

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration
525 S. Griffin Street, Room 602
Dallas, TX 75202
Tel: (972) 850-4148
www.whistleblowers.gov



VIA EMAIL: Richard.Cino@jacksonlewis.com

October 6, 2022

Exxon Mobil Corporation
c/o Richard Cino, Esq.
Jackson Lewis P.C.
200 Connell Drive, Suite 2000
Berkeley Heights NJ 07922

Re: Exxon Mobil Corporation / Gulden and Burch/ 6-1730-21-120

Dear Mr. Cino:

This is to advise you that we have completed our investigation of the above-referenced complaint filed by Attorney Neil Henrichsen on behalf of his clients Dr. Lindsey Gulden, and Dr. Damian Burch (Complainants) against Exxon Mobil Corporation¹ (“ExxonMobil” or “Respondent”) on February 10, 2021, under the Sarbanes-Oxley Act, 18 U.S.C. § 1514A. In brief, Complainants allege retaliation for engaging in SOX-related protected activity throughout 2019 and 2020 and were terminated for Respondent’s belief that Complainants provided information to a reporter at the Wall Street Journal (WSJ).

Following an investigation by a duly-authorized investigator, the Secretary of Labor, acting through his agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), Region VI, finds that there is reasonable cause to believe that Respondent violated SOX and issues the following findings:

Secretary’s Findings

Timeliness of complaint

On February 10, 2021, Complainants Dr. Lindsey Gulden and Dr. Damian Burch filed a complaint with the Secretary of Labor alleging Respondent retaliated against them in violation of SOX when Respondent terminated Dr. Gulden on October 23, 2020, and Dr. Burch on December 10, 2020, because they raised issues about the valuation of oil wells with Respondent’s management, which they believed overinflated Respondent’s SEC filings and information Respondent disclosed to the public. Since a Complainant has 180 days to file a complaint, the instant complaint is timely filed.

¹. “Exxon Mobil Corporation” is the corporate name, but Respondent tends to refer to itself as “ExxonMobil” (This appears 255 times in their FY2021 10-K).

Coverage

Respondent is a company within the meaning of 18 U.S.C. § 1514A in that it is a company with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) or a company required to file reports under Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78o(d)).

Complainants were employees within the meaning of 18 U.S.C. § 1514A. In the course of their employment, Complainants worked as Computational Scientists.

Findings of the investigation:

ExxonMobil employed Dr. Lindsey Gulden as a Computational Scientist/Team Lead in Upstream Integrated Solutions. Dr. Gulden's responsibilities included making analytic technical contributions, building, managing, and executing a portfolio of projects in which analytics and optimization capability could assist decision-makers in the Upstream Oil and Gas division.

ExxonMobil employed Dr. Damian Burch as a Computational Scientist in Development Planning in Global Projects. Additionally, Dr. Burch assisted as the Development Planner in the Unconventional Development Planning Group (i.e., "Delaware Planning Team") in the Upstream Development Planning division of ExxonMobil Global Projects. Dr. Burch's responsibilities included simulating the long-term development of ExxonMobil properties, performing economic analyses of different development strategies, and developing new strategies that could improve the economics of a property.

On April 26, 2019, Respondent filed an SEC Form 8-K in which it claimed: "ExxonMobil has revised its Permian Basin growth plans to produce more than 1 million oil-equivalent barrels per day by as early as 2024. The size of the company's resource base in the Permian is approximately 10 billion oil-equivalent barrels and is likely to grow further as analysis and development activities continue." Dr. Gulden and Dr. Burch believed this statement was not accurate and they informed management about the misleading SEC filings.

The Complainants disagreed with the SEC filing because Dr. Gulden analyzed publicly available drilling-time data for more than 10,000 wells in the Delaware Basin² and observed that, while drilling times had fallen between the late 2000s and early 2010, drilling times over the past several years remained essentially unchanged. Dr. Gulden forwarded the results of her study to Dr. Burch and the supervisor of the Delaware Development Planning team, Mr. Ozgur Ozen. Dr. Gulden's study also supported Dr. Burch's objections to "learning curve assumptions" made by Melissa Bond, who was a Senior Manager in Respondent's Upstream Oil & Gas division. The "learning curve" was an assumption that drilling speed would increase substantially over the next five years. Complainants believed that this assumption was not accurate and was used to artificially inflate the production estimates and the Net Present Value (NPV) of the wells. Respondent then used the artificially inflated production estimates in their SEC filings.

² The Delaware Basin is a geologic depositional and structural basin in West Texas and southern New Mexico, it is part of the larger Permian Basin.

On June 18, 2019, Dr. Burch sent an email to the Delaware Basin Team, including Mr. Ozgur Ozen, with his results using assumptions with the learning curve modeling against assumptions without the learning curve modeling. Dr. Burch's analysis revealed a lower NPV than what the Respondent had disclosed publicly.

On June 19, 2019, Dr. Burch followed up on his June 18, 2019, email writing "I REALLY regret adding the learning curve to my model. Note that D&C learning is solely responsible for a 45% increase in our 2025 production forecasts in Rojo-Coyanosa. But remember, we're telling investors that no efficiency improvements are needed to reach our 2025 production target (though we're also telling investors that we don't have production targets)." Dr. Burch made it clear to management that he disagreed with the NPV analysis and believed Respondent was artificially inflating its oil production capacity to improve Respondent's public filings.

On October 23, 2019, during an all-hands meeting of the Delaware Basin Development Planning Team, Dr. Burch raised a concern about the Respondent's desire to reach projected oil production using assumptions in the learning curve modeling that would double drilling speed in the next five years. Dr. Burch did not believe this was supported by the models. Dr. Burch raised these concerns to Senior Manager Melissa Bond. Shortly after the meeting, Dr. Gulden reported to Respondent's Human Resources what she believed to be potential securities fraud surrounding the learning curve model(s) and what was reported to the public. Both Complainants raised issues with Respondent's analysis of oil production in the Delaware Basin. They believed it was artificially inflated and Respondent was misleading the public and the SEC in their filings. Both complainants expressed these concerns to management, and in doing so, they engaged in SOX-protected activity.

On November 14, 2019, Dr. Burch sent an email to the Respondent's Human Resources, which said: "*our organization was misleading senior management this summer. Basically, they asked us to turn any knobs we could in our modeling software to get the forecasts NPV (Net Present Value) up, and (a) they didn't care whether or not those new assumptions were realistic (they weren't) and (b) they didn't make any changes that would be required to try to operationalize these new assumptions. The biggest offender was the "learning curve", which is an assumption that we'll more than double our drilling speed in the next five years.*". Dr. Burch's email makes it clear that he was worried about the forecasted NPV and believed it to be inaccurate; he raised these issues multiple times with management, thus engaging in SOX-protected activity.

On August 27, 2020, the Wall Street Journal (WSJ) contacted ExxonMobil's Public & Government Affairs department (P&GA) regarding an article they intended to publish regarding the Company's development plans for the Permian Basin, in particular the Delaware Basin.

Following WSJ's notice of their forthcoming article, Beth Casteel, Respondent's Audit Team and Security Director immediately initiated an investigation into whether company information had been improperly disclosed to the WSJ. ExxonMobil identified employees who had worked with or had access to data related to the Delaware Basin. Respondent claimed it reviewed the electronic records for approximately 10 employees to determine if any of those employees sent company information outside the company. During the Audit Team's investigation, they singled out Dr. Gulden and Dr. Burch.

On September 9, 2020, Dr. Burch reported, via email, to his manager Charles Tautfest that he had received a text message the day prior from a reporter wanting to talk about the Delaware Basin. The next day, Dr. Burch notified the P&GA of the text message he received from the WSJ reporter.

On September 13, 2020, the WSJ article titled “*Exxon Used to Be America’s Most Valuable Company. What Happened?*” was published.³ The article identified that it had interviewed over 20 current and former employees. It named former ExxonMobil geoscientist, Enrique Rosero, who said he was punished for asking questions about the company’s climate strategy. Mr. Rosero, who left the company on July 21, 2020, is Dr. Gulden’s husband.

OSHA’s interviews of Respondent’s audit team revealed that the audit team told Michael Deal, Vice-President of the Upstream for Research Technology & Digital Development, that the Audit Team believed since Dr. Gulden’s husband was quoted in the article she was “guilty” by association and probably assisted in the WSJ article.

On October 23, 2020, Dr. Gulden was terminated, a little over a month after the WSJ article was published.

Respondent reported to OSHA that the audit identified multiple large files that Dr. Burch had sent from his work computer to his personal email which were concerning to Respondent because of their size and subject headings (i.e., plots, figures, update figures, and decision plots). Respondent believed these files contained classified company information. However, during OSHA’s interview with the lead audit team investigator, he admitted he was unable to ascertain what specifically was in the files. Dr. Burch denied he had sent any confidential information outside of the office and that, rather, the information Burch emailed to his personal address was used to prepare a white paper on a model dealing with valuing options for development planning.

On December 10, 2020, Dr. Burch was terminated for allegedly providing company information to the WSJ, not fully cooperating in the internal investigation surrounding the article, and transferring company information to his personal email account. Dr. Burch denied sending any confidential information to his personal email.

Respondent’s Defense

Respondent asserted employees are required to protect company assets and are prohibited from disclosing company information. Respondent further asserts that all employees must certify each year that they have read and complied with these standards, which both Dr. Gulden and Dr. Burch executed. As employees and IT users, Burch and Gulden were subject to ExxonMobil’s Key IT User Responsibilities guidance, including:

1. Company information and systems on any computer, mobile device, and/or network are the property of ExxonMobil.
2. ExxonMobil monitors the use of its systems to detect security problems, mitigate IT

³ Available at: <https://www.wsj.com/articles/exxon-used-to-be-americas-most-valuable-company-what-happened-oil-gas-11600037243>

security risks, detect and prevent unauthorized transmission of Company data or personal information, ensure proper use of systems ...

3. Failure to follow the Key IT User Responsibilities guidance may result in possible irregularity investigation and disciplinary action up to and including termination.

Respondent asserted that an investigation was initiated in August 2020 and that the investigation was not related to any alleged 2019 complaints by Complainants. Respondent claims the investigation was triggered after Respondent was contacted by a reporter from the WSJ informing ExxonMobil of its plan to publish an article regarding, among other things, the company's development of its Permian assets. Respondent claims that it terminated both Complainants as a result of its findings from the internal investigation.

Respondent asserted Dr. Gulden was among the small group of individuals who worked with or had access to Delaware Basin data referred to in the WSJ article. Moreover, Dr. Gulden was married to Rosero, who was quoted in the article. As a result, in August 2020 ExxonMobil identified Dr. Gulden as someone who may have disclosed Company information and began a review of her electronic communications. In doing so, an audit identified communications in which Gulden had expressed negative opinions about the company. The audit also discovered emails Gulden had prepared⁴ to individuals at other companies in pursuit of alternative employment. The emails were all dated around the time that ExxonMobil was contacted by the WSJ and the publication of the WSJ article. ExxonMobil was faced with the prospect of continuing to employ an individual who was the spouse of the former employee quoted in the WSJ article, who had expressed negative sentiments about the company, and who would continue to have access to sensitive company information, all while apparently seeking employment elsewhere. As a result, ExxonMobil alleges that it lost confidence in Gulden as an employee and terminated her employment on October 23, 2020.

On September 3, 2020, Respondent's audit identified multiple large files Burch had sent from his work computer to his personal email address. Exxon alleges the emails were of particular concern given both the size of the files and the file names which appeared to correspond to some of the topics in the WSJ article. For example, during the period between June 14 and July 4, 2020, Dr. Burch sent approximately 6.5 MB of data to his personal email address. The emails had subject headings including "Plots," "Figures," "Updated Figures," and "Decision Plot." A number of the files attached to the emails had names containing words that indicated the information in the files pertained to ExxonMobil work, including "WELL_NET_CASH_FLOW," "WELL_DECLINE_CURVE," and "WELL_CASH_STREAMS."

On September 9, 2020, Dr. Burch emailed his manager, Charles Tautfest, advising him that he received a "weird text" message the prior day from a WSJ reporter wanting to talk about the Delaware Basin. Dr. Burch said he deleted the text. The next day, Dr. Burch notified P&GA of the reporter's text.

In conversations with the WSJ reporter Respondent claimed that the reporter had access to Dr. Burch's emails containing spreadsheets with Permian projections. Respondent alleged the reporter also made other comments indicating he had information from Dr. Burch.

⁴ It is unclear if the emails were ever sent.

Respondent theorized that Dr. Burch sent emails outside the company's network to his personal email address shortly before the WSJ article was published and gave the data to the reporter. According to Respondent, the emails Dr. Burch sent to his personal email address appeared to contain information related to his Delaware Basin work. Neither Respondent nor Dr. Burch could prove what was in the files. Dr. Burch alleged the emails did not contain company data but could not substantiate his claim because he deleted the files. Respondent alleges that, in addition to deleting and modifying files during the course of the company's investigation, Dr. Burch did not fully cooperate with the investigation. Respondent alleges Dr. Burch provided incomplete answers and inconsistent responses. Respondent contends that in meetings with the audit team and in light of the information provided, the company terminated Dr. Burch's employment on December 10, 2020.

Due Process

On May 6, 2022, OSHA sent a letter to Respondent, pursuant to 29 C.F.R. §1980.104(f), advising Respondent that OSHA has reasonable cause to believe that Respondent violated SOX when it terminated both Complainants. The letter further advised that Respondent had failed to provide clear and convincing evidence that it would have taken the same adverse actions in the absence of protected activity. The letter afforded Respondent an opportunity to submit rebuttal evidence.

On July 1, 2022, Respondent responded to the §1980.104(f) letter asserting that Complainants had failed to establish that they had engaged in activity protected by SOX that contributed to their terminations and that, in any event, Respondent would have terminated Complainants due to the results of the internal investigation even absent any protected activity. Respondent's position rests primarily on its argument that disclosures to the media are not a protected activity under SOX, citing *Tides v. Boeing, Co.*, 644 F.3d 809 (9th Cir. 2011). While OSHA reviewed Respondent's submissions on the matter and analyzed their various arguments, OSHA believes Respondent's submissions did not demonstrate by clear and convincing evidence that the adverse action would have occurred absent the protected activity. Neither Complainant had any disciplinary history and both had exemplary work records. The evidence shows that neither Complainant was in danger of any disciplinary action, much less losing their job until Respondent suspected them of providing information to the WSJ.

Analysis

Respondent claims that the leading case regarding whether providing information to the media constitutes protected activity under SOX is *Tides v. Boeing, Co.*, 644 F.3d 809 (9th Cir. 2011). But in that case, the Ninth Circuit held that employees' communications with the news media were not protected activities under section 806(a)(1) of SOX. The Court *did not address* whether communications with the media are protected under section 806(a)(2) of SOX.

Moreover, the Administrative Review Board (ARB or the Board) has consistently interpreted other whistleblower provisions with language virtually identical to that found in section 806(a)(2) as protecting from retaliation an employee's communications with the news media that could result in the exposure of employer wrongdoing. In reaching this conclusion, the Board has reasoned that the whistleblower protection provisions encompass not only the actual institution of formal proceedings but also communications with the news media about employer wrongdoing since such communications essentially are the first step in a process that could result in the initiation of formal proceedings.

Therefore, consistent with the Secretary's interpretation of virtually identical language in the other whistleblower statutes, OSHA concludes that section 806(a)(2) of SOX protects an employee's communications with the news media relating to an alleged violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders. Here, Complainants engaged in protected activity several times in 2019 and 2020 when they raised their concerns to Respondent's management that the assumptions leading to the estimated NPV of the Permian Basin were inaccurate and how those assumptions were included in misleading statements in SEC filings. These concerns were ultimately the subject of the 2020 WSJ article and a subsequent lawsuit alleging shareholder fraud. Complainants had a reasonable belief that the Respondent's statements in their SEC filings were inaccurate. Complainants raised these concerns internally and Respondent was aware of this protected activity.

Further, based on the record as a whole, OSHA finds that Respondent's belief that Complainants provided information to the WSJ, alleged violations of section 1341, 1343, 1344, 1348 or any rule or regulation of the SEC or any Federal law relating to fraud against shareholders, contributed to Respondent's termination of Complainants' employment. Though Respondent asserts that it terminated Complainants based on the findings of Respondent's internal investigation, that internal investigation was launched and ultimately narrowed to focus on Complainants due to their suspected communications with the WSJ.

Respondent has failed to provide clear and convincing evidence that it would have taken the same adverse action in the absence of Complainants' actual or suspected protected activity. As noted above, although Respondent asserts that it fired Complainants based on the findings of its internal investigation, Respondent has failed to show that it would have even investigated Complainants (much less fired them) in the absence of Respondent's suspicion that Complainants provided information to the WSJ. While Respondent claimed that other employees could be disciplined for improper use and disclosure of Company information, they did not provide any evidence that other employees had ever been disciplined for the violation. Therefore, OSHA has reasonable cause to believe that Respondent violated the whistleblower provision of SOX and Complainants are entitled to relief.

Complainants suffered financial hardship and mental anguish because Respondent illegally retaliated against them in violation of SOX. The terminations were devastating for Complainants, who are high-level professionals, neither of whom had ever been terminated from a position. Complainant Gulden had to move her family to Massachusetts in order to find suitable work. Complainant Burch experienced stress related to the retaliatory actions of Respondent and was forced to seek treatment. Both Complainants' family members suffered anxiety and stress due to the actions of Respondent. Compensatory damages for pain and suffering are warranted.

PRELIMINARY ORDER

1. Upon receipt of this Secretary's Finding and Preliminary Order, Respondent shall immediately reinstate both Complainants to their former positions. Such reinstatement shall include all salary, benefits, rights, and seniority that Complainants would have enjoyed had they never been illegally discharged. Such reinstatement is not stayed by an objection to this order.

Dr. Gulden

2. Respondent shall pay Dr. Gulden back pay (minus interim earnings) in the amount of \$240,727.77, for the period starting October 24, 2020, through October 6, 2022. Back wages will continue to accrue until paid.
3. Respondent shall pay Dr. Gulden interest on the back wages totaling \$9,009.45 at the IRS underpayment rate at 26 U.S.C. § 6621, compounded daily as of October 6, 2022. Interest on any unpaid amount of back wages will continue to accrue until paid.
4. Respondent shall pay Dr. Gulden compensatory damages in the amount of \$144,338.05, for the following:
 - Moving expenses from Texas to Massachusetts in the amount of \$21,039.44
 - Travel and job-hunting expenses in the amount of \$3,000.00
 - Pecuniary damages surrounding Respondent's 401K matching contribution for years 2020, 2021, and 2022 of \$45,298.61 which includes interest as of October 6, 2022
 - Pain and suffering, including mental distress of \$50,000.00
 - Return moving expenses from Massachusetts to Texas in the amount of up to \$25,000.00, with Dr. Gulden submitting receipts for actual costs.⁵
5. Respondent shall submit the appropriate documentation to the Social Security Administration allocating back pay to the appropriate calendar days of October 24, 2020, through October 6, 2022.
6. Respondent shall pay reasonable attorney's fees.
7. Respondent shall expunge Complainant's employment records of any reference to the exercise of her rights under SOX. Specifically, Respondent shall expunge the termination of October 23, 2020.

Dr. Burch

8. Respondent shall pay Dr. Burch back pay (minus interim earnings) in the amount of \$251,099.20, for the period starting December 11, 2020, through October 6, 2022. Back wages will continue to accrue until paid.

⁵ Payable if Complainant accepts reinstatement.

9. Respondent shall pay Dr. Burch interest on the back wages in the amount of \$7,462.22 at the IRS underpayment rate at 26 U.S.C. § 6621, compounded daily, as of October 6, 2022. Interest on any unpaid amount of back wages will continue to accrue until paid.
10. Respondent shall pay Dr. Burch compensatory damages in the amount of \$114,971.91, for the following:
 - Medical expenses of \$5,000.00
 - Pain and suffering including mental distress of \$25,000.00
 - 700 unvested shares in ExxonMobil at \$53.98 a share at the time of his termination worth \$37,786.00
 - Pecuniary damages surrounding Respondent's 401K matching contribution for years, 2020, 2021, and 2022 of \$47,185.91 which includes interest as of October 6, 2022.
11. Respondent shall reinstate Dr. Burch's right to exercise stock options pursuant to Respondent's policy. Dr. Burch's enrolment shall be deemed to have been continuous for purposes of vesting requirements.
12. Respondent shall submit the appropriate documentation to the Social Security Administration allocating back pay to the appropriate calendar days of October 24, 2020, through October 6, 2022.
13. Respondent shall expunge Complainant's employment records of any reference to the exercise of his rights under SOX. Specifically, Respondent shall expunge the termination of December 11, 2020.
14. Respondent shall pay reasonable attorney's fees.

Other Relief

15. Respondent shall expunge Complainants' employment records of any reference to the exercise of their rights under SOX. Respondent shall ensure that the facts and circumstances related to this complaint are not used against Complainants to deny them any future opportunities with the Respondent and that no negative references relating to the facts and circumstances related to this complaint are provided to any prospective future employers. Respondent shall expunge all records of Complainants' termination from their personnel record.
16. Respondent shall not retaliate or discriminate against Complainants in any manner for instituting or causing to be instituted any proceeding under or related to the Sarbanes-Oxley Act, 18 U.S.C.A. §1514A.
17. Respondent shall post immediately in a conspicuous place in or about Respondent's facility located at 2777 Springwoods Village Parkway, N1.4B.478, Spring, TX 77389, in all places where notices for employees are customarily posted, including Respondent's internal website for employees or by e-mail, if Respondent customarily uses one or more of these electronic methods for communicating with employees, and maintain for a period of at least 60

consecutive days from the date of posting the attached notice to employees, to be signed by a responsible official of Respondent and the date of actual posting to be shown thereon.

Either party has 30 days from the receipt of these Findings to file objections and to request a hearing before an Administrative Law Judge (ALJ). If no objections are filed, these Findings will become final and not subject to court review. Objections must be filed in writing with the Office of Administrative Law Judges:

Primary method - via email to: OALJ-Filings@dol.gov
Secondary method (if unable to file via email) - via hard copy submission to:
Chief Administrative Law Judge - Office of Administrative Law Judges
U.S. Department of Labor
800 K Street NW, Suite 400 North
Washington, D.C. 20001-8002
Telephone: (202) 693-7300; Fax: (202) 693-7365

With copies to:

All parties to this complaint.

And:

Primary method - via email to: R6.11c.OSHA@dol.gov
Secondary method (if unable to file via email) - via hard copy submission to:
Regional Administrator
U.S. Department of Labor-OSHA
525 S. Griffin Street
Room 602
Dallas, TX 75202

In addition, please be advised that the U.S. Department of Labor generally does not represent any party in the hearing; rather, each party presents his or her own case. The hearing is an adversarial proceeding before an Administrative Law Judge (ALJ) in which the parties are allowed an opportunity to present their evidence de novo for the record. The ALJ who conducts the hearing will issue a decision based on the evidence, arguments, and testimony presented by the parties. A review of the ALJ's decision may be sought from the Administrative Review Board, to which the Secretary of Labor has delegated responsibility for issuing final agency decisions under the SOX. A copy of this letter has been sent to the Chief Administrative Law Judge along with a copy of the complaint. The rules and procedures for the handling of SOX cases can be found in Title 29, Code of Federal Regulations Part 1980, and may be obtained at www.whistleblowers.gov

Sincerely,



Michael Mabee
Assistant Regional Administrator - Whistleblower Protection Program

Enclosure: Notice to Employees

cc: Chief Administrative Law Judge, USDOL

U.S. Securities and Exchange Commission

U. S. Department of Justice, Civil Frauds Division

Neil Henrichsen, Esq.

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NOTICE TO EMPLOYEES

PURSUANT TO AN ORDER BY THE U.S. DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION:

EXXON MOBIL CORPORATION has been ordered to reinstate and make whole two employees who were found to have been retaliated against for exercising their rights under the Sarbanes-Oxley Act, 18 U.S.C. § 1514A (SOX).

PURSUANT TO THAT ORDER, NEITHER EXXON MOBIL CORPORATION NOR ANY OF ITS SUBSIDIARIES WILL:

1. Discharge or in any manner discriminate against any employee because such employee has engaged in any activity, filed any complaint or instituted or caused to be instituted any proceeding under or related to the employee protection provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act, Title VII of the Sarbanes-Oxley Act of 2002, 18 U.S.C. §1514A (SOX), or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself/herself or others of any right afforded by SOX.
2. Discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee because such employee provided information, caused information to be provided, or otherwise assisted in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of 18 U.S.C. section 1341 (mail fraud), 1343 (wire fraud), 1344 (bank fraud), or 1348 (securities fraud), any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders.
3. Harass, intimidate or retaliate against employees because such employees contacted, spoke with, or cooperated with Occupational Safety and Health Administration (OSHA) officials or other government officials during the course of an investigation.

Exxon Mobil Corporation

Date

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE. THIS NOTICE MUST REMAIN POSTED FOR 180 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST BE NOT ALTERED, DEFACED, OR COVERED BY OTHER MATERIAL.