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Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

AMANDA FRLEKIN, AARON GREGOROFF,
SETH DOWLING, DEBRA SPEICHER; AND
TAYLOR KALIN, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 13cv03451-WHA (lead)
Case No. 13cv04727-WHA (consolidated)

**DECLARATION OF ALEX ERWIN IN
SUPPORT OF FINAL SETTLEMENT
APPROVAL**

Date: July 7, 2022
Time: 8:00 a.m.
Place: Ctrm. 12, 19th Floor
Judge: Hon. William Alsup

1 I, Alex Erwin, declare as follows:

2 1. I have been employed by Apple Inc. since September 2011. Beginning in September
3 2011, I held the position of Order Process Support for Apple's online store. In May 2014, I began
4 working in a different back-office support role. In June 2015, I was promoted to Customer Service
5 Supervisor for Apple's online store. In February 2017, I began working as an HR System Analyst.
6 In November 2017, my job title changed to Business Systems Analyst, and I currently hold that
7 position. In this role, my job responsibilities consist of production support of Apple's Workforce
8 Management suite of applications, which includes supporting Apple's People Support, supporting
9 global business partners regarding system enhancements, identifying production issues, and
10 supporting expansion of the Workforce Management suite. All of the information contained herein
11 is based upon my personal and firsthand knowledge. If called and sworn as a witness, I could and
12 would competently testify thereto.

13 2. During the Class Period pertaining to this case (i.e., July 25, 2009 to December 31,
14 2015), Apple's employee timekeeping records have been maintained in two systems. Apple's
15 employee timekeeping records were maintained in the Time and Attendance ("T&A") system from
16 July 25, 2009 until November 2, 2012 (the T&A Period"). Apple's employee timekeeping records
17 were maintained in the Kronos system from November 3, 2012 to December 31, 2015 (the "Kronos
18 Period").

19 3. In February and March 2022, I learned that the settlement administrator informed
20 Apple that four class members had disputed the accuracy of the number of shifts reported on their
21 notice of settlement. I investigated these disputes, and I confirmed that Apple had undercounted the
22 number of shifts these four class members had worked during the Kronos Period.

23 4. Because I confirmed that Apple had missed shifts worked during the Kronos Period
24 for these four class members, I conducted a further investigation to determine whether Apple had
25 missed shifts worked by other class members during the Kronos Period. I asked Apple's Information
26 Security & Technology ("IS&T") department to perform a new extract of class members'
27 timekeeping data for the Kronos Period. I compared the new Kronos data pull to the original Kronos
28 data pull provided in 2020. Through this analysis, I concluded that the total number of undercounted

1 shifts during the Kronos Period was 137,159, and the total number of overcounted shifts during the
2 Kronos Period was 3,192.

3 5. I have confirmed that some of the undercounted Kronos shifts are attributable to the
4 following:

5 a. The original Kronos data from 2020 did not include any shifts worked on
6 November 3, 2012 (i.e., the first day that the Kronos system was used to
7 maintain employee timekeeping data). The new Kronos data indicates that
8 3,386 class members worked a shift on November 3, 2012.

9 b. The original Kronos data from 2020 did not include any shifts for 501 class
10 members who had, in fact, worked shifts at a California retail location during
11 the Kronos Period (297 of whom worked on November 3, 2012 and whose
12 shift that date is accounted for in subparagraph (a) above). It appears that the
13 data for these individuals was lost during the data export (i.e., the exported
14 data exceeded the export files' capacity and therefore was lost). The new
15 Kronos data indicates these 501 class members worked 125,984 shifts during
16 the Kronos Period that are not already accounted for in subparagraph (a)
17 above.

18 c. For 9 class members, the original Kronos data from 2020 did not include any
19 shifts worked on or after January 19, 2013. I was not able to determine why
20 the shifts worked by these class members on or after January 19, 2013 were
21 excluded. (I confirmed that the original Kronos data contained shifts worked
22 on or after January 19, 2013 for numerous other class members.) The new
23 Kronos data indicates these 9 class members worked 1,309 shifts on or after
24 January 19, 2013 through the end of the Kronos Period.

25 6. The new Kronos data also included 6,480 additional shifts (which are not included
26 within any of the shift totals in paragraph 5(a)-(c) above) worked by class members for whom the
27 original Kronos data contained some number of shifts (e.g., the original Kronos data indicated an
28 employee had worked a total of 106 shifts, and the new Kronos data indicated an employee worked

1 a total of 109 shifts). It is possible some of these 6,480 shifts were not included in the original
2 Kronos data due to an error in the data export process, but I was not able to conclusively determine
3 why these 6,480 shifts were not included in the original Kronos data.

4 7. In mid-May 2022, I learned that the settlement administrator informed Apple that
5 one additional class member had disputed the accuracy of the number of shifts reported on his notice
6 of settlement. I investigated this dispute, and I confirmed that Apple had undercounted the number
7 of shifts this class member had worked during the T&A Period.

8 8. Because I confirmed that Apple had missed shifts from the T&A Period for this class
9 member, I conducted a further investigation to determine whether Apple had missed shifts worked
10 by other class members during the T&A Period. I asked Apple's IS&T department to perform a new
11 extract of class members' timekeeping data for the T&A Period. I compared the new T&A data pull
12 to the original T&A data pull provided in 2020. Through this analysis, I concluded that the total
13 number of undercounted shifts during the T&A Period was 66,398 and the total number of
14 overcounted shifts during the T&A Period was 304.

15 9. I have confirmed that the undercounted T&A shifts are attributable to the following:

- 16 a. The original T&A data from 2020 did not include any shifts for 81 class
17 members who had, in fact, worked shifts at a California retail location during
18 the T&A Period. It appears that the data for these individuals was, like some
19 of the Kronos data, lost during the data export. The new T&A data indicates
20 these 81 class members worked 49,171 shifts during the T&A Period.
- 21 b. In some instances, the location indicator (i.e., the location where the shift was
22 worked) in the original T&A data and the location indicator in new T&A data
23 were inconsistent. To resolve the inconsistencies, I counted both the shifts
24 with a California retail store location indicator in the original T&A data, and
25 the shifts with a California retail store location indicator in the new T&A
26 data. There were 17,227 additional shifts with a California retail location in
27 the new T&A data.

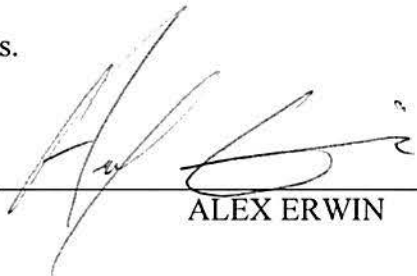
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1 10. In late-May 2022, the settlement administration reported to Apple's counsel that two
2 individuals claimed they had worked as a non-exempt employee at an Apple retail store in California
3 during the Class Period but who had not been previously identified as a class member. Apple
4 investigated these disputes and determined that there were 105 additional individuals who had
5 worked as a non-exempt employee at an Apple retail store in California between August 3, 2015
6 and December 26, 2015, and who had not been previously identified as a class member. Apple
7 determined that these 105 individuals, and only these 105 individuals, had been missed because they
8 transferred into an Apple retail store in California between August 3, 2015 and December 26, 2015,
9 and had not previously worked at an Apple retail store in California. I asked Apple's IS&T
10 department to extract the Kronos timekeeping data for these 105 individuals for the period of August
11 3, 2015 to December 31, 2015. This data indicates these 105 individuals worked 10,781 shifts at a
12 California retail location during this time period.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct.

15 Executed on June 23, 2022, in Austin, Texas.

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ALEX ERWIN