Mountain View, CA 94043
VIA REGULAR MAIL

Ross H. Friedman
Morgan Lewis & Bockius, LLP
77 W Wacker Drive, 5th Floor
Chicago, IL 60601
VIA REGULAR MAIL

Cameron W. Fox
Paul Hastings LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

J. Al Latham, Jr.
Paul Hastings LLP
515 S Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

Blake Bertagna
Paul Hastings LLP
515 South Flower Street, 25th FL
Los Angeles, CA 90071
VIA REGULAR MAIL

Chris Baker , Attorney
Baker Curtis & Schwartz P.C.
1 California St Ste 1250
San Francisco, CA 94111
VIA REGULAR MAIL

Ankush Dhupar
Paul Hastings LLP
515 S Flower Street, 25th Floor
Los Angeles, CA 90071
VIA REGULAR MAIL

(b) (6), (b) (7)(C)
c/o Chris Baker
Baker Curtis & Schwartz P.C.
1 California St Ste 1250
San Francisco, CA 94111
VIA REGULAR MAIL

(b) (6), (b) (7)(C)
VIA REGULAR MAIL

National Labor Relations Board
Division of Judges
901 Market Street, Suite 485
San Francisco, CA 94103
E-FILE

September 10, 2019
Date

Frances Hayden, Designated Agent of NLRB
Name

/s/ Frances Hayden
Signature

DocuSign Envelope ID: 6EB7562C-B5A5-4457-9563-859D62AF1A0A

CERTIFICATION OF COMPLIANCE
(PART ONE)

DUE OCTOBER 3, 2019

RE: GOOGLE, INC. AND NEST LABS, INC., A SINGLE EMPLOYER
Case 32-CA-176462

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on

(date)_____ at the following locations: (List specific places of posting)

_____

_____

_____

_____

_____

_____

_____

_____

Intranet Posting

The signed and dated Notice to Employees in the above matter was posted on the Employer's Intranet (MOMA) homepage on (date) 9/27/2019. A copy of the intranet posting is attached.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

By: DocuSigned by: (b) (6), (b) (7)(C) [redacted]

Title: (b) (6), (b) (7)(C) [redacted] Google LLC

Date: 10/31/2019

This form should be returned to the Regional Office, together with **ONE** original Notice, dated and signed in the same manner as those posted. If the Certification of Compliance Part One and *color-scanned* signed Notice are returned via e-file or e-mail, no hard copies of the Certification of Compliance Part One or Notice are required.

DocuSign Envelope ID: 7A4B678B-6995-4B20-B9A5-C69958F27586

CERTIFICATION OF COMPLIANCE
(PART ONE)

DUE OCTOBER 3, 2019

RE: GOOGLE, INC. AND NEST LABS, INC., A SINGLE EMPLOYER
Case 32-CA-176462

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on (date) 9/26/2019 at the following locations: (List specific places of posting)

- Building 40, Dishdrop by Charlie's Cafe in Hallway by seating area (MTV-40-1-160), Mountain View, CA
- Building 41, Behind Print Station (MTV-41-1-1A0), Mountain View, CA
- Building 42, In MK / by Laundry Room / Game Room Wall (MTV-42-1-191), Mountain View, CA
- Building 43, In Yoshka's Cafe by Dish Drop (MTV-43-1-142), Mountain View, CA

Intranet Posting

The signed and dated Notice to Employees in the above matter was posted on the Employer's Intranet (MOMA) homepage on (date)_____. A copy of the intranet posting is attached.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

By: DocuSigned by: (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C) Google LLC

Date: 10/31/2019

This form should be returned to the Regional Office, together with **ONE** original Notice, dated and signed in the same manner as those posted. If the Certification of Compliance Part One and *color-scanned* signed Notice are returned via e-file or e-mail, no hard copies of the Certification of Compliance Part One or Notice are required.

DocuSign Envelope ID: 7B4FB8B0-9C5E-4378-98AB-0C2BDC71A59D

CERTIFICATION OF COMPLIANCE
(PART ONE)

DUE OCTOBER 3, 2019

RE: GOOGLE, INC. AND NEST LABS, INC., A SINGLE EMPLOYER
Case 32-CA-176462

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on

(date) 9/27/2019 at the following locations: (List specific places of posting)

- In Fishfood Cafe (MTV-1201-1T10), 1201 Charleston Road, Mountain View, California

Intranet Posting

The signed and dated Notice to Employees in the above matter was posted on the Employer's Intranet (MOMA) homepage on (date)_____. A copy of the intranet posting is attached.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

By: DocuSigned by: (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C) Google LLC

Date: 10/25/2019

This form should be returned to the Regional Office, together with **ONE** original Notice, dated and signed in the same manner as those posted. If the Certification of Compliance Part One and *color-scanned* signed Notice are returned via e-file or e-mail, no hard copies of the Certification of Compliance Part One or Notice are required.

DocuSign Envelope ID: 2A8B5C21-DBF8-4C39-9F25-CD653519864E

CERTIFICATION OF COMPLIANCE
(PART ONE)

DUE OCTOBER 3, 2019

RE: GOOGLE, INC. AND NEST LABS, INC., A SINGLE EMPLOYER
Case 32-CA-176462

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on (date) 9/27/2019 at the following locations: (List specific places of posting)

- Building 5 (MK-PAO-HV5-1-1D4), 3400 Hillview Avenue, Palo Alto, California

Intranet Posting

The signed and dated Notice to Employees in the above matter was posted on the Employer's Intranet (MOMA) homepage on (date)_____. A copy of the intranet posting is attached.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

By: (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C) Bay Area, Google LLC

Date: 10/25/2019

This form should be returned to the Regional Office, together with **ONE** original Notice, dated and signed in the same manner as those posted. If the Certification of Compliance Part One and *color-scanned* signed Notice are returned via e-file or e-mail, no hard copies of the Certification of Compliance Part One or Notice are required.

DocuSign Envelope ID: 641BD205-A019-4FB2-A475-753080AE4408

CERTIFICATION OF COMPLIANCE
(PART TWO)

DUE OCTOBER 10, 2019

RE: GOOGLE, INC. AND NEST LABS, INC., A SINGLE EMPLOYER
Case 32-CA-176462

Expungement of Records

On (date) 10/7/2019, the Employer expunged from its records any reference to the final written warning issued to the Charging Party on August 19, 2015, and notified him that it will not be used against him in any way. A copy of the letter of expungement is attached.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

By: DocuSigned by: (b) (6), (b) (7)(C) [redacted]

Title: (b) (6), (b) (7)(C) [redacted] Google LLC

Date: 10/31/2019

This form should be returned to the Regional Office. If the Certification of Compliance Part Two is returned via e-file or e-mail, no hard copy of the Certification of Compliance Part Two is required.

FORM NLRB-4722
(10-70)

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT

Case: 32-CA-176462

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

YOU HAVE THE RIGHT to discuss wages, hours, and working conditions with other employees, the press/media, and other third parties, and **WE WILL NOT** do anything to interfere with your exercise of those rights.

YOU HAVE THE RIGHT to freely bring workplace diversity issues and requests to clarify permissible workplace behavior to us on behalf of yourself and other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

WE WILL NOT threaten employees because they presented workplace diversity issues to us and requested clarifications of permissible workplace behavior.

WE WILL NOT reprimand, discipline, or issue a final written warning to you because you exercise your right to bring to us, on behalf of yourself and other employees, issues and complaints regarding your wages, hours, and other terms and conditions of employment.

WE WILL NOT make it appear to you that we are watching out for your protected concerted activities or ask that you report other employees who are engaging in protected concerted activity regarding their wages, hours, and working conditions.

WE WILL NOT threaten you with the loss of your job or other retaliation if you engage in protected activity with other employees regarding your wages, hours, and working conditions.

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Telephone: (510) 637-3300
Hours of Operation: 8:30 a.m. to 5:00p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Board's Office, **National Labor Relations Board, Region 32, Ronald V. Dellums Federal Building, 1301 Clay Street, Suite 300N, Oakland, CA 94612-5224, Telephone Number (510) 671-3034.**

FORM NLRB-4722
(10-70)

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD
AN AGENCY OF THE UNITED STATES GOVERNMENT

Case: 32-CA-176462

WE WILL NOT prohibit you from discussing or sharing information relating to your performance, salaries, benefits, discipline, training, or any other terms and conditions of your employment and **WE HAVE** rescinded any such rules from our Data Classification Guidelines and related Data Security Policy effective November 2016.

WE WILL NOT maintain rules that define "confidential information" to include employee information about wages and terms and conditions of employment and **WE HAVE** rescinded sections of our Data Security Policy and our Data Classification Guidelines that arguably used such a definition of "confidential information" effective November 2016.

WE WILL NOT prohibit you from talking to the press/media about your terms and conditions of employment or require you to obtain prior approval before speaking with the press/media and **WE HAVE** rescinded any such rules in our Appropriate Conduct Policy, the "Interacting with the Press" provision in the Employee Communications Policy, and the "Outside Communication and Research" provision in the Google Code of Conduct effective September 2016, December 2016, and April 2017, respectively.

WE WILL remove from our files all references to the final written warning issued to the Charging Party on (b) (6), (b) (7)(C) 2015, and **WE WILL** notify [redacted] in writing that this has been done and that the final written warning will not be used against [redacted] in any way.

WE HAVE notified you that we have rescinded the rules described above.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

GOOGLE, INC. AND NEST LABS, INC., A SINGLE EMPLOYER
(Employer)

Date: 9/27/2019 **By:** (b) (6), (b) (7)(C) [redacted]

Title: (b) (6), (b) (7)(C)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Telephone: (510) 637-3300
Hours of Operation: 8:30 a.m. to 5:00p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Board's Office, **National Labor Relations Board, Region 32, Ronald V. Dellums Federal Building, 1301 Clay Street, Suite 300N, Oakland, CA 94612-5224, Telephone Number (510) 671-3034.**

Notification of Final Written Warning.

email: [redacted]**@google.com** [redacted] **Thursday, October 31, 2019 at 1:50:51 PM Pacific Daylight Time**
To: email: [redacted]

Hi [redacted]

This letter is to notify you that the Final Written Warning issued to you on [redacted] 2015, has been removed from your personnel record and will not be used against you in any way, in accordance with the settlement agreement approved by the National Labor Relations Board on September 9, 2019.

[redacted] on behalf of Google HR.

From:	Fox, Cameron W.
To:	Conterno-Regan, Joan M.
Cc:	Loya, Paloma
Subject:	RE: 32-CA-176462, Google, Inc. and Nest Labs, Inc;, A Single Employer - Screenshots of MOMA
Date:	Thursday, November 14, 2019 3:18:11 PM
Attachments:	Screen Shot - MOMA Home Page with NLRB Notice Posting.png Screen Shot - NLRB Notice Posting - close-up of tile.png

---

Hi Joan,

Attached are screenshots taken of the MOMA home page and sent to me by Google. The first shows the NLRB notice in the context of the employer's workplace announcements on the MOMA home page (all are like "tiles"). The second is closer-up screenshot showing the tile for the NLRB Notice, which, like all tiles, has a clickable link to the notice (that is what *"go/nlrbnotice"* is) and reflects the posting date. Please let me know if you have any trouble opening the attachments.

Thanks,

Cameron

_____

Cameron W. Fox | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: +1.213.683.6301 | Fax: +1.213.996.3301 | 101 California Street, Forty-Eighth Floor, San Francisco, CA 94111| Direct: +1.415.856.7201 | www.paulhastings.com

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Events in EMEA

Events in APAC

Click Here to Participate!

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Celebrating Black British History all year round

Black History Month has come to a close, and Google Arts & Culture (GA&C) is ... Read more

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National Labor Relations Board Notice

Visit go/nlrbnotice

Go/nlrbnotice

Internal Comms Announcements · Sep 27

National Labor Relations Board Notice

Visit go/nlrbnotice

Go/nlrbnotice

From: Fox, Cameron W.
To: Conterno-Regan, Joan M.
Cc: Loya, Paloma
Subject: Re: FW: 32-CA-176462 Google Inc. and Nest Labs Inc; A Single Employer - Screenshots of MOMA
Date: Wednesday, November 20, 2019 12:29:15 PM
Attachments: image.jpg

Hi Joan. Thanks for your email. I am ra eling so sending you this on my phone but I can confirm that yes both pages are there. That s a clickable link at the bottom of the tile that brings up the full notice – both pages.

On Nov 20, 2019, at 9:21 AM, Conterno-Regan, Joan M. <Joan.Conterno-Regan@nlrb.gov <mailto:Joan.Conterno-Regan@nlrb.gov>> wrote:

Good morning Cameron

Thank you for sending the attachments. I was able to open them but noticed the Employer posted only one page of the two-page Notice.
Can the Employer verify that pages 1 and 2 are posted on its Intranet?

Thank you
Joan

Joan Conterno-Regan
Compliance Assistant
NLRB – Region 32
510 671-3018

From: Fox, Cameron W. <cameronfox@paulhastings.com<mailto:cameronfox@paulhastings.com>>
Sent: Thursday, November 14, 2019 12:18 PM
To: Conterno-Regan, Joan M. <Joan.Conterno-Regan@nlrb.gov <mailto:Joan.Conterno-Regan@nlrb.gov>>
Cc: Loya, Paloma <Paloma.Loya@nlrb.gov <mailto:Paloma.Loya@nlrb.gov>>
Subject: RE: 32-CA-176462 Google Inc. and Nest Labs Inc; A Single Employer - Screenshots of MOMA

Hi Joan,
Attached are screenshots taken of the MOMA home page and sent to me by Google. The first shows the NLRB notice in the context of the employer's workplace announcements on the MOMA home page (all are like "tiles"). The second is closer-up screenshot showing the tile for the NLRB Notice which looks like a clickable link to the notice (that s what "go/nlrbnotice" is) and reflects the posting date. Please let me know if you have any trouble opening the attachments.
Thanks,
Cameron

Cameron W. Fox | Partner, Employment Law Department
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 | Direct: 1.213.683.6301 | Fax: 1.213.996.3301 | 101 California Street, Forty-Eighth Floor, San Francisco, CA 94111| Direct: 1.415.856.7201 | https://gcc01.safelinks.protection.outlook.com/?url=www.paulhastings.com&data=02%7C01%7C%7Ca93603ec8bc50dd27208d76ddf28f0%7C5e53ed8e338bb9075ed5b8a8caa%7C0%7C0%7C637098677589553028&sdata=MuW%2BXd%2Bfr%2BdF%2BysSl3po7BnByOaZNDa%2BT7dSZMqBzk%3D&reserved=0<https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.paulhastings.com%2F&data=02%7C01%7C%7Ca93603ec8bc50dd27208d76ddf28f0%7C5e53ed8e338bb9075ed5b8a8caa%7C0%7C0%7C637098677589653028&sdata=LK0E15xtjYyWPSrZxMZycSt857kdRkeJt3%2FBiWzf0%3D&reserved=0>

****
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<Screen Shot - MOMA Home Page with NLRB Notice Posting.png>
<Screen Shot - NLRB Notice Posting - close-up of tile.png>

From:	Loya, Paloma
To:	(b) (6), (b) (7)(C)
Cc:	Conterno-Regan, Joan M.
Subject:	Google, Inc., Case 32-CA-164766
Date:	Monday, December 16, 2019 7:55:03 PM
Attachments:	LTR.32-CA-164766.Compliance Pre-Closing Letter to Charging Party.pdf

---

Dear (b) (6), (b) (7)(C),

Please see the attached.

Thank you,

Paloma Loya
Compliance Officer

National Labor Relations Board, Region 32
1301 Clay St., Suite 300N
Oakland, CA 94612
Tel. (510) 671-3034
Fax. (510) 637-3315

CONFIDENTIALITY NOTICE:
OFFICIAL GOVERNMENT BUSINESS

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The NLRB strongly encourages all parties to file documents electronically through our online E-File system:

- E-File https://apps.nlrb.gov/eservice/efileterm.aspx
- E-File new Charge/Petition https://apps.nlrb.gov/eservice/efileterm.aspx?app=chargeandpetition

Please consider the environment before printing this email.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

Agent's Direct Dial: (510)671-3034

December 16, 2019

(b) (6), (b) (7)(C)
[redacted]

Re: Google, Inc.
Case 32-CA-164766

Dear (b) (6), (b) (7)(C):

Our records show that the Charged Party has complied with the terms of the Settlement Agreement and the case is now ready to be closed. Unless you advise us and submit evidence by December 23, 2019, that the Settlement Agreement has not been complied with, I will assume that you are satisfied with the compliance by the Charged Party and will recommend the case be closed.

Very truly yours,

PALOMA LOYA
Compliance Officer

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

January 7, 2020

ROSS H. FRIEDMAN, ATTORNEY
MORGAN, LEWIS & BOCKIUS LLP
77 W WACKER DR FL 5
CHICAGO, IL 60601-1671

CAMERON W. FOX, ATTORNEY
BLAKE BERTAGNA, ATTORNEY
ANKUSH DHUPAR, ATTORNEY
J. AL LATHAM JR., ATTORNEY
PAUL HASTINGS, LLP
515 SOUTH FLOWER STREET, 25TH FLOOR
LOS ANGELES, CA 90071-2201

Re: Google, Inc.
Case 32-CA-164766

Dear Gentlepersons:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

Valerie Hardy-Mahoney

Valerie Hardy-Mahoney
Regional Director

CC: (b) (6), (b) (7)(C) [redacted]

JENN BLACKSTONE, SENIOR COUNSEL
GOOGLE
1600 AMPHITHEATRE PKWY
MOUNTAIN VIEW, CA 94043-1351